

GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS – REGULAR MEETING

Township Board Room - 8555 Kalamazoo Ave. S.E. Caledonia, MI 49316

DRAFT Agenda

7:00 p.m. – Wednesday, April 9th, 2025

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of March 12th, 2025, Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. 10676 Eastern Ave SE (A-R, Agricultural/ Rural-Residential)**
Dimensional Variance – Decrease Front Yard Setback from 60 feet to 15 feet
- VI. General Discussion Items**
- VII. Other Reports**
- VIII. Adjournment**

*Please note that advertised public hearings will not start before the noted time, but may start later due to the length of other agenda items. All interested persons are invited to attend and participate. Persons with disabilities needing accommodation for effective participation in the meeting should contact the Township Office at 616-698-6640 one week in advance to request mobility, visual, hearing or other assistance.

**DRAFT MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS REGULAR
MEETING
HELD ON MARCH 12TH, 2025
GAINES CHARTER TOWNSHIP
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

Vice Chair Ringnalda called the meeting to order at 6:58 PM.

MEMBERS PRESENT: Hilton, Ringnalda, Kooiman, Peacock, and Wiersema

MEMBERS ABSENT: None

OTHERS PRESENT: Dan Wells, Community Development Director; Dakota Swan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

Motion: Motion by Kooiman, supported by Peacock, to move agenda item VI (Election of Officers) between agenda items III and IV.

Discussion: None

Ayes: All

Nays: None

Abstain: None

Decision: Motion carried (5-0).

III. CONSIDERATION OF MEETING MINUTES

Motion: Motion by Wiersema, supported by Hilton, to approve the Zoning Board of Appeals regular meeting minutes from October 9th, 2024, with corrections.

Discussion: None

Ayes: All

Nays: None

Abstain: None

Decision: Motion carried (5-0).

1. Election of Officers

Motion: Motion by Hilton, supported by Kooiman, to nominate Ringnalda as Chair of the Zoning Board of Appeals for 2025.

Discussion: None

Ayes: All

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

Motion: Motion by Hilton, supported by Wiersema, to nominate Kooiman as Secretary of the Zoning Board of Appeals for 2025.
Discussion: None
Ayes: All
Nays: None
Abstain: None
Decision: Motion carried (5-0).

Motion: Motion by Wiersema, supported by Kooiman, to nominate Hilton as Vice Chair of the Zoning Board of Appeals for 2025.
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. 4422 76th Street – Dimensional Variance

Kevin Offringa, the applicant and homeowner for this project, explained that he purchased this property about a year and a half ago with the intention of building a home. However, the site has several unique challenges that have warranted him requesting a dimensional variance, namely the presence of wetlands on the site. The variance request is to reduce the primary residential rear yard setback from 100 feet to 50 feet. Offringa said that there is also a substantial amount of County Drain that crosses through his property, which further limits the buildable area on his parcel. Offringa explained that he intentionally made the building footprint relatively small so as to minimize the impact of construction on the land.

Planner Wells stated that Offringa provided a wetland delineation to demonstrate the extent of the wetlands on this challenging site. The wetland delineation verifies all information that Offringa presented and demonstrates the extensive unique circumstance on the parcel. Offringa is working with EGLE to ensure that any impacts to wetlands are permitted, and Offringa has already received a driveway permit from the Kent County Road Commission and his driveway has been installed.

Secretary Kooiman inquired about why MDOT owns a large piece of property to the east of the subject parcel, to which Wells responded that it is a wetland mitigation area put in during the construction of M-6. MDOT committed to preserving the wetlands on that site indefinitely on behalf of all the wetlands that were destroyed during the construction of M-6.

Motion:	Motion by Hilton, supported by Peacock to read the staff report into record.
DISCUSSION:	None
AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

Vice Chair Hilton inquired about whether Offringa's home is planned to have a basement or if the home will be of on-slab construction; Offringa responded that originally, he planned to include a walk out basement, but he is now planning on installing a daylight basement. Vice Chair Hilton also inquired about the septic system, as two systems are depicted on the provided site plan. Offringa clarified that Kent County Health Department regulations stipulate that there must be a primary and a reserve septic system, hence why there are two on the site plan. Hilton asked whether the septic system is going to be raised or in the ground; Offringa responded that they will be implementing a raised septic system.

