

**MEETING MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
OCTOBER 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, Werkema, Tietz

MEMBERS ABSENT: Giarmo (With Notice), Ringnalda (With Notice)

OTHERS PRESENT: Matt McKernan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

None

III. CONSIDERATION OF MEETING MINUTES

March 13, 2019 – Regular Meeting Minutes

MOTION: By Member Hilton supported by Member Brew to approve the minutes for the March 13, 2019 Regular Meeting.

Ayes: Brew, Hilton, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. ADVERTISED PUBLIC HEARINGS:

7986 South Division Avenue (C-2)

Dimensional variance to allow for construction of a storage structure with a 10-foot rear and side yard setbacks where a 50 ft. setback is required.

Rick Weidenfeller, Owner of Freezer Depot, 7988 Division Avenue SE

Weidenfeller would like a dimensional variance to construct a 50' x 90' storage building in the rear portion of his lot on Division Avenue. The rear yard of Weinfeller's property was recently rezoned to C-2 General Commercial and combined with his front lot to enable development. The building will be used for cleaning and storage related to his commercial refrigeration repair business. The location of the proposed structure would allow vehicles to turn around and back into the building. The proposed building location also allows for possible 50' by 90' future expansion.

Chair Werkema asked Assistant Planner McKernan whether the future building would require a variance if the current request is granted. McKernan explained that the future building would require a separate variance.

Assistant Planner McKernan explained that the ordinance standards for commercial properties often make new construction difficult within the Township. McKernan explained that the property has been rezoned to C-2 General Commercial and the applicant’s building will require a full review by the Planning Commission and Township Engineer at a future date. The Township Fire Inspector has reviewed the site plan and did not identify any concerns. The Planning Department has received letters from the property owners to the direct east and west in opposition to the proposed building location. The property owner to the south has subsequently withdrew his concerns after a discussion with Mr. Weidenfeller.

Member Brew asked if proposed building would have a retaining wall. Weidenfeller explained that he has already constructed a retaining wall in the location of the south wall of his proposed building.

Member Hilton asked if the proposed building would have overhead doors and how the possible future building would be connected to the proposed structure. Weidenfeller explained that structure will have overhead doors. The roofs of the current and future phases will meet in a gabled pitch.

Chair Werkema asked if allowing the variance would allow for adequate fire separation between the proposed building and any potential residential structures to the east. McKernan explained that any potential houses on the property to the east would need at least an 8-foot setback from the shared property line. This would create at least a 19-foot separation with the proposed storage building, which is nearly double the 10-foot building separation required by the Fire Code.

Chair Werkema opened the public hearing at 7:30 pm.

John Paiz, 60 79th Street

Paiz owns the property directly east of 7986 Division and is concerned about erosion/water flow onto his property. Paiz doesn’t want the proposed building to impact his ability to further develop his own property in the future. McKernan explained that residential development to the east would be difficult without obtaining variances for access easement width and building setbacks from the same easement.

Chair Werkema closed the public hearing and read letters from property owners at 60 79th Street and 8012 Division into the public record at 7:45 pm.

MOTION: By Member Brew, supported by Member Tietz, to enter the staff report dated October 2, 2019 into the public record.

Discussion: None

Ayes: Brew, Hilton, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

Weidenfeller responded to Paiz’s concerns. Weidenfeller explained that the site improvements he has done over the last few years have actually reduced the amount of water flowing onto Mr. Paiz’s property. Weidenfeller explained that he would be willing to do what it took to mitigate any erosion concerns on the east side of his property.

ZBA members agreed that erosion was a very serious concern for this request. McKernan explained that

the Township Engineer will thoroughly evaluate any potential erosion and storm water management concerns an inherent part of the site plan review process.

Member Tietz asked if the Township Engineer had already reviewed the plans. Mckernan explained that the Mr. Weidenfeller had done a large amount of site work prior to approaching the Township for approval of his proposed building. The Township Engineer has not formally reviewed any grading plans for the project.

Weidenfeller stated that the Building Inspector has inspected and approved the retaining wall he constructed on the south side of his property, but cannot approve a building permit without site plan approval from the Planning Commission. Weidenfeller added that the Township Engineer has visited the site and did not express any major concerns.

Member Hilton stated that pushing the structure a little further west likely would not affect the applicant's ability to back tucks up to the entrance doors. Hilton inquired if a 20-foot setback from the east property line would be amenable to both Weidenfeller and Paiz. Weidenfeller and Paiz answered affirmatively. Hilton suggested allowing the Township Planner and Engineer to require a berm or retaining wall on the east property line if they deemed it appropriate.

MOTION: By Member Hilton, supported by Member Tietz, and based on the findings of the staff report, to approve a dimensional variance from Section 8.3 of the Zoning Ordinance to allow for construction of a 4,500 square foot commercial storage building with a 15-foot setback from the south property line and a 20-foot setback from the east property line. Approval is subject to the following conditions:

1. The Township Engineer shall determine whether it would be appropriate to require a berm or retaining wall between the building and the east property line at the time of site plan review.

Discussion: None

Ayes: Brew, Hilton, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

VI. GENERAL DISCUSSION

None

VII. ADJOURNMENT

MOTION: By Member Hilton, supported by Member Tietz to adjourn the meeting.

Ayes: Brew, Hilton, Werkema, Tietz

Nays: None

Abstain: None

Motion: **Passed**

Meeting Adjourned at 8:30 pm.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the October 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 blue ink that reads "Michael Alex Brew". The signature is written in a cursive style and is positioned above a horizontal line.

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

Dated: January 15, 2020