

GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS – REGULAR MEETING

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

Tentative Agenda

7:00 p.m. – May 13, 2019

Meeting will be held remotely via ZOOM - Members of the public who would like to participate, please send a request for meeting log-in information to info@gainestownship.org the day of the meeting.

I. Call to Order and Roll Call

II. Consideration of the Meeting Agenda

III. Consideration of Meeting Minutes

March 11, 2020 – *Regular Meeting*

IV. Inquiry of Conflict of Interest

V. Advertised Public Hearing

1. 107 Brownell SE (RL-3)

Request for front and rear yard setback dimensional variance.

2. 6723 Adrian SE (RL-14)

Request for side yard setback dimensional variance.

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.

**MEETING MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
March 11, 2020
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 7:02 p.m. by Member Werkema. A quorum was present.

MEMBERS PRESENT: Brew, Giarmo, Hilton, Ringnalda, Werkema, Tietz (Alternate)

MEMBERS ABSENT: None

OTHERS PRESENT: David Jirousek, Planning Consultant

II. CONSIDERATION OF MEETING AGENDA

None

III. CONSIDERATION OF MEETING MINUTES

January 15, 2020 – Regular Meeting Minutes

Corrections:

1. Finish sentence in Paragraph #2 under Eric Vanderkam to read: *“regulates curb cuts and usually requires larger entrances for drives serving two or more homes.”*
2. Finish sentence in Paragraph #4 under Eric Vanderkam to read: *“built before current zoning standards and would be considered legal nonconforming.”*
3. In the **CERTIFICATION** section, change date to January 15, 2020.

MOTION: By Member Giarmo supported by Member Ringnalda to approve the minutes for the January 15, 2020 Regular Meeting with noted corrections.

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

Member Tietz stated he is the President of the Leisure Creek Condominium Owners Association and that the Association leases meeting space from time-to-time from Dutton Christian. As a quorum is present, Tietz will not be voting.

V. ADVERTISED PUBLIC HEARINGS:

6729 Hanna Lake Avenue (RL-10)

Dimensional variances to allow for an addition to the Dutton Christian School: request for a

reduction of the 50 foot rear setback to 17 feet (Section 6.2 of the Gaines Charter Township Zoning Ordinance).

Chair Werkema introduced the topic before the Zoning Board of Appeals. Member Brew made the following motion:

MOTION: By Member Brew supported by Member Giarmo to include information from a 2017 meeting relating to a similar variance granted on the west side of the building.

Ayes: Brew, Giarmo, Hilton, Ringnald, Werkema

Nays: None

Abstain: None

Motion: Passed

Chair Werkema invited the applicant, Brent Folkert, from Dutton Christian Schools to present their request.

Mr. Folkert stated Dutton Christian Schools is seeking a dimensional variance at 6729 Hanna Lake Avenue to reduce the required 50-foot rear setback to 17 feet. The school is Zoned RL-10 as is adjacent property. Dutton Christian Schools owns 9 acres of land of which half is located north of the Dutton County Drain.

An approved variance request will allow construction of four classrooms, a multi-purpose room, three learning hubs, restrooms and common areas. The school has increased enrollment necessitating expansion.

This request is similar to the expansion approved by the ZBA in 2017 to add to the north side of the building. Construction took place in 2018. The 2017 variance was reduced from a requested 17' to 15' setback. This expansion request will be in alignment with the north side. Mr. Folkert stated the location of the existing drain prohibits expansion on the north side of the property. The parking lot and detention area limits expansion to the east side of facility. There are further constraints due to requirements of the "School Code Rules" which requires natural light and views to the outside. The only option for expansion is to the south and west.

Dutton Christian Schools would like to stress they are viewing this as a temporary solution as the school intends to eventually expand to the west. They have first right of refusal on property currently owned to the west by the Wallridge family. A letter from the Wallridge family, stating their intent to sell, signed by all parties, was submitted to the ZBA. They have no objection to the expansion.

Mr. Folkert stated the variance does not affect the neighbors to the north – the closest home is 275' away from the proposed construction. The variance request does not alter character, the anticipated increase in traffic is negligible, additional parking will not be required, and it does not create an additional fire hazard.

Chair Werkema requested Board input at 7:17 PM.

Fire Department Access

Brew: has the Fire Department verified access?

Folkert: Have not approached the Fire Department but there is room for a truck to navigate. South side is a hard service, west side is grassy.

Tietz: Asked Consultant Jirousek if approval from the ZBA would trigger Engineering and Fire Department review prior to or as part of the Planning Commission process. Jirousek said it would require a review but stated it may be able to be done administratively.

Wallridge Property

Hilton: Stated that the First Right of Refusal does not constitute a Buy / Sell Agreement.

Dan Netz, Head Administrator at the time of the 2017 variance request, stated it is a Gentlemen's Agreement at this point. The Wallridge Family has acknowledged their desire for Dutton Christian take ownership of the property. Purchase price is undetermined.

Chair Werkema opened the Public Hearing at 7:22 PM. Second request for comments at 7:23 PM.

Mr. Netz read comments from Brian Tingley, the Township Planner at the time of the 2017 variance stating the school, in reference to the Gaines Charter Township Master Plan, was a vibrant, important member of the community.

Chair Werkema made a third request at 7:24 PM

Chair Werkema closed the Public Hearing at 7:24 PM

Discussion on Applicable Review Standards:

Item #1 – The variance request, if granted, will be the minimum variance (ie., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.

Member Giarmo: Asked if classrooms have to have outdoor lighting and access? Applicant Folkert stated that natural lighting has been in the State School Rules as long as he can remember. Giarmo asked if this is the minimum variance allowable and noted the Dutton County Drain is an issue with this request.

Chair Werkema read last sentence in staff's response to this standard and takes issue with the last sentence *"The fact that the applicant's development plans are inconsistent with current setback requirement does not result in the satisfaction of this standard."* Werkema stated this is a large property and a reasonable use of the land. Feels this would exclude every request made by an applicant. Minutes from a previous meeting, where Secretary Hilton commented 17' was allowed where they had asked for 25', and it passed. How does that affect precedent? Werkema stated he feels previous staff was more forgiving than current. Applicant addresses the drain and how it is limiting their choices.

Consultant Jirousek asked if it is a reasonable use of land as the applicant has not exhausted options. The desire to deviate is not enough to meet this standard. There are other ways to expand. Already a reasonable use of land.

Member Hilton expressed concern about discouraging applicants from presenting requests. The building group stated they would be back to discuss. In reference to Brew's assessment for Fire equipment

access, Hilton is not comfortable being built up on the west. 17' was supported. Believes the Fire Chief will feel it is a tight squeeze especially when it is not a hard surface. Hilton also commented the Fire Department issue would be addressed in a Planning Commission meeting, Mr. Hilton still wished to make his statement; the intent is to keep kids safe.

