

**MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS REGULAR
MEETING
HELD ON APRIL 9th, 2025
GAINES CHARTER TOWNSHIP
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

Chair Ringnalda called the meeting to order at 6:59 PM.

MEMBERS PRESENT: Hilton, Wiersema, Ringnalda, Peacock, and Krier (Alternate)

MEMBERS ABSENT: Kooiman, with notice

OTHERS PRESENT: Rod Weersing, Township Manager; Cliff Bloom, Township Attorney;
Dakota Swan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

Chair Ringnalda explained that a presentation from Township Attorney Cliff Bloom will be added to the agenda as item VI.1.

Discussion: Chair Ringnalda said that she would like to standardize meeting practices and create a similar process for each meeting. Ringnalda explained that after the motion is made to open the advertised public hearing, the applicant will be invited to the podium to explain their request. After an explanation is provided by the applicant, the Zoning Board of Appeals will have the opportunity to ask the applicant any questions they may have. At that point, staff will give a brief overview of the request and present any additional information that may not have been included in the staff report. Ringnalda noted that after staff provides context, the general public will then have the opportunity to speak to the Zoning Board of Appeals on behalf of the request. Following the public hearing, Ringnalda said she would then entertain a motion to read the staff report into record, at which point the Zoning Board of Appeals can proceed with deliberation and ultimately a decision.

III. CONSIDERATION OF MEETING MINUTES

Motion: Motion by Peacock, supported by Wiersema, to approve the Zoning Board of Appeals regular meeting minutes from March 12th, 2025, as is.

Discussion: None

Ayes: All

Nays: None
Abstain: None
Decision: Motion carried (5-0).

IV. INQUIRY OF CONFLICT OF INTEREST

- a. None

V. PUBLIC HEARING

1. 10676 Eastern Avenue – Dimensional Variance

Motion: Motion by Ringnalda, supported by Wiersema to open the public hearing at 7:34 PM.
DISCUSSION: None
AYES: ALL
NAYS: None
ABSTAIN: None
DECISION: Motion Carried (5-0)

Eric Sheler, the applicant and homeowner of the subject property, explained that he is seeking a 45-foot dimensional variance at 10676 Eastern Ave to reduce the western front yard setback from 60 feet to 15 feet for the construction of a residential accessory building. Sheler explained that although he has over seven acres of property, about two-thirds of the parcel is wetlands, rendering it unbuildable. The subject property is also topographically challenging, as there are several steep slopes and harsh grade changes; Sheler's property is essentially in the bottom of a bowl, and water from surrounding properties and creeks drain into his front yard. Due to the hydrologic and topographic challenges, there are several drains on Sheler's property that help drain excess water and redirect flow to the south. There are also geothermal loops underground in the northwest corner of the property, in addition to a septic drain field and electrical infrastructure running underground. These conditions make it nearly impossible for Sheler to locate the proposed accessory building in a location that is compliant with setback regulations and also unobstructive to underground utilities on the property, hence the request for a dimensional variance.

Chair Ringnalda invited Assistant Planner Swan to share some new information pertaining to this request with the Zoning Board of Appeals (ZBA).

Swan explained that she and Community Development Director Dan Wells visited the subject property the week prior to evaluate the site and identify infrastructural and topographic features noted in the provided site plan. Swan noted that during staff review, discrepancies arose regarding the location of the septic drain field and reserve drain field; septic infrastructure was noted as being in three different locations among three different site plans. Swan and Wells figured it would be worthwhile to go visit the site in person. After staff's site visit, the applicant was able to get an accurate depiction of where the drain field is located from the Kent County Health Department, which ultimately altered staffs review of the request. The application associated with this request and advertised public hearing state the

variance request as being for 15 feet from the required 60 foot front setback, however, the most recent iteration of the site plan notes the proposed building as being 20 feet from the front western property line. The ZBA does have the authority to grant a lesser variance with the understanding that the proposed structure may end up further from a lot line than the distance granted, implying that it would be closer to compliance than the advertised request.

Assistant Planner Swan gave an overview of how staff's review changed in light of new information provided by the applicant. The first of five variance standards asks whether the variance is necessary due to unique circumstances on the parcel itself; originally, staff found this standard to be undetermined due to the presence of what seemed to be another buildable area in a more compliant location. New information from the applicant verifies the location of the septic system and indicates that the drain field spans significantly eastward, eliminating the possibility of building in the location staff initially identified. Swan noted that standard 1 was found to be met in light of the additional information provided by the applicant.

