

**MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
September 14, 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: None

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

II. CONSIDERATION OF MEETING AGENDA

None

III. APPROVAL OF MEETING MINUTES

June 8, 2016 – Regular Meeting Minutes

MOTION: By Member Giarmo supported by Member Rober to approve the minutes for
the June 8, 2016 Regular Meeting.

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

Nays: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. ADVERTISED PUBLIC HEARINGS:

1. McDonald Plumbing- 7791 Eastern Avenue SE

*Use Variance to allow for up to a 720 square foot expansion for storage and mechanical
purposes in the office building associated with the existing plumbing business located in the RL-
10 Low Density Residential district.*

Chair Werkema asked Scott and Ed McDonald from to present their request.

Scott McDonald distributed a folder with pictures and documents related to the request. Ed McDonald stated that he and his wife had built the home on the site in the 1950s and had been living at the address ever since. A letter supplied to Staff attests to the fact that he still lives on the property and is a 50% partner in the business. He noted that the McDonalds also own two adjacent properties (693 & 721 79th Street) to the south but that these were not shown on the aerial photo in the staff report. In accord with the conditions of the 2011 variance, the business no longer gets 79th Street access across those properties. There is occasional use of the drive between the lots but only for internal, cross access.

McDonald stated that the expansion is necessary to accommodate file cabinets for record keeping and by law must keep job folders for 7 years. They found that electronic storage does not suit their needs. An additional bathroom and space for plumbers to dry their clothes will be added. He expressed pride in the upkeep of his property and added that his son's home on 84th Street was another good example.

Member Ringnalda commended the McDonalds on the upkeep of their property and agreed that record keeping takes up a great deal of space. On questions from Ringnalda, Scott McDonald stated that there was a succession plan for his father to step down from involvement in the business at some point. He indicated that he could move to the address in the future. The Board did not ask for a commitment nor did he offer a commitment to that.

Member Giarmo informed the McDonalds that she had visited the site and asked for clarification on the total number of buildings and parking spaces and if they would lose any parking spaces due to the office expansion. Ed McDonald was unsure of the numbers but confirmed that the addition to the office will not reduce the amount of parking spaces on the site. Some discussion ensued regarding the number of buildings and attention was directed to the aerial photos and site plans provided in the packet for clarification of the issue.

Chair Werkema opened and closed the Public Hearing at 7:15pm.

MOTION:

By Member Ringnalda, supported by Member Brew to concur with and enter the Staff Report dated 9-7-16 into the public record.

Motion carried unanimously on roll call vote:

<u>Ayes:</u>	Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis
<u>Nays:</u>	None
<u>Motion:</u>	Passed

Member Ringnalda expressed appreciation about the depth of research Staff had prepared on home occupations in the Township. Ringnalda added that she felt that the McDonalds property was well designed and didn't create a problem for the area. She agreed that it would be important for the Township to determine a way to regulate these properties in the future.

Planner Sisson explained the handout that was provided to the ZBA indicating the known home occupations currently operating in the Township. The inventory is likely incomplete and was prepared by obtaining a list of parcels claiming personal property tax checked it against the zoning map to identify businesses operating in residential areas. The items highlighted in green are known larger scale home occupations similar to McDonald Plumbing that utilize accessory buildings. Sisson stated that the McDonald's request could have potentially been handled by Special Use Permit if not for the number of accessory buildings on the property. An important issue with these types of home occupations is what happens to the site if the property is sold. The Township will be looking for alternate ways to regulate these properties.

Member Giarmo summarized the preliminary discussion that the Planning Commission had about McDonald Plumbing at the August 25 meeting. The Planning Commission had noted that Ed McDonald's residency status needed to be determined and that new regulations/zoning approaches for these types of properties would be necessary in the future. Giarmo expressed her opinion that the Township should encourage entrepreneurs and there seemed to be numerous examples of these types of developments

along Eastern Avenue. Planner Sisson added that these issues will be studied as part of an upcoming update to the Master Plan.

Member Wolffis agreed with the other members of the ZBA that the McDonald Plumbing operation is well designed. Wolffis agreed with the assessment on page 4 of the Staff report that the issue of large scale home occupations needs to be addressed. The current arrangement of using variances to facilitate expansion is not ideal for either the Township or the applicant. He stated that the uncertain status of the site would make selling the property problematic.

MOTION:

Based upon the concurrence with the findings contained in the staff report, and the testimony of the applicants, Ringnalda, moved with support by Member Giarmo to approve the land use variance allowing the office building expansion of up to 720 square feet to an existing office building with the following conditions:

1. That the business owner must continue to reside on site, and that the owner notify the Township of any change in the status of the business ownership or residency on the premises.
2. That no other business expansions involving this location occur without express authorization by the Township
3. That the site plan for the addition undergo site plan review and approval by the Planning Commission.

Motion carried unanimously on will call vote:

<u>Ayes:</u>	Michael Brew, Connie Giarmo, Ruth Ringnalda, Tom Werkema, Tom Wolffis
<u>Nays:</u>	None
<u>Motion:</u>	Passed

VI. GENERAL DISCUSSION:

Planner Sisson introduced a draft version of the revisions to the bylaws of the Zoning Board of Appeals. Sisson informed the ZBA that there were two other documents in addition to their bylaws that they should familiarize themselves with. The Michigan Zoning Enabling Act of 2006 and Chapter 26 of the Gaines Charter Township Zoning Ordinance both contain regulations and parameters that the Zoning Board of Appeals must follow. The intent of the bylaws is to establish guidelines for issues that are not specifically addressed in either the state statute or local zoning ordinance. Many of the suggested bylaws are pulled verbatim from the Zoning Enabling Act and Chapter 26. Others are paraphrased or referenced. Sisson encouraged the ZBA to read the bylaws thoroughly and be prepared to offer suggested changes at the next scheduled meeting. Sisson stressed that he was open to modifications provided that the changes did not violate provisions in the other two documents.

VII. ADJOURNMENT

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

Meeting Adjourned at 7:30 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the September 14, 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,

Michael Alex Brew

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

Dated: January 11, 2017