Member Ringnalda - Setback has been requested to the south. No further growth to the south if this is approved. Dutton County Drain on the north preventing growth. With necessary requirement for parking space, expanding to the east is not an option. The situation is unique and makes the option to expand to the south the only one viable.

Member Brew restated the Dutton County Drain would stop fire equipment from going around the building. Werkema said a wide turn by fire equipment may necessitate use of neighboring property. Hilton said this request is not based on neighbors property.

Tietz: Planning Commission will take fire truck access into consideration. If the property to the west were to remain undeveloped, less concerned about granting a variance. Respect relationship with land owners, documented to the extent it is. In viewing standards - there is no guarantee that it will become part of Dutton Christian property. If residential, it would be unlikely to allow a 17' variance. What would be the circumstance if the property does not end up being purchased by the school. What would the ZBA's response be if residential homes were already located.

Ringnalda. Access for the fire department is a Planning Commission issue, not ZBA. Not their role to determine. The Township is growing, residential development is growing which is why the school needs to expand. We want to support the schools. We desire growth and schools are a vital part of the community. Ringnalda stated the Township should support the growth. The previous request was granted three years ago and this request is not asking for anything new.

Consultant Jirousek: Reasonable use of property to extend the building in the manner consistent with previous expansion in 2017. The west side will be on a horizontal plane with that addition. Must be approved by the Fire Department.

Item #2 – The granting of the variance will not be injurious or detrimental to neighboring properties or residents.

Accept staff recommendation.

Item #3 – The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.

Accept staff recommendation.

Item #4 - Whether the variance will impair the intent or purpose of this Ordinance:

Member Ringnalda does not feel the benefit is singular as many people will benefit. Private money will pay for the expansion. Also commented that view to property located at 3107 68th Street would be blocked from the students which lends to their safety and health.

Consultant Jirousek: the intent is to protect health, safety and welfare. Tie those findings closer to the actual standard.

Item #5 – The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.

Member Giarmo: The problem is not self-created as the Dutton County Drain is limiting expansion. Wallridge property is an option but not currently available.

Steve VanLaan, 4708 8th Street and school board member, agreed the drain is the problem not allowing full development of the 9 acre parcel.

Member Brew asked if property to the east was a possibility. Applicant Folkert stated parking would then be the problem – grassy and detention area extends to the property line, which is why future development is off to the west.

Member Werkema also stated not self-created.

Member Hilton asked if they could go to the west, what does it mean? Mr Hilton stated *“we must abide by the standards and ordinances or there is no purpose, existing County drains and constraints are not considered to be self-created”*.

Item #6 – The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.

Member Brew stated the ordinance does not need to be changed, the variance approach is the solution. All members agree.

Item #7 – There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

Location of the Dutton County Drain is clearly the problem in this case.

Item #8 – The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE – a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.).

Member Werkema stated there is creditability to staff's comments but does not believe the reference is to a school and it is not fair to compare. The request for the variance stands on its own merits. Werekema stated that a public school would not have the same opportunity to purchase the Wallridge property.

Item #9 – As specified above, the ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

Member Werkema stated practicality of the request will be challenged by the Planning Commission.

MOTION: By Member Giarmo supported by Member Ringnalda to approve the request for a variance per discussion of ZBA members and findings to be prepared and included in minute of this meeting by Consultant Jirousek.

Chair Werkema requested 2nd request for further discussion, a third request and with no response from members, call for a vote.

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema
Nays: None
Abstain: None
Motion: Passed

VI. GENERAL DISCUSSION

Member Werkema asked Consultant Jirousek if there is other Township business for the ZBA to be made aware of. For a future meeting, there is a single family dwelling attached to a garage, that is non-conforming. 8' side setback would create a non-conforming dwelling. As the garage may be expanded, a meeting may be required.

Jirousek also indicated that a new Township Planner, Dan Wells, had been hired but was unable to attend tonight's meeting.

VII. OTHER REPORTS
None

VIII. ADJOURNMENT

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

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema
Nays: None
Abstain: None
Motion: Passed

Meeting Adjourned at 8:12 pm.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the March 11, 2020 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,

Don Hilton, Secretary
Gaines Charter Township
Zoning Board of Appeals

Dated: _____

I, Tom Werkema, as the duly elected Chairperson of the Gaines Charter Township Zoning Board of Appeals, hereby certify that on March 11, 2020, the Gaines Charter Township Zoning Board of Appeals APPROVED the request for a dimensional variance to reduce the required rear setback from 50 feet to 17 feet for a property located at 6729 Hanna Lake Ave. SE, to allow for an addition to the Dutton Christian Middle School, as shown on a plan dated February 10, 2020, submitted by Dan Vos Construction Company on behalf of the landowner.

The reasons given are as follows:

1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.

Meets standard. It is a reasonable use of the property to extend the building in a manner that is consistent with the previous 2017 variance along the same horizontal plane, so long as the addition is approved by the Fire Inspector, and so long as the site plan is approved by the Planning Commission.

2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.

Meets standard. The building expansion is not anticipated to impact neighboring property. Schools are commonly placed among residential neighborhoods, and a 17-foot setback will ensure that the building is reasonably separated from the western property line.

3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.

Meets standard. The school has been in existence for many years, and a rearward/westward expansion is not anticipated to have any detrimental impact on the area. Since the school is an established use in the area, a change to the character of the neighborhood is not anticipated.

4. Whether the variance will impair the intent or purpose of this Ordinance.

Meets standard. The expansion will protect the public health, safety, and welfare of the students enrolled in the school.

5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.

Meets standard. The existence of the County drain and the resulting site constraints are not considered to be self-created.

6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.

Meets standard. The situation of a school expansion is not a common enough occurrence to warrant a Zoning Ordinance amendment.

7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

Meets standard. The existence of a County drain is an extraordinary condition of the property.

8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE—a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

Meets standard. The ability of a private school organization to acquire property is not comparable to the authority and ability of a public school system's ability to acquire land for expansion.

9. As specified above, the ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

Meets standard. Based on the aforementioned standards of review, the applicant has demonstrated a practical difficulty.

Signature _____

Date _____

Gaines Charter Township

Zoning Board of Appeals Memo

Meeting Date: May 13, 2020

AGENDA ITEM: V. (1).

