

**Salem Township Zoning Board of Appeals
Minutes, November 10, 2015**

Called to Order – 7 pm. Members present – Beyers, Coffey, Sebright, Myers (chair). Pitsch recording.
Absent with notice – Crismon.

Approval of the meeting agenda – motion by Sebright, seconded by Coffey. Motion carried.

Approval of the August, 2015 meeting minutes – motion by Beyers, seconded by Sebright. Motion carried.

Inquiry of Conflict of Interest – none noted.

Township Board Update – by Sebright – Board meeting at same time as ZBA in another room. Regular business plus working on Golfcart/ORV ordinance.

Public hearing regarding residential setback for VandeGuche. Public Hearing opened at 7:02 pm. Overview of request by Myers. An honest mistake was made because there is more than 1 Salem Township in Michigan. The original plan had been submitted to PCI and approved for 100' setback from 30th Street but after the corn was cut this fall, owners wanted to move house. Survey researched but used information from wrong Salem Township. The foundation was put in and mistake discovered by PCI at inspection. It is too close to county primary road, 15' short of required 100' setback. It was pointed out by surveyor that protruding corner is garage area and that there is a sharp grade to the west as well as a neighbor building large pole barn that would obstruct view. From the audience, Karie Lacey asked if it would affect the road if it became 3 lanes or 4, and would it be a Road Commission or owner problem? The builder pointed out that one reason for the shift was the lay of the land which would otherwise have had septic on an uphill pump.

Motion to close the public hearing – by Sebright. Seconded by Beyers. Motion carried. Hearing closed at 7:10 pm. ZBA member discussion – Coffey – observed that it was originally staked correctly then moved without resubmitting new site plan (builder interjected that according to 'other' Salem Ordinance, the new site was good by 2 feet). Sebright – This is a growing rural area but it will be a long time before the road is widened. Myers – said they would have had to ask for variance anyway due to slope. Sebright – there is a creek but it is a waterway for farmers, usually dry. Beyers – The 15' would not affect a four lane road if it came. It would just jog the ditch. This was a honest mistake, also made previously by people or companies paying property taxes.

Motion to approve as requested, due to extreme slope on north and west sides of structure, and without precedence for further construction. Motion by Beyers, seconded by Coffey. Motion carried.

Public Hearing regarding multiple variances for Dollar General. Public Hearing opened at 7:21 pm. Overview of requests by Kirk, from PCI – Request is for parcel at the SE corner of 142nd and 30th and is contingent upon rezoning from Residential to Commercial zoning. The requested variances were:

1. Lot size, from 80,000 square feet to 71,000 square feet.
2. Setbacks – on 30th, from 125' to 90'
3. Parking – to reduce the number of parking places.
4. Greenbelt – to waive requirement.
5. Offstreet loading – to place on the front instead of the side or rear.

From the Public – Brandy Murowski – questioned how many parking places required? (37, variance asking for 30).

Brenda Hoeve – questioned how traffic changes will be controlled, congestion, hazards?

Jim Billanowski (representing the owner) – explained that it is not an optimum piece of property, with an oil well and storage to the east and a sharp drop off to the south. The plan was sent to the county road commission which had no problems with the driveways, and the health department which is prepared to issue permits. He also said that this is the only way it would fit on this site, for a 9,000 square foot facility (standard type store). This parcel is commercial in the Master Plan.

Brenda Hoeve – commented that the community is growing, if the store is there it will back up N-S traffic, and doesn't like the number of variances in order to tweak it to make it work. She wondered who came up with the idea and cobbled it to make it work.

Brandi Murowski – stated that if there is more traffic, then the road commission will take care of it, and that there is enough room.

Kirk (PCI) noted that the Road Commission controls the acceleration and deceleration lanes shown on plan.

Arthur Oldenbecken – has been in the area since '35 or '36, believes that building can be no closer than 320' from well and tank. During the Depression, they were closer to houses out of necessity. Power line easement lacks application and his property must set back 100'. Also, question of elevation easement for the powerline. Will they bring dirt in? Biggest drop is to the east, not the south. Already improving 142nd in Dorr. Where is traffic count? (county has, Myers). Drive on 142nd should be 36' (it is, Myers). He is very concerned about powerline and oil well. He says that taxes – money – costs when development comes in to widen road.

Project engineer – stated that they will not be under powerline with building and that the traffic concerns were sent to the county – traffic count on 30th – 4700 per day, and in 142nd – 3100 per day.

Kari Lacy – stated that basically only traffic problems on 30th at rush hour and during the summer it's bad. Daytime when people would be shopping are not bad.

Brittany Jones – commented that she moved to Burnips three years ago on 143rd and it was awesome, country feel – local mom 'n pop stuff. The Dollar General does not fit this. She likes community events – church, Beard's, unique stuff. Dollar General messes with it and does not fit. If you build a chain store, other things will follow. Keep burnips a local agricultural community.

Mike Pitsch – Pointed out that if intersection is widened in the future, parking lot will be reduced. He also stated that when traffic is there, turns cannot be made. Truck traffic into store will be into and take up parking lot. Other stores like this unload behind.

Agent for owner stated that driveways are as far from intersection as possible.

B Jones – questioned is there a need? Can't parcel be left as it is? Surprised it was even picked.

Kari Lacy – You can look down the road. You can't stop progress. Why not take advantage? Part of the community would love it.

Brandi Murowski – As a consumer, it is easier to go to corner than Wayland or Grand Rapids. Keeps money in the community but keeps it small.

Motion by Beyer, seconded by Coffey to close the Public Hearing. Motion carried – 8:04 pm.

ZBA member discussion –

Sebright – questioned if state laws had been checked regarding oil well setbacks, 320' to corner of building. Safety issue – would like clarified.

Beyer – as looking at plan, powerline to the south and oil well to the east. Constrained by slope of land. Big job for parking lot. Need several boards for several approvals. Is commercial in Master Plan.

Coffey – Driveway concern – travels the road a lot – busy road – restaurant drive way bad.

Myers – questioned lot size – if more land were purchased then some of the variances would be done away with. He was told that this is what's offered – client said no more land available.

Variances will be voted upon individually but all are contingent upon approval of rezoning and all other approvals, and are without precedence for further construction.

- 1. Lot Area – Motion by Beyers, seconded by Sebright to approve as requested due to constraints of land form to the east and south. Motion carried.**
- 2. Front Yard Setback – Motion by Sebright, seconded by Coffey to approve as requested due to constraint of land form to east and south. Motion carried.**
- 3. Side Yard Setback – Motion by Coffey, seconded by Beyer to approve as requested due to constraints of land form to the east and south. Motion carried.**
- 4. Greenbelt screening – Motion by Beyer, seconded by Coffey to approve as requested due to the constraints of the land form to the south and east. Motion carried.**
- 5. Site Development – Loading Areas – Motion by Beyer, seconded by Coffey to approve as requested due to the constraints of the land form to the south and east. Motion carried.**
- 6. Parking Lot/Loading Spaces – Motion by Coffey, seconded by Beyer to approve as requested due to the constraints of the land form to the south and east.**
- 7. Off Street Loading Spaces – Motion by Beyer, seconded by Sebright to approve as requested due to the constraints of the land form to the south and east. Motion carried.**

Public Comment – none

Other/Roundtable – New copies of Ordinance books are coming.

Adjournment – motion by Beyer, seconded by Coffey. Motion carried. 8:32 pm.

11/13/15

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