

BLENDON TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES
July 24, 2023

1. **Call to Order:** At 7:00 pm Chair Bruce Costen called the meeting to order.
2. **Roll call:** Present; Randy Glass, Bruce Costen, Barry Eisenga, Dave Hovingh & Brett Huizenga.
3. **Also Attending**
 - a. Kurt Gernaat – Fire Chief
 - b. Andrew Moore – Township Planner
 - c. Greg Golembiewski – Township Manager
4. **Approval of the Agenda:**
 - Motion by Huizenga, supported by Hovingh to approve the agenda as presented.
Motion carried - unanimous.
5. **Approval of Meeting Minutes From 1-23-2023**
 - Motion by Hovingh, supported by Eisenga to approve the minutes of the January 23rd, 2023, Zoning Board of Appeals meeting with the following changes –
 - A. Page 3, item 5, clarify that the township property “used to be a dump.”
 - B. Page 2, cell tower representative comment, second paragraph from the bottom, obviates the need for a generator (not battery).
Motion carried - unanimous.
6. **New Business** – Shane Headley Variance – Lakeshore Environmental representing applicant.
 - A. Chair Costen opened the public hearing @ 7:03 pm
 - B. Entertain applicant’s petition.
 - Amie Baelstrom representing the applicant for Lakeshore Environmental, gave a brief explanation of the variance request that would include the creation of a 4.7-acre pond and re-routing the drain. They are required to mitigate wetlands and seeking 303 permits from EGLE. Excavation would be 3-4 feet from the ground surface at most, project to take 1-2 months. There would be no buildings so this would be a good space for wildlife habitat and wetland.
 - C. Entertain public comment –
 1. Ken Prince – Member of Ottawa County Farmland Preservation and KP Tree – He stated he would rather see a berm. He also was concerned about disruption of his stock tile.
 2. Glen Overweg – Turkey Farmer. He was concerned about the pond bringing in ducks that could carry the bird flu and possibly contaminate the turkeys.
Chair Costen responded to state these matters need to be addressed at the Planning Commission
 - D. Chair Costen closed the public hearing at 7:22 pm
 - E. Township Planner Andrew Moore was asked to highlight his report to the ZBA. Moore stated the typical variance standards of Section 16.06 of 50’ set back the applicant was requesting did not

fit in the current Ordinance requirements. He also reviewed with the Board staff the four standards in variance and gave a summary of his comments on each.

F. Entertain Board Discussion on petition.

The ZBA members discussed the presentation and asked questions of the applicant.

G. Entertain Board Motion

1. Motion on each standard of Section 16.06 (in order to approve a variance, all four of these standards needs to be met)

i. That the enforcement of the literal requirements of this Ordinance WOULD/WOULD NOT cause practical difficulty for the following reasons

- Motion by Hovingh, supported by Glass that the enforcement of the literal requirements of this Ordinance would not cause practical difficulty since the pond still could be dug, or moved to the west 50', or shrunk.

Motion Carried 5-0

ii. That such a variance IS/IS NOT necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

- Motion by Hovingh, supported by Eisenga that such a variance is not necessary for the preservation and enjoyment of a substantial property right, possessed by other properties in the same zoning district and in the vicinity such that the pond exists throughout township, it is just the size and location.

Motion Carried 5-0

iii. That special conditions or circumstances DO/DO NOT exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures, or buildings in the same zoning district:

- Motion by Costen supported by Hovingh that special conditions or circumstances do not exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures, or buildings in the same zoning district so that the land is not unique but like many others in the township.

Motion Carried 5-0

iv. That the authorizing of such variance WILL/WILL NOT be of substantial detriment to the adjacent and nearby properties and WILL be contrary to the spirit and purpose of this Ordinance for the following reasons:

- Motion by Hovingh, supported by Eisenga that the authorizing of such variance will be of substantial detriment to the adjacent and nearby properties and WILL be contrary to the spirit and purpose of this Ordinance for the following reasons: that the excavation so close to the tree line will be substantial and contrary to the spirit of the ordinance- to a maintain 50' buffer to the east as required by the Zoning Ordinance.

Motion Carried 5-0

2. Motion by Hovingh, supported by Eisenga for denial of the variance request for reasons stated. On the motion to deny the variance, the Chair called the roll: Costen- No, Hovingh- No, Eisenga- No, Huizenga- No, Glass- No.

The Variance was denied for not meeting all of the four standards, 5-0.

7. Adjournment

- Motion by Hovingh, supported by Huizenga to adjourn.
- Motion Carries
- Meeting adjourned at 8:07 pm

Greg Golembiewski, Township Manager, Recorder

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