FILE NUMBER: 200305BS

PROPOSED REQUEST: Dimensional Variance

PROPERTY ZONING DISTRICT: Residential -3

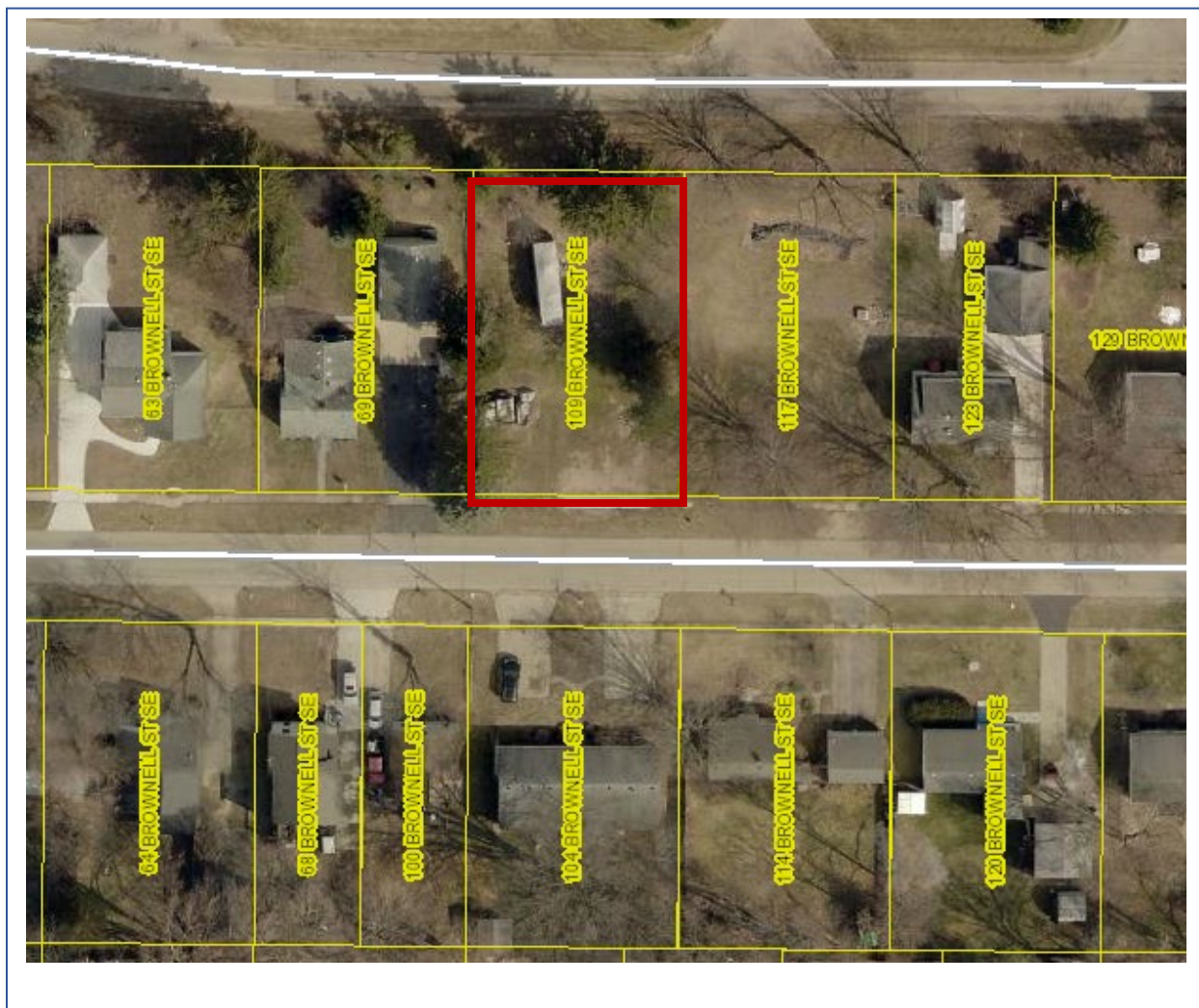
ADDRESS: 109 Brownell Street SE

PROPERTY SIZE: 0.44 acres

PARCEL NUMBER: 41-22-07-101-018

REPORT BY: Dan Wells, Community
Development Director

APPLICANT: Ben Statler



OVERVIEW

The applicant requests a dimensional variance to construct a new 2,789 square foot single-family house on a single parcel in the Residential – 3 Multiple Family Residential (RL-3) Zoning District. The house will be single story with an attached garage. The current setbacks for this district are 35 feet front and rear yard, and 8 feet side yard. The applicant requests a dimensional variance for a 29.5-foot front yard setback, and a 29-foot rear yard setback. An existing shed lies directly on the western lot line, which does not conform with side yard setbacks. The parcel itself is 9,600 square feet, which does not conform with current RL-3 lot size requirements of 10,000 square feet for a single-family home. There is an approximately 3,200 square foot buildable envelope on the lot under current zoning.

Surrounding zoning:

	NORTH: O-S (Pine Rest)	
WEST: RL-3	SUBJECT PARCEL	EAST: RL-3
	SOUTH: RL-3	

STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of Section 26.8 (D) of the Zoning Ordinance with consideration to the dimensional requirements of Section 7.3 in the R-3 Zoning District. The Zoning Board of Appeals must find that all standards in this report are satisfied to grant a variance.

- 1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.**

Does not meet standard. The applicant is asking the ZBA to reduce the setbacks for a house that is yet to be built, and could be designed to fit within the buildable envelope. None of the reductions of setbacks are necessary based on physical limitations of the property or on the buildable envelope.

- 2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.**

Meets standard. The construction of the new house in its proposed location will not cause any injurious or detrimental conditions to the surrounding properties.

- 3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.**

Meets standard. The building as currently sited at 29.5 feet from the front lot line does not fit in with the established (non-conforming) pattern of construction in this neighborhood, but this is a function of the current setbacks which are 35 feet. The pattern of construction of the older houses in the neighborhood is with a 20-foot front yard setback, this layout will sit 9.5 feet farther back than that. The variance is not creating this non-conformity with the established pattern, rather the current zoning for R-3 is.

The prominent feature of the front of the house is the garage, whereas all the other houses on the street display front doors and porches, with garages set to the rear or side of the house, in this sense it does

change the architectural character of the neighborhood. The height and massing of the building is in keeping with other houses in the neighborhood.

4. Whether the variance will impair the intent or purpose of this Ordinance.

Meets standard. The intent and purpose of Section 7.3 of the ordinance is to promote consistent rules for placement of buildings and structures within specific zoning districts. In this neighborhood, the existing development pattern was established in the 1930s and 1940s when it was initially filled with houses. Current zoning setback standards are not in keeping with the historic pattern in the surrounding area and specify the house be set back 9.5 feet from the typical front façade in the immediate area. As proposed, the front façade doesn't fit the historic 20-foot setback, nor does it meet the current 35-foot setback, but the variance itself isn't impairing the intent of the ordinance.

5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.

Does not meet standard. The house was designed by an architect and could have been designed to be located within the permitted building envelope, or to fit the existing setback pattern.

6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.

Does not meet standard. Nearly all new buildings within the township are designed to fall within the building envelope as defined by setbacks.

Concerning the prevalence of nonconforming front setbacks in the area, it would be more reasonable and appropriate to amend the zoning requirements than to grant a variance. Since the situation is not unique to this property, there is little justification to grant a variance. As such, a preferred exercise would be for the Planning Commission to assess the appropriateness of enforcing current setback requirements for infill houses being placed in neighborhoods with historic building patterns that are different.