Peacock inquired about whether there were any comments submitted by neighbors in the immediate area, to which Offringa responded yes, and noted that a letter of support from a neighbor of his was submitted and included in the meeting packets for ZBA members.

Member Wiersema inquired about the proposed location of the house, as the map on EGLE's website notes most of the defined buildable area as being wetlands. Planner Wells said that the maps provided on EGLE's website are based on satellite imagery and vegetation patterns, and that they offer a more general scope of the wetlands in the area than the wetland delineation that Offringa provided, which is far more detailed.

Chair Ringnalda opened the public hearing at 7:21 and closed it at 7:22 as nobody approached the podium to speak.

Regarding the first variance standard outlined in the staff memo, the Zoning Board of Appeals found that the unique circumstances on the parcel, namely the presence of wetlands, constitute an exceptional need and validate the request for a variance and determined that this standard has been met.

Ringnalda stated that due to complications and unique circumstances on the site, a variance is necessary to construct a home, and no special privileges would be granted to the applicant through variance approval; the opportunity to construct a home in the A-R zoning district would be available to any other landowner.

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. Chair Ringnald stated that the presence of wetlands and topography of the parcel are beyond Offringa's control, and that he has found the best solution for dealing with a complicated site. Kooiman added that Offringa has gone above and beyond to figure out how to construct a home here. Hilton stated that part of the complexity on this site is the requirement of working with EGLE and the Kent County Health Department, and that there are a lot of moving parts to make this project work; Hilton added that Offringa is dealing with a highly complex site to the best of his ability.

With regard to the fourth variance standard, Chair Ringnald noted that the main impact of this project would be visual for the neighbors in the area, and that the impact of this project would generally be considered typical for the area. Member Peacock inquired about the MDOT conservation easement to the east; Planner Wells stated that it would take a substantial amount of time to take the easement out of MDOT's ownership, and the only viable possibility for the parcel would be for the Township to eventually take ownership of it. Upon its inception, an agreement was made which stipulated that the Township could own it someday for passive recreation use, however, it would not be on the side of Offringa's parcel closest to the house. Planner Wells also mentioned that the Zoning Ordinance update is currently under consideration with the Township Board of Trustees, and 50-foot rear yard setbacks are being proposed in the A-R district; Wells added that in a month, this house very well could be compliant with the updated ordinance.

The fifth variance standard ensures that the request is consistent with the intent of both the Zoning Ordinance and Master Plan. Chair Ringnald stated that residential homes and associated buildings are permitted in the A-R zoning district, therefore, this request is consistent with the intent of the Zoning Ordinance and Master Plan.

Motion: Motion by Hilton, supported by Wiersema, to approve the variance request based on all five variance standards being met.

DISCUSSION:

AYES: ALL

NAYS: None

ABSTAIN: None

DECISION: Motion Carried (5-0)

VI. GENERAL DISCUSSION

Planner Wells shared with the ZBA that the Township has contracted a group based in Ohio to conduct a Natural Resources Inventory (NRI) in the Township in an effort to get a better handle on the growth occurring and to identify vulnerable areas, specifically in the southern part of the Township. Wells said that the NRI will also help to inform sewer contract negotiations with the City of Grand Rapids, as the contract will be up for renegotiation in the next few years. Residents have expressed concern about the loss of woodlands and wetlands in the Township, and the NRI will help staff to identify and preserve sensitive or valuable areas. Wells also stated that the Zoning Ordinance update is in its final stages of approval and will likely be adopted by the Township Board in the near future.

VII. OTHER REPORTS

None.