Standard 2 was initially found to be undetermined, which ensures that the variance would not grant special privileges to the applicant, due to what staff had initially identified as another buildable envelope that was compliant. New information provided extensively demonstrates that the applicant's ability to build in a compliant location is limited due to the presence of underground infrastructure. Standard 2 was then found to be met, as the applicant has demonstrated that the variance is necessary to construct the accessory building, which is a substantial property right enjoyed by other landowners in the same zoning district. Swan noted that staff feels as though the applicant has demonstrated an effort to achieve maximum compliance in light of the complicated topographic conditions on the site.

Standard 3 intends to verify that the variance request does not stem from a self-created problem or the applicant's personal desires rather than challenges or unique circumstances on the site. Originally, staff found this standard to be undetermined, however, new information provided by the applicant indicates that the proposed location of the building is as compliant as possible, and the applicant is doing the best of their ability to construct the building while remaining compliant with zoning regulations and not interfering with underground utilities. The applicant anticipates that the proposed accessory building may protrude less into the 60-foot required setback than the 45-foot variance requested. Standard 3 was then found to be met.

The fifth variance standard aims to ensure that the variance request is consistent with the intent of both the Master Plan and Zoning Ordinance; originally, staff found this standard to be unsatisfied, as this request was inconsistent with regulations for accessory buildings outlined in the Zoning Ordinance. Accessory buildings are a permitted use in the A-R zoning district; however, staff identified a different compliant location on the provided site plan during review, which could've potentially brought the request into conformity with the intent of the Zoning Ordinance and Master Plan, hence why standard 5 was initially not met. The new information provided by the applicant demonstrates that the new proposed location truly is the most compliant buildable envelope on the parcel and this request is as consistent with the Zoning Ordinance and Master Plan as it can be.

In light of the new site plan provided by the applicant from the Kent County Health Department, all five variance standards are now found to be satisfied. Staff notes that the applicant has demonstrated a reasonable burden of proof to suggest that a dimensional variance is necessary. Additionally, Swan clarified that if the Zoning Board of Appeals approves a dimensional variance, it should also impose a

condition of approval whereby the applicant must apply for a “Change in Use Review” from the Kent County Health Department prior to the issuance of a building permit to ensure that construction of the accessory building will not have any detriment to the septic system, well, or public health. The building is currently proposed as being approximately 10 feet from the reserve drain field; preliminary discussion with a representative from the Kent County Health Department confirmed that a separation distance of 10 feet will be acceptable so long as the applicant completes the Change in Use Review.

Chair Ringnalda invited the Zoning Board of Appeals to ask the applicant any questions they may have.

Member Wiersema inquired about a flat area beyond the septic tanks and why building is not possible there; Sheler clarified that geo-thermal loops run through the area, and he would still have issues with water runoff in the location Wiersema identified.

Member Hilton explained that he visited the subject property and wasn’t able to see any stakes in the yard identifying where the building is intended to go; Sheler responded that the building is staked at the corners, however, they are quite thin and perhaps difficult to see. Hilton then inquired about whether there will be a concrete floor in the building; Sheler responded that yes, there will be a concrete floor, and there will also be a concrete approach apron to the building.

Hilton inquired about the discrepancy between the most recent iteration of the site plan and the request itself; the variance request is for 45 feet, making for a 15-foot front setback, however, the most recent iteration of the site plan depicts the building as being 20 feet from the front lot line. Chair Ringnalda confirmed that yes, the request remains for a 15-foot setback, as the applicant was not entirely clear on the location of certain underground utilities in the immediate area at the time of initial application submission.

Chair Ringnalda invited any members of the public present who wished to speak on this request to come to the podium. Mark Madsen of 10664 Eastern explained that he owns and resides at the property directly to the west of the subject property. Masden explained that he attended the meeting to speak in favor of the request and added that the building would have the highest visible impact on him.

Motion: Motion by Ringnalda, supported by Wiersema to close the public hearing.

DISCUSSION: None

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (5-0)

Motion: Motion by Wiersema, supported by Peacock to read the staff report into record.

DISCUSSION: None

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (5-0)

Chair Ringnalda noted that typically she would go through the standards of review for variance requests at this time, however, Assistant Planner Swan had given a thorough explanation of the standards of review and how staff's assessment changed based on the new information provided by the applicant.