7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner.

Does not meet standard. The parcel is a level lot with no conditions that limit construction.

8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity.

Does not meet standard. Property rights and enjoyment thereof are not restricted by the current setbacks.

9. As specified above, the ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

Does not meet standard. There are no practical difficulties in designing a home that would fit into current setback requirements.

STAFF RECOMMENDATION

Since all of the conditions and standards for variances are determined not to be met, denial of the application is recommended.



FILE NO. 200305BS

TRACKING NO.

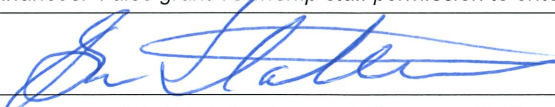
8555 Kalamazoo Avenue SE • Caledonia MI 49316
Ph: 616 698-6640 • Fax: 616 698-2490
www.gainestownship.org

\$150 FEE

- SECOND WEDNESDAY

Zoning Board of Appeals Application

Project Address	107 BROWNELL SE. (AKA 109 BROWNELL) DMW	
Owner Name	BEN STATLER	
Owner Address	Street Address 857 CALIFORNIA ST NW	City, State, Zip Grand Rapids MI 49504
Parcel Number(s):	41-22-	41-22-
Description of Proposed Project/Use	Construct a house w/ attached garage	

Applicant/Contact	BEN STATLER	
Applicant/Contact Address	Street Address 857 CALIFORNIA ST NW	City, State, Zip Grand Rapids MI 49504
Contact Info	Home / Office / Cell 616-889-5169	E-Mail ben.statler@yahoo.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		
Please complete the appropriate Worksheet as part of your application packet (see Staff for more information) for: Planning Commission, Zoning Board of Appeals requests, Land Divisions, Combinations or Lot Line Adjustments.		

Township Use Only

Current Zoning District:	RL-14	RL-10	<u>R-3</u>	R-4	C-1	C-2	O-S	I-1	I-2	PUD	A-R	A-B
One / Two Family Construction	☐	Zoning Board of Appeals	☐	Planning Commission	☐	Land Combination	☐					
Site Plan Review	☐	Rezoning / PUD Rezoning	☐	PUD Amendment	☐	Land Division	☐					
Subdivision / Site Condo Review	☐	Special Use Permit	☐	Lot Line Adjustment	☐							
Other:												
Approved	☐	Approved with Conditions	☐	Denied	☐	Withdrawn	☐					
Zoning Administrator:							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)?

NO

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

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

Action of the Applicant

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

it could, But not with my current House Plan

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?

Minimum NECESSARY

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

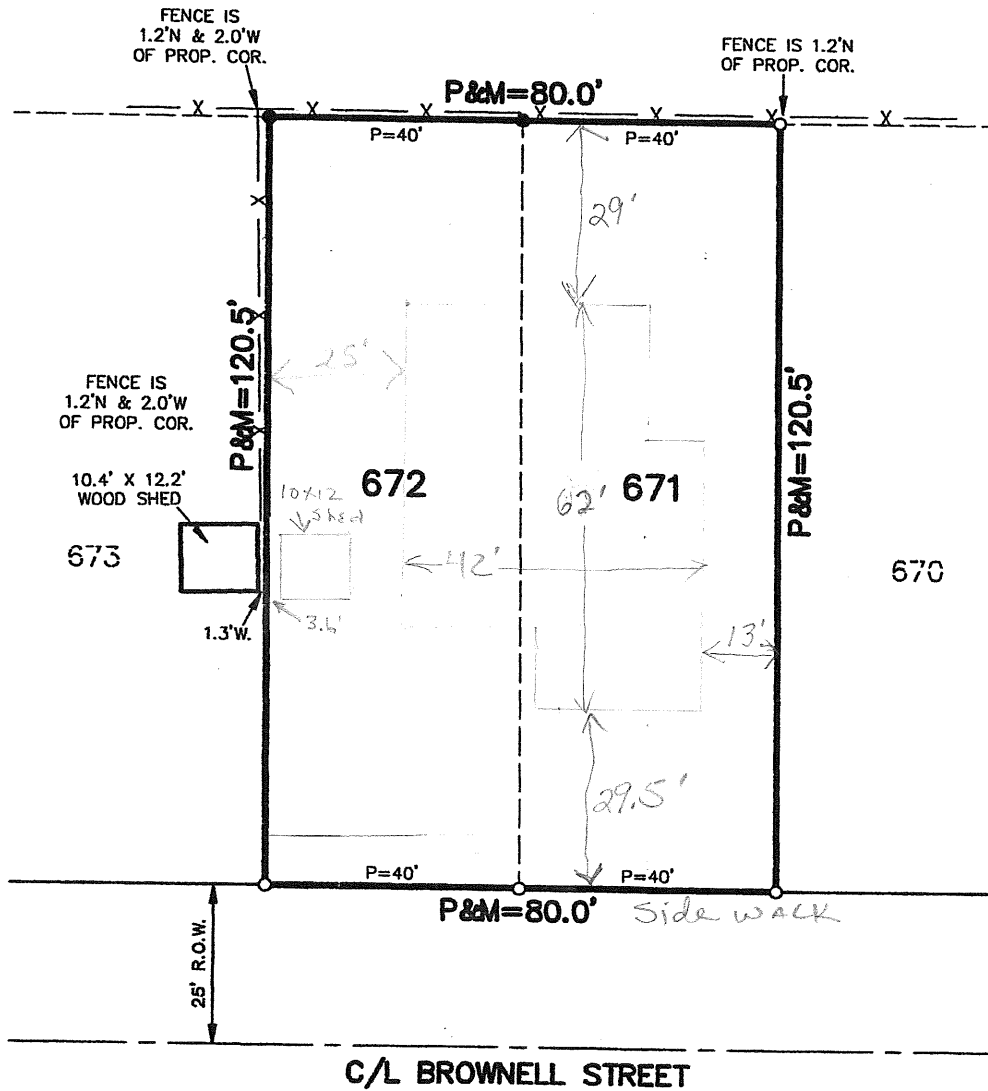
VARIANCE would Allow a house to be Built Closer to the ROAD purpose variance is asking for 29.5' FROM sidewalk Current zoning indicates 35'. All other homes on this block are only 25' From the sidewalk. Trying to comply with Front set back puts the House to the back.

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?

VARIANCE would have no bearing on Any of the Suggested item above. The Safety & welfare of the public will be observed as it is now. No Dangers From Fire & Flood as we are not building anything to cause that.

