

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. – Wednesday, March 11, 2020

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of Meeting Minutes**
January 15, 2020 – *Special Meeting*
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. 6729 Hanna Lake Avenue (RL-10)**
Dimensional variance 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).
- 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
JANUARY 15, 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 7:05 p.m. by Chair Werkema. A quorum was present.

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

MEMBERS ABSENT: Giarmo (With Notice)

OTHERS PRESENT: Matt McKernan, Assistant Planner

II. CONSIDERATION OF MEETING AGENDA

None

III. CONSIDERATION OF MEETING MINUTES

October 9, 2019 – Regular Meeting Minutes

MOTION: By Member Tietz supported by Member Hilton to approve the minutes for the October 9, 2019 Regular Meeting.

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

IV. INQUIRY OF CONFLICT OF INTEREST

None

V. ADVERTISED PUBLIC HEARINGS:

1120 60th Street SE (RL-10)

Dimensional variances to allow for construction of 3 homes: 1) Reduction of an access easement width from 50 to 25 ft. 2) Waiver of 35-foot ft. yard setback from access easement, Parcel 1 (0 ft.), Parcel 2 (13 ft.)

Eric Vanderkam, 507 147th Avenue, Caledonia

Wants to purchase property to build three building sites. Vacant, overgrown lot. Wetlands on the property as identified by EGLE. Storm drain in middle of property. Location undetermined.

Tietz asked if storm main location was accurate. Matt said it should be. Tietz asked about width of access. McKernan said the Kent County Road Commission has

Werkema why face second home sideways. – Better backyard. Lessens variance. Werkema asked if Kentwood would allow.

Hilton asked why he couldn't get in from 61st. Hilton asked if he could build a triplex.

Ringnalda asked if other options. 0 feet seems really short. Can you shorten? Vanderkam says he can do 10 feet. Would still be a duplex. Asked why not swing house? Matt says he would need a rear yard variance for less than 35 feet. What is side yard setback of property next to this one? Probably less than 1 foot, built before

Assistant Planner McKernan

Chair Werkema opened the public hearing at 7:30 pm.

NEIGHBOR

Jeffrey VanManen, 1132 60th Street

Doesn't like duplexes. Doesn't like 3 houses. Storm drain appears to be in right location. I like the beautiful woods. Other neighbors are against it. Property is very wet and difficult to build on.

Vanderkam wants to build nice for neighbors. I walked with EGLE. I can't tear down any trees in the wetlands.

Hilton asked about how property came to be for sale. I knew the guy from church. Never on the market.

Chair Werkema closed the public hearing at 7:38 pm.

MOTION: By Member Tietz, supported by Member Ringnalda, to enter the staff report dated January 9, 2020 into the public record.

Discussion: None

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

Brew talked about minimum variance. Matt say property can be developed. ZBA determined that it wasn't minimum, could be smaller house.

Ringnalda asked if you can grant a lesser variance. Matt says that would be fine.

Hilton explained that fees don't have to be paid if not developed within 200 feet of sewer.

Hilton is uncomfortable approving based on the number of homes and how that would impact wetness of properties.

Tietz asked why variance request for easement width. Can't fit road with 50-foot easement on number one.

Ringnalda asked if there are any other easement variance. Doesn't know of any. Sometimes appear narrow, but that's because we don't have rules.

Matt explained that he didn't think it was self-created problem. Not unreasonable

ZBA said it will impair the intent of the ordinance. If it was one property it might be ok. Two or more becomes overstuffing property.

Ordinance shouldn't be amended. ZBA agrees that ordinance is fine.

ZBA agreed that there are certainly extreme physical problems with property. One or two structures might be able to be built without variance however.

Variance says that it isn't necessary for the enjoyment of a substantial property right.

MOTION: By Member Tietz, supported by Member Ringnalda, and based on the findings of the staff report, to deny the 3 requested variances
1. 3 reasons in report.
2. Does change the essential character of the neighborhood.

Discussion: None

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

VI. GENERAL DISCUSSION

1. Election of Officers

MOTION: By Member Ringnalda, supported by Member Hilton, to nominate Don Hilton as Secretary of the ZBA for 2020.

Discussion: None

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

MOTION: By Member Tietz, supported by Member Hilton, to nominate Ruth Ringnalda as Vice Chair of the ZBA for 2020.

Discussion: None

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None

Abstain: None

Motion: Passed

MOTION: By Member Tietz, supported by Member Hilton, to nominate Tom Werkema as Chair of the ZBA for 2020.

Discussion: None

Ayes: Brew, Hilton, Ringnalda, Werkema, Tietz

Nays: None
Abstain: None
Motion: Passed

VII. ADJOURNMENT

MOTION: By Member Hilton, supported by Member Tietz to adjourn the meeting.

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

Meeting Adjourned at 8:20 pm.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the October 9, 2019 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.

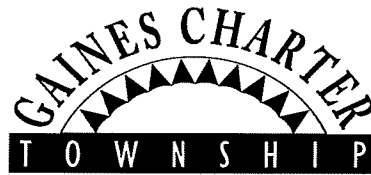
Respectfully submitted,

Michael Alex Brew, Secretary
Gaines Charter Township
Zoning Board of Appeals

Dated: January 15, 2020

FILE NO.

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



Application for Zoning Approval

Project Address	6729 Hanna Lake Avenue SE, Dutton MI 49316	
Owner Name	Dutton Christian School Association	
Owner Address	6729 Hanna Lake Avenue SE, Dutton MI 49316	
Parcel Number(s):	41-22- 03-476-028	41-22-
Description of Proposed Project/Use	The proposed project consists of an addition to the south end of the existing middle school facility. The addition will contain four classrooms, a multi-purpose room, three learning hubs, restrooms, and common areas.	