VIII. ADJOURNMENT

Motion by Kooiman, supported by Peacock, to adjourn at 7:58 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from March 12th, 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,

Matt Kooiman
Secretary
Gaines Charter
Township Zoning
Board of Appeals

Dated: _____, 2025

Gaines Charter Township

Zoning Board of Appeals Memo

Meeting Date: April 9th, 2025

AGENDA ITEM: V.3

REQUEST: Dimensional Variance

ADDRESS: 10676 Eastern Ave SE

PARCEL NUMBER: 41-22-32-300-055

APPLICANT: Bruce Eric Sheler

FILE NUMBER: 250226BES

**PROPERTY ZONING DISTRICT:
Agricultural/Rural-Residential (A-R)**

PROPERTY SIZE: 3.70 Acres

REPORT BY: Dakota Swan, Assistant Planner



OVERVIEW

The applicant is requesting a dimensional variance to reduce the front yard setback for a proposed accessory building adjacent to the western property line from 60 feet to 15 feet (a 45-foot variance from the ordinance requirement). If approved, the applicant will submit zoning and building permits to construct a 1,040 square foot pole barn.

The topography of the site complicates where an accessory building can be built due to the presence of wetlands on the site and a steep ravine behind the dwelling to the east. The presence of a septic drain field to the north of the residence also limits buildable areas, as it is advised by both Michigan Building Code and the Kent County Health Department that structures are at least 10 feet away from any septic system infrastructure so as to not compromise the foundation of any buildings. Furthermore, geothermal loops are present on the site and underground utility infrastructure exists beneath the driveway. Additionally, there is a wellhead to the southwest of the dwelling, which prevents that space from being used as a buildable area; Kent County drain regulations stipulate that structures must be at least 3 feet from any wellheads.

By ordinance, the proposed accessory building would be required to be 60 feet from the front (west) property line with a Type I buffer, however, the applicant desires to place the accessory building to the northwest of the driveway so as to ensure it is not encroaching on any underground infrastructure, septic controls, the wellhead, or areas impacted by wetlands and/ or ravines.

SURROUNDING ZONING:

	NORTH: Agricultural/Rural-Residential (A-R)	
WEST: Agricultural/Rural-Residential (A-R)	SUBJECT PARCEL	EAST: Agricultural/Rural-Residential (A-R)
	SOUTH: Allegan County/Leighton Township; Residential	

STANDARDS OF REVIEW SURROUNDING ZONING:

The request has been reviewed using the applicable review standards of Chapter 26, Section 26.8 (D) Non-Use (Dimensional) Variances. The Zoning Board of Appeals must find that all standards in this report are satisfied to grant a variance.

1. The predicament is caused by exceptional, unique, or extraordinary physical conditions, dimensions, or circumstances that directly relate to the subject lot or parcel rather than the individual situation or desire of the applicant or property owner (see definition of “unique circumstance”).

“Unique Circumstance”: An exceptional, unique, or extraordinary physical condition that is one of the following:

1. Exceptional narrowness of the width or depth of a lot or parcel, or an irregular shape, as compared to a conforming lot or parcel.

2. *Exceptional natural or topographic features located on the lot or parcel, such as steep slopes, surface water features, existing significant trees, or other unique or extreme physical conditions of the land.*

3. *Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.*

4. *Other natural, topographic, built, or dimensional conditions or characteristics of land, lot, or parcel, which are determined by the Zoning Board of Appeals as exceptional or extraordinary*

Undetermined. The request for a front yard setback reduction from 60 feet to 15 feet stems from several unique circumstances, namely exceptional topographic features located on the property, in addition to utility infrastructure and space used for the septic system. Below is a topographic map of the property:



As shown above, slopes are located at the northwest corner of the parcel and a steep embankment separates the western part of the parcel from wetlands that make up the eastern part of the property. Despite steep slopes and a wetland being present on the parcel, it does appear as though the applicant could potentially move the pole barn to the east and slightly to the north, placing it between the septic drain field and the driveway pad. Given the site conditions, staff believes that a unique circumstance is present, however, not one that necessarily supports the need for variance, as there appears to be other buildable area that fits within setbacks, or impedes them significantly less.

2. The variance is necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other landowners in the same Zoning District and vicinity and does not grant special privileges to the applicant that are not available to the owners of these properties.

