

**MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS REGULAR
MEETING
HELD ON AUGUST 13TH, 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 7:00 PM.

MEMBERS PRESENT: Ringnalda, Hilton, Peacock, DeWard

MEMBERS ABSENT: Wiersema and Kooiman, with notice.

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

II. CONSIDERATION OF MEETING AGENDA

III. CONSIDERATION OF MEETING MINUTES

Motion: Motion by Peacock, supported by Hilton, to approve the Zoning Board of Appeals regular meeting minutes from May 14th, 2025, with corrections.

Discussion:

Ayes: All

Nays: None

Abstain: None

Decision: Motion carried (4-0).

IV. INQUIRY OF CONFLICT OF INTEREST

Member Hilton stated that at one point he was the owner of the subject property and had a hand in dividing the parcels on Muff Ridge; this wouldn't be considered a conflict of interest, but he wanted to make note.

V. PUBLIC HEARING

1. 9720 Hanna Lake Avenue – Dimensional Variance

Motion: Motion by Peacock, supported by DeWard to open the public hearing at 7:07 PM.

DISCUSSION: None

AYES: ALL

NAYS: None

ABSTAIN: None
DECISION: Motion Carried (4-0)

Jeremy Boot, the homeowner and applicant for this project, explained that he is seeking a 40-foot variance to reduce the required street side yard setback from 60 feet to 20 feet to build a 3,400 square-foot accessory building. Boot noted that upon purchasing the property, the soils didn't perc, therefore the Kent County Health Department required a sand filter and drain field, which ultimately restricted the buildable area on the parcel and determined where the house was able to be built. The pole barn Boot desires to build is essentially three garages connected by enclosed breezeways and configured in an "L" shape, located in the northeast corner of the parcel. Boot noted that they intend to install 30-foot pine trees for privacy and to minimize the visual impact on adjacent properties. Boot added that he was unaware that Muff Ridge Lane being built would turn his parcel into a corner lot and subsequently make for a street-side setback to be applicable in this instance.

DeWard inquired about the height of the proposed building; Boot responded that the height is undetermined at this time but will be compliant with height regulations outlined in the Zoning Ordinance. Boot noted that the building elevations provided are incomplete and preliminary in nature, but is hopeful that they will provide enough of a visual for the Zoning Board of Appeals to visualize.

Chair Ringnalda noted that not only do the garages themselves intrude into the required setback, but also the connecting structures between the garages.

Peacock inquired about the interior of the structure and whether there is any intention to use any part of the accessory building as a livable space. Boot responded that the building is intended to have a bar area but will not serve as living quarters. Planner Wells noted that kitchenettes and bathrooms are typical for accessory buildings, and structures are only considered accessory dwelling units when they include bathing spaces and bedrooms as well.

Boot explained that Jeff Van Laar at Exxel Engineering drafted a rough sketch of the property to create a visual representation of the approximate location of the septic system, sand filter, and wellhead. Peacock inquired about whether the building is intended to be built at grade; Boot confirmed that is correct.

Chair Ringnalda inquired about the possibility of moving the proposed building further south, as Boot is now aware of setback requirements; Boot responded that he does not wish to have the building any more behind the house than it already is. Ringnalda inquired to confirm that this is for aesthetic purposes; Boot confirmed this and noted that he would like to install a garden along the eastern lot line.

DeWard asked whether Boot knew a road would be built at the time the property was purchased; Boot responded that they knew a development would be going in but the location of the road was unclear. Boot claimed that the engineer working on his home build was also unaware of the road going in, and that 9720 Hanna Lake became a corner lot without their knowledge. Planner Wells noted that the preliminary condominium plan for Woodview Hills on Muff Ridge Lane was approved in March of 1999, and the building permit for Boot's home was issued in October of 1999, meaning that the easement for Muff Ridge was already established. DeWard agreed that the engineer working on Boot's house should've been aware of the situation.

Peacock inquired about what the street side setback would look like if Boot moved the proposed building southward and configured the garages in a straight line; Boot responded that it would likely be 20-30 feet off the lot line and that this would not give him his desired building. Chair Ringnalda suggested that a lesser variance than what is being requested may be necessary, and that if the design of the building was modified it may be entirely compliant with the requirements of the Zoning Ordinance; she inquired about whether Boot had considered trying to locate the building in a different area or modifying the design. Boot responded that he has thought out the design for a long time, and he has the inability to build elsewhere due to steep slopes, specifically an 8-foot drop-off to the north. Absent a certified survey to suggest otherwise, Planner Wells referenced site photos and Kent County topographic maps which indicate the area is relatively level.

Wells noted that although moderate slopes exist on the parcel, the grade is not unreasonable or prohibitive to installing a footing or doing mild earthwork to level a potential buildable area. Boot referenced a map brought with him, which identifies buildable areas on the parcel. Planner Wells noted that this map was not included in the application materials, and noted that a certified survey could confirm the location of all elements depicted on Boot's map.

Ringnalda inquired and Boot elaborated further on the intent for each of the garages; one intends to have a work truck, one will host a classic car, and the third will act as a woodworking area. Ringnalda inquired about whether Boot's proposed design features the breezeways for aesthetic purposes or functionality; Boot responded that he frequently moves between his work truck and workspace. Ringnalda said that without the connecting breezeways, the building may be able to shift without being a detriment to the visual appearance from the back of the house.

Boot inquired about what the required setback was for the northern lot line when he bought the property and before Muff Ridge was established or built; Planner Wells responded that he is not sure, however it has no bearing on the variance request at hand, as the current iteration of the Zoning Ordinance is the law.