Applicant/Contact	Brent Folkert, Architect
Phone/Email	Ph: 425-2846, E-mail: brentf@danvoscc.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	RL-10	R-3	R-4	C-1	C-2	O-S	I-1	I-2	PUD	A-R	A-B
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☐ 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.

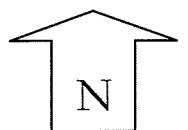
The location of all roads bordering or private drives/easements on the property

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.

See the attached site plan sheet C-1.

Place site plan in this area(failure to do this may result in an incomplete application)



Gross Floor Area Calculations

Main Floor: 59,647 Second Floor: _____ Basement: _____ Total: 59,647 Garage: _____

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) 6.2 Setback

☐ 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)?

See attached response letter

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?

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

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?

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?

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



Building for Life.

February 10, 2020

Gaines Charter Township
8555 Kalamazoo Avenue SE
Caledonia MI 49316

RE: Zoning Variance

Applicant Response to Standards of Review

1. Does the property have physical characteristic, such as narrowness, shallowness, irregular shape, topography, or natural features that inhibit compliance with the zoning ordinance?

The property is bisected by the Dutton County Drain. The location of the drain dictated the location of the existing building and limits the width of the proposed additions. The existing parking area is located on the east side of the site and is logically between the site ingress from Hanna Lake Avenue and the front side of the building. The only available space for expansion is along the south side of the facility.

2. Are the physical characteristics unique and not shared by neighboring properties?

The county drain appears to run between most of the adjacent properties, not thru them.

3. Was the alleged practical difficulty created by an action of the applicant or previous property owner?

No, it is a feature of the site.

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

Due to enrollment trends, the school needs to expand to serve its clients. The parking needs to remain between the building and the site ingress from Hanna Lake Avenue. Also, the additions to the school need to be placed so that existing classrooms keep direct access to the exterior. The addition is not allowed to have classrooms that do not have access to exterior windows. This further limits where additions can be placed on the site.

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?

The school has determined this is the number of classrooms necessary to serve their population for the 2021/2022 school year. The school has a first right of refusal, on the 56 acre property to the west. See the attached letter. This variance is being viewed as a temporary solution to meet the immediate enrollment needs. When the additional property is secured the rear yard setback will be in conformance with the zoning ordinance. See the attached site master plan.

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

The reduction of the setback on the school property is located in an area where there are no buildings on the adjacent property to the west. The distance to the nearest existing building is 275 feet. It will likely be hard for adjacent property owners to discern that the setback has been reduced. Also, the setback in question is in the rear yard and will not be observed by most adjacent property owners. The reduction in the setback will not significantly increase the density of buildings in the neighborhood. This variance in the rear yard setback is consistent with a variance that was granted in 2017.

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?

The variance will not increase the danger of fire, there will still be adequate separation to adjacent structures. The storm water system will be designed in accordance with the requirements of the drain commission and will not contribute to flooding. The variance in itself will not create any additional traffic, and will not affect the existing traffic conditions.

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

This variance is not allowing buildings to be spaced close together, the closest building is 275 feet away. In addition, this variance is being viewed as a temporary solution to meet the immediate enrolment needs. The variance is also consistent with the previous variance granted to the site. When the additional property is secured the rear yard setback will be in conformance with the zoning ordinance.

Sincerely,
DAN VOS CONSTRUCTION CO., INC.

A handwritten signature in black ink, appearing to read "Brent Folkert", with a long horizontal line extending to the right.

Brent Folkert, Project Architect

41-22-03-476-003
MATTHEW & JILL CLARIN
6629 HANNAH LAKE

41-22-03-476-004
MARTIN BIXLER
6643 HANNAH LAKE

41-22-03-476-005
ARLIE LOHNSON
6651 HANNAH
LAKE

41-22-03-476-006
DAVID COCHRAN
6661 HANNAH LAKE

41-22-03-476-007
DALE GIPE
6681 HANNAH LAKE

HANN

Lorraine Walbridge Properties

Copy

Regarding sale of a portion of property:

Intention is to give Dutton Christian School, Daniel J. Netz, Administrator, 1st choice to purchase a portion of property you are interested in upon the passing of Lorraine Walbridge.

Any future meetings on this issue must be with Lorraine, and either her daughter, Sheryl Damstra, or her son, Ronald Walbridge, who are powers of attorney, or all three.

There has been no amount of money mentioned or piece of property been negotiated at this time.

<u>Lorraine Walbridge</u>	<u>698-8781</u>	<u>5-18-16</u>
Lorraine Walbridge		Date
<u>Sheryl Damstra</u>	<u>616-443-4596</u>	<u>5-18-16</u>
Sheryl Damstra		Date
<u>Ronald Walbridge</u>	<u>616-698-6848</u>	<u>May 18, 2016</u>
Ronald Walbridge		Date
<u>Daniel J. Netz</u>		<u>May 18, 2016</u>
Daniel J. Netz	School 616-698-8660 Cell 616-558-8636	Date

Date: February 9, 2017

To: Dan Netz
Steve VanLaan

From: Lorraine Walbridge
Ronald Walbridge
Sheryl L. W. Damstra

RE: Variance for Property 41-22-03-476-028
Dutton Christian School
6729 Hanna Lake

We have no objection to the one time variance setback from 50 ft. to 17ft. as explained to us. Also for the permission to be on Walbridge property during construction. Property is to be returned to former condition when construction is completed.

Lorraine Walbridge

Lorraine Walbridge

Ronald J. Walbridge

Ronald J. Walbridge

Sheryl L. W. Damstra

Sheryl L.W. Damstra