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

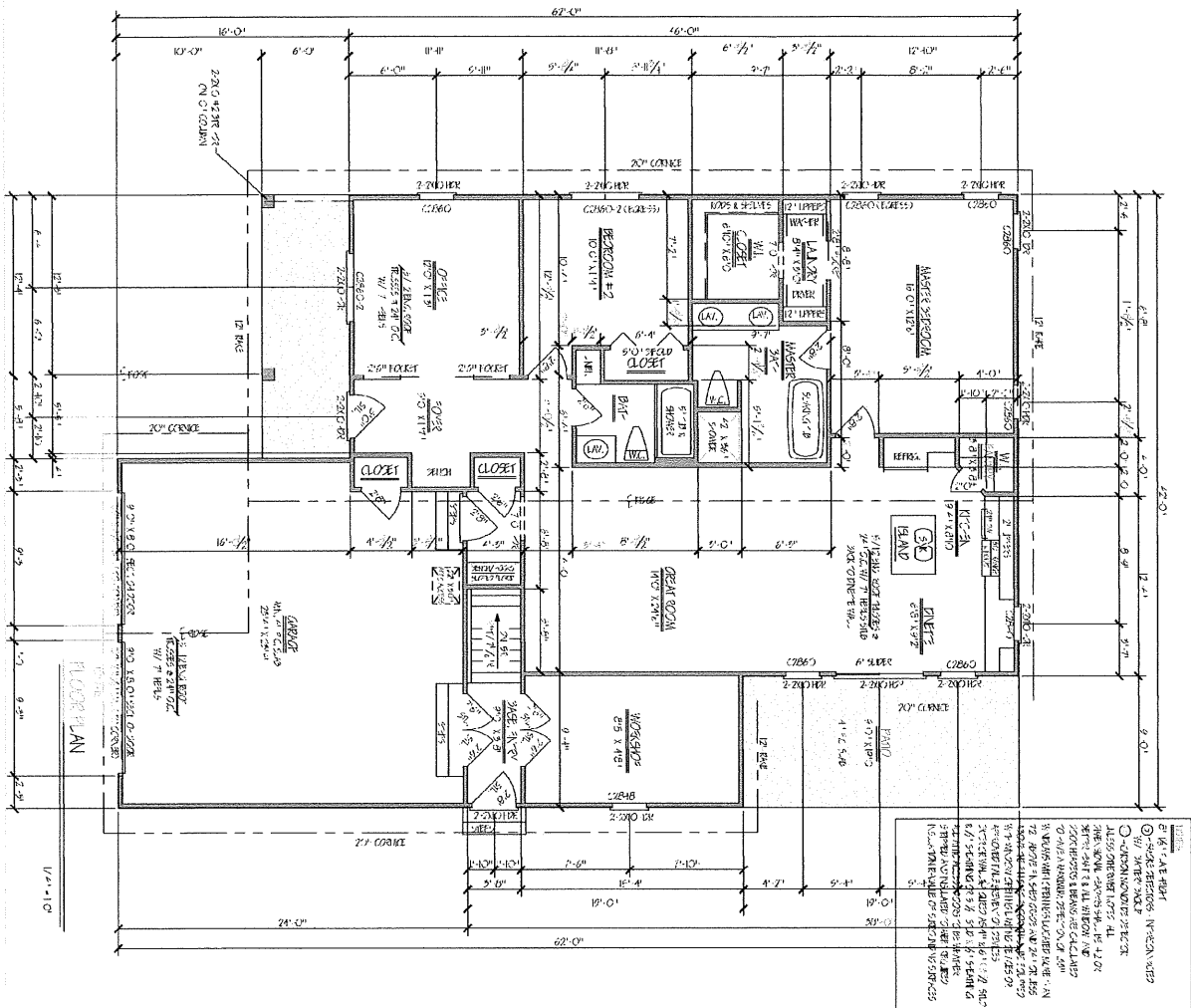
The Area in question is An old neighborhood which none of the houses meet the guided lines that exist today. I Feel granting this variance would Allow this House to Fit in well to the surrounding area.



SURVEY

Back 219204 - Floor Plan.pdf

Page 1 of 1



2

RECORDS KENT COUNTY, MI

2019 NOV -8 AM 10:30

201911080087340

Total Pages: 2
11/08/2019 10:33 AM Fees: \$30.00
Lisa Posthumus Lyons, County Clerk/Register
Kent County, MI



Prepared By

Benny Statler
857 California st. n.w.
Grand Rapids, Michigan
49504

After Recording Return To

Benny Statler
857 California st n.w.
Grand Rapids, Michigan
49504

Space Above This Line for Recorder's Use

QUIT CLAIM DEED

State of Michigan

Kent County

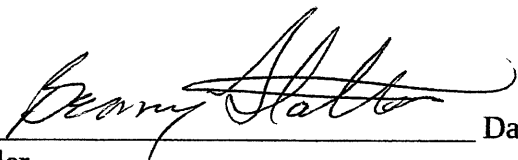
KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One-Dollar (\$1.00) and/or other valuable consideration to the below in hand paid to the Grantor(s) known as:

Benny Statler, a married individual, residing at 857 California st n.w., Grand Rapids, Michigan, 49504.

The receipt whereof is hereby acknowledged, the undersigned hereby quit claims to Benny Statler, a married individual, residing at 857 California st. n.w., Grand Rapids, Michigan, 49504 (hereinafter called the "Grantee(s)") all the rights, title, interest, and claim in or to the following described real estate, situated in Kent County, Michigan, to-wit:

Lots 671 and 672, Fontenelle Gardens No. 1, part of the NW 1/4, Section 7, T5N, R11W, Gaines Township, Kent County, Michigan.

To have and to hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

Grantor's Signature  **Date** November 8 2019
Print Name: Benny Statler
Address: 857 California st n.w., Grand Rapids, Michigan, 49504

State of Michigan)

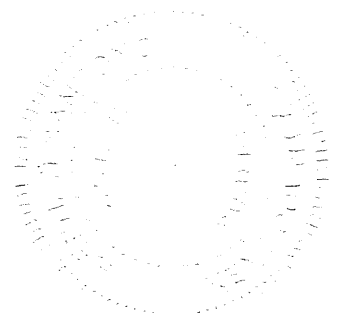
County of Kent)

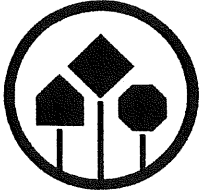
On the 8th day of November in the year 2019 before me, the undersigned, personally appeared Benny Statler, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Hernan Santoyo (SEAL)
Notary Public

My Commission Expires: May 11, 2024

HERNAN SANTOYO
Notary Public, State of Michigan
County of Kent
My Commission Expires May. 11, 2024
Acting in the County of Kent





Kent County Road Commission
1500 Scribner NW
Grand Rapids, MI 49504-0000
Phone: 616-242-6920
Fax: 616-336-4397

Permit No.
Issue Date

2020-041582
01/24/2020

**PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN
WITHIN THE RIGHT-OF-WAY OF; OR TO CLOSE, A COUNTY ROAD
Residential Dwy - Concrete**

APPLICANT	Ben Statler 857 California St NW Grand Rapids, MI 49504-0000	CONTRACTOR	
	Phone(s): 616-889-5169 - -		

Applicant/Contractor requests a permit for the following work within the right of way of a county road:
Residential - Residential Dwy - Concrete

LOCATION: County Road 107 Brownell St. Between _____ And _____

Municipality: GAINES TOWNSHIP Section _____ Side of Road _____ Property ID _____

DATE: Work to begin on 1/24/20 Work to be completed by 1/24/21 Plat Fontanelle Gardens Lot 672

I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and, (3) if this permit is for commercial or residential driveway work, I am the legal owner of the property that this driveway will serve, or I am the authorized representative.

