

**MEETING**  
**CITY OF WALKER**  
**ZONING BOARD OF APPEALS**

**Wednesday, May 26, 2010**

**7:00 p.m.**

The meeting of the Zoning Board of Appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Charles Deschaine; Brian Boelens; Randy Smith; Beth Rogers and James Hickey. Tammy Freedman, Recording Secretary. Absent: Jeff Nelson, Building Official/Zoning Administrator.

**DECISION AND ORDER**

**Motion**

Brian Boelens moved and Jim Hickey supported a motion to remove this application from the table. Motion carried unanimously.

**Legal Description**

Property located at 2500 Turner also known on the tax rolls as 41-13-12-129-006. Hearing requested by Richard Baylie

The applicant's request is to hold outdoor concerts in conjunction with the temporary outdoor events allowed in commercial districts. The applicant additionally requests permission to allow motorized vehicle racing (tabled from 5-12-2010)

**Finding of Facts**

Robert Marz, Chairman reviewed the application and site plan submitted.

Robert Marz, Chairman read the e-mail submitted from Greg Long, Captain City of Walker Police Department.

Rich Baylie and Joel Langlois appeared on behalf of this request.

No other citizens appeared on behalf of this request.

Rich Baylie stated they are withdrawing the request for the outdoor concerts they are asking for the outdoor motorized vehicle event on August 13 and 14, 2010.

Joel Langlois stated this is a quarter midget race there will be kids ranging from 6 to 14 years old these cars are similar to go-karts. The arena racing track will be similar to the track they have inside their building. The track is a self contained track it doesn't carry the same noise and dangers as the cars that are raced out at Berlin Raceway. This is a family event where kids will be coming out to the race with their families there will be alcohol sold at this event, but this is not a big party event it's more family oriented.

Robert Marz asked Joel Langlois why the event needs to be held outside instead of inside.

Joel Langlois stated that they have found during the summer people prefer to be outside and instead of inside at events. Where they plan on holding the event the parking lot faces the industrial properties it does not face the residential properties.

Robert Marz asked what happens if it rains during the event.

Joel Langlois stated they would move the event to inside the building.

Joel Langlois stated that this event brings people from all over the country to help provide for the local economy.

Robert Marz asked if Mr. Langois was familiar with the City of Walker Noise Ordinance.

Joel Langlois replied that most of this event will be in the day time hours and probably conclude around 9:00 p.m., they are confident they can meet the City of Walker Noise ordinance. The cars runs on Honda motors that run inside household generators they are not that loud.

Brian Boelens asked how many cars run at one time.

Joel Langlois stated that they run up to 10 cars at one time.

Joel Langlois stated that the outdoor track will be similar to the track they have inside the building. The track is a banked track that has a wall that goes around the track and the noise will be contained inside the bowl type track.

Brian Boelens asked if the event will be held in front of the building other than parking.

Joel Langlois stated this was correct.

Jim Hickey asked if he talked to any of the residential neighbors in the area.

Joel Langlois stated that they handed out a letter explaining the event and they did not have any negative comments.

Randy Smith asked what does the championship racing mean.

Joel Langlois stated everyone likes a trophy this race is not associated with any organization it is a one-time event.

Randy Smith asked what the schedule is for the race.

Joel Langlois reviewed and submitted the Schedule of Events.

Robert Marz asked Mr. Langlois when the racing begins.

Joel Langlois stated the actual heat will start at 7:00 p.m.

Jim Hickey asked if this will be a one-time event and stated Mr. Langlois will need to come back before the Zoning Board of Appeals next year.

Joel Langlois stated this is a one-time event and they plan on coming back next year to the Zoning Board of Appeals and apply for a new variance.

Jim Hickey asked if this track was built on the same level all the way around the track.

Joel Langlois stated that this track has 56 different pieces it's similar to a dasher board around a hockey rink it goes straight and then it curves around behind the goal this is exactly what this track does. The curves get up to an 18 degree bank on the straight away it runs at a 14 degree bank.

Jim Hickey asked if this is similar to the track they have inside the arena.

Joel Langlois stated that they will be taking the track that's inside the building and moving it outside.

Brian Boelens asked what they will be doing with traffic control.

Joel Langlois stated that they will be having the cars coming and going from the south entrance of the lot. They charge for parking this is one of their income sources so they have people direct traffic into the pay station inside and as far as outgoing traffic , they have never had an issue it usually tends to go very well. The large portion of the lot is what they will be using even if everyone decided to leave at once it would not be an issue.

Robert Marz asked if they are going to be having portable lights.

Joel Langlois stated they probably will.

Motion

Brian Boelens moved and Beth Rogers supported the motion to approve the applicant's request is to hold allow motorized vehicle racing. (tabled from 5-12-2010).

