

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 October 9th, 2024

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of August 14th, 2024, Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. 1200 60th Street (O-S, Office Service)**
Dimensional Variance – Increase Directional Sign Area from 4 SF to 16 SF
- 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 AUGUST 14TH, 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 7:00 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 Hilton, supported by Ringnalda to approve the Zoning Board of Appeals regular meeting minutes from May 8th, 2024, as presented.

Discussion: None

Ayes: All

Nays: None

Abstain: None

Decision: Motion carried (5-0).

IV. INQUIRY OF CONFLICT OF INTEREST

V. PUBLIC HEARING

1. 9375 Eastern – Dimensional Variance

Michael Hoffman, the homeowner and applicant for the project, explained that they are requesting a dimensional variance to reduce the 60-foot (ft) side yard setback to 34 ft in order to construct a garage. Hoffman went on to say that the proposed location of the garage is the most suitable for building due to the topography of the land, in addition to the location of gas lines, their septic drain field, and a wellhead. Furthermore, he said that relocating the proposed location of the garage to the east of the home wouldn't be possible as they deal with flooding in that area. Hoffman added that the garage will match the architectural style of the home.

Member Hilton inquired about the height of the garage and the height of the doors; the builder for this project, Lance DeYoung, stated that the garage will be 10ft tall to match the height of the home, and that the doors will be 8ft high.

Ringnalda inquired about the number of homes on the private drive, to which Planner Wells responded that there are five.

Hilton asked how much vegetation is anticipated to be removed in preparation for construction of the new building, to which DeYoung responded that they only intend to remove five trees so as to impact the ravine area as little as possible.

Chair Werkema opened the public hearing at 7:13 PM and subsequently closed it as no one approached the podium to speak.

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

All standards for a variance request were found to be met by the Zoning Board of Appeals.

Motion:	Motion by Ringnalda, supported by Hilton to approve the dimensional variance to reduce front yard setback from 60 feet to 34 feet on northern property line
DISCUSSION:	Planner Wells ensured that if the variance request is approved, the applicant will have to obtain a building permit and obtain approval of the site plan to ensure compliance with what is being proposed. Chair Werkema inquired about ensuring that the height of the garage doors will be compliant with building and zoning regulations, to which Planner Wells clarified that building height is regulate, however, the height of doors is not. Wells added that the ZBA agrees all variance standards have been met, and that the final design will be compliant and consistent with the intent of the Zoning Ordinance.
AYES:	Werkema, Hilton, Kooiman, Ringnalda, and Wiersema
NAYS:	None
ABSTAIN:	None
DECISION:	Motion Carried (5-0)

VI. GENERAL DISCUSSION

Planner Wells stated that the updated Zoning Ordinance is in legal review and almost finished and encouraged ZBA members to bring any concerns regarding the new ordinance to staffs attention in the coming weeks.

VII. OTHER REPORTS

None.

VIII. ADJOURNMENT

Motion by Kooiman, supported by Ringnalda to adjourn at 7:31 PM.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from August 14th, 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,

