

Minutes of the Zoning Board of Appeals – December 1, 2010

Meeting was called to order by Chairman Kellogg at 7:02 p.m.

Members present: Kellogg, Busk, Oosting, Kopka and Haan

Public:

Bill Vance-ZBA alternate

Supervisor: Mike Vandenberg

Representing JBS- Tim Gerig and Gary Komrska

Representing Meijers – Lynn Richardson

Representing Head Start- Richard Sinclair

Chairman Kellogg explained the procedures the Board will follow during the meeting and Board members were introduced.

First Agenda Item: Request from JBS Packerland for a height variance on new construction of the building location 11 Eleventh Street, Plainwell, MI. Parcel number #03-08-031-025-00.

Motion Kopka/Busk to close the regular meeting and open the public hearing.. Roll call Busk yes, Oosting yes, Kopka yes, Haan yes, Kellogg yes. Motion Carried.

Representing JBS was Tim Gerig and Gary Komrska from Tippmann Construction. Gary Komrska presented to the board drawings that represented the changes in the original plans approved by the Planning Commission that now require a request for this height variance. He explained the need for the height increase to accommodate a VRT cooler used to process and freeze meat. He also explained ways the plans had been modified to require a lesser height variance. The elevation was lowered and the equipment will be placed higher in the ceiling structure of the building.

Comments from the Public: Craig McCormick, 11th Street, asked about north truck traffic and if this would cause the traffic to increase. Mr. Gerig explained how JBS is working with truckers to eliminate increase in future truck traffic going north and this request would not effect an increase in truck traffic. Mary Baird 65 11th Street, the property owner directly next to the plant also commented on traffic and trucks using the jake brake. Mr. Gerig also stated that the road south of the plant will be widened and this should also ease any north bond traffic.

Motion Kopka/Busk to close the public hearing and open the regular meeting. Roll call Busk yes, Oosting yes, Haan yes, Kopka yes, Kellogg yes. Carried.

The Board discussed the nature and need for the height variance and noted JBS's changes to accommodate the machinery. After a review of the 4 questions and noting that this was the smallest made equipment that could be purchased.

Motion Busk/Oosting to grant a height variance to JBS, from 45 feet to 48 feet with a peak of 50.3 feet. Roll call Busk yes, Oosting yes, Kopka yes, Haan yes, Kellogg yes.

Second Agenda Item: Request from Meijer Inc. for a sign variance due to store modernization. Location 1195 M-89 Plainwell, MI. Parcels are #03 -08-019-011-00, #03 -08 -019-016-09, #03-08-019-00.

Motion to close the regular meeting and open the public hearing. Roll call Busk yes, Haan yes, Kopka yes, Oosting yes, Kellogg yes. Carried.

Craig McCormick requested this portion of the meeting be taped for Jim Bump owner of the adjacent property to Meijers

Representing Meijers was Lynn Richardson from the Grand Rapids Office. Ms. Richardson presented plans of the signage for the building. The project to modernize the store should begin early next year. Due to changes in the sign ordinance since the building was constructed the new signage will require a variance. The new request of signage will identify changes within the store.

Public Comments: Craig McCormick representing Jim Bump, commented on Meijer being a good commercial neighbor and has helped increase business for several business adjacent to Meijers.

Motion Oosting/ Kopka to close the public hearing and open the regular meeting. Roll call Busk yes, Haan yes, Kopka yes, Oosting yes, Kellogg yes. Carried.

The Board discussed the difference in signage and the plans as presented. After review of the four questions, *Motion Busk/Kopka to grant a variance to Meijers to allow an increase of 234 square feet of signage over the present ordinance. Roll call, Busk yes, Oosting yes, Haan yes, Kopka yes, Kellogg yes, Carried.*

Third Agenda Item: Request from Allegan County Resource Development Committee –Head Start for a setback variance for a covered cement pad. Location 623 10th Street, Plainwell, MI. Parcel #03-08-240-008-00.

Motion to close the regular meeting and open the public hearing. Roll call Oosting yes, Kopka yes, Haan yes, Busk yes Kellogg yes. Carried.

Representing Head Start was Richard Sinclair from Sinclair Recreation. Sinclair Recreations was the contractor hired by Head Start to build the covered area for the playground. It was noted that a covered area is required for children in this age group. Mr. Sinclair did not obtain the proper building permits and the structure has been completed. The structure does not conform to the setback for the area. Mr. Sinclair was asking that the ZBA grant a setback variance for the present structure as built. Mr. Sinclair explained the cement pad had materials in it that make the surface softer than regular concrete which is required and the pad was very expensive and would be expensive to tear up and move.

Motion to close the public hearing and open the regular meeting. Roll call Kopka, yes, Haan yes, Oosting yes, Busk yes, Kellogg yes. Carried.

The Board discussed the fact that a building permit had not been requested or issued and the structure was built too close to the road and did not meet setback requirements.

Motion made by Kopka/Haan to deny this request for a setback variance and to have the play area moved to other available space on the property.

Discussion: The only survey presented was a mortgage survey that does not always detail the actual locations of buildings and parking lots. The Board typically requires land surveys. However, this document did show that there are other areas on the property that has room without a variance for a play area of 30 x 40 feet. The expense to move the locations is not an issue the Board can consider. This was a contractor error and it would be up to the contractor to work this out with the Director of Head Start to provide an alternative at the contractor's expense. Kopka agreed to withdraw the motion and table this decision while the Director and Mr. Sinclair can present decide alternatives to the present location of the pad and play area.

*Motion Kopka/Haan to withdraw the previous motion to deny the variance and table the request until early January when the parties have a chance to present alternatives to the ZBA. Roll call
Busk, yes, Oosting yes, Haan yes, Kopka yes, Kellogg yes, Carried.*

Chairman Kellogg asked if there were any further comments from the public. No comments were made.

The Board will meet in early January to review the alternatives from Head Start and Mr. Sinclair and to formally approve the minutes of the December 1, 2010 meeting.

Meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Connie Haan, Secretary