Brad Waayenberg of 8644 Hanna Lake Avenue explained that he has known the applicant for an extended period of time and is in support of this project. Waayenberg expressed that he found the staff report associated with the variance request to be "black and white" and "missing the point" and noted that Boot bought this land with a dream.

Matt Wyalda of 3241 Muff Ridge Lane explained that he has also known the applicant for an extended period of time, and after talking to the neighbors to the east of the subject parcel, they expressed that the 5 foot rear setback is not preferable to them. Wyalda noted that in his opinion, meeting the 5-foot rear setback and being closer to the easterly property is worse than infringing on the required 60-foot street side setback.

Ben Harrison of 3209 Muff Ridge Lane expressed that he doesn't believe the proposed building would change the character of the neighborhood, and he noted that the existing trees would provide good screening.

Bill Norris of 9780 Hanna Lake expressed support for the project, noting that the existing home is beautiful and that he believes the proposed building would also be aesthetically pleasing.

Motion: Motion by DeWard, supported by Hilton to close the public hearing.
DISCUSSION: None
AYES: ALL
NAYS: None
ABSTAIN: None
DECISION: Motion Carried (4-0)

Motion: Motion by Peacock, supported by DeWard to read the staff report into record.
DISCUSSION: None
AYES: ALL
NAYS: None
ABSTAIN: None
DECISION: Motion Carried (4-0)

Before addressing each standard of approval, Chair Ringnald offered a reminder that all five standards must be met to justify issuance of a variance.

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

Staff found that this standard was not met, as it was determined there are other buildable areas on the parcel despite the presence of steep slopes in the west and south. DeWard noted that a certified survey is essential to figuring out what is going on with the property and exactly where buildable areas may be; Planner Wells responded that a certified survey is listed as a requirement for an application, however, it is up to the applicant what they decide to submit. Wells said that a certified survey could identify buildable areas on the parcel while also considering the location of underground utilities, such as the wellhead and septic lines.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that 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.

Staff found that this standard was undetermined, as there appear to be other areas the building could be located in that would require a lesser variance. The square footage could also be limited to bring the building more into conformity with setback requirements. Hilton noted that although a survey would be helpful in identifying the exact location of underground utilities and determining where a compliant location may be, it is not the ZBA’s position to redesign the site layout for the applicant. Hilton urged the ZBA to consider whether the variance request as presented is reasonable and necessary.

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.

Staff determined that the variance request does come as a result of a self-created problem, as there is uncertainty about whether the applicant could achieve his wishes in a compliant manner due to the lack

of a wetland delineation or certified survey. The applicant could alter the shape of the building, reduce the proposed square footage, or propose several smaller buildings to achieve compliance.

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

Staff found this standard of approval to be met, as large accessory buildings are fairly typical in this area of the Township. Additionally, the tree line to the north provides a sufficient buffer for adjacent properties on Muff Ridge, and the proposed square footage of the building is compliant with the square footage that is permitted by right.

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.

Staff found that this request is not consistent with the intent of the Master Plan or Zoning Ordinance; Chapter 18 of the Zoning Ordinance is extremely clear on what the required setbacks are for accessory buildings in the ARR zoning district.

Hilton said that although he believes the construction and quality of the building will be top notch, the Zoning Ordinance does not grant much wiggle room. Hilton expressed that he would prefer to table the request and give the applicant the opportunity to return to the ZBA with an alternative plan. Peacock agreed with Hilton's remarks and added that it is not the ZBA's responsibility to redesign the proposed plan to achieve compliance. Peacock also said that he would be interested in seeing what a certified survey could clarify with regard to the site constraints.

Hilton referenced a variance that was issued to 3241 Muff Ridge Lane in May of 2024; Ringnalda noted that every variance is issued on a case-by-case basis and that the 2024 variance should not be used as justification for this variance request.

DeWard said tabling the request may be adequate, which would grant the applicant the opportunity to submit all necessary application materials and perhaps request a lesser variance. Ringnalda stated that a certified survey would be beneficial in giving the ZBA a better understanding of why the variance may be necessary. She added that the ZBA could grant a lesser variance, however, without further detail it would be inappropriate to issue an approval as such at this time.

Motion:	Motion by DeWard, supported by Peacock, to postpone the request to allow the applicant to gather more information.
DISCUSSION:	None
AYES:	ALL
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (4-0)

Planner Wells noted that in the recent update to the Zoning Ordinance, setbacks were discussed extensively; the intent of setbacks in the ARR zoning district is to have a more spacious setback to enhance greenery and the rural feel in the area. Wells said that the development on and around Muff Ridge Lane is reminiscent of suburban development, and that this is an area in which people expect a more rural feel – this request would set precedence for other suburban-type construction in the ARR zoning district.

VI. GENERAL DISCUSSION

The ZBA discussed the implications of the request and expressed that they hope the applicant returns with a request that is closer to achieving compliance.

VII. OTHER REPORTS

None.

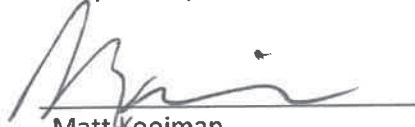
VIII. ADJOURNMENT

Motion by DeWard, supported by Peacock, to adjourn at 8:57 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the August 13th, 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 dark ink, appearing to read 'Matt Kooiman', is written over a horizontal line.

Matt Kooiman
Secretary
Gaines Charter
Township Zoning
Board of Appeals

Dated: 12-23, 2025

