

GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS – SPECIAL MEETING

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

Draft Agenda

7:00 p.m. – Wednesday December 8, 2021

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of July 14th, 2021 – Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. 6122 Division Ave SE (Residential-4/ Commercial-1)**
Request for a 10-foot dimensional variance to the 20-foot side setback requirement for a non-illuminated monument sign.
- 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 SPECIAL MEETING
HELD ON JULY 14, 2021
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 pm by Chair Werkema. A quorum was present.

MEMBERS PRESENT: Wiersema, Hilton, Ringnalda, Giarmo, Werkema

MEMBERS ABSENT: Tietz (alternate)

OTHERS PRESENT: Dan Wells Community Development Coordinator, Jennifer Jager, Tim and Sharon Olthouse

II. CONSIDERATION OF MEETING AGENDA

No modifications.

III. CONSIDERATION OF MEETING MINUTES

May 12th, 2021– Regular Meeting Minutes.

Motion: By Member Giarmo supported by Member Wiersma to approve the minutes for the May 12th, 2021 Zoning Board of Appeals regular meeting.

Discussion: None

Ayes: Wiersema, Hilton, Giarmo, Werkema, Ringnalda

Nays: None

Abstain: None

Decision: Passed (5-0).

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. PUBLIC HEARING

1449 92nd ST (Agricultural/Agri-Business)

Chair Werkema invited discussion on the project.

Owner Tim Olthouse presents the request for dimensional variance.

Member Wiersema inquires why the building can't be placed closer to the garage. Owner Olthouse responds that space is needed for utility easements and access to septic field.

Member Hilton asks if it will be a typical pole barn. Olthouse explains it will be steel and could be moved easily.

Member Giarmo voices the neighbor's desire for a drip edge. Olthouse agrees that the drip edge will be implemented to avoid erosion.

Motion: By Member Hilton supported by Member Ringnalda, to submit the staff report and application for consideration on the variance request.
Discussion: None
Ayes: Wiersema, Hilton, Giarmo, Werkema, Ringnalda
Nays: None
Abstain: None
Decision: Passed (5-0).

Member Ringnalda appreciates how the applicant is only building what he needs and is considerate of his neighbors.

Planner Wells points out that it is a reduction of side setback to 4ft. The Zoning Board of Appeals works through the standards of review and finds the variance meets them.

Motion: By Member Ringnalda supported by Member Hilton, to approve dimensional variance of reduce side setback from 20 to 4 feet to allow for a new 600 sq ft. accessory building.
Discussion: None
Ayes: Wiersema, Hilton, Giarmo, Werkema, Ringnalda
Nays: None
Abstain: None
Decision: Passed (5-0).

VI. GENERAL DISCUSSION

None

VII. OTHER REPORTS

None

VIII. ADJOURNMENT

Motion: By Member Ringnalda, supported by Member Giarmo, to adjourn the meeting at 7:52 pm.
Discussion: None
Ayes: Wiersema, Hilton, Ringnalda, Giarmo, Werkema
Nays: None
Abstain: None
Decision: Passed (5-0)

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the May 12, 2021, Special 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: _____, 2021

Gaines Charter Township

Zoning Board of Appeals Memo

Meeting Date: December 8th, 2021

AGENDA ITEM: V.1

REQUEST: Dimensional Variance

ADDRESS: 6122 Division SE

PARCEL NUMBER: 41-22-06-100-053

APPLICANT: Jason Newton- Sign Center for CC
Kentwood Property LLC

FILE NUMBER: 211105JN

PROPERTY ZONING DISTRICT: Residential-4/
Commercial-1

PROPERTY SIZE: 19.12 acres

REPORT BY: Dan Wells, Community
Development Director



OVERVIEW

The applicant requests a dimensional variance to construct a monument sign in the Residential-4 zoning district to reduce the required setback for a sign from 20 feet to 10 feet. The Kentwood Mobile Home Park parcel accesses Division Avenue via a 60-foot-wide corridor leading from the main portion of the parcel to the east. The parcel was created prior to 1987 and is now legally non-conforming to the zoning ordinance.

The applicant desires to replace the existing sign for the mobile home park, but it lies only 5 feet from the property boundary on the south side of the entrance. Current zoning code requires signs to be placed a minimum of 20 feet from the side yard boundary and 10 feet from the front property line. Under “Chapter 21 Non-Conforming Lots, Structures and Uses” the sign is non-conforming and the applicant desires to demolish it and build a new sign for the mobile home park, so the old sign will lose its legally non-conforming status, and the new sign must be in compliance with the current zoning code per “Section 21.4 Repair of Buildings and Structures” which states:

3. Signs. If a sign loses its lawful nonconforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, moved, replaced or rebuilt unless it fully complies with all requirements of this Ordinance. A lawful nonconforming sign shall lose its lawful non-conforming designation and status if the Zoning Administrator determines that any of the following is applicable:

- i. The sign is torn down or demolished*

Normally the applicant would seek to meet compliance with “Chapter 17 Signage Regulations Section 6 General Requirements” which are:

C. General Setbacks. Unless a different setback is specified for a particular sign elsewhere in this Chapter, all signs must be set back at least ten (10) feet from a road right-of-way and twenty (20) feet from all other property boundaries.



Due to the narrow width of the parcel where it accesses Division Avenue (60 feet), to place a new sign in a legally conforming manner would place it in the middle of the driveway and create a line-of-sight and vehicle strike hazard for drivers.

The applicant prefers to request a variance for a 10-foot setback from the north property line in order to build the new sign in a visible location that does not present a hazard for drivers.

