

OLIVE TOWNSHIP
ZONING BOARD OF APPEALS

SPECIAL MEETING
December 22, 2010

The meeting was called to order at 6:00 p.m. by Chairperson Machiela.

PRESENT

Potter

Nienhuis

Machiela

Bush

Dreyer

Ransford, Planning & Zoning Director

ABSENT

None

Nienhuis provided a motion to approve the agenda. Motion was seconded by Bush and carried unanimously.

Potter provided a motion to approve the minutes from the October 7, 2010 Special Meeting. Motion was seconded by Nienhuis and carried unanimously.

Chairperson Machiela sought public comment for non-agenda items.

There were none.

Chairperson Machiela noted that there was no old business on the agenda.

At 6:05pm Chairperson Machiela recognized Ransford to discuss the proposed meeting schedule for the 2011 calendar year.

Ransford indicated that a conflict was noted for the proposed January date with the Michigan Townships Association conference in Grand Rapids. Ransford suggested January 19, 2011 as a substitute date.

After general discussion, Nienhuis provided a motion to accept the proposed schedule with the change for January to the 19th of the month. Motion was seconded by Potter and carried unanimously.

At 6:10p.m. Chairperson Machiela asked for member comments. There were none.

At 6:12p.m. Nienhuis provided a motion to adjourn. Motion was seconded by Potter and carried unanimously.

Respectfully Submitted,

SIGNED: _____

DATE: _____

OLIVE TOWNSHIP
ZONING BOARD OF APPEALS

SPECIAL MEETING
October 7, 2010

The meeting was called to order at 6:03 p.m. by Chairperson Machiela.

PRESENT	ABSENT
Potter	None
Nienhuis	
Machiela	
Ransford, Planning & Zoning Director	

Also present was Ken Kootsier and Larry Nienhuis from the South Olive Christian School.

Nienhuis provided a motion to approve the agenda. Motion was seconded by Potter and carried unanimously.

Potter provided a motion to approve the minutes from the June 9, 2010 Special Meeting. Motion was seconded by Nienhuis and carried unanimously.

Chairperson Machiela sought public comment for non-agenda items.

There were none.

Chairperson Machiela noted that there was no old business on the agenda.

At 6:05pm Chairperson Machiela recognized Ransford to discuss the South Olive Christian School request for 6230 120th Avenue, parcel number 70-12-27-100-032 for relief from Section 24.03D – General Sign Regulations, Setback Requirements for Signs of the Olive Township Zoning Ordinance.

Ransford explained that the School is seeking to build a replacement free-standing sign at their 57 year old facility, in the same area as the existing sign, which is an area that has very little room to accommodate the structure since the building is within 43 feet of the road and their eyebrow drive is in between. Ransford added that the current sign location, which is also not compliant with today's setback requirements, is difficult to see because of many offsite obstructions, the rise of the road and the high speed limit on 120th Avenue. The applicant seeks to locate the sign 1.5 feet from the right-of-way to increase their visibility and the safety of the site.

At 6:09pm Chairperson Machiela opened the public hearing.

The applicant noted that they want the variance for visibility for the school.

Chairperson Machiela closed the public hearing.

Potter – Would there be vision issues for traffic at 1.5 feet from the right-of-way.

Larry Nienhuis – No, the drive is designed for one-way traffic and has sufficient room to see around the sign without being in the road area.

General discussion was held.

Nienhuis provided a motion to approve the variance request of 23.5 feet from Section 24.03D – General Sign Regulations, Setback Requirements of the Olive Township Zoning Ordinance in accordance with Section 27.06, based on the following findings:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district because there are many physical attributes within the property. Specifically, SOCS began operation approximately 57 years ago. The building is located about 43 feet from the right-of-way and the closest edge of the eyebrow drive at its highest point is approximately 25 feet from the right-of-way. As a result, the on-site physical improvements prevent the applicant from locating the sign in a compliant location. That is, in the instance the sign was placed in a compliant location, it would be located entirely within the pavement of the eyebrow drive. This, of course, is an unrealistic expectation and the drive cannot be relocated due to the existing building position at 43 feet from the right-of-way, which also abuts the drive.
- b. That the exceptional or extraordinary conditions or circumstances are not a result of actions of the applicant taken subsequent to the adoption of this Ordinance, as the physical improvements predated our ordinance. Furthermore, there are several street signs, existing vegetation and the slope of the road, which all create obstructive views of the existing sign location (which is within the 25 foot setback), thereby creating a difficult situation for a motorist to locate the property. These are not a result of the applicant.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare because the variance will increase visibility of the site and visibility within the site on the drive, thereby reducing the risk of traffic or pedestrian injury to or within the property.
- d. That the condition or situation of the specific piece of property for which the variance is sought is a practical difficulty and is not so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance. There are many physical improvements unique to this 57 year old organization. In addition, the existing sign location, which is at approximately 10 feet from the right-of-way, may obstruct the view of motorists and pedestrians within the eyebrow drive on the property. Consequently, it is unique to this property that the relocation of the sign closer to the right-of-way would help alleviate any safety concerns. The narrowness of this area between the existing 57 year old building and the right-of-way is not common within other properties.
- e. The variance is necessary to the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zoning district, specifically typical commercial businesses. That is, in the instance the school was located in

