

OLIVE TOWNSHIP  
ZONING BOARD OF APPEALS

SPECIAL MEETING  
JANUARY 2, 2013

The meeting was called to order at 6:30 p.m. by Chairperson Machiela.

PRESENT	ABSENT
Potter	None
Machiela	
Bush	
Nienhuis	
(One position vacant)	

Also in attendance was Tim Grassmid of Grassmid Greenhouses and Scott Stevens.

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

**Nienhuis provided a motion to approve the minutes from the December 19, 2012 Special Meeting. Motion was seconded by Potter 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 6:31p.m. Chairperson Machiela moved to new business to discuss the Grassmid Greenhouses dimensional variance request from Section 8.06F3 – Dimensional Requirements, Rear Yard at 5825 96<sup>th</sup> Avenue, parcel number 70-12-25-400-039. Machiela opened the public hearing.**

Chairperson Machiela recognized Ransford to provide a summary of the application.

Ransford explained that Grassmid Greenhouses received a variance in 1999 to exceed the maximum lot coverage for the property. In order to exceed the lot coverage maximum, additional variances were granted for setbacks in order to construct an appropriately shaped greenhouse facility addition. Today, the lot coverage maximum no longer applies and only a rear yard variance is requested to expand the facility.

Ransford noted that he recently issued a zoning permit for a building addition that did not require a setback. The applicant now wishes to complete the facility corner with a final addition. However, in order to establish additional expansion, a rear yard setback variance is required, given that the building proposed was not part of the 1999 variance.

Tim Grassmid indicated that Ransford accurately represented the request.

Nienhuis – What is further to the west?

Mr. Stevens – I am and I'm fine with it.

General discussion was held.

Machiela noted that there were no other members of the public present and closed the public hearing.

Nienhuis provided a motion to approve the dimensional variance request from Section 8.06F3 of the Olive Township Zoning Ordinance, because the request presents no harm to surrounding properties and based on the following findings in accordance with Section 27.04 of the Zoning Ordinance:

- 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. It appears that the property surrounding and including the subject property were rezoned by the Township to the MDR Zoning District. Given that agricultural uses are permitted to continue within said District but are generally limited from creating new operations, the property in question was constrained by the limitations of the MDR Zoning District and the surrounding MDR Zoning District property uses. Given that no other agricultural operations about the subject property, it appears that the exceptional and extraordinary conditions or circumstances apply only to the property in question especially given the 13 years that have passed since the rezoning and the continued operation of the agricultural use.
- 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 given that, as noted by township staff in 1999, the township rezoned the subject property and surrounding lands.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare because the request is for the placement of an additional greenhouse to complete the existing facility, which appears to have never been noted as injurious to the neighborhood.
- 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. It does not appear that other agricultural uses exist on adjacent lands that would render the situation recurrent and make it more reasonable to amend the zoning 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 given that most agricultural operations in the MDR Zoning District contain substantial acreage that would prevent the need for those uses to request a

variance. In this case, the property is extremely limited in size and is located in an area less likely to support greater acreage agricultural operations.

Motion was seconded by Potter. A roll call vote was taken.

Bush – Yes  
Nienhuis – Yes  
Potter – Yes  
Machiela – Yes

Motion carried 4-0.

**At 6:36p.m. Chairperson Machiela asked for member comments.**

There were none.

**At 6:37p.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 26, 2013

The meeting was called to order at 6:30 p.m. by Chairperson Machiela.

PRESENT

Potter  
Machiela  
Bush  
Nienhuis  
Brouwer

ABSENT

None

Also in attendance was Supervisor Wolters, Bruce Reenders and Jim Milanowski.

**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 January 2, 2013 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 6:01p.m. Chairperson Machiela moved to new business to discuss the Reenders Blueberry Farms dimensional variance request from Section 18.16C1 – Extraction of Natural Resources, Extractive Mining Area, Bulk and Equipment Location Requirements, Limits of Excavation; Section 18.16D3a – Extraction of Natural Resources, General Requirements and Section 18.16D4b – Extraction of Natural Resources, General Requirements at 0 Stanton Street, parcel number 70-12-05-200-019. Machiela opened the public hearing.**

Chairperson Machiela recognized Jim Milanowski to provide a summary of the application.

Mr. Milanowski noted that the applicant wants to remove approximately 90,000 cubic yards from the site with the end use of blueberries in about three years. He noted that they are seeking the variances because it is not a long term, true mining operation and he believes their request is practical and logical.

General discussion was held regarding setbacks and excavation.

Mr. Reenders – We have seven neighbor signatures so far for consent of the setback elimination.

Ransford noted that in accordance with Section 18.19G of the Zoning Ordinance the applicant must provide adjacent property owner consent to waive the limits for excavation. Mr. Reenders needs them in order for the Zoning Board of Appeals to grant the variance without condition and will need the remaining signatures for final Planning Commission and Board approval.

Supervisor Wolters expressed concern regarding dust control on the adjacent gravel roads.

Mr. Milanowski – We are pursuing permits with the Soil Erosion and Sedimentation Control Agency and the Ottawa County Road Commission to address those concerns.