Hilton expressed that he was somewhat struggling with new meeting format and noted that he would've appreciated having materials that overview the new format to reference during discussion. Ringnalda stated that she will document the new meeting procedure for the ZBA's reference and noted that she visited the Planning and Zoning Department earlier that day to discuss the meeting with Assistant Planner Swan; the changes implemented to optimize the flow of ZBA meetings were brought forward quickly.

Hilton inquired about whether the most ideal avenue would be to either approve the 45-foot variance request, or alternatively, deny the 45-foot variance and subsequently approve a 40-foot variance to correspond with the most recent iteration of the site plan. Chair Ringnalda offered a suggestion and mentioned that the Zoning Board of Appeals does have the ability to postpone the request in order to give members more time to deliberate and grant the applicant additional time to present an accurate, up-to-date site plan at the time of deliberation. Ringnalda added that staff could revise the briefing memo if they decide on postponement, and the new information presented at the meeting could be incorporated into the staff review. Hilton responded that postponement would make more sense to him than a denial of one motion and subsequent entertaining of a different motion.

Krier inquired about exactly why postponement would be necessary; due to the standards in the staff report being revised and met, or due to the discrepancy between requesting a 45-foot variance but depicting the variance as being 40 feet on the provided site plan? Ringnalda responded that either could be used as a basis for postponement.

Peacock inquired about the aforementioned condition of approval; Assistant Planner Swan clarified that if the Zoning Board of Appeals finds all standards to be met and grant approval of this request, staff would impose a condition in which the applicant would be required to acquire a "Change in Use Review" by the Kent County Health Department prior to issuance of a building permit.

Motion: Motion by Peacock, supported by Krier, to approve the 45-foot dimensional variance to reduce the front yard setback of the western property line from 60 feet to 15 feet to construct a 1,040 square foot residential accessory building approximately 5 feet from the reserve drain field to provide a buffer for underground utilities, with the condition that the applicant must acquire a Change in Use Review by the Kent County Health Department prior to issuance of a building permit.

DISCUSSION: Township Attorney Cliff Bloom inquired with Peacock regarding the addition of the condition included in the briefing memo; Peacock responded that he would like to include the condition into the motion. Hilton expressed that he is troubled by deciding on the 45-foot variance as the provided site plan indicates the front setback as being 20 feet rather than the 15 that was advertised. Assistant Planner Swan explained that the Zoning Board of Appeals has the ability to approve a variance request with the understanding that the final impact of the building may

be that of a lesser variance; in this instance, the Zoning Board of Appeals could approve the 45-foot variance and the building could end up only protruding 40 feet into the required 60-foot front yard setback. Chair Ringnalda agreed and reiterated that the advertised request is still under consideration, but with the addition of new information that altered staff's initial review. Bloom agreed and confirmed that the applicant is able to ask for a lesser variance, but not a greater one. Bloom stated that he understood Hilton's concern as its frustrating to receive new information on the same day as the meeting but noted that the applicant seems to be conscientious. The question procedurally, as noted by Bloom, was whether members felt they had enough information, and whether they felt the motion itself was definite enough to be able to make a decision.

In the absence of the Zoning Board of Appeals Secretary, Matt Kooiman, Chair Ringnalda called the role call vote.

AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

VI. GENERAL DISCUSSION

In light of recent membership changes to the Zoning Board of Appeals, Township Attorney Cliff Bloom gave an informal and interactive presentation on the functions, responsibilities, and expectations of the ZBA. PowerPoint slides were provided, and members were welcome and encouraged to ask questions at any time. Bloom provided additional materials for ZBA members to review, including an article written for the Michigan Townships Association and an excerpt from the Michigan Zoning Enabling Act (MI State Act 110 of 2006) that pertains to the ZBA.

VII. OTHER REPORTS

None.

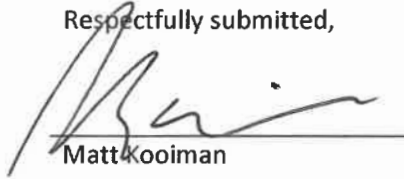
VIII. ADJOURNMENT

Motion by Wiersema, supported by Krier, to adjourn at 8:44 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from April 9th, 2025, 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 black ink, appearing to read "Matt Kooiman", is written over a horizontal line.

Matt Kooiman
Secretary
Gaines Charter
Township Zoning
Board of Appeals

Dated: 5-14, 2025