

**MEETING MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
SEPTEMBER, 13, 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, Don Hilton, Ruth Ringnalda,
Tom Werkema, Phil Tietz (Alternate Member)

MEMBERS ABSENT: Connie Giarmo (with notice)

OTHERS PRESENT: Matt McKernan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

None

III. CONSIDERATION OF MEETING MINUTES

July 12, 2017 – Regular Meeting Minutes

MOTION: By Member Hilton supported by Member Tietz to approve the minutes for the July 12, 2017 Regular Meeting.

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. ADVERTISED PUBLIC HEARINGS:

1. 695 66th Street SE (RL-10)

Dimensional variance for a 3ft side yard setback where an 8ft setback is required to allow for the addition of a two-stall garage

Rob Langerak of LangCo Builders, on behalf of Justin & Gina Ploeg

The Ploegs would like a variance from the 8 foot setback to build a two stall garage on the west side of their home. Langerak estimates the building will be setback are 4'3" from side property line based on the location of an existing fence. The applicants are asking for a setback allowance of 3 feet to account for potential measuring errors, due to the fact that an official survey hasn't been conducted at this time.

Member Tietz asked Langerak if the applicants would be willing to have a survey of the property done as a condition of approval. The Ploegs stated they would agree to submit a survey with

their building permit if the variance was approved.

Member Hilton asked Langerak if the setback was being calculated from the foundation line or roof overhang. Langerak stated that the setback was measured from the foundation line. Langerak added that the roof had been designed to keep all stormwater on the Ploegs' property. Assistant Planner McKernan confirmed that the setback was being measured from the foundation line, and would only be measured from the roof overhang if it extended 2.5 feet or more beyond the foundation line. McKernan added that state fire code requires that the overhang of the proposed garage be separated by at least 10 feet from the overhang of the garage on the property to the west.

MOTION: By Member Brew, supported by Member Tietz to open the public hearing at 7:20 pm.

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

There were no members of the public present to comment on the request.

MOTION: By Member Tietz, supported by Member Brew to open and close the public hearing at 7:20 pm.

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

MOTION: By Member Hilton, supported by Member Ringnalda to enter the staff report dated September 6, 2017 into the public record.

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

MOTION: By Member Tietz, supported by Member Hilton, that based on the findings 1-5 of the staff report, to grant a variance from Section 6.23 to allow for construction of a two stall garage with a side yard setback of 4'3" on the west side of the home located at 695 66th Street SE. The approval is subject to the following conditions:

1. That the applicants provide a certified survey specifying the exact setbacks of the attached garage prior to zoning approval.
2. That the overhang of the garage shall be at least 10 feet from the nearest structure.

3. That the proposed attached two-stall garage be designed in such a way that ensure that storm water will not be shed on the property to the west.

Discussion: Member Ringnalda proposed an amendment to the motion to allow a setback of only 3 feet given the fact that the ZBA had previously allowed a setback of less than 3 feet to a nearby house. Ringnalda argued that allowing a 3 foot setback would also prevent the applicant from having to return for an additional variance if the garage happened to be closer than 4’3”. Member Hilton stated that he felt that 4’ would have been more appropriate because it would allow the applicant a small amount of flexibility while also minimizing the variance.

MOTION: By Member Tietz, supported by Member Ringnalda to amend the previous motion to allow a setback of 3’ instead of 4’3”.

Ayes: Brew, Ringnalda, Werkema, Tietz

Nays: Hilton

Abstain: None

Motion: Passed

AMENDED

MOTION: By Member Tietz, supported by Member Ringnalda, to grant a variance from Section 6.23 to allow for construction of a two stall garage with a side yard setback of 3’ on the west side of the home located at 695 66th Street SE.

The approval is based on the following findings:

1. The request is a minimal variance from the standards of Section 6.3 that will facilitate construction of a 2-stall garage, which is a substantial property right enjoyed by more than half of the homes in the neighborhood.
2. The requested variance would create a separation of approximately 12 feet between the proposed garage and the home located at 685 66th Street SE, which maintains the mandatory 10 foot separation between buildings mandated by the Michigan Fire Code.
3. The property is unique in that it was developed under provisions of the zoning ordinance that was in place in the late 1950s.
4. It can be said that the present hardship was not self-created because the house was built according to the regulations that were in place in the 1950s.
5. The proposed setback of 3 feet is consistent with the 3-7 foot setback found on 14 of the 19 properties within 300 feet of the applicants’ home.

The approval is subject to the following conditions:

1. That the applicants provide a certified survey specifying the exact setbacks of the attached garage prior to zoning approval.
2. That the overhang of the garage shall be at least 10 feet from the nearest structure.
3. That the proposed attached two-stall garage be designed in such a way that ensure that storm water will not be shed on the property to the west.

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

VI. GENERAL DISCUSSION

1. Discussion Pertaining to the Adoption of Zoning Board of Appeals Bylaws

Chair Werkema opened discussion related the adoption of new bylaws for the ZBA. Member Tietz suggested that the phrase “call for a special meeting” in Section 4 (D) be replaced by the phrase “request a special meeting” based on the fact that the bylaws state that only the Chair can call a meeting. Tietz also suggested that the phrase “In the absence of a quorum” be added to end of Section 4 (G) Paragraph 2. Member Hilton seconded Tietz’s suggestions. Member Ringnalda raised a question related to Section 4 (I) regarding the approval of meeting minutes. Ringnalda questioned whether or not it was not feasible for the ZBA to submit a written decision within 45 days of meetings due to the fact that there are often several months between meetings. Assistant Planner McKernan stated that this language had been placed in the bylaws to ensure that a written decision is available for the appellate court if and when a ruling of the ZBA is appealed. Member Ringnalda requested that Section 3 (D) be revised to add “call roll on all votes” to the duties of the Secretary.

MOTION: By Member Hilton supported by Member Ringnalda to adopt the ZBA Bylaws dated September 13, 2017 with the following changes:

1. The phrase “call for a special meeting” shall be replaced with the phrase “request a special meeting” in Section 4 (D).
2. The phrase “In the absence of a quorum” shall be added to end of Section 4 (G) Paragraph 2.
3. That Section 3 (D) be revised to add “call roll on all votes” to the duties of the Secretary.

Discussion: Member Brew asked whether Staff had resolved the issue with time limits for speakers at public hearings. Assistant Planner McKernan responded that Section 4 (M) (7) gave the Chair to option to enforce a 3 minute time limit for public speakers if they deemed necessary. This allows the Chair the flexibility to grant speakers the time to express themselves, while retaining the ability to maintain order in more contentious hearings.

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None
Abstain: None
Motion: Passed

VII. ADJOURNMENT

MOTION: By Member Ringnalda, supported by Member Brew to adjourn the meeting.

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

Meeting Adjourned at 7:45 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the September 13, 2017 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,



Michael Alex Brew, Secretary
Gaines Charter Township
Zoning Board of Appeals

Dated: October 11, 2017