

**MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS REGULAR MEETING
HELD ON MAY 8TH, 2024
GAINES CHARTER TOWNSHIP
8555 KALAMAZOO AVENUE SE CALEDONIA, MICHIGAN 49316**

I. CALL TO ORDER AND ROLL CALL

Chair Werkema called the meeting to order at 7:04 PM.

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

MEMBERS ABSENT: Peacock (Alternate Member)

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

II. CONSIDERATION OF MEETING AGENDA

III. CONSIDERATION OF MEETING MINUTES

Motion: Motion by Ringnalda, supported by Wiersema to approve the Zoning Board of Appeals regular meeting minutes from April 12th, 2023, as presented. Kooiman

Discussion: inquired about the keeping of public records, Planner Wells stated that all public comments and minutes for the Zoning Board of Appeals are kept in a binder in the Planning and Zoning Department.

Ayes: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema

Nays: None

Abstain: None

Decision: Motion carried (5-0).

IV. INQUIRY OF CONFLICT OF INTEREST

Member Hilton stated that he is willing to deliberate but would prefer to abstain from voting on the agenda item at 225 Sorrento Drive, as he was a developer of the project; Planner Wells stated that he doesn't see the need for Hilton to abstain from voting as he is removed from the project now.

V. PUBLIC HEARING

1. 1267 100th Street – Dimensional Variance

Chair Werkema opened the public hearing at 7:09 PM.

Applicant Dan Brown explained that he is seeking a 10-foot variance from a 20-foot required setback in the side yard to build an accessory building for residential storage purposes. Brown stated that they are seeking a variance to avoid conflict with a septic drainage field in the yard, and ensuring they will be building on land that can sustain construction while also preventing hindrance on any neighboring

properties. Brown went on to say that the proposed pole barn would provide a visual and audio barrier between their property and SE Agriculture and Commercial Solutions (formerly Sikkema Equipment) to the south. He added that the unique location of their drainage field eliminates SE Agriculture Commercial Solutions' ability to install fencing as a buffer. Brown also stated that he has spoken to all neighbors on the private drive, and nobody has expressed any concerns towards this project.

Robert Woronko, the owner of SE Agriculture and Commercial Solutions, approached the podium to voice support for the project. He stated that neighbors are concerned about sound and light and a buffer, such as an accessory building, would be a viable solution to the issue. Woronko stated that everything to the north of the berm on his property is already being used by the Browns, and that he wants to be a better part of the neighborhood under these unique circumstances.

Chair Werkema closed the public hearing at 7:19 PM.

Motion:	Motion by Hilton, supported by Ringnalda to read the staff report into record.
DISCUSSION:	None
AYES:	Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

Planner Wells stated that the front yard is very sloped, and a large part of the front of the property at 1267 100th Street contains wet soils that are unsuitable for building. The drain field located behind the house is one of the few places for a drainfield, and the majority of the land surrounding the house is unable to perc. Wells added that relocating a drain field to build an accessory building in a setback compliant location would be overly burdensome, and there is a lot of restriction on where building can occur on this parcel due to natural lay of the land and soils on the site.

All members of the Zoning Board of Appeals agreed that Variance Standards 1 through 5 were found to be met.

Motion:	Motion by Hilton, supported by Ringnalda to approve the 10-foot variance for the required 20-foot side yard setback based on the location of the home, the drain field, the presence of wet soils, and neighbor approval.
DISCUSSION:	None
AYES:	Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

2. 3241 Muff Ridge Lane – Dimensional Variance

Chair Werkema opened the public hearing at 7:26 PM.

Applicant Matt Wynalda explained that he is seeking two variances; an 11-foot dimensional variance from the required 20-foot side yard setback, and an 8 foot variance from the required 60 foot front yard setback to build a pole barn; the grade/ slope in the backyard is prohibitive to building any structures. Wynalda also explained there is a well head in the side yard positioned between the lot line and the home, which further prohibits the buildable area.

Chair Werkema asked for more information regarding construction regulations near wellheads; Planner Wells stated that a Kent County regulation prevents any construction of new structures from occurring within three feet from any wellhead.

Member Hilton inquired about how high the door will be facing the west; Wynalda responded that they are unsure at this point and that their builder stated approval is necessary to iron out details as such. Wynalda reassured the Zoning Board of Appeals that the maximum height will be 14 feet, and that the structure will be visually appealing and abide by building regulations.

Member Hilton explained that he wants to ensure that this structure will not infringe upon neighbors' ability to enjoy their property.

Chair Werkema inquired about if this project will undergo site plan review to ensure that the height is compliant with standards; Planner Wells stated that the height will be verified and reviewed under the standards of review associated with site plan review.

Planner Wells added that a public comment was received from the neighbors directly to the south and closest to the proposed structure that expressed no issue with the project.

Member Wiersema commented that the proposed size of the structure could be considered a self-created problem, considering that if the structure was smaller, it could be constructed elsewhere.

