

**DRAFT MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS  
FOR THE REGULAR MEETING HELD ON  
June 8, 2016  
AT THE GAINES CHARTER TOWNSHIP OFFICES  
8555 KALAMAZOO AVENUE SE • CALEDONIA, MICHIGAN 49316**

**I. CALL TO ORDER AND ROLL CALL.**

The meeting was called to order at 7:05 p.m. by Chair Werkema. A quorum was present.

**MEMBERS PRESENT:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Mark Sisson, Township Planner / Zoning Administrator, Matt McKernan, Planner Intern

**II. CONSIDERATION OF MEETING AGENDA**

None

**III. CONSIDERATION OF MEETING MINUTES**

January 13, 2016 – Regular Meeting Minutes

**MOTION:** By Member Ringnalda supported by Member Giarmo to approve the minutes for the January 13, 2016 Regular Meeting.

**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis

**Nays:** None

**Abstain:** None

**Motion:** Passed

**IV. INQUIRY OF CONFLICT OF INTEREST**

None

**V. ADVERTISED PUBLIC HEARINGS:**

1. **580 84<sup>th</sup> Street-** Variance to construct a 1600 square foot pole barn in the front yard of a home in a RL-14 Zoning District. Ref. Sec. 20.2 (C) & Sec 20.2 (D)

Chairperson Werkema invited the applicant, Stephanie Pratt of 580 84<sup>th</sup> Street to address the Board of Appeals. As part of her address, he asked that she clarify her reasons for needing the accessory building, as well as her legal right to make the request. Pratt stated that she was in the process of purchasing the home on land contract. With her application she submitted a letter from the property owner granting her permission to make the request. She explained that she and her husband owned a large number of vehicles including an antique car, RV, dune buggy, boat, 3 large pickup trucks, and 1 enclosed trailer that needed to be stored.

The Chairman stated that the application indicated two possible locations for the building. Werkema asked the applicant to express a preferential location for the building. Pratt explained that she would prefer Option 1, which is closer to the driveway and east of her septic drainage field.

The Chairman asked if Pratt intended to have the accessory building equipped with electricity and lighting. Pratt stated that electricity would definitely be run to the site, and that most likely there would be an exterior light of some kind associated with the building.

Member Ringnalda asked the applicant, which the building would face. Pratt stated that she was unsure of that point, but she believed that the opening would face the driveway.

The Chairman asked Planner Sisson if they would be allowed to store anything outside if the ZBA moved to deny the request. Sisson stated that applicants would have to find another location to store these items. Recreational vehicles and other similar items are not permitted to be in the front yard of a home.

Werkema asked if the applicant had any further statements before he opened the public hearing. Pratt stated that they were willing to cooperate with any conditions that the Zoning Board of Appeals might impose.

Sisson asked the applicant if the existing detached accessory building could be utilized to store some of their vehicles and if any of the vehicles were related to a business of some kind. Pratt stated that the building's structure was adequate, but the entrance was too short to accommodate most of their vehicles. The trucks were all for personal use and not related to a business. Sisson asked her if she had considered removing the existing building and placing a structure in the back yard. Pratt stated that this might be possible, but it would take up a great deal of the already limited space.

Member Wolffis asked the applicant if she knew the intended height of the building. Pratt stated that her husband had been making the plans and was unable to attend the meeting. She was not sure what height he intended to make the building. Member Giarmo asked if the applicant planned to match the building to the house. Pratt said that she wasn't sure what the outside of the building would look like, but reiterated her desire to comply with whatever conditions the Zoning Board of Appeals required.

Chairperson Werkema opened the public hearing at 7:17pm

Michael Fortuin, 577 84<sup>th</sup> Street: Lives across 84<sup>th</sup> Street from applicant. Felt that the applicant didn't offer sufficient answers to the questions posed by the ZBA. The alternative location on the west side of the property won't work because the applicant would have to pave over their septic field to access it. Wanted clarification on setback standards and if the applicant would be allowed to store vehicles outside if a new building is not permitted. Stated that although he doesn't want a barn to be allowed in the front yard, it would be preferable to letting their vehicles to remain outside.

Cindy Tolbert, 550 84<sup>th</sup> Street: Lives on property to the west of applicant. Stated that she didn't want to look at a pole barn from her front porch. Feels that the applicant should be able to build as big as they want as long as it is behind the house. She worried that this would cause a bad precedent for the Township. Stated concerns that the house had been occupied by renters for several years, and that she didn't want to see further disrepair come to the property.

