

**MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS  
FOR THE REGULAR MEETING HELD ON  
January 13, 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 7:02 p.m. by Chair Werkema. A quorum was present.

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mark Sisson, Township Planner / Zoning Administrator,  
Matt McKernan, Planner Intern, Sandy Wiltzer, Recording Secretary

**II. CONSIDERATION OF MEETING AGENDA**

Chair Werkema added a discussion of by-laws to Item VI: General Discussion.  
Planner Sisson distributed a revised agenda for the election of officers.

**III. CONSIDERATION OF MEETING MINUTES**

November 11, 2015 – Regular Meeting Minutes

**MOTION:** By Member Ringnalda supported by Member Wolffis to approve the minutes for  
the November 11, 2015 Regular Meeting.

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

**Nays:** None

**Abstain:** Dan Fryling

**Motion:** Passed

**IV. INQUIRY OF CONFLICT OF INTEREST**

A conflict of interest with a Township contractor serving on the Zoning Board of Appeals was  
identified by the Township Supervisor. As such, Dan Fryling will abstain from voting at this  
meeting until the matter is fully resolved. Alternate Member Brew will be voting.

**V. ADVERTISED PUBLIC HEARINGS:**

- 1. 7610 Division Avenue – Commercial Personal Storage Unit – Variance from  
Chapter 9 Section 9.3; for a side yard setback variance of 60 feet when the**

ordinance requires a 75 foot side yard setback for corner lots along primary arterial roads; to construct a 30 foot by 100 foot commercial personal storage unit building.

By Member Giarmo supported by Member Brew to have the Planners Report read into the official record recognizing an additional graphic was added prior to the meeting.

**Discussion:** None

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

**Nays:** None

**Abstain:** Dan Fryling

**Motion:** Passed

Mr. Ron Landis presented for Mr. and Mrs. Good. He reviewed the request stating he was not a landscape designer and had recommended the Good's work with someone who could provide them with choices to meet the Township's requirement.

Chair Werkema asked for questions for Landis and as there were none, he asked staff for input. Planner Sisson stated there are nine standards upon which requests are evaluated. Members should be aware of, and consider the unique circumstances in that the current ordinance was not the same as when the original building was constructed which creates a practical difficulty. The Master Plan was subsequently changed from the time the first building was constructed to light industrial. Planner Sisson stated the variance is justified. Member Ringnalda asked if the building could be pushed back to meet the 75' requirement and Landis stated it was a preference from owners who prefer to keep the south end of the buildings aligned. The property owners recognize the building could also be made smaller. Planner Sisson said members should consider if further buildings are added, would this variance apply? Another option is for the applicant to consider re-zoning.

Chair Werkema opened and closed the public hearing at 7:18 p.m. as there were no comments from the public.

**MOTION:** By Member Wolffis supported by Member Ringnalda to approve the variance as requested stipulating it is for this building only. The property owner is to request a rezoning change for additional buildings.

**Discussion:** Planner Sisson asked members to stipulate the basis of the decision upon which the motion was made as part of the motion. Member Wolffis then stated the motion was made based on the Planners Report as submitted, supported by Member Ringnalda.

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

**Nays:** None

**Abstain:** Dan Fryling  
**Motion:** Passed

2. **6729 Hanna Lake Avenue – Dutton Christian School** – Variance from Chapter 8 Section 8.3 for a side yard setback of 5 feet with the ordinance requires a 0 or 15 side yard setback. The applicant is seeking to purchase adjacent property with an existing building and desires the property line to be five feet from the building wall. A dimensional variance is needed in order to avoid the creation of an illegal non-conforming building and to proceed with the property transfer as proposed by the applicant.

**Motion:** By Member Giarmo supported by Member Ringnald to have the Planners Report read into the official record.

**Discussion:** None

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

**Nays:** None

**Abstain:** Dan Fryling

**Motion:** Passed

Mr. Doug Warsen presented, stating history for the request and indicating an agreement had been signed with the current property owner to remove the building by August 2016. Warsen acknowledged others supporting the variance request in attendance: Dan Netz, Tony Vermaas, Steven VanLaan, Dave Smies and Brian Pastoor.

