

**MEETING MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS  
FOR THE REGULAR MEETING HELD ON  
APRIL 12, 2017  
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 Alex Brew, Connie Giarmo, Don Hilton, Ruth Ringnalda, Tom Werkema,

**MEMBERS ABSENT:** Alternate Member Phil Tietz (w/ Notice)

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

**II. CONSIDERATION OF MEETING AGENDA**

None

**III. CONSIDERATION OF MEETING MINUTES**

February 15, 2017 – Regular Meeting Minutes

**MOTION:** By Member Ringnalda supported by Member Hilton to approve the minutes for the February 15, 2017 Regular Meeting.

**Ayes:** Brew, Giarmo, Hilton, Ringnalda, Werkema

**Nays:** None

**Abstain:** None

**Motion:** Passed

**IV. INQUIRY OF CONFLICT OF INTEREST**

Member Ringnalda explained to the other members of the ZBA that she is a former neighbor of the applicant and has been friends with him for a number of years. Ringnalda expressed that she could remain unbiased by this friendship, but was also prepared to recuse herself if the other members of the Zoning Board of Appeals felt necessary. Chair Werkema expressed his opinion that this relationship didn't meet the traditional standards of a conflict of interest. Member Hilton stated that Ringnalda should refrain from participating in the hearing wherever possible and that the ZBA should revisit this question if it is determined that Ringnalda represented a deciding vote on the case. The other members of the ZBA agreed that Ringnalda could hear the case under these conditions.

**V. ADVERTISED PUBLIC HEARINGS:**

**1. 7241 Brooklyn Avenue SE (RL-10 District)**

*Dimensional variance from Section 2.3 (C) (2) for a 16 ft. side yard setback where a 35 ft. setback is required to allow for an expansion to the north side of an existing garage.*

Chair Werkema invited Gordon Walcott of 7241 Brooklyn Avenue to introduce his request.

**Gordon Walcott, 7241 Brooklyn Avenue SE**

Mr. Walcott is the original owner of the property. The size of the house no longer meets his needs due to a growing number of family members visiting his home. While planning an expansion to his kitchen area, Mr. Walcott decided he would also like to add another garage stall on the home. Originally, Mr. Walcott considered adding both the kitchen expansion and third garage stall on the south side of his home. He eventually decided that he wouldn't like to place the garage in this location because it would involve too much internal renovations and would be more unsightly to neighbors.

Member Hilton asked the applicant if the addition of a third garage stall would alleviate any issues pertaining to illegal parking. Walcott responded that he doesn't have any vehicles that are currently illegally parked, but he might park a camper in it occasionally during the summer to avoid such a scenario.

Member Hilton raised the issue of the removal of trees on the north side of the house and how that would affect the clear vision area on the corner of 72<sup>nd</sup> Street and Brooklyn Avenue. Walcott explained that he would remove the tree on the north side of his garage if the variance was granted to allow him to expand toward 72<sup>nd</sup> Street. Walcott stated that he would agree to remove the evergreen tree within the designated clear vision area if the ZBA decided to make it a condition of approval. Member Giarmo stated that it was important that the applicant be required to work with staff to replace any trees that are removed as a result of this variance, as this would help soften the effect of the garage moving closer to 72<sup>nd</sup> Street.

Chair Werkema opened the public hearing at 7:25 pm

**Michael Nickels, 7242 Forsythia Avenue SE**

Mr. Nickels lives directly west of the applicant on the corner of Forsythia Avenue and 72<sup>nd</sup> Street. Nickels stated that allowing Walcott to expand his garage won't significantly impair the vision of drivers because there are several intersections in the neighborhood with much larger trees within the clear vision area. Nickels explained that while the Township may not have had a formal rule requiring corner lots to have two front yards in the 1980s, he recalled Township officials being very emphatic that homes on 72<sup>nd</sup> Street to maintain a consistent building line. Nickels added that he had received a variance for fence height along 72<sup>nd</sup> Street and remembered being required to agree to legal liability in the case of an automobile accident. Nickels requested a similar requirement be placed on Walcott as a condition of approval if the variance is granted.