Philip & Kathleen Richards, 570 84<sup>th</sup> Street: Lives on property directly south of the applicant. Would prefer the accessory building be placed in the back yard, even though that would mean they would be the ones that had to look at it. Didn't want to look at front yard accessory building every time they used their driveway. Stated that they had been required to have a maximum of 1200 square feet for their accessory building and it was made to match the house.

The Chairman closed the public hearing.

**MOTION:** By Member Wolffis supported by Member Brew to enter the correspondences received from neighbors into the public record.

**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnald, Tom Werkema, Tom Wolffis

**Nays:** None

**Abstain:** None

**Motion:** Passed

**MOTION:** By Member Ringnalda supported by Member Wolffis to enter the Staff Report into the public record.

**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis

**Nays:** None

**Abstain:** None

**Motion:** Passed

The Chairman opened deliberations. Member Ringnalda asked for clarification on the required setbacks of the building if it were placed in the back yard. Planner Sisson stated that it must be 3 feet from the rear yard, 8 from the side yard, and 10 feet from the building.

Member Wolffis stated that the problem with siting the accessory building was due to a previous owner's decision to place the home 30 foot from the rear line, and not unique topography or any other hardship. He stated the actions of previous owners should be considered a self-created problem. Member Ringnalda added that while the shallow backyard is unfortunate, this problem could be considered self-created by the applicant as they should have considered this before agreeing to purchase the property.

Conversely, the Chair contended that the chain of ownership should be considered when determining whether or not a problem is self-created. He noted however, that the size of the building appeared to be excessive. He added that aesthetics are also an important consideration. If the Board approves they should mandate the building match the house.

Member Giarmo addressed the Staff report, which listed at least 3 potential options for the applicant to build an accessory building without requiring a variance. She stated that allowing this structure would set a bad precedent for future decisions.

The Chairman asked if the options prevented in staff report would be permitted by right or if they would require their own variance. Planner Sisson answered that the question was difficult to answer without definitive plans, but it is certainly conceivable that they may need a setback variance to make a building work in the side or rear yard.

The Chairman asked if the ZBA could table the request to allow the applicant to explore these other options. Planner Sisson stated that it wouldn't be practical as they would have to make new public notices for any new variance requests by the applicant. The best course of action would be to deliberate on the two variances currently in front of the board.

**MOTION:**

Member Giarmo made a motion to deny the variance to allow the placement of the accessory building in the front yard seconded by Member Ringnalda.

Giarmo listed the reasons for denial as follows:

1. No indication from the applicant that the building’s external appearance would be compatible.
2. No information provided on the proposed height of the building.
3. That 3 options for placement in the front yard existed, which may also satisfy the applicant’s storage needs.
4. That several neighbors had expressed concerns and objections over the front yard placement.
5. That approval under these conditions would set a negative precedent.

Motion carried unanimously on will call vote

**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema,  
Tom Wolffis

**Nays:** None

**Abstain:**

**Motion:** Passed

Chairman Werkema noted that the size of the accessory building was now moot as the front yard accessory building request had been denied. He informed the applicant of her right to appeal their decision to the Circuit Court and encouraged her to work with staff to come to a solution for her storage needs.

**VI. GENERAL DISCUSSION:**

Sisson responded the board that there would be a ZBA meeting in August to address a possible office expansion for McDonald’s plumbing on Eastern Avenue.

Member Giarmo asked if the ZBA bylaws had been completed. Planner Sisson stated that he would most likely have some bylaws to present to the Zoning Board of Appeals at their next meeting, which would likely be in August.

Giarmo gave a report from the Planning Commission. The biggest development was that the Chick-fil-A PUD Amendment had passed. Additionally, she wanted to inform the Board that Cascade Die Casting would not be utilizing the variance they were approved for in November, and that the Planning Commission would be conducting a site plan review for additions to the south side of the building the following evening.

Sisson reported on the Switch Data Center and stated that the county had applied to create a Renaissance Zone for the property, which would exempt Switch from personal property taxes and allow them to utilize payment in lieu of taxes to reimburse the Township for public services related to the development.

**VII. ADJOURNMENT**

**MOTION:** By Member Giarmo supported by Member Ringnalda to adjourn the meeting.  
**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis  
**Nays:** None  
**Motion:** Passed

Meeting Adjourned at 7:50 PM.

**CERTIFICATION**

I hereby certify that the above is a true copy of the minutes from the January 13, 2016 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,

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Tom Wolffis, Secretary  
Gaines Charter Township  
Zoning Board of Appeals

Dated: \_\_\_\_\_, 2016