

**MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
May 13, 2020
Via Zoom Meeting
GAINES CHARTER TOWNSHIP
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:00 p.m. by Chair Werkema. A quorum was present.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dan Wells, Township Planner
Robin Haaksma, Recording Secretary

II. CONSIDERATION OF MEETING AGENDA

No Changes

III. CONSIDERATION OF MEETING MINUTES

March 11, 2020 – Regular Meeting Minutes

Corrections:

1. On page 5 item number 8 Chair Werkema's name is spelled incorrectly. The minutes also doesn't completely reflect what he stated. He remembers saying a private school would not have the same chance to acquire the Wallbridge property. Government entities can use eminent domain and have deeper pockets.
2. Throughout the minutes the Walbridge property is spelled incorrectly as Wallridge.
3. On Page 3 under Mr. Netz' comments it states that Brian Tingley was the Township Planner in 2017. That is incorrect. Remove that phrase and the minutes will be correct.
4. On page 2 hazard is spelled wrong. Not 2 Z's like the Dukes of Hazzard.

Motion: By Member Giarmo, supported by Member Ringnalda to approve the minutes for the Marcy 11, 2020 Regular Meeting with the noted changes.

Discussion: None

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Decision: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

Member Ringnalda shared that she has a close personal relationship with applicant Huizenga. They attend church together and have been on a mission trip together. She offers to recuse herself at the board's discretion.

V. ADVERTISED PUBLIC HEARINGS:**107 Brownell SE (RL-3)**

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 to 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.

Ben Statler, owner of 107 Brownell

Mr. Statler would like a variance so he is able to build his house closer to the side walk like neighboring properties. Many homes near him are 20-25 feet from the sidewalk and he would like to put his at 29.5 feet so it doesn't look out of place.

Member Brew asked Mr. Statler if the stakes currently in the lot show the outline of the proposed home and if he also owns the empty lot to the east of 107 Brownell. Mr. Statler said the stakes do represent the corners of the house and he has the option to buy the vacant lot to the east.

Member Giarmo asked if the house will be contained on the 107 Brownell lot or if the purchase of the neighboring lot would change the variance request. Mr. Statler would like to build the proposed home completely on 107 Brownell in a north south orientation.

Chair Werkema shared with the ZBA that the lots in this neighborhood used to be 40 feet wide. Mr. Statler has already combined two 40' lots to create his current parcel 107 Brownell.

Member Hilton asked if the home would have a basement or be built on a slab, if the large maple tree would be saved during construction, if there were plans to repair the current sidewalk, and if Mr. Statler plans to live in the proposed home. Mr. Statler plans to have a 6.5 foot ceiling in the basement to try to avoid water problems. The maple tree will stay to provide shade for the home. The sidewalk has already been partially repaired and he plans to replace the rest after construction. Mr. Statler and his wife do plan to live on this property.

Member Ringnalda asked if Mr. Statler is willing to modify the house plans to meet the setback requirement. Mr. Statler would like to build the house as drawn and set on the lot in a north/south orientation instead of east/west.

Motion: By Member Hilton, supported by Member Brew to enter the staff report into the public record.

Discussion: None

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Decision: Passed

Chair Werkema opened the Public Hearing at 7:27 pm.

Chair Werkema made a second request for comment at 7:28 pm.

Chair Werkema made a third request at 7:28 pm.

Chair Werkema closed the public hearing at 7:29 pm.

Member Giarmo stated she doesn't believe this variance isn't in the best interest of the township. Nothing exceptional about this lot is creating the hardship. If the applicant purchases the neighboring lot he could build this home in an east/west direction and be conforming.

Member Hilton stated aligning the homes in the front would be acceptable, but the house could be built another way to meet the requirements of the ordinance.

Member Giarmo recommended amending the zoning requirement rather than granting the variance based on staff recommendation in the staff report.

Member Hilton agrees that the planning commission could address the ordinance to allow for new construction to blend better in older neighborhoods. He agreed with Giarmo's prior statement about allowing too many new homes to get set back variances.

Chair Werkema shared that denying the variance wouldn't be fair. Many of the neighboring properties already come close to the front setback.