The proposed sign will otherwise conform to standards for the R-4 zoning category; 48 SF maximum display, 6 foot maximum height and will be located at the primary entrance on a primary arterial street.

The surrounding zoning is:

	NORTH: O-S (School)	
WEST: General Business (Byron)	SUBJECT PARCEL	EAST: Residential-4
	SOUTH: Residential-4/ Commercial-1	

STANDARDS OF REVIEW

The request has been reviewed using the applicable review standards of *Chapter 26, Section 26.8 (D) Non-Use (Dimensional) Variances* of the Zoning Ordinance with consideration to the dimensional requirements of *Chapter 17 Signage Regulations, Section 6 General Requirements*. The Zoning Board of Appeals must find that all standards in this report are satisfied to grant a variance.

- 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. The applicant is asking the ZBA to reduce the setbacks for a monument sign that is yet to be built, but would be typical for this zoning district. As planned, the sign is set as far back from the road and property boundary as it is feasible to build and maintain a clear view for drivers entering and exiting the neighborhood. The reduction of side setback is necessary based on dimensional limitations of the parcel.

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

Meets standard. The construction of the new sign in its proposed location will not cause any injurious or detrimental conditions to the surrounding properties. The main impact of a sign at this location would be a visual impact to surrounding properties, but it is typical type of sign that might reasonably be expected in this area and will not be obtrusive.

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

Meets standard. The construction of the new sign in its proposed location does fit with the established pattern of construction and signage in this area. Most signs in the area are taller and larger than the proposed replacement sign.

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

Meets standard. The intent and purpose of Section 17.6 of the ordinance is to promote consistent rules for placement of signs within all zoning districts. There is an inherent conflict with safety of drivers if the ordinance is strictly adhered to in this case, and if safety of residents is considered the paramount

concern, then aesthetic concerns must be considered secondary in importance. In this sense considering safety as a primary reason for permission of a variance then the intent and purpose of the ordinance has been served.

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 physical layout of the parcel was created over thirty-four years ago, and was not created at the behest of the current, or prior, owners.

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. Nearly all parcels in the area meet current zoning criteria and would be able to replace signs with zoning compliant ones.

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.

Meets standard. The applicant has purchased a parcel of land that was laid out under old zoning and land division rules that are no longer compliant with current zoning. Re-aligning the parcel lines is not a practical solution, nor is creating a driving hazard, so the applicant is forced to seek a variance.

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.

Meets standard. Property rights and enjoyment thereof—in this case adequately advertising and locating a mobile home park for residents to navigate to it—are limited by the narrow parcel, and an adequate sign can only be placed in a reasonable manner by reducing the side setback. Other business owners in the vicinity were able to place similar signs, and the proposed sign is not out of keeping with the scale and style of them.

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

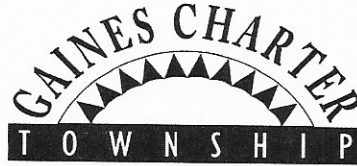
Meets standard. Placement of an adequate sign presents practical difficulties as it could not be safely placed within current setback requirements. The sign has been located within the parcel to minimize extension into the typically required setback, and retains a buffer to the property to the north to the maximum extent possible.

STAFF RECOMMENDATION

Since all of the conditions and standards for variances are determined to be met, approval of the application is recommended with no conditions.

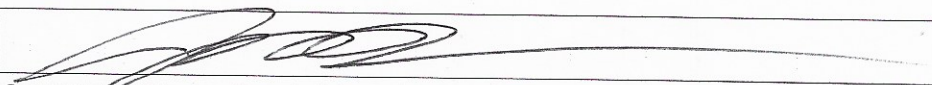
FILE NO.

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



Zoning Board of Appeals Application

Project Address	6122 Division Ave S	
Owner Name	Catalyst MHC JV, LLC	
Owner Address	PO BOX 7008 Bloomfield Hills, MI 48302	
Parcel Number(s):	41-22-06-100-053	41-22-
Description of Proposed Project/Use	New Non-Illuminated Entry Sign	

Applicant/Contact	Sign Center / Jason Newton 711 Portage St Kalamazoo MI 49001
Phone/Email	269-381-6869 Jason@signcenter.net
"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	RL-10	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 _____							

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) 21.4 / 17.6.C

☐ 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)?

Yes - Narrowness

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

Yes - The narrowness of the road frontage property lines

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

NO

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

NO

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?

Yes

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

The owner of the property for this variance also owns adjacent properties. We will also be able to maintain a clear vision for drivers

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?

It is a static non-illuminated sign in the lawn area NO DANGER TO ANYONE OR ANYTHING - The sign can meet the zoning setback from road front property line no problem

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

The sign is within all specs of zoning ordinance and will be installed maintaining a clear line of vision for drivers.

6110 DIVISION AVE SE

6110 DIVISION AVE SE

-054 1.35

10' Setback
from property lines

Proposed New
Sign Location

CC KENTWOOD PROPERTY LLC ☐ X
(Parcels_Geocode) (1 of 2)

PPN	412206100053
Site Address	6122 DIVISION A
Owner Name	CC KENTWOOD P
SHAPE.STArea()	833028.772949
SHAPE.STLength()	5884.605758
ppn_text	412206100053

6132 DIVISION AVE SE

Scale 1: 500

2.04

100"

72"

35" x 80"

White Area

with Message



**KENTWOOD
ESTATES**

MANUFACTURED HOME COMMUNITY

6122

42"
Deep

Sign is one piece EPS Foam Faux Stone
Stucco Finish Style Sign
Installation is with two 3" steel poles
sleeved through sign and direct
buried 42"



Kentwood Estates Monument Sign