Matt Kooiman
Secretary
Gaines Charter
Township Zoning
Board of Appeals

Dated: _____, 2024

Gaines Charter Township

Zoning Board of Appeals Memo

Meeting Date: October 9th, 2024

AGENDA ITEM: V.1

FILE NUMBER: 240917CT

REQUEST: Dimensional Variance

PROPERTY ZONING DISTRICT: Office Service

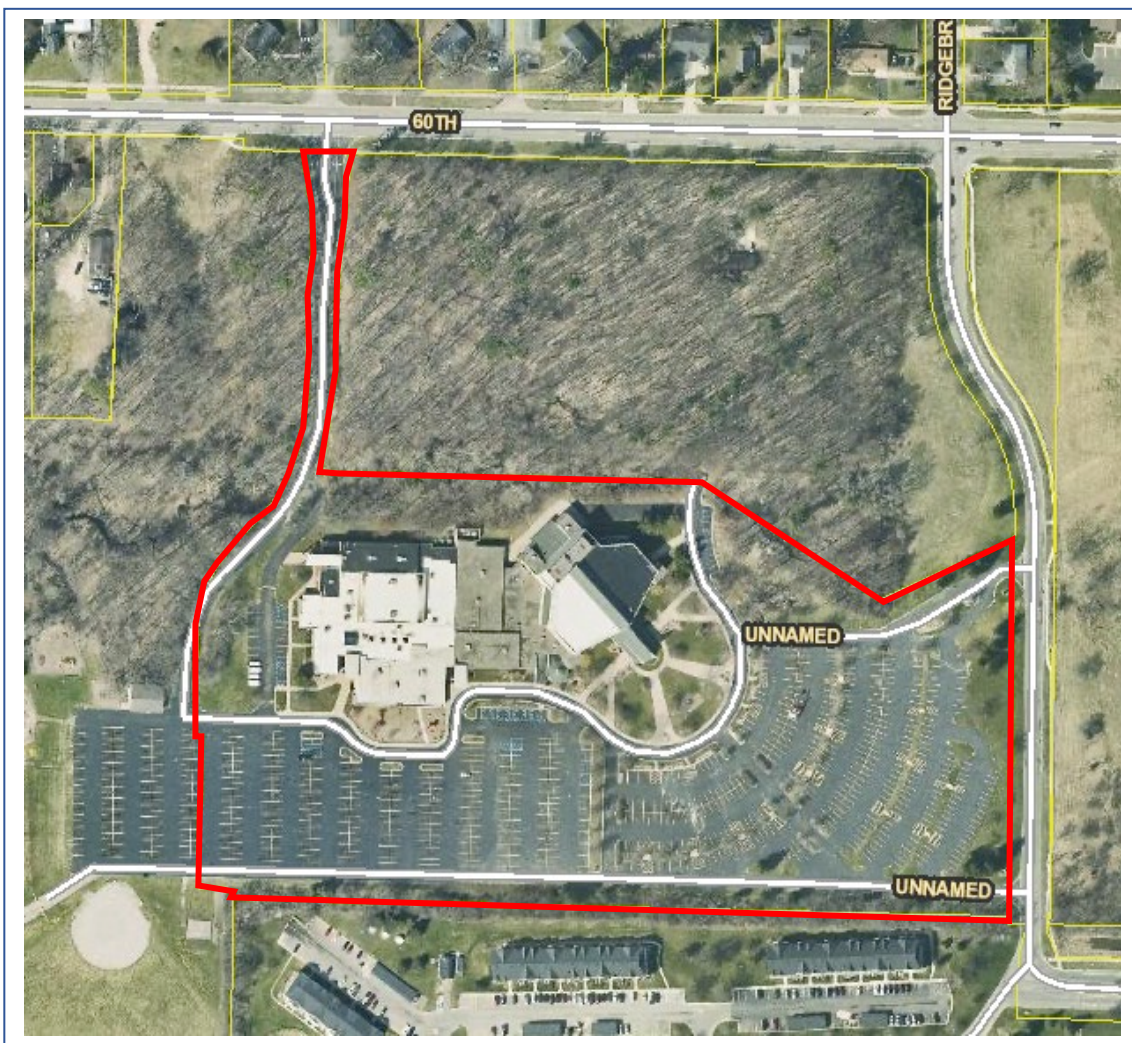
ADDRESS: 1200 60th Street SE

PROPERTY SIZE: 18.8 Acres

PARCEL NUMBER: 41-22-05-201-007

REPORT BY: David Jirousek, AICP, Planning
Consultant

APPLICANT: Curtis A. Thompson



OVERVIEW

The applicant requests two (2) directional signs for the Kentwood Community Church at two (2) access points along Ridgebrook Drive that exceed the maximum size requirements set by the Zoning Ordinance.

Directional Sign - A sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs. A directional sign shall not contain advertising display copy and shall be located on the property where the development is located.

Section 17.4 N of the Zoning Ordinance allows two (2) directional signs per access point to a development. This section also limits directional signs, which are limited to four (4) square feet in area. Additionally, signs must be located at least 10 feet from road rights-of-way and 20 feet from all other property boundaries in accordance with Section 17.6 C.

The proposed signs are four (4) by four (4) feet in size (16 square feet) and six (6) feet in height. This means that the proposed signs are four (4) times greater than the maximum required in Section 17.4 N, and the variance requested is to allow two (2) directional signs, each 12 square feet greater than required. The required 10-foot front setbacks are proposed to be satisfied, but the location of the north directional sign is unclear as it relates to the 20-foot north side setback.