Member Ringnalda agrees with the staff report. The applicant can make the home smaller or orient it in another direction to fit without the ordinance guidelines.

Member Giarmo stated that new construction should follow the current rules.

Mr. Statler responded that if his house is set back to the current standard it makes his house ten feet behind his neighbors and doesn't blend in. He would really like the variance so his home blends in with the neighborhood.

Member Hilton asked staff if the request is denied if the applicant can resubmit their request because this is a virtual meeting. Planner Wells responded that a virtual meeting is an unusual format, but the township has met the legal requirements of a public meeting. Member Brew agreed that the ZBA shouldn't set a precedent that virtual meeting decisions are not final. Member Hilton also agrees.

Motion: By Member Giarmo, supported by Member Hilton to deny the variance request because all the conditions are not met.

Discussion: Planning commission should look into ordinances for older neighborhoods.

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Decision: Passed

Motion: By Member Giarmo, supported by Member Hilton to forward a request to the Planning Commission to look at revising setbacks in historic neighborhoods.

Discussion: None

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema

Nays: None

Decision: Passed

a. 6723 Adrian SE (RL-14)

Request for side yard setback dimensional variance

The ZBA discussed if Member Ringnalda should recuse herself. They agreed since Mr. Tietz is available the alternate should be used.

Mr. Huizinga has lived in house close to 17 years. They have been discussing remodeling ideas and have settled on trying to attach the garage with a mudroom and adding an addition to the front and rear of the garage.

Member Giarmo asked if the mudroom is what creates the setback issue. It was explained that attaching the home to the garage makes the garage part of the dwelling and subject to a different setback.

Member Brew asked about the peak height of the garage. It is the same height as the height of the home, it only appears taller in the drawing.

Member Hilton asked about attaching an older garage structure to new construction. Mr. Huizinga explained it would only be attached at the roof line per building codes.

Member Tietz inquired about the siding being continuous and Mr. Huizinga stated it would be. Phil also asked if the ZBA can approve just one variance or if the whole application needs to be approved or denied at tonight's meeting.

Planner Wells shared to approve either variance all of the standards must be met.

Motion: By Member Hilton, supported by Member Brew to enter the staff report into the public record.

Discussion: None

Ayes: Brew, Giarmo, Hilton, Tietz, Werkema

Nays: None

Abstain: None

Decision: Passed

Chair Werkema opened the public meeting at 8:47 pm.

Chair Werkema made a second request for comment at 8:47 pm.

Chair Werkema made a third request at 8:48 pm.

Chair Werkema closed the public hearing at 8:48 pm.

The ZBA discussed the size of the garage. Member Brew stated it is a lot bigger than any neighboring garages. Member Giarmo said the stacking of the roof line helps it look smaller from the road. Member Hilton stated the garage will take up a good portion of the yard.

Planner Wells explained that the applicant can change the design of the addition to get within the square footage allowable but the side setback will continue to be an issue if the garage becomes attached. The ZBA has the option to add garages to the historic neighborhoods discussed in the prior agenda item.

The ZBA discussed options for the home owner. The structure can be made smaller, the garage can stay unattached. Should this issue also be addressed by the planning commission?

Motion: By Member Tietz, supported by Member Giarmo to table this item until the June 10, 2020 meeting so a possible resolution can be reached between staff and the applicant.

Discussion: None

Ayes: Giarmo, Hilton, Tietz, Werkema

Nays: Brew

Abstain: None

Decision: Passed

VI. DISCUSSION

Member Brew asked if ZBA members should try to change zoning ordinances.

Planner Wells informed the members there is ZBA training being offered. The members expressed interest if the training worked with their schedules.

VII. ADJOURNMENT

Motion: By Member Giarmo, supported by Member Ringnalda to adjourn the meeting at 9:40 pm.

Discussion: None

Ayes: Brew, Giarmo, Hilton, Ringnalda, Werkema

Nays: None

Abstain: None

Decision: Passed

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the May 14, 2020 Regular Meeting of the Gaines Charter Township Planning Commission 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 "Don R. Hilton", written over a horizontal line.

Don Hilton, Secretary
Gaines Charter Township
Zoning Board of Appeals

Dated: 8/8 _____, 2020