

**MEETING MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
JANUARY 9, 2019
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: Brew, Hilton, Giarmo, Ringnalda, Werkema, Tietz (Alternate)

MEMBERS ABSENT: None

OTHERS PRESENT: Matt McKernan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

None

III. CONSIDERATION OF MEETING MINUTES

September 12, 2018 – Regular Meeting Minutes

MOTION: By Member Hilton supported by Member Giarmo to approve the minutes for the September 12, 2018 Regular Meeting.

Ayes: Giarmo, Brew, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. ADVERTISED PUBLIC HEARINGS:

1. 6590 College Avenue SE (RL-10)

Dimensional variance for a 17.5 ft. front yard setback where a 35 ft. setback is required to allow for construction of a single-family home.

Bruce Nicola, Owner of 6590 College Avenue SE

Nicola purchased two properties at the corner of College Avenue and 66th Street. Nicola received permission to adjust the lot lines to create a third building site out of the east 80 feet of both parcels. He subsequently removed a dilapidated house and garage on the corner lot that had been an eyesore in the neighborhood. Nicola stated that it would be very difficult to construct a home given the setback limitations on the site. The alternative building options listed in the staff report are undesirable. Mr. Nicola works with manufactured homes which negates the ability to construct a bi-level home. Homes with detached garages are rarely built anymore and are undesirable in today's housing market. The proposed setback of 17 feet would not be out of place with the 9-30 foot setbacks found along this portion of 66th

Street. Nicola reminded the ZBA that the setback is measured from the edge of the property line and pointed out that there would be an additional 12 feet of separation from the edge of the paved portion of 66th Street.

Member Hilton asked the applicant if the home would have a basement and whether the garage is constructed separately from the house. Nicola stated that the home would be built with a basement and that the garage is constructed separate from the house and then attached.

Chair Werkema entered a letter from Judith Bryant of 6621 College Avenue into the record and opened the public hearing at 7:15 pm.

Deana Whitford, 6608 College Avenue

Whitford was looking for clarification as to the nature of the request as she had been lead to believe that the hearing pertained to the total number of building sites. Assistant Planner McKernan responded that the Township Board had already approved the number of building sites. The request is to waive the front yard setback requirements for 66th Street.

Chair Werkema closed the public hearing at 7:20 pm.

MOTION: By Member Hilton, supported by Member Ringnalda, to enter the staff report dated January 3, 2019 into the public record.

Discussion: None

Ayes: Giarmo, Brew, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: Passed

Member Ringnalda motioned to approve the applicant’s request based on the affirmative findings in the staff report. Ringnalda withdrew her motion when no support was given.

Member Giarmo stated that while she agreed that the applicant’s home would be a benefit to the neighborhood, she felt it was the ZBA’s job to reduce the number of nonconforming lots and structures in the Township. Giarmo stated that this was a self-created hardship because the rule for corner lots was in place before the applicant purchased the home and there are other options to build on the site.

Member Ringnalda stated the applicant’s proposed setback is similar to other’s that have been granted in the past several years. The only difference between this request and previous ones is that this is new construction instead of an expansion to an existing home.

Member Tietz stated that he was serving as a non-voting alternate but felt that it would be helpful for the planner to give a brief overview of the issues with the lot. Assistant Planner McKernan explained that applicant’s request was not necessitated by the creation of the third lot fronting on 66th Street as this did not impact the width of the lot. The lot meets the Township’s minimum width and size requirements. The request is necessitated by the fact that the lot has a narrow building envelope due to the rule about maintaining a front yard on 66th Street. However, the request would likely be considered a self-created hardship due to the fact that alternatives exist that would avoid the need for a variance.

MOTION: By Member Giarmo, supported by Member Hilton, and based on the findings of the staff report to deny the applicant’s request waive the dimensional requirements of Section 2.3 (C) (2) to allow a setback of 17.5 feet for the property located at 6590 College Avenue SE.

Discussion: None

Ayes: Giarmo, Brew, Hilton,

Nays: Ringnalda, Werkema

Abstain: None

Motion: **Passed**

VI. GENERAL DISCUSSION

1. Election of Officers for 2019

MOTION: By Member Ringnalda, supported by Member Giarmo, to nominate Michael Brew as Secretary of the ZBA for 2019.

Discussion: None

Ayes: Giarmo, Brew, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: **Passed**

MOTION: By Member Giarmo, supported by Member Brew, to nominate Ruth Ringnalda as Vice Chair of the ZBA for 2019.

Discussion: None

Ayes: Giarmo, Brew, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: **Passed**

MOTION: By Member Hilton, supported by Member Ringnalda, to nominate Tom Werkema as Chair of the ZBA for 2019.

Discussion: None

Ayes: Giarmo, Brew, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: **Passed**

2. Personnel Announcement

Assistant Planner McKernan informed the ZBA that Township Planner Mark Sisson had retired in December. The Township has retained the services of a David Jirousek, a planning consultant to complete the master plan update and to assist in daily planning activities.

VII. ADJOURNMENT

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

Ayes: Giarmo, Brew, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: Passed

Meeting Adjourned at 7:40 pm.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the January 9, 2019 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,

A handwritten signature in cursive script, reading "Michael Alex Brew", is written over a horizontal line.

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

Dated: March 13, 2019