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district the facility and proposed variance zone is located in an industrial area with few residences West of the facility.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district rights of other outdoor events and festivals, including Walker Summer Festival.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that logistical planning and limiting the hours of the events in the proposed variance will limit noise and disturbance to the industrial area, and the few residences west of the facility. Location, size and configuration of the sight easily accommodates this propose use.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation disruption to industrial and residential neighbors will be limited by logistical planning and the hours of variance events. Noise will face away from residential area and will be blocked by the Delta Plex facility.
- e. Does not apply.

The Board proposed the following conditions:

1. Applicant to abide with the City of Walker Noise Ordinance.
2. Racing to be concluded by 10:00 p.m.
3. Traffic control to be monitored.

Motion carried unanimously.

DECISION AND ORDER

Legal Description

Property located at 2250 Kinnrow also known on the tax rolls as 41-13-08-301-011. Hearing requested by David Korte.

The applicant's request is to build an approximate 400 square foot accessory building to be located on a land-locked parcel without a principal residence to be used in conjunction with the owner's home located at 2243 Kinnrow. Property to be accessed through an easement across a parcel owned by Consumers Power Company.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

Robert Marz, Chairman read a letter from Chuck Schroeder from the City of Grand Rapids.

David Korte stated that there will be no below grade foundation it will be on a slab, they will do what they can to not put the shed in the easement and there will be no driveway, they will be walking to the shed from their property. If there are any sewer repairs and the shed is damaged that is a chance they are willing to take. The access for the City of Walker Fire Department because of the sanitary sewer easement it is very easy to drive in between his house and his neighbor's house to access the shed if there was that type of emergency.

Jim Mannie of 3813 Kinview stated that he lives in front of where the proposed shed will be built. The site plan submitted to the City of Walker shows the shed will be placed in a wetland area. The amount of fill that will be needed to bring this area up to grade will be quite significant and from the west the grade is much higher and all the water from the storms runs down from the west to the east to a retention area where the shed will be built and from there it heads south towards his home and in the rear of the properties located on Kinview. Mr. Mannie stated his concern is that they have as much water as they can handle now and if there was any type of flooding the water would end up in people's basements, the water now runs a lot with just a little bit of rain. Is there a height restriction. Is this variance specific to a certain spot on the property or anywhere on that particular piece of property?

Robert Marz showed Mr. Mannie a copy of what the proposed building will look like.

Robert Marz stated that the letter submitted from Chuck Schroeder from the City of Grand Rapids stated the building cannot be located on the sanitary sewer easement.

Jim Mannie asked as long as they didn't put the building on the sanitary sewer easement they can put the building anywhere on that parcel.

Robert Marz replied that they cannot put the shed in a wetland area.

Beth Rogers asked Mr. Korte if had any idea of how much fill he plans to put in this area.

David Korte stated that they did not know how much fill they would need to bring in for the building. David Korte stated that the spot where they paced out for the building is higher and then drops as it approaches Jim Mannie's property at 3813 Kinview, they felt they had a location for the building that they thought would require very little fill.

Beth Rogers asked if Mr. Korte would install drain tiles so that the water would run back to the detention basin and would not run towards the houses on Kinview.

David Korte stated this would be fine he could install drain tiles.

Jim Hickey asked if they owned the property they are proposing to put the building on.

David Korte that they do own this property the property is in his wife's name he owns 4.2 acres along with the retention pond.

Jim Hickey asked if Mr. Korte had an easement from Consumers Power to access his property.

David Korte stated that he has been trying to contact Larry Harness from Consumers Energy through e-mail and phone messages and he has not received a response from him. David Korte stated that he spoke with someone else from Consumers Energy and explained the situation they said it sounded ok, but they would need Larry Harness to sign off.

Randy Smith asked if they owned the property all the way out to Kinney Avenue.

David Korte stated the property he owns does not go out to Kinney Avenue as you move west the parcels on Kinney Avenue are owned by Clay Wilson.

Robert Marz stated this property is a landlocked piece of property.

Beth Rogers asked Mr. Mannie if he was comfortable if Mr. Korte put in drain tiles around the building.

Mr. Mannie stated that his main concern would be who would place the drain tiles would the City of Walker City Engineer would the cost be paid for by the City of Walker. The rate of the land it would take a lot of engineering work this is why the previous property owner didn't do it in the first place to alleviate all the water along Kinview, it was way too expensive. Who will be responsible to make sure the drain tiles work and don't add anymore water to their existing problem. Mr. Mannie showed the Zoning Board of Appeals pictures he had taken showing the water piling up on this property.

Jim Hickey asked if the white sign is the end of Mr. Mannie's lot.

Mr. Mannie stated that the white signs were the placement of the sanitary sewer the pictures they are looking are to the west and Mr. Korte's property is to the northeast of the white signs this is looking down the sanitary easement. Mr. Korte is proposing to build the shed into the woods to the left of the white sanitary easement signs.