The surrounding zoning is:

	NORTH: Multiple Family Residential- Conditional (R-3)	
WEST: Multiple Family Residential- Conditional (R-3)	SUBJECT PARCEL: Office Service (O-S)	EAST: Residential (RL-10)
	SOUTH: Planned Unit Development (PUD)	

STANDARDS OF REVIEW

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

Does Not Meet Standard. The request for larger directional signs does not satisfy the standard for approval, as there is no evidence that the proposed size of the signs is a result of 'exceptional, unique, or extraordinary physical conditions, dimensions, or circumstances' directly related to the subject lot or parcel. The proposed size of the signs appears to be based on the preferences and desires of the applicant related to visibility rather than being driven by any physical or contextual factors inherent to the property itself, which is a requirement under the stated approval standard.

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.

Does Not Meet Standard. The request for larger directional signs does not satisfy the standard for approval, as the variance is not necessary for the preservation and enjoyment of a substantial property right that is similar to what other landowners in the same zoning district and vicinity possess. Smaller signs are permitted, and the applicant already has the ability to enjoy that right.

Approving larger signs would grant the applicant a special privilege not available to other property owners in the area, which conflicts with the standard's intent to ensure equity and fair treatment among similar landowners.

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.

Does Not Meet Standard. The request for larger directional signs does not satisfy the standard for approval, as the practical difficulty cited by the applicant appears to be self-created. The applicant can comply with the ordinance's requirements, and the request for larger signs seems to stem from the applicant's preference for greater visibility rather than any unique characteristic or condition of the property that directly impacts sign visibility. Since the ordinance can be followed without issue, granting the variance would not be consistent with the standard that requires the problem not to be self-created.

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 request for larger directional signs likely meets this standard as no detrimental impacts on public welfare, neighboring properties, or the essential character of the neighborhood are anticipated. However, there is still concern regarding the incremental deviation from established zoning requirements. Although the proposed increase appears minimal and is unlikely to have significant immediate effects, zoning regulations are set with the purpose of maintaining consistent conditions within the community. Approving variances that exceed these established minimums could gradually lead to conditions that do not reflect the intended character of the neighborhood. Therefore, while the standard is technically met, caution is warranted in considering the long-term implications of such approvals.

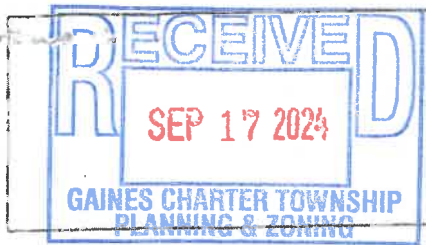
5. The variance is consistent with the purpose and intent of the Master Plan and the intent and provisions of the Zoning Ordinance and Zoning District designation of the subject property.

Does Not Meet Standard. The requested variance for larger directional signs is inconsistent with the purpose and intent of the Master Plan or the Zoning Ordinance. While the Master Plan offers no specific recommendations on signage, it emphasizes the importance of orderly and attractive development, a goal that is implemented through zoning requirements such as maximum sign sizes. The intent of the Zoning Ordinance is to ensure signage remains within established limits to maintain a consistent character and aesthetic throughout the Township. An increase beyond these maximum requirements would conflict with this intent, making the variance request incompatible with the broader objectives of the zoning regulations and Master Plan.

CONSULTANT RECOMMENDATION

It is my opinion that four (4) of five (5) standards of approval are not satisfied, and the problem cited by the applicant is not unique to the subject property. Based on a review of the subject standards of approval, I recommend denial of the variance request for larger directional signs.

The applicant may wish to discuss sign requirements during an upcoming Planning Commission meeting, as the Township is currently rewriting sign requirements as part of a complete ordinance overhaul.



FILE NO. 240917CT

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

pd v# 225222
\$150.00

Zoning Board of Appeals Application

Escrow: V# 225223
\$500.00

Project Address	1200 60th Street SE, Kentwood MI 49508		
Owner Name	Kentwood Community Church		
Owner Address	Street Address 1200 60th Street SE	City, State, Zip Kentwood MI 49508	
Parcel Number(s):	41-22-05-201-007	41-22-	
Description of Proposed Project/Use	Installation of directional signage to church parking entrance.		