Chair Werkema closed the public hearing at 7:36 PM.

Motion:	Motion by Hilton, supported by Wiersema to read the staff report into record.
DISCUSSION:	Member Ringnalda stated that there is a discrepancy in the staff memo, and the proposed square footage of the building should be listed as 1925 square feet.
AYES:	Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

Member Hilton stated that the septic system is behind the house to the east, and the property features a lot of wooded area, which was intentional and meant to preserve as much of the natural features as possible.

Member Ringnalda states that there is an error on page two of the staff memo, and that the setback is being reduced from 60 feet to 52 feet, rather than 15 feet.

Chair Werkema inquired about if a self-created problem would be coming from the size of the building they're requesting to build; Planner Wells confirmed that is the case and added that if the building was smaller, it would fit and there would be no need for a variance. Wells added that the request for

oversized accessory buildings in agricultural zoning districts is typical, and that the Zoning Board of Appeals needs to determine if the size of the building is reasonable.

Chair Werkema inquired about if this size building is permitted by the Zoning Ordinance; Planner Wells responded that if they had a buildable envelope this size accessory building would be permitted by right.

Chair Werkema inquired about if the location of the building was different, could it face the road; Planner Wells responded that in that case it would be possible and it would need to be screened from the road, which is required in the Zoning Ordinance.

Member Hilton stated that if the applicants are able to adequately screen the structure, he doesn't see any reason to deny this request.

Chair Werkema added that the height of the building potentially being a hindrance to public welfare had been addressed previously by Member Hilton, and that the structure will ultimately not end up being taller than the house.

Motion: Motion by Kooiman, supported by Ringnalda to submit the public comment into record.
DISCUSSION: None
AYES: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS: None
ABSTAIN: None
DECISION: Motion Carried (5-0)

Motion: Motion by Kooiman, supported by Hilton to approve both variances and grant the applicant a reduction in the front yard setback by 8 feet, and the side yard setback by 11 feet, on the basis that all variance standards were found to be met.
DISCUSSION: The original motion made was only to address one of the two requested variances; the motion was corrected to include both variances being granted.
AYES: Hilton, Kooiman, Ringnalda, Werkema, and Wiersema
NAYS: None
ABSTAIN: None
DECISION: Motion Carried (5-0)

3. 225 Sorrento Drive – Dimensional Variance

Chair Werkema opened the public hearing at 7:54 PM.

Kevin Diekevers approached the podium to explain that he is seeking an 8-foot variance to reduce the required 20-foot side yard setback to 12-feet.

Planner Wells explained that a house previously on this parcel burned down and the applicant is hoping to rebuild another house in the same location. The Zoning Ordinance states that a building permit is necessary to replace any nonconformities that are not replaced within six months, and their window to rebuild without permits has expired, as the fire happened almost six years ago.

Member Hilton inquired about an area seen on the arial photo of the property that appears to be excavated; Diekevers explained that is from his father “playing on his tractor”. Diekevers went on to say that the northwest corner is essentially the only buildable area on the property, and that the old house was 7 feet from the property line, and they are now requesting a 12-foot setback.

Member Ringnalda inquired about if the ordinance had different setback regulations back when the original house was built; Wells stated that is likely, and perhaps setbacks were not in effect at all when the original house was constructed.

Chair Werkema closed the public hearing at 7:58 PM.

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

Member Wiersema inquired about the location of the septic drain field; Diekevers explained that the drain field is near the northwest corner of the parcel, but a little bit southeast of the buildable envelope.

Members of the Zoning Board of Appeals found all variance standards to be met.

Motion:	Motion by Ringnalda, supported by Wiersema to approve the dimensional variance to reduce the side yard setback from 20 feet to 12 feet.
DISCUSSION:	None
AYES:	All
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

VI. GENERAL DISCUSSION

1. Election of Officers

Nomination for Secretary by Ringnalda for Kooiman
Support from Hilton

Nomination for Vice Chair by Kooiman for Ringnalda
Support from Wiersema

Nomination for Chair by Hilton for Werkema
Support from Wiersema

Member Wiersema inquired about holding an annual January meeting to elect officers and review the end of year Planning & Zoning report since the Zoning Board of Appeals doesn't meet that often, Planner Wells said he will review the bylaws and determine how to enact this.

VII. OTHER REPORTS

None.

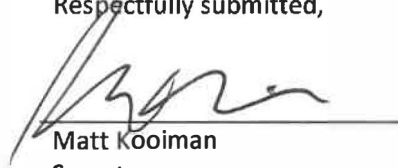
VIII. ADJOURNMENT

Motion by Ringalda, supported by Kooiman to adjourn at 8:29 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from May 8th 2024, Regular Meeting of the Gaines Charter Township Zoning Board of Appeals held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matt Kooiman', is written over a horizontal line.

Matt Kooiman
Secretary
Gaines Charter
Township Zoning
Board of Appeals

Dated: 5-12, 2024