the commercial zoning district, no setback applies from the right-of-way for a free-standing sign, as we recognize that sign exposure is important for business success. The SOCS happens to be a large business that is commonly searched for but is located in a residential district.

Potter seconded the motion and it carried unanimously. Variance granted that results in a setback of 1.5 feet from the right-of-way.

At 6:16p.m. Chairperson Machiela asked for member comments. There were none.

At 6:17p.m. Potter provided a motion to adjourn. Motion was seconded by Nienhuis and carried unanimously.

Respectfully Submitted,

SIGNED: _____

DATE: _____

OLIVE TOWNSHIP
ZONING BOARD OF APPEALS

SPECIAL MEETING
June 9, 2010

The meeting was called to order at 6:00 p.m. by Chairperson Machiela.

PRESENT	ABSENT
Potter	None
Nienhuis	
Machiela	
Ransford, Planning & Zoning Director	

Also present was Andy Jansen from CBS Outdoor.

Potter provided a motion to approve the agenda. Motion was seconded by Nienhuis and carried unanimously.

Nienhuis provided a motion to approve the minutes from the March 17, 2010 Special Meeting. Motion was seconded by Potter and carried unanimously.

Chairperson Machiela sought public comment for non-agenda items.

Chairperson Machiela noted that there was no old business on the agenda.

There were none.

At 6:02pm Chairperson Machiela recognized Andy Jansen for the CBS Outdoor request at 13001 New Holland Street, parcel number 70-12-32-400-006 and 6600 Blair Lane, parcel number 70-12-19-400-020 for relief from Section 24.09F – Outdoor Advertising Sign (Billboard) of the Olive Township Zoning Ordinance.

Mr. Jansen distributed additional materials related to the billboard industry and provided an overview of their request. Mr. Jansen explained that the township notified them of a violation of the Zoning Ordinance related to the maximum size for billboards as a result of two extensions on their billboards. He explained that it is an industry standard to use extensions and that the industry has used them throughout their history. The billboards are rated for a certain amount of support beyond their rectangle for extensions.

Potter – Where in the City of Grand Rapids and City of Wyoming Zoning Ordinances that you provided does it say you can have extensions?

Jansen – They don't.

Machiela – Didn't we change the Ordinance to 672 square feet as a maximum for CBS?

Ransford – Yes, we did so in 2006 per their petition to the township. They asked for the maximum that we currently have in the Ordinance.

Nienhuis – How many signs do you have as noncompliant?

Jansen – Two of four.

Ransford – There are two V-shaped billboards that CBS owns and one of the two on each side has an extension. So there is technically one of two V Billboards.

General discussion was held.

At 6:22pm Chairperson Machiela opened the public hearing. There being no comments, Potter provided a motion to close the public hearing, which was seconded by Nienhuis and carried unanimously.

The Zoning Board of Appeals then held additional discussion.

Potter – Maximum is a maximum and we have no reason to exceed it.

Nienhuis – I agree

Machiela – This Board is not allowed to rewrite the ordinance. We have no grounds to allow more square footage than the maximum.

General discussion was held.

Potter provided a motion to deny the variance request from Section 24.09F of the Olive Township Zoning Ordinance in accordance with Section 27.06, based on the following findings:

- a. That there are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district. The township recently increased the maximum area for the face of a billboard to increase the visibility of the advertising. Nothing appears to be unique about the properties on which their two (2) billboards sit that differ from other property (billboards) located in the township.
- b. That the exceptional or extraordinary conditions or circumstances are the result of actions of the applicant taken subsequent to the adoption of this Ordinance since they constructed their billboard faces at the maximum area permitted, thereby not providing any space for occasional extensions that would remain within the maximum area.
- c. That the granting of the variance will be injurious to the neighborhood or otherwise detrimental to the public welfare because the applicant is requesting 300 square feet of additional space (44%) for the extensions they erect, which can cause unsightly conditions, overwhelming large structures and other effects that can have negative impacts on the surrounding area.