PERMIT

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules, regulations, terms and conditions shall render this permit NULL AND VOID.

	FEE TYPE	AMOUNT	RECEIPT NO	DATE			
REQUIREMENTS	Residential Dwy	120.00			Letter of Credit	_____	☐ Y ☒ N
					Surety Bond	_____	☐ Y ☒ N
					Retainer Letter		☐ Y ☒ N
					Approved Plans on File	_____	☐ Y ☒ N
					Certificate of Insurance		☐ Y ☒ N
					Attachments/Supplemental Specifications		☐ Y ☒ N
		Other To Be Billed					

OTHER REQUIREMENTS:

Fontanelle Gardens lots 671 & 672 combined.

Concrete to be 6 inches thick within road right-of-way.



Invoice For PlanRevi PZ20-0011

Print Date: 03/05/2020

Gaines Charter Township
8555 Kalamazoo Ave SE Caledonia MI 49316
PH: 616 698-6640 FAX: 616 698-2490
www.gainestownship.org

PZ20-0011

STATLER BENNY
857 CALIFORNIA ST NW
GRAND RAPIDS MI 49504

Planning and Zoning

Pay by Account In Full



Pay by Account In Full

\$ 150.00

*see attached
Driveway Permit*
07-101-018

Invoice No	Invoice Date	PlanReview Numbe	Address	Amount Due
00024174	03/05/20	PZ20-0011	109 BROWNELL ST SE	\$ 150.00
Fee Details:	Quantity	Description	Amount Cost	Balance
	1.000	Zoning Board of Appeals - Variance Application Fee	\$150.00	\$ 150.00
Total Amount Due				\$ 150.00

BENNY E STATLER 10-12
857 CALIFORNIA ST. NW
GRAND RAPIDS, MI 49504

74-1001/724

1186

DATE *March 5 2020*PAY TO
THE ORDER OF

Gaines township
one hundred fifty and 00/100

\$ *150.00*

DOLLARS

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Included.
Details on Back.

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ChemicalBankMI.com

CHEM
Plus

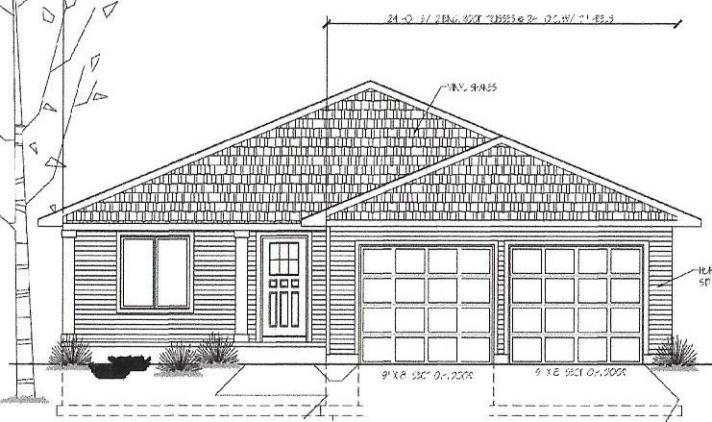
Benny Statler

MP

MEMO

⑆072410013⑆ 2550531954⑈ 1186

SPECIALTY MINT



Gaines Charter Township

Zoning Board of Appeals Briefing Memo

Meeting Date: May 13, 2020

AGENDA ITEM: V.(2).

FILE NUMBER: 200303SH

PROPOSED REQUEST: Dimensional Variance

PROPERTY ZONING DISTRICT: Residential- 10

ADDRESS: 6723 Adrian Avenue SE

PROPERTY SIZE: 0.2 Acre

PARCEL NUMBER: 41-22-06-355-008

REPORT BY: Dan Wells, Community
Development Director

APPLICANT: Steve Huizinga



OVERVIEW

The applicant requests to construct two single-story additions to an existing, nonconforming accessory garage. The nonconformity of the garage is a product of it being built prior to current zoning setback requirements. The garage would be connected to the house via a new mudroom addition. An addition is proposed to be added to both the front (420 square feet), and rear (380 Square feet) of the existing (600 square feet) garage. A mudroom (130 square feet) is proposed to connect the front addition with the ground floor of the residence.

As it currently stands the existing accessory garage lies approximately 4 feet from the lot line of the side yard, approximately 4 feet into the side yard setback required for this zone (8 feet). All other walls of the garage are within current zoning setback limits.

Neither of the proposed additions will be in conformance with current side yard setback requirements. The south sides of both the front and rear additions will intrude into the side yard setback by approximately 4 feet.

By connecting the garage to the house via the mudroom addition, it changes the existing garage from a freestanding accessory garage to an attached part of the house, and a single-family home setback applies to the rear lot line. The rear (west) addition would extend to within 8 feet of the rear lot line, and the setback for single-family homes is 35 feet.

The proposed additions do not meet the definition of private garage in Section 28 (G) of the ordinance. A private garage must meet four qualifications, one of which is: (d) does not have a floor area at ground level which exceeds the floor area at ground level of the principal building. As proposed, the garage has a floor area of 1,400 square feet, and the principal building has a ground floor area of 1,105 square feet.

Also for consideration; although there is no maximum square footage limit on single-family homes in the RL-10 zone, the permitted square footage for accessory buildings is 1,200 square feet, and the total square footage of the existing garage and two additions is 1,400 (excludes mudroom). Although this would be considered an attached garage, it could not be newly built as an oversized detached accessory building without a special use permit.

Surrounding zoning:

	NORTH: RL-10	
WEST: RL-10	SUBJECT PARCEL	EAST: O-S (Pine Rest)
	SOUTH: RL-10	

STANDARDS OF REVIEW

The request has been reviewed using the applicable standards of Section 26.8 (D) of the Zoning Ordinance with consideration to the setback and dimensional requirements of Section 6.3, Development Standards for the Residential-10 Zoning District. The Zoning Board of Appeals must find that all standards in this report are satisfied to grant a variance.

- 1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.**

Does not meet standard. The property is currently used for residential purposes without physical hindrances by the land. The applicant is asking the ZBA to reduce the side setbacks for the two additions to four feet (a four-foot reduction), and the rear setback to eight feet (a 27-foot reduction). None of the reductions of setbacks are necessary based on physical limitations of the property on the buildable envelope. The existence of a dwelling and detached garage has already demonstrated the reasonable use of a 0.2-acre lot.