Applicant/Contact	Curtis A Thompson		
Applicant/Contact Address	Street Address 1200 60th Street SE	City, State, Zip Kentwood MI 49508	
Contact Info	Home / Office / Cell 616-455-1740; 537. / 312-593-3664 (m)	E-Mail cthompson@kcconline.org	
<i>"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.</i>			
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	R-3	R-4	C-1	C-2	<u>O-S</u>	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:		

Site Plan

Please Show:

The property lines and their dimensions.

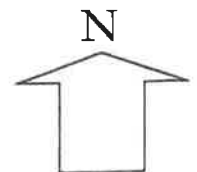
The location, dimensions, setbacks, minimum building openings and distance between all existing and proposed structures.

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: _____ Second Floor: _____ Basement: _____ Total: _____ Garage: _____

Variance Request - Applicant Worksheet

File No. _____

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) _____ |

* Attach a narrative of your comments regarding the interpretation/appeal.

Applicant Response to Variance Standards

ZBA must find that all standards under A) are met for Dimensional (Area) Variance,
OR
all under B) for Use Variance approval

1. A) Does the property display any unique circumstances that justify the need for the dimensional variance request, rather than the individual situation or desire of the applicant? (See definition of "unique circumstance.")

OR

B) Is the use variance necessary due to the unique condition, location, or situation of the property in relation to the permitted and special land uses categorized within the applicable Zoning District?

WE ARE REQUESTING THE INSTALLATION OF TWO SIGNS AT OUR
PARKING LOT ENTRANCES OFF OF RIDGE BROOK. WE HAVE EXISTING
SIGNAGE THAT NEEDS TO BE REPLACED DUE TO AGE AND VIEWED AS
INEFFECTIVE FOR FUTURE TRAFFIC PATTERNS DUE TO NEW HOTEL
OPENING BY PEPPINOS AND CURRENT RESIDENTIAL AND FUTURE
COMMERCIAL DEVELOPMENT IN AREA. THEREBY THE NEED FOR A
BIGGER AND MORE VISIBLE ENTRANCE SIGNAGE INTO THE CHURCH PROPERTY

2. A) Would approval of the variance request grant special privileges to the property owner requesting the dimensional variance that are not held by landowners in the same zoning district or vicinity?

OR

B) Does the unique nature of the property prevent the establishment of all other reasonable and appropriate permitted and special land uses categorized within the applicable Zoning District.

NO IT DOES NOT DUE TO THE CURRENT CONSTRUCTION PROJECTS
AND LAND DEVELOPMENT ALREADY IN PROGRESS.

3. A) Is the practical difficulty for which the dimensional variance is being requested a result from a self-created problem by the current landowner, such as personal desire, convenience, or preference, or was the practical difficulty created by a previous landowner? (See definition of "self-created problem.")

OR

B) Is the hardship for which the use variance is being requested a result from a self-created problem by the current landowner, such as personal desire, convenience, or preference, or was the practical difficulty created by a previous landowner? (See definition of "self-created problem.")

THE RIDGEBROOK ENTRANCE WAS CREATED AFTER THE PROPERTY WAS PURCHASED BY KCL TO PROVIDE ACCESS TO APARTMENTS AND OTHER BUSINESSES AT THAT TIME. AT CURRENT DUE TO THE CURRENT HOTEL CONSTRUCTION, RESIDENTIAL DEVELOPMENT AND POSSIBLE FUTURE COMMERCIAL DEVELOPMENT, NECESSITATES BIGGER & BETTER SIGNAGE DUE TO ANTICIPATED GROWTH & INCREASE TRAFFIC ON RIDGEBROOK TO ENSURE SAFE & PROPER ENTRY INTO KCL PARKING LOTS.

4. For A) & B) If approved, will the dimensional or use variance cause detriment to the public welfare, injury to neighboring properties, or change the essential character of the neighborhood? If so, please explain.

NO IT WILL NOT.

5. For A) & B) To the best of your knowledge, is the dimensional or use variance request consistent with the purpose and intent of the Master Plan, Gaines Charter Township Zoning Ordinance, and zoning district designation of the property?

YES THIS VARIANCE REQUEST IS CONSISTENT WITH CURRENT OR PENDING MASTER PLAN.



