

**MINUTES OF THE GAINES CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
May 11, 2011
AT THE GAINES CHARTER TOWNSHIP OFFICES
8555 KALAMAZOO AVENUE SE
CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ATTENDANCE. The meeting was called to order at the Township Offices, 8555 Kalamazoo Avenue SE, at 7:00 p.m. by Chairperson Drenth. Attendance was as follows:

- A. MEMBERS PRESENT:** Ted Essenburg, Gayle McGrath, Ruth Ringnalda (Alternate), Don Drenth, Dan Fryling
- B. MEMBERS ABSENT:** Richard Steigenga
- C. OTHERS PRESENT:** Brian Tingley, Township Planner, Cliff Bloom, Township Attorney.

II. CONSIDERATION OF MEETING AGENDA

Tingley stated that prior to the scheduled public hearing at 7:05 p.m., the Board may wish to consider Resolution No. 11-ZBA-01, under agenda item VII.

- MOTION:** By **RINGNALDA**, supported by **FRYLING**, to approve the agenda for the May 11, 2011 meeting.
- YES:** Essenburg, McGrath, Ringnalda, Drenth, Fryling
- NO:** None.
- ABSENT/ABSTAIN:** Steigenga
- MOTION CARRIED.**

III. CONSIDERATION OF MEETING MINUTES

- MOTION:** By **RINGNALDA**, supported by **ESSENBERG**, to approve the minutes of the April 13, 2011 regular meeting as presented.
- YES:** Essenburg, McGrath, Ringnalda, Fryling
- NO:** None.
- ABSENT/ABSTAIN:** Steigenga, Drenth
- MOTION CARRIED.**

IV. INQUIRY OF CONFLICT OF INTEREST: None.

V. ADVERTISED PUBLIC HEARINGS

1. 7:05 PM - 7791 Eastern Avenue SE- Use Variance - McDonald Plumbing – Request to allow construction of a 5184 square foot tool shed – File No. 110420EM

Tingley provided a summary of the request, stating that the plumbing business was a legal use operating under a use variance granted in 1987. The proposed 5000 square foot building was the first one since 1987. The purpose of the building would be to store equipment. The only utility that would be run to the building is electricity. The proposed site layout would reconfigure 3 total parcels. The Planning Commission reviewed the request at its May regular meeting, and recommended approval.

Tingley stated that an updated site plan was provided, which shows the location of the proposed building being moved slightly to the north. A copy of the updated site plan has been provided to each of the ZBA members. Two letters were submitted to the Planning Department, both in opposition to the request; one from the property owners of 7815 Eastern Avenue SE and one from the property owners of 663 79th Street. Copies of those have also been provided and are considered entered in the public record.

Drenth opened the public hearing at 7:09 p.m.

James Jakosh, 7815 Eastern Avenue SE, stated he is the neighbor immediately to the east of the proposed building location. His main concern is about future expansion. He stated that the McDonalds are good neighbors and they have slightly changed the proposed building location, but they have also acquired additional properties to the south.

Sharon Chase, 663 79th Street SE, stated she and her husband own the property to the southwest and are concerned about how this would affect their property value. There is also a two-track type road leading from the main McDonald parcel to 79th Street and they are concerned this would be used by the business.

Chase provided the ZBA members with a photo she had taken from her property showing trailers on the McDonald property.

Drenth closed the public hearing at 7:20 p.m.

Tingley stated that in his discussions with McDonald, the drive to 79th Street was not mentioned. He confirmed with Bloom that Essenburg could vote, even though he is the Planning Commission liaison and voted on the recommendation.

Fryling expressed his disappointment that the applicant was not present to help answer questions. He was not comfortable taking action on the item and wondered if it should be tabled.

The ZBA discussed a number of issues; the use of 79th Street, would the buildings match the other buildings, how would the building be screened, and what would be stored in the building.

Bloom found from Tingley that no outdoor storage was shown on the 1987 site plan.

- MOTION:** By **FRYLING**, supported by **ESSENBURG**, to table the use variance request until the applicant could be present.
- YES:** Essenburg, McGrath, Ringnalda, Steigenga, Fryling, Drenth
- NO:** None.
- ABSENT/ABSTAIN** Steigenga
- MOTION CARRIED.**

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

VII. GENERAL DISCUSSION.

1. 4500 60th Street SE – Review of Resolution No. 11-ZBA-01 – File No. 110318DB – Review of a Resolution containing the findings for a denial of an Appeal of a Zoning Administrator decision regarding Section 17.12 and Section 17.12(L)(3) of the Gaines Charter Township Zoning Ordinance and for a denial of Dimensional Variance requests to allow a billboard on property not adjacent to M-6, and within 4000 feet of another digital billboard, per Section 17.12.

Drenth asked if there was any further discussion on this item. Hearing none, he entertained a motion.

Bloom stated that for the record, although Drenth and Fryling were not present at the April 13, 2011 meeting, they had reviewed past meeting minutes and all available documents and could vote on the item.

- MOTION:** By **RINGNALDA**, supported by **MCGRATH**, to adopt Resolution No. 11-ZBA-01.
- YES:** Essenburg, McGrath, Ringnalda, Steigenga, Fryling, Drenth
- NO:** None.
- ABSENT/ABSTAIN** Steigenga:
- MOTION CARRIED.**

Bloom stated that it should be noted that neither the applicant, nor a representative, was present during this item.

2. Election of Officers

Because Steigenga, the current Secretary, was absent, it was decided to keep the Election of Officers tabled until all current officers were present.

Ringnalda stated that she would be willing to serve as an officer, but she could not since she was the Alternate.

None of the other members expressed interest in being Chairperson.

Fryling said he could not because he was the Township Board liaison.

Drenth said he would continue as Chairperson if that was desired.

Ringnalda said that perhaps Steigenga would want to be Vice-Chairperson, as Essenburg no longer wanted to chair meetings, and another member could be the Secretary.

VIII. ADJOURNMENT

- MOTION:** By **FRYLING**, supported by **McGRATH**, to adjourn.
- AYES:** Essenburg, McGrath, Ringnalda, Fryling, Drenth.
- NAYS:** None.
- ABSENT/ABSTAIN:** Steigenga

Meeting adjourned at 8:01 p.m.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the May 11, 2011 regular meeting of the Gaines Charter Township Zoning Board of Appeals held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

 Richard Steigenga, Secretary
 Gaines Charter Township
 Zoning Board of Appeals

Dated: _____, 2011