Undetermined. Approving the dimensional variance request may grant special privileges to the applicant. A 45-foot encroachment on the required 60-foot front yard setback is being requested due to the site conditions, however, it appears as though there is potentially another buildable area in which the accessory building could be placed outside of front setbacks. Other residents seeking an accessory building would be required to provide materials indicating that there are no other buildable areas on the parcel before being granted approval for a dimensional variance.

3. The practical difficulty for which the variance is requested does not result from a self-created problem by the applicant, current landowner, or any previous landowner of the property involved (see definition of "self-created problem").

Self-Created Problem: A problem that occurs, results, or exists from one or more of the following conditions:

1. A problem that occurs when one can reasonably develop a property in a compliant manner, but the landowner or applicant's personal desires and preferences for property development do not align with zoning requirements.

2. A problem that occurs when a property is currently built-out under current zoning constraints, but the landowner or applicant's personal desires and preferences for expansion do not align with zoning requirements.

3. A problem that results from the action, preference, or desire of the landowner or applicant that is not a result of a unique characteristic of the property.

4. A problem that exists because the landowner, previous landowner, or applicant took a specific action that created the need for the variance, such as adjusting a lot line, constructing a building, or developing a site in a manner that does not allow future compliant construction, building expansion, or site development.

Undetermined. Although some topographic challenges are present on the parcel, namely steep slopes and wetlands, it appears as though another buildable area may be present on the site to the northeast of where the pole barn is currently being proposed. It appears as though the applicant desires to place the pole barn in a location in which a reduction of the front yard setback would be necessary without entertaining all other possibilities for the location of the pole barn on the site.

4. The variance will not be detrimental to the public welfare, injurious to neighboring properties, or change the essential character of the neighborhood.

Meets standard. The main impact of an accessory building at this location would be a visual impact on the property to the west, which is about 100 feet away. There is a tree and hedge line dividing the properties that blocks the view to some degree.

5. The variance is consistent with the purpose and intent of the Master Plan and the intent and provisions of the Zoning Ordinance and Zoning District designation of the subject property.

Does not meet standard. The parcel is currently and future zoned for rural residential use.

The intent and purpose of Section 20.2 of the GCTZO is to promote consistent rules for the placement of buildings and structures within the A-R zoning district and to buffer accessory buildings from surrounding properties. In this specific location, the front yard setback is defined by where the road connects to the property and the rear yard is the east property line. Chapter 6 of the GCTZO stipulates setback regulations for the A-R zoning district; staff believes that the applicant has not proven difficulty on other potentially buildable areas on the parcel and is requesting a dimensional variance on behalf of personal desires rather than limitations of the parcel configuration or inability to adhere to setback requirements.

STAFF RECOMMENDATION

If the ZBA determines all the standards for a dimensional variance are met, approval of the application is recommended with no conditions.

If the ZBA determines all standards for a dimensional variance are not met, staff recommends that the application be denied.



FILE NO. 250226BES

Gaines Charter Township
8555 Kalamazoo Avenue SE
Caledonia, MI 49316
Phone (616)6986640 Fax (616)698-2490



Application for Zoning Approval

Project Address	10676 Eastern Ave SE	
Owner Name	Bruce Eric Sheler	
Owner Address	10676 Eastern Ave SE	
Parcel Number(s):	41-22- 32-300-055	41-22-
Description of Proposed Project/Use	Pole barn 26' x 40' x 12'. Steel siding and roof with a concrete floor. For personal use.	

Applicant/Contact	Bruce (Eric) Sheler
Phone/Email	shelereric@gmail.com
"I" hereby certify to the correctness and knowledge of the information submitted and hereby agree to comply with the terms and requirements of all applicable Township ordinances. I also grant Township staff permission to enter onto the subject property in review of this application	
Signature	
For Planning Commission/Zoning Board of Appeals requests, and Land Divisions/Combinations, please complete the appropriate Worksheet as part of your application packet – See staff for more information	

Township Use Only

Current Zoning District: RL-14 RL-10 R-3 R-4 C-1 C-2 O-S I-1 I-2 PUD <u>A-R</u> A-B									
☐ One/Two-Family Construction	☐ Rezoning/PUD Rezoning			☐ Land Division					
☐ Special Use Permit Request	☐ PUD Amendment			☐ Text Amendment					
☒ Zoning Board of Appeals Request	☐ Site Plan Review								
☐ Subdivision/Site Condo Review	Other <u>DIMENSIONAL VARIANCE</u>								
DENIED ☐		APPROVED ☐		APPROVED, WITH CONDITIONS ☐		WITHDRAWN ☐			
ZONING ADMINISTRATOR SIGNATURE _____				DATE _____					

Zoning Board of Appeals Applicant Worksheet

FILE NO.