Ransford summarized the request related to the zoning ordinance and general discussion was held.

Chairperson Machiela closed the public hearing.

Nienhuis provided a motion to approve the dimensional variance request from Section 18.16C1 of the Olive Township Zoning Ordinance, with the condition that all of the adjacent property owner consents are received in accordance with Section 18.16G, based on the following findings in accordance with Section 27.04 of the Zoning Ordinance:

- 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. The applicant is proposing a short term mining operation that will not result in any body of water, will not contain any long term sorting equipment and will conclude with a post-mining use of the farming of blueberries. This circumstance is rare and does not apply generally to other nearby properties in the same zoning district.
- 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. Given the short time period to remove the ground and establish a blueberry farm, the variances requested are reasonable.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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 given that the proposed mining operation is not the typical mining operation and will result in a blueberry field. Moreover, the best means to maximize crop production is to utilize as much property as possible. As a result, it is a practical difficulty to limit the linear space with the required setbacks.
- 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 given that the end use is farming after three (3) years of operation. Ultimately, to prepare the property for farming in its greatest capacity, variances are required, which are in a sense, temporary.

Motion was seconded by Bush. A roll call vote was taken.

Bush – Yes  
Nienhuis – Yes  
Potter – Yes  
Brouwer – Yes  
Machiela – Yes

Motion carried 5-0.

Nienhuis provided a motion to approve the dimensional variance request from Section 18.16D3a of the Olive Township Zoning Ordinance, based on the following findings in accordance with Section 27.04 of the Zoning Ordinance:

- 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. The applicant is proposing a short term mining operation that will not result in any body of water, will not contain any long term sorting equipment and will conclude with a post-mining use of the farming of blueberries. This circumstance is rare and does not apply generally to other nearby properties in the same zoning district.
- 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. Given the short time period to remove the ground and establish a blueberry farm, the variances requested are reasonable.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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 given that the end use is farming after three (3) years of operation. Ultimately, to prepare the property for farming in its greatest capacity, variances are required, which are in a sense, temporary.

Motion was seconded by Bush. A roll call vote was taken.

Bush – Yes  
Nienhuis – Yes  
Potter – Yes  
Brouwer – Yes  
Machiela – Yes

Motion carried 5-0.

Nienhuis provided a motion to approve the dimensional variance request from Section 18.16D4b of the Olive Township Zoning Ordinance, based on the following findings in accordance with Section 27.04 of the Zoning Ordinance:

- 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. The applicant is proposing a short term mining operation that will not result in any body of water, will not contain any long term sorting equipment and will conclude with a post-mining use of the farming of blueberries. This circumstance is rare and does not apply generally to other nearby properties in the same zoning district.
- 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. Given the short time period to remove the ground and establish a blueberry farm, the variances requested are reasonable.
- c. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 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 given that the end use is farming after three (3) years of operation. Ultimately, to prepare the property for farming in its greatest capacity, variances are required, which are in a sense, temporary.

Motion was seconded by Bush. A roll call vote was taken.

Bush – Yes  
Nienhuis – Yes  
Potter – Yes  
Brouwer – Yes  
Machiela – Yes

Motion carried 5-0.

**At 6:25p.m. Chairperson Machiela asked for member comments.**

General discussion was held regarding billboards.

**At 6:36p.m. Bush 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  
December 18, 2013

The meeting was called to order at 5:40 p.m. by Chairperson Machiela.

PRESENT

Potter  
Brouwer  
Machiela  
Bush

ABSENT

Nienhuis

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

**Potter provided a motion to approve the minutes from the June 26, 2013 Special Meeting. Motion was seconded by Bush 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 5:41p.m. Chairperson Machiela moved to the next new business item, election of officers.**

Machiela opened nominations for the Office of the Chairperson.

Potter provided a nomination of Machiela for Chairperson. Nomination was seconded by Bush. There being no other nominations, Potter provided a motion to close the nominations for Chairperson. Motion was seconded by Bush and carried unanimously.

Machiela opened nominations for the Office of the Vice-Chairperson.

Bush provided a nomination of Nienhuis for Vice-Chairperson. Nomination was seconded by Potter. There being no other nominations, Potter provided a motion to close the nominations for Vice-Chairperson. Motion was seconded by Bush and carried unanimously.

Machiela opened nominations for the Office of the Secretary.

Bush provided a nomination of Potter for Secretary. Nomination was seconded by Brouwer. There being no other nominations, Bush provided a motion to close the nominations for Secretary. Motion was seconded by Brouwer and carried unanimously.

There being no challengers, the Office of Chairperson was awarded to Machiela.

There being no challengers, the Office of Vice-Chairperson was awarded to Nienhuis.

There being no challengers, the Office of Secretary was awarded to Potter.

**At 5:44p.m. Chairperson Machiela moved to the next new business item, the 2014 Meeting Schedule.**

After review, Bush provided a motion to approve the schedule as presented. Motion was seconded by Potter and carried unanimously.

**At 5:45p.m. Chairperson Machiela asked for member comments.**

There were none.

**At 5:45p.m. Potter provided a motion to adjourn. Motion was seconded by Brouwer and carried unanimously.**

Respectfully Submitted,

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_