- d. That the condition or situation of the specific piece of property for which the variance is sought is not a practical difficulty and is of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance. The applicant can continue to provide significant advertising space without extensions. Their existing structures have no other limitations that create any practical difficulty to advertise within their perimeters (i.e. No obstruction from neighboring trees, buildings, etcetera).

- f. The variance is not necessary to the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zoning district

Nienhuis seconded the motion and it carried unanimously.

At 6:30p.m. Chairperson Machiela asked for member comments. There were none.

At 6:32p.m. Potter provided a motion to adjourn. Motion was seconded by Nienhuis and carried unanimously.

Respectfully Submitted,

SIGNED: _____

DATE: _____

OLIVE TOWNSHIP
ZONING BOARD OF APPEALS

SPECIAL MEETING
March 17, 2010

The meeting was called to order at 6:00 p.m. by Chairperson Machiela.

PRESENT	ABSENT
Potter	None
Nienhuis	
Machiela	
Ransford, Planning & Zoning Director	

Also present were the Aalderinks and a representative from T2 Construction.

Potter provided a motion to approve the agenda. Motion was seconded by Nienhuis and carried unanimously.

Potter provided a motion to approve the minutes from the January 27, 2010 Special Meeting. Motion was seconded by Machiela and carried unanimously.

Chairperson Machiela noted that there was no old business on the agenda.

Chairperson Machiela sought public comment for non-agenda items.

There were none.

At 6:05pm Chairperson Machiela opened the public hearing for the Alexander request at 13871 Barry Street, parcel number 70-12-31-200-061, for relief from Section 3.09B.5, Section 7.06F.1 and Section 7.06F.2 of the Olive Township Zoning Ordinance.

Ransford explained that the Aledxander's home was built in 1945, which predated the current Zoning Ordinance. The home has become contaminated with mold and must be completely demolished for the health of the family. T2 Construction, along with other contractors and material providers, have volunteered or reduced costs of labor and materials to replace the dwelling. In addition, its replacement is directly correlated to the mortgage on the property, which needs to be appropriately preserved to remove the existing dwelling and construct a similar dwelling to continue the mortgage.

Ransford indicated that the lot is non-conforming due to its narrowness of 70 feet and as a result, the applicant needs variance from the front yard and a side yard setback to locate the dwelling in the same location to maintain the mortgage. In addition, a variance is needed from Section 3.09B.5 to alleviate the requirement of an attached garage to the dwelling.

Tom Anema of T2 Construction further explained their need and the arrangement of people, materials and the mortgage. He indicated that the drain field for the property is a mounded system

in the rear of the property and prevents the dwelling from being located further back on the property.

There being no further comments from the public, Chairperson Machiela closed the public hearing.

General discussion was held.

Nienhuis provided a motion to approve the variance requests from Section 3.09B.5, Section 7.06F.1 and Section 7.06F.2 of the Olive Township Zoning Ordinance in accordance with Section 27.06, based on the following findings:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district because the parcel is unusually narrow for the district. In addition, the dwelling is contaminated with mold and cannot be cleaned. As a result, to safely occupy a dwelling on the property it must be completely removed and replaced with a clean structure.
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance because the dwelling was construction in 1945, which predated our rules and the applicant did not voluntarily cause the mold.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare because the dwelling would be located approximately in the identical location with the exception of those portions of the dwelling that are of a different footprint. In addition, the variance would relieve existing injurious and detrimental conditions currently present on the property due to mold.
- d. That the condition or situation of the specific piece of property for which the variance is sought is a practical difficulty and is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance.
- e. The variance is necessary to the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zoning district. The condition of the mold is extremely rare and a replacement dwelling that is safe for human occupancy is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone. Lastly, based on the mold condition of the dwelling and considering the existing mortgage on the property, the owner is required to replace the structure within certain parameters and the attached garage would complicate the reconstruction of the dwelling. In addition, its relocation on the lot is also related to the cost of construction, the mortgage and the time and materials that are being donated. As a result, this would also complicate the reconstruction of the dwelling.

Potter seconded the motion and it carried unanimously.