Please indicate your request type and the applicable Section(s) of the zoning ordinance. Leave blank if uncertain.

- | | |
|---|------------------|
| ☒ Dimensional (Area) Variance | Section(s) _____ |
| ☐ Use Variance | Section(s) _____ |
| ☐ Interpretation/Appeal of Zoning Administrator* | Section(s) _____ |

**For this requests, please attach in letter form your comments regarding the interpretation/appeal.*

Applicant Response to Standards of Review

1. Does the property have physical characteristics, such as narrowness, shallowness, irregular shape, topography, or natural features that inhibit compliance with the zoning ordinance (attach additional sheets if needed)?

Yes.

2. If answered yes to #1 above, is (are) the physical characteristics) unique and not shared by neighboring properties?

The lot area although in excess of three acres, the majority is wetland. House, well and septic tank placements

use up most of the buildable area, along with geothermal loops for heating and cooling.

A large hill also limits where the proposed accessory pole barn can be placed.

3. Was the alleged practical difficulty (dimensional variance) or hardship (use variance) created by an action of the applicant or previous property owner?

No.

4. Can the property be reasonably used for the use permitted in the zoning district without granting the variance?

No.

5. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance provide substantial justice to the applicant as well as other property owners in the area?

Yes. A larger minimum setback would not allow for safe excavation work near the main electrical service under the pavement.

6. If granted, explained how the variance would not result in adverse affects on adjacent properties or alter the character of the area?

This request is for a wooded lot at the end of a private drive and driveway. There are other properties on this private road

that have similar issues and variance requests that have been granted for the same reasons.

7. If granted, explain how the variance would not result in hazards such as dangers from fire or flood, or increased traffic congestion. That is, how will the public safety and welfare be observed and secured?

This is a wooded lot at the end of a private drive and personal driveway. No through traffic is allowed.

8. If granted, explain how the variance would not be contrary to the spirit and intent of the zoning ordinance.

Special circumstances require special consideration to meet the needs of the tax paying residents of Gaines township.

I can only assume the spirit and intent of the zoning ordinance is to give equal opportunity to each land owner to benefit from

all the zoning has to offer for which he or she is entitled, obviously within limits due to various circumstances as indicated in my request.

GAINES TOWNSHIP

616.698.6640

8555 Kalamazoo Ave.
Caledonia, MI 49316

February 26, 2025

Gaines Township Zoning Board of Appeals

To the Board,

I am requesting a minimum front yard setback of 15 feet for a new pole barn.

On the attached pages I have tried to include information that will show this as necessary due to the unusual topography of my lot.

Most of the 3.71 acres parcel is wetland and unbuildable. On approximately 1.5 acres of buildable area, I have my house with required separations for well, septic tanks, drain field and space for a back up drain field as required. In addition I have Geo Thermal loops buried throughout the property limiting where I can build.

I am at the end of a private road called Outback Road and my driveway extends off from it to my lot at the end. My neighbor Mark Madsen (10664 Eastern) immediately to the west of me was granted this same request last year and I supported him at that time.

Thank you for your time and consideration to allow me to have the same building rights as any other township resident within the A-R zoning.