- 2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.**

Meets standard. The applicant has provided letters from his immediate neighbors indicating they have given permission for the additions. No other injurious or detrimental effects are considered applicable.

- 3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.**

Does not meet standard. Garage sizes in the surrounding neighborhood range from 320 to 1,000 square feet, and average 600-700 square feet so the proposed garage is significantly larger than those in the surrounding area.

- 4. Whether the variance will impair the intent or purpose of this Ordinance.**

Does not meet standard. Allowing the requested variance will result in a setback less than typically permitted in the Township, and approval will provide a singular benefit to the landowner that is not available to nearby landowners. Zoning practice intends to treat landowners similarly and in an equitable manner. Granting the requested variance will impair the intent of the Zoning Ordinance for this reason, and may set precedent for additional applicants to make a similar request.

- 5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.**

Does not meet standard. The property currently has a garage that would normally be considered adequate for vehicle parking needs. The design and placement of the additions within current setbacks is wholly created by the applicant, and there are no physical limitations on use of the existing garage.

- 6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.**

Does not meet standard. The request for a variance is based on expanding an existing nonconforming garage. Although existing garages in this area tend to be nonconforming due to their construction under different historic zoning codes, requests for variances related to expansion of them are not common.

Concerning the prevalence of nonconforming garages in the area, it would be more reasonable and appropriate to amend the zoning requirements than to grant a variance. Since the situation is not unique to this property, there is little justification to grant a variance. As such, a preferred exercise would be for the Planning Commission to assess the appropriateness of setback requirements for

smaller lots in the Township, especially as other lots in the neighborhood are significantly smaller and narrower. However, the Planning Commission would need to study existing conditions and assess desired future development patterns.

7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner.

Does not meet standard. The property is a level parcel with no physical limitations on development. While the lot is nonconforming to minimum area and width requirements of RL-10, the nonconformities are not considered to be extreme enough to be unique. For example, the subject lot is just under 10,000 square feet and approximately 75 feet in width. Many other nearby lots are closer to 6,500 square feet and 50 feet in width.

8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity.

Does not meet standard. The existing detached garage on the property and the wide driveway currently allow for the parking of multiple vehicles. The scale of the existing garage is similar to many other garages on surrounding properties.

9. As specified above, the ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

Does not meet standard. The ordinance does not interfere with the use of the property as it currently exists as a single-family residence, and there are no extraordinary characteristics of the lot or land. The ordinance only limits construction of additions.

STAFF RECOMMENDATION

Denial. The intrusions of building additions into current setback areas are self-created and not a condition of the physical attributes of the property. The property can currently be used for its current zoning designation without hindrance or physical limitations stemming from the land.

Since all of the conditions and standards for variances are not determined to be met, denial of the application is recommended.



FILE NO. 20030954

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



Application for Zoning Approval

Project Address	6723 Adrian SE, Grand Rapids	
Owner Name	Steve Huizinga	
Owner Address	6723 Adrian SE, Grand Rapids, 49548	
Parcel Number(s):	41-22- 06-355-008	41-22-
Description of Proposed Project/Use	Add onto existing garage. The current garage is unattached, addition will attach the garage to the house and add an additional entry/mudroom on our house. Because we are attaching it to our house, we need a variance for the 8' setback for a residence. The current garage is setback from the south property line is 4'. We also would like a variance for the square footage of the garage. We would like to add onto the back of it also	

Applicant/Contact	Steve Huizinga
Phone/Email	616.299.8809/shuizinga@alliedmechanical.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	<u>RL-10</u>	R-3	R-4	C-1	C-2	O-S	I-1	I-2	PUD	A-R	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 _____									
DENIED _____ APPROVED _____ APPROVED, WITH CONDITIONS _____ WITHDRAWN _____												
ZONING ADMINISTRATOR SIGNATURE _____						DATE _____						

FILE NO.

Site Plan

Please Show:

The property lines and their dimensions

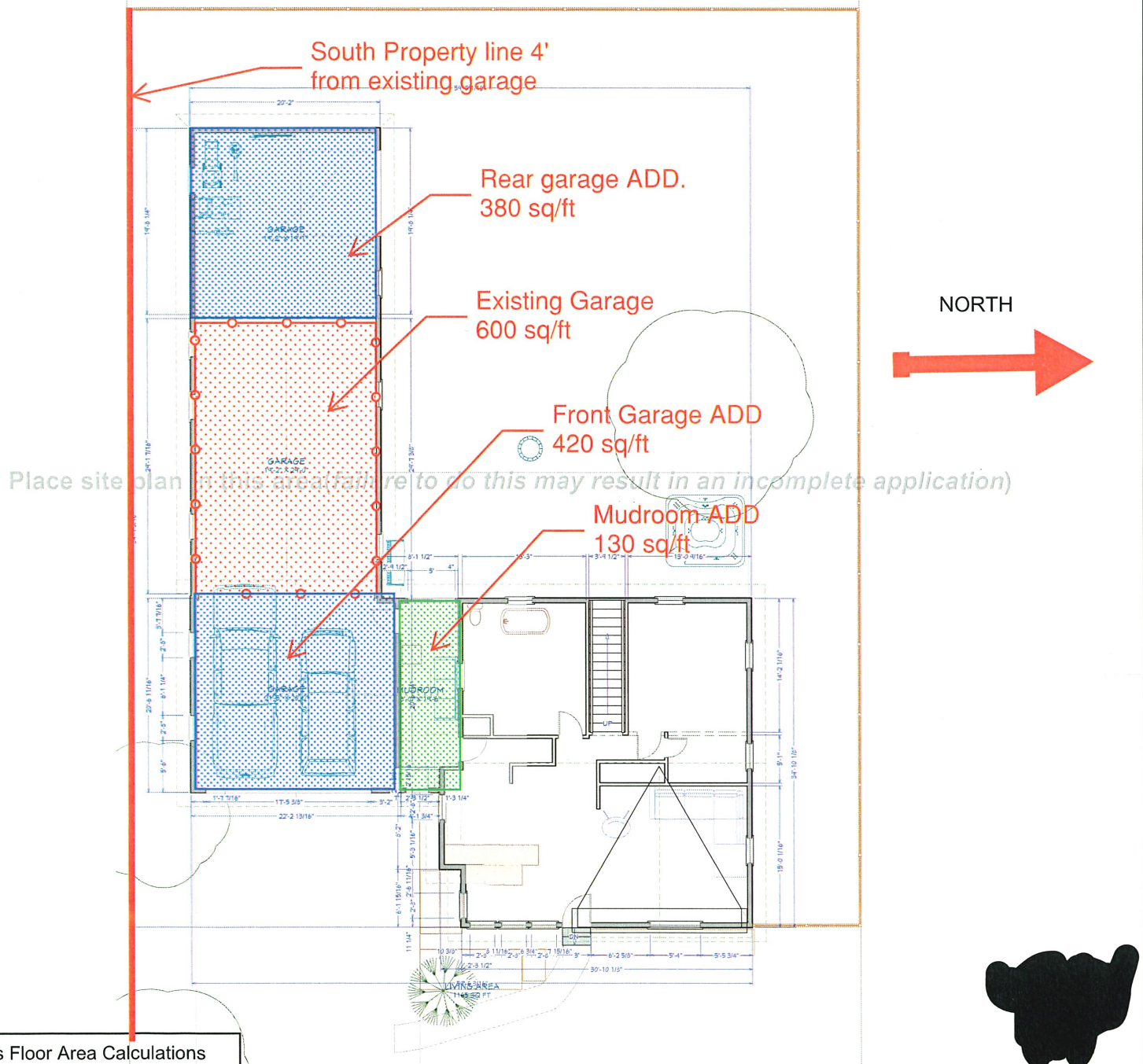
The location, dimensions, setbacks, minimum building openings and distance between all existing and proposed structures