Planner Sisson stated he was in receipt of the agreement that would remove the building in / by August 2016 which would make the variance unnecessary at that time. However, for the property transaction to occur, the ZBA must move forward with the request. Staff will be unable to act on the split as the variance is needed.

Chair Werkema asked for questions from members. Members stated the agreement made the decision easier and asked about item #4 in the Planners Report relating to parking. In that the variance expires when the building is removed, the parking issue is moot.

Chair Werkema opened and closed the public hearing at 7:28 p.m. as there were no comments from the public.

**MOTION:** By Member Brew supported by Member Wolffis to approve the variance as requested including three suggestions made by staff and that the variance expires when the building is removed.

**Discussion:** Member Ringnalda requested the motion include the three conditions from the Planner’s Report:

1. If the building is to be occupied, appropriate easements for access and adequate parking on the church must be submitted to the Township prior to the issuance of an occupancy permit, and/or:
2. Prior to occupancy, site improvements (parking and pedestrian access) and or building improvements have been approved and made which provide adequate of parking and access for the building and its use.
3. If the existing classroom building is demolished, the variance allowing a building to be placed at the 5 foot setback or any other distance between 0 feet and 15 feet, will expire. Member Brew moved to approve the variance with the three conditions found under staff recommendations on page 5 of the Planners Report. Support by Member Wolffis.

**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis  
**Nays:** None  
**Abstain:** Dan Fryling  
**Motion:** Passed

**VI. NOMINATION AND ELECTION OF OFFICERS**

**1. Secretary:**

Chair Werkema requested a nomination for the position of Secretary

**Motion:** By Member Giarmo supported by Member Ringnalda for Member Wolffis to retain the position of Secretary.

**Discussion:** None

**Ayes:** Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis  
**Nays:** None  
**Abstain:** Dan Fryling  
**Motion:** Passed

**2. Vice-Chair:**

Chair Werkema requested a nomination for the position of Vice-Chair

**Motion:** By Member Wolffis supported by Member Giarmo for Member

Ringnalda to retain the position of Vice-Chair.

**Discussion:** None

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

**Nays:** None

**Abstain:** Dan Fryling

**Motion:** Passed

**3. Chairperson:**

Chair Werkema requested a nomination for the position of Chairperson.

**Motion:** By Member Ringnalda supported by Member Giarmo for Member Werkema to retain the position of Chairperson.

**Discussion:** None

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

**Nays:** None

**Abstain:** Dan Fryling

**Motion:** Passed

**V. GENERAL DISCUSSION:**

1. Chair Werkema stated that the Township Ordinance does not specifically cover the election or responsibilities of its officers. Using a document published by the Michigan Municipal League he is recommending the ZBA adopt by-laws. Member Sisson will provide current examples from other Townships. Members asked if the by-laws are reviewed and approved by the Township Board or Township Attorney either as a requirement or out of courtesy. Chair Werkema stated it is within the purview of the ZBA. Supervisor Hilton, who was in attendance commented that the ZBA is unlike the Planning Commission and that they do have authority that almost supersedes the Township Board, a result of the 2008 Zoning Enabling Act.
2. Members asked if the vote to read the Planners Report officially into the minutes could be contained within the by-laws as blanket coverage. Planner Sisson stated the ZBA needs to exercise caution and indicated the directive can be in the by-laws but could not be a rule; a motion must be made for each item. In the event an item from the ZBA does appear before a judge, the judge will want to know the basis of the recommendation for the vote.

If the motion defining the basis is not in the original or first motion, it can be made as a second motion, but regardless, it does needs to be part of the official record.

3. Members commented on a change in the Planners Report omitting the notation of “Meets or Does Not Meet Standard”. Planner Sisson removed the notation stating it is the member’s decision based on information presented to them either in the Planners Report or at the meeting. Planner Sisson says he wishes to inform not influence. The ZBA’s job is to determine if each of the standards has or has not been met – regardless of the complexity of the request.
4. Supervisor Hilton stated the Township Attorney is available to the ZBA if needed.

VII. **ADJOURNMENT**

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

Meeting Adjourned at 8:03 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,



Tom Wolffis, Secretary  
Gaines Charter Township  
Zoning Board of Appeals

Dated: June 8, 2016