At 6:15pm Chairperson Machiela opened the public hearing for the Aallderink request at 6217 96th Avenue, parcel number 70-12-25-200-040, for relief from Section 21.04A.2 of the Olive Township Zoning Ordinance.

Ransford explained that the applicant seeks relief from the township requirement that an accessory building is located in the rear yard on parcels of less than five (5) acres in size. The parcel in question is approximately one (1) acre in size. The existing dwelling was constructed in 1978 closer to the rear of the property. The 1978 zoning ordinance did not require accessory buildings in the rear yard. In addition, a pool also exists in the rear yard as well as a natural drainage system. Consequently, the applicant is unable to locate the building in the rear yard. In addition, due to the narrowness of the side yards, the applicant is also unable to locate the proposed building in the side yards.

There being no further comments from the public, Chairperson Machiela closed the public hearing.

General discussion was held.

Potter provided a motion to approve the variance request from Section 21.04A.2 of the Olive Township Zoning Ordinance in accordance with Section 27.06, based on the following findings:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district because the parcel appears to have a natural drainage area in the back yard that is associated with their property as well as the adjacent golf course. In addition, it appears the applicant constructed a pool in a fashion to avoid this area. As a result, it appears that the property is physically limited to accommodate structures and other improvements in the rear yard. Furthermore, even if the applicant wanted to locate the proposed building in the rear yard, there is only approximately 50 feet between the dwelling and the rear property line. Given the fact that the rear yard setback for accessory buildings is minimally 15 feet and the setback to the home is minimally 25 feet, only 10 feet in width would remain for an accessory building, which is unusually narrow.
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance since the existing dwelling was constructed in 1978. The 1978 Olive Township Zoning Ordinance did not require that accessory buildings were located in the rear yard. As a result, at the time of the construction of the home the location of a future accessory building did not need to be considered. Consequently, the applicant did not consciously construct the dwelling in a location that would restrict their ability to construct a future accessory building.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare especially since there were no public comments contending any detrimental effect.
- d. That the condition or situation of the specific piece of property for which the variance is sought is a practical difficulty and is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance;
- e. The variance is necessary to the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zoning district since every property is entitled to an accessory building by the Zoning Ordinance. In this

case, the applicant is proposing a garage that is less than the maximum size and height but is unable to be located within the rear yard.

Motion was seconded by Nienhuis and carried unanimously.

At 6:30p.m. Chairperson Machiela asked for member comments. There were none.

At 6:31p.m. Potter provided a motion to adjourn. Motion was seconded by Nienhuis and carried unanimously.

Respectfully Submitted,

SIGNED: _____

DATE: _____

OLIVE TOWNSHIP
ZONING BOARD OF APPEALS

SPECIAL MEETING
January 27, 2010

The meeting was called to order at 5:00 p.m. by Chairperson Machiela.

PRESENT

Potter

Machiela

Ransford, Planning & Zoning Director

ABSENT

Nienhuis

Potter provided a motion to approve the agenda. Motion was seconded by Machiela and carried unanimously.

Potter provided a motion to approve the minutes from the May 6, 2009 Special Meeting. Motion was seconded by Machiela and carried unanimously.

Chairperson Machiela noted that there was no old business on the agenda.

Chairperson Machiela sought public comment for non-agenda items.

There were none.

At 5:01pm, election of officers was held.

Chairperson Machiela opened the nominations for Chairperson. Potter provided a nomination for Machiela to serve as Chairperson. Machiela supported. There being no other nominations, nominations were closed.

Chairperson Machiela opened the nominations for Vice-chairperson. Potter provided a nomination for Nienhuis to serve as Vice-Chairperson. Machiela supported. There being no other nominations, nominations were closed.

Chairperson Machiela opened the nominations for Secretary. Machiela provided a nomination for Potter to serve as Secretary. Potter supported. There being no other nominations, nominations were closed.

The office of Chairperson was then voted on. Being there were no challengers, Machiela was awarded the office of Chairperson.

The office of Vice-Chairperson was then voted on. Being there were no challengers, Nienhuis was awarded the office of Vice-Chairperson.

The office of Secretary was then voted on. Being there were no challengers, Potter was awarded the office of Secretary.

At 5:06 p.m. Chairperson Machiela asked for member comments. There were none.

At 5:07p.m. Potter provided a motion to adjourn. Motion was seconded by Machiela and carried unanimously.

Respectfully Submitted,

SIGNED: _____

DATE: _____