The gross floor area, listed by floor level, including basements.

The location of all roads bordering or private drives/easements on the property

The location of all bodies of water, easements, utility lines, sidewalks, drives, septic systems, drain, and other improvements

Please Note: Setbacks must be measured from the edge of the street right of way (which is not the edge of the pavement) or from the edge of an access easement. Staff reserves the right to determine whether or not an application is complete.



Gross Floor Area Calculations

Main Floor: 1320 Second Floor: 700 Basement: 1200 Total: 3220 Garage: 600

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)?

N/A

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

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

dimensional variance

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

yes, but the addition can't happen

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?

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

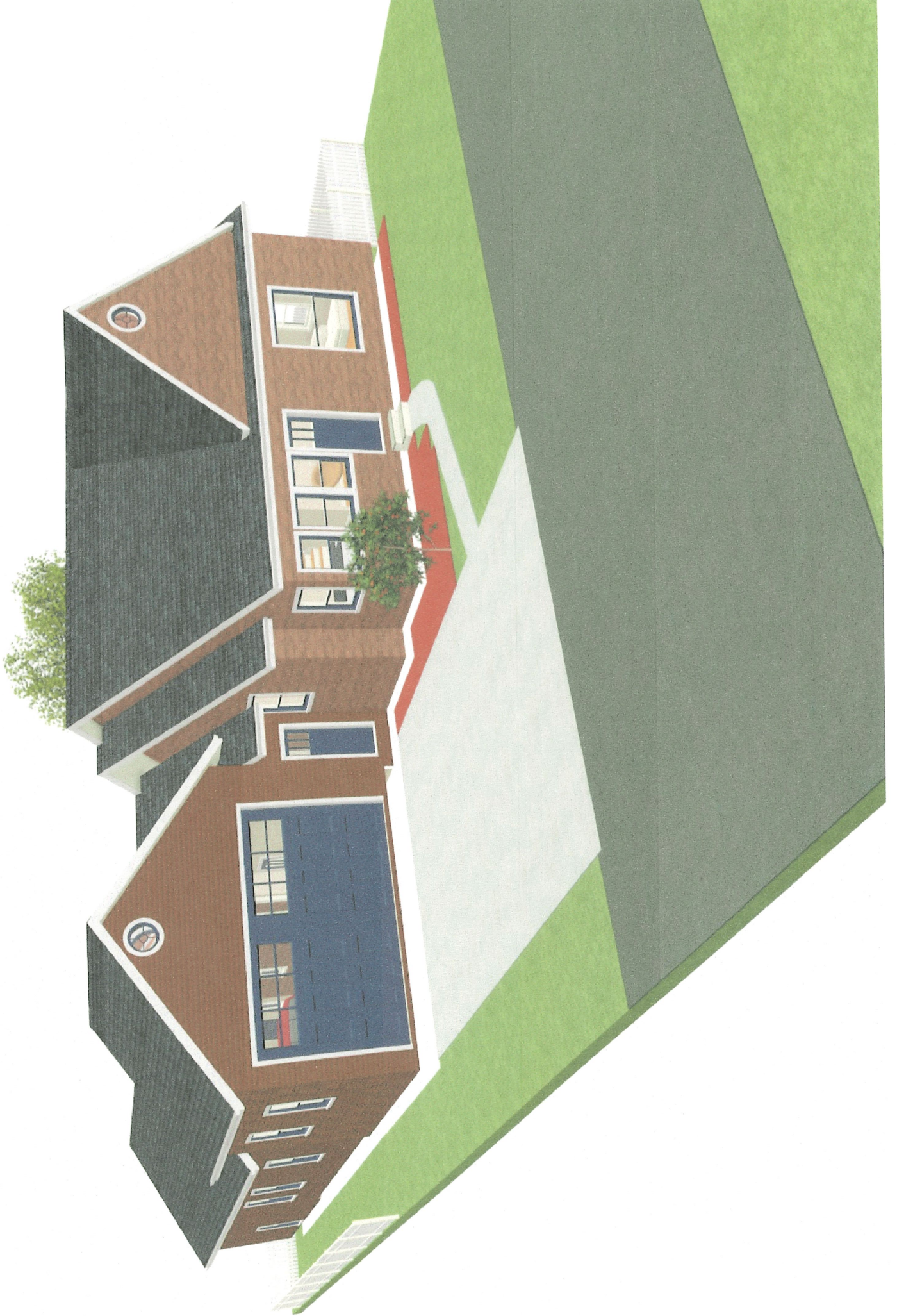
My garage is already set back from the road. this would not affect neighbors to the south of me. I have permission in witting from all surrounding neighbors already also

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?

N/A

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

The only thing is set back and a bit more square footage of the garage



Print Date: 03/09/2020



Gaines Charter Township

8555 Kalamazoo Ave SE Caledonia MI 49316

PH: 616 698-6640 FAX: 616 698-2490

www.gainestownship.org

PZ20-0013

Planning and Zoning

HUIZINGA STEVEN L
6723 ADRIAN AVE SE
GRAND RAPIDS MI 49548

Pay by Account In Full



Pay by Account In Full

\$ 150.00

Invoice No	Invoice Date	PlanReview Numbe	Address	Amount Due
00024190	03/09/20	PZ20-0013	6723 ADRIAN AVE SE	\$ 150.00
Fee Details:	Quantity	Description	Amount Cost	Balance
	0.000	Zoning Board of Appeals - Variance - Application F	\$150.00	\$ 150.00
Total Amount Due				\$ 150.00

STACY L HUIZINGA
STEVEN L HUIZINGA
6723 ADRIAN AVE SE
GRAND RAPIDS, MI 49548

124

74-347/724

Date

3/9/2020

Pay to the
Order of

GAINES TOWNSHIP

\$ 650.00

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Dollars



Memo

APP + ESCROW

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