Sincerely yours,



Bruce (Eric) Sheler

Design Name: Shelter Pole Barn 26x40

Sidewall A

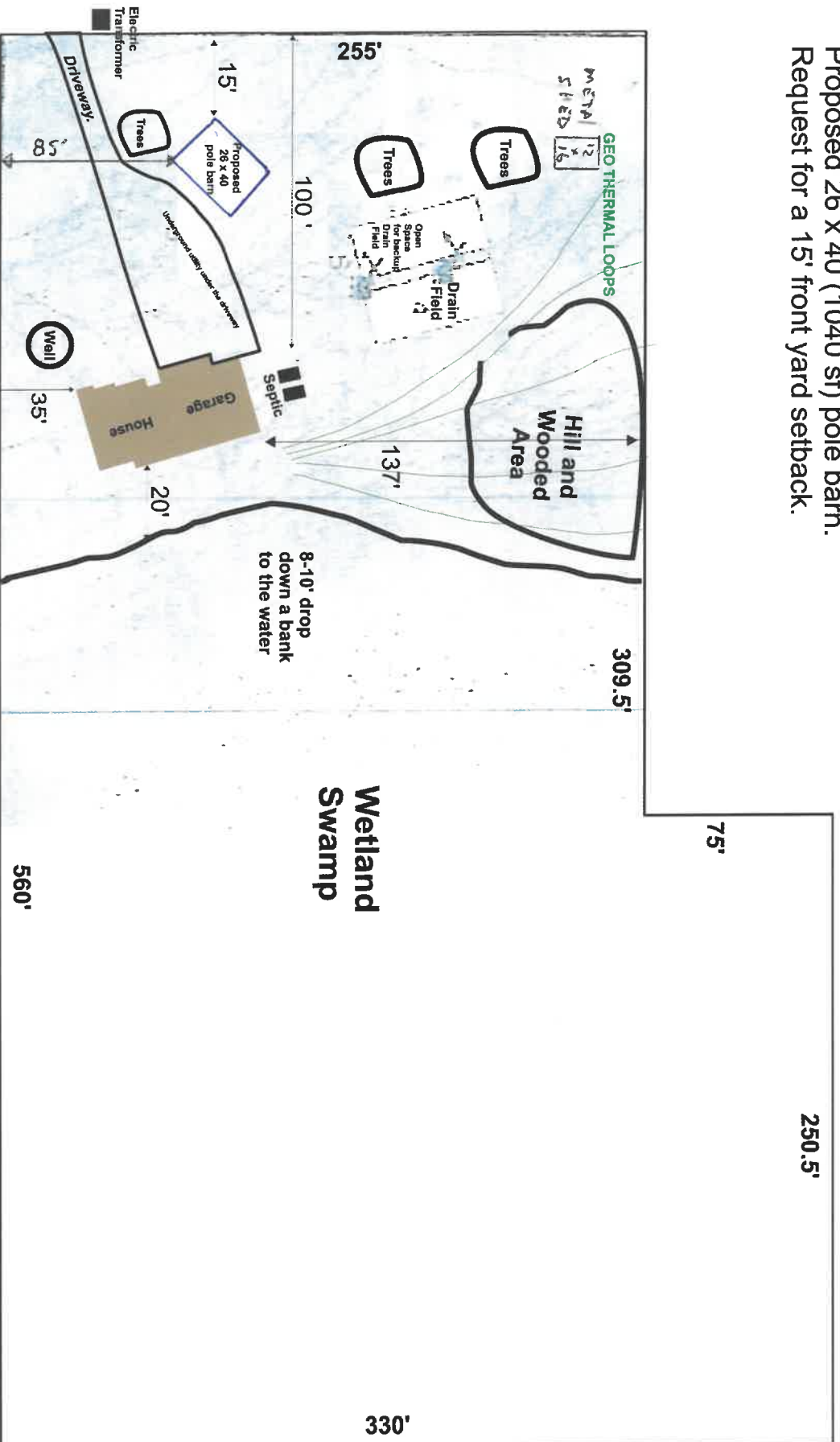


Sidewall A
Endwall C
Endwall D
Sidewall B



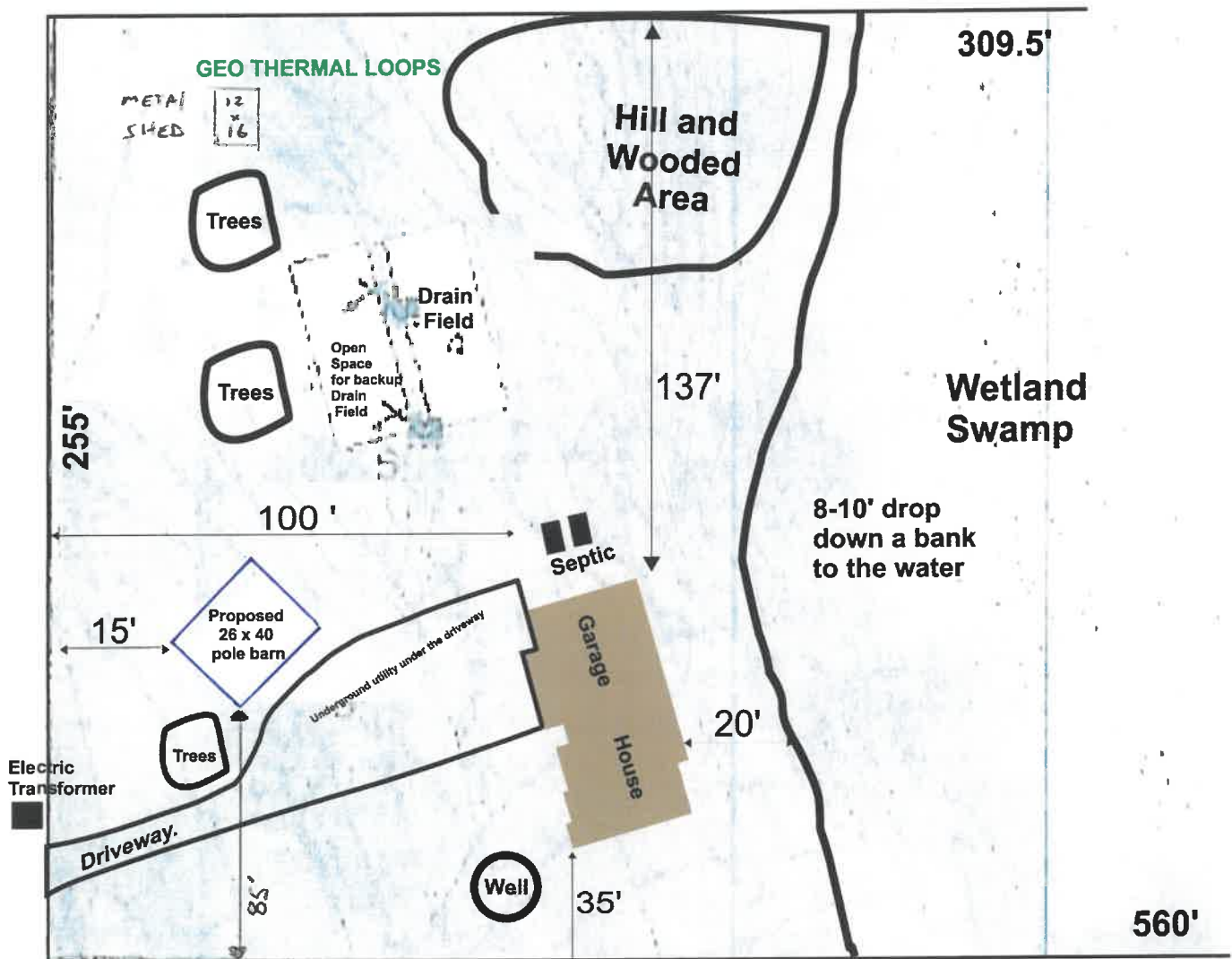
Eric Sheler
10676 Eastern Ave, SE
Wayland, MI 49348

Proposed 26 x 40 (1040 sf) pole barn.
Request for a 15' front yard setback.



Eric Sheler
10676 Eastern Ave, SE
Wayland, MI 49348

Proposed 26 x 40 (1040 sf) pole barn.
Request for a 15' front yard setback.



9-18-2015
Eric & Michelle Sheler
Parcel # 41-22-32-300-055 (3.71 Acres)
Address 10676 Eastern Ave.