Mr. Korte stated what Mr. Mannie has said is correct, but he believes the sanitary sewer easement sign may have been moved, they will confirm the exact location of the easement before they build their shed. The site plan shows that the sanitary sewer easement should be farther to the right of where it is at in the picture. The water that is shown in the picture is not where they want to put the shed. If the Zoning Board of Appeals looks further west and to left of the white sign they will set the shed is in that area and should be clear of the easement and drier ground. Mr. Korte explained that he went out to this site several weeks ago and where they want to place the shed was dry.

Robert Marz asked if when the plat was built the retention pond would have had to been looked at by the City Engineer and the City Planner.

Jim Hickey stated this was correct.

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Chuck Deschaine stated that there have been issues in the past with water in this area he is surprised the staff did not make the Zoning Board of Appeals aware of that.

Jim Hickey asked Mr. Mannie if he currently has water issues at his house.

Mr. Mannie replied that the water comes towards their house and if there was a large storm the water would come up to their house. Mr. Mannie stated his concern he doesn't want any more water. Mr. Mannie stated if they put tile in to drain that area and try to put in towards the retention basin you have to go so far down you would eventually run into the sanitary sewer easement that goes across this property. Mr. Mannie stated there is water that comes from the other side of Kinnview underneath the street and runs down the power lines all that water runs towards the back of his property and filters into the retention basin area and goes back around. Mr. Mannie stated that he isn't sure if this is a wetland area.

Robert Marz stated that we need to find out exactly where the building is going to be and exactly where the sanitary sewer easement is and have the City of Walker Engineer look at this site as far as the water run-off and as far as how much fill would need to be brought in and exactly where the building placement needs to be. Robert Marz stated that he feels uncomfortable saying the building can be placed anywhere the applicant wants to. Robert Marz stated that the applicant needs to obtain an easement from Consumers Power.

Jim Hickey asked Chuck Deschaine how the City of Walker Fire Department would be protected if this building is built and the fire department cannot reach the building and if it burns down.

Chuck Deschaine replied that this is a concern that has been raised and this needs to be addressed.

David Korte stated that there is a fire hydrant on his property. Mr. Korte stated that that they used a 100' foot hose to fill their pool and they would probably need 100' or so of hose to get to where they are proposing the building.

Robert Marz asked if there is access to the building for a fire truck.

David Korte stated that this area is mowed.

Robert Marz asked if there would be access for a 6 ton fire truck to access this shed if it's rainy, wet or has snowed. Robert Marz stated that they are looking at a worst scenario. According to Phil McCormack from the City of

Walker Fire Department they would be at least 50 short of hose in order to reach the building if it were on fire. Robert Marz stated that Mr. Korte would need to come up with a way the City of Walker Fire Department would be able to have access to the building with the 50' of hose they are short.

Roger Crabtree asked if the City of Walker Fire Department could pump the water out of Mr. Korte's pool.

Mr. Korte replied that the City of Walker Fire Department could pump the water out of his pool or the retention basin.

Randy Smith asked the applicant why he is putting the building in this location.

David Korte explained that what is not shown in the map is that about half to two thirds of their backyard is occupied by a pool. The other part of the yard is a play-set there is no room in their yard.

Randy Smith replied then there is no where to put this building on his property.

David Korte explained there is no room on his property.

Robert Marz stated that he would like to table this hearing and have the following items answered:

1. The 50' of hose that is lacking from the City of Walker Fire Department to reach this building if it were on fire.
2. Easement from Consumers Energy.
3. City of Walker Engineer to help with the location of where this building can be located and what the direction of the water shed would run and to show and how much fill they would need.
4. If this a wetland area.

David Korte stated they went to the properties in this area and they did not receive one concern of water in the area.

Motion

Jim Hickey moved and Beth Rogers supported the motion to table the applicant's request to construct a private storage garage at address 2250 Kinney Ave NW. This parcel is non-conforming and land-locked and a principal residence cannot be constructed on it. The garage would be used to store seasonal items for the applicant's home at 2243 Kinnrow Ave.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation.
- e. Does not apply.

The Zoning Board of Appeals proposed the following conditions:

1. To address the 50' of hose that is lacking from the City of Walker Fire Department to reach this building if it were on fire.
2. Obtain an easement from Consumers Energy.

3. City of Walker Engineer to help with the location of where this building can be located and what the direction of the water shed would run and to show and how much fill they would need.
4. Is this a wetland area?

Motion carried unanimously.

MOTION

Randy Smith moved and Roger Crabtree supported a motion to approve the minutes from May 12, 2010.

Roger Crabtree moved and Jim Hickey supported a motion to adjourn the Zoning Board of Appeals meeting at 8:10 p.m.

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Roger Crabtree  
Zoning Board of Appeals Secretary

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Tammy Freedman  
Recording Secretary