Chair Werkema closed the public hearing at 7:30 pm

- MOTION:** By Member Ringnalda, Supported by Member Brew to enter the Staff Report dated April 5, 2017 into the public record.
- Ayes:** Brew, Giarmo, Hilton, Ringnalda, Werkema
- Nays:** None
- Abstain:** None
- Motion:** Passed

Chair Werkema closed the public hearing at 7:30 pm

Member Hilton stated that he felt that it would not be appropriate to add a condition that the applicant assume legal liability in the case of an automobile accident.

Chair Werkema asked Staff for clarification on whether or not the building might be considered grandfathered into the rules in place at the time the home was built. Planner Sisson informed the ZBA that the GTCZO did not include any language excluding homes built prior to 2007 from the provision that corner lots having two front yards. Therefore it can be interpreted that this provision was intended to apply to all corner lots in the Township regardless of when they were developed. These types of cases will most likely need to be dealt on a case by case basis. It is the purpose of the ZBA to hear these appeals and provide relief from the ordinance standards if it is warranted by the facts of the cases.

Discussion was had about whether or not the variance was a reasonable and whether or not it was the minimum amount necessary to allow the applicant to construct a third-stall. Members of the ZBA expressed agreement with the applicant that a garage expansion on the south side of the home was not reasonable due to the amount of alterations required to the floor plan of the existing home and also the topography of the site. Members concurred that the size of the expansion was consistent with other most three-stall garages and thus the variance was the minimum necessary for the applicant to achieve the desired use of his property. ZBA members reiterated that the applicant should be required to work with staff to replace any trees that would be lost as a result of granting the variance.

Member Ringnald asked the applicant if he intended to match the siding on the addition to the rest of the house or if he was planning on replacing the siding on the entire structure. Walcott informed the ZBA that due to the age of the siding it would be difficult to match and thus he intends to replace the siding on the entire house if the variance is granted.

Chair Werkeama asked Staff for final input on the request. Planner Sisson informed the ZBA that Staff report provides justifications for and against the variance. If the ZBA decides to grant the variance it should do so with the conditions provided in the Staff report. The ZBA should also include the other conditions of approval that were introduced at the meeting; that the applicant replace all the siding on the home as soon as possible, remove the evergreen tree from the clear vision area, and work with staff to replace the two trees that will be removed as a result of the variance.

**MOTION:** By Member Brew, Supported by Member Giarmo, based on the findings of the staff report, to grant a dimensional variance from Section 2.3 (C) (2) for a 16 ft. side yard setback where a 35 foot setback is required to allow for an expansion to the north side of an existing garage. The approval is subject to the following conditions:

1. That the façade of the addition that faces 72nd Street be constructed of materials and be of a design that is similar to that of the existing home as illustrated in the photo provided by the applicant. The façade on the two additions shall be replaced as soon

- as possible to ensure a uniform exterior for the building.
- 2. That the applicant remove the spruce tree from within the designated clear vision area.
- 3. The applicant shall work with staff to ensure that the two trees removed as part of the expansion are replaced by landscaping that conforms to all pertinent Township Ordinances.

**Ayes:** Brew, Giarmo, Hilton, Ringnalda, Werkema  
**Nays:** None  
**Abstain:** None  
**Motion:** Passed

Werkema informed audience members of their right to appeal the decision of the Zoning Board of Appeals to the circuit court.

**VI. GENERAL DISCUSSION**

**1. Zoning Board of Appeals Bylaws**

Members of the Zoning Board of Appeals discussed the draft bylaws that were presented to them by Staff in January 2017. Sisson explained that the bylaws had been drafted in 2011 by previous staff members and had been updated by current staff to reflect current state law. Sisson explained that the bylaws are a set of rules that the ZBA adopts to govern its own actions. Member Hilton asked that Staff amend the bylaws to address the amount of time that speakers are permitted at a public hearing and how often they may speak. The ZBA agreed to allow Staff to make the necessary additions to the bylaws and present a final version for the next Zoning Board of Appeals meeting.

**VII. ADJOURNMENT**

**MOTION:** By Member Ringnalda, supported by Member Giarmo to adjourn.

**Ayes:** Brew, Giarmo, Hilton, Ringnalda, Werkema  
**Nays:** None  
**Abstain:** None  
**Motion:** Passed

Meeting Adjourned at 8:15 PM.