

Jamestown Charter Township
Zoning Board of Appeals
December 4, 2018

The meeting was called to order at 6:00 p.m. by Chairman Zomerlei with Brouwer opening with prayer.

Chair welcomed new Board members.

Board members present: Zomerlei, Brouwer, VanAanhold, Vanden Heuvel, Byker with Beimers as alternate observer.

Present other than Board: Kirk Sharphorn, Jr., Zoning Administrator. List attached.

Motion by Vanden Heuvel to approve the agenda, supported by Byker. Carried.

Motion by Vanden Heuvel to approve the minutes of April 3, 2018, seconded by Brouwer. Carried.

No public comments on matters not on the agenda.

Chair read in the request from Kent Quality Foods 3426 Quincy Street, Parcel #70-18-18-08-031 for a variance on building materials standards. Section 14.7 of the Jamestown Charter Township Ordinance.

Kent Quality Foods (KQF) – we are a food manufacturer. Management of pests is a priority. The original plan was a textured finish. This would create a harbor area for animals. We try to eliminate any animals. Looked at alternate options. These panels will incorporate and insure food safety. There is not a way to moderate the panels to make them textured. We just found out that not everyone knew of the change.

Building is completed.

KQF - we thought we went through the proper channels, so how it is then; that it didn't get back to the township. Contractor made the changes, then contacted PCI, but the ball got dropped. With product recalls and everything else...product safety is utmost importance.

Sharphorn – the general contractor never indicated modifications in plans. But, that happens. What typically occurs is when the building is checked at the final inspection, as in this case, it was discovered the façade requirement was not met. It looks fine to me. The inspectors were there looking at blueprints, not the outside material. We just missed it.

KQF – we were told by the contractor they were good to go and thought everything was fine.

Sharphorn – code requirements and zoning requirements are two different things.

Zomerlei – Do you have anything in writing from the government that states you would need a smooth facade?

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KQF – No. You want to remove the source of contamination when you can. We want to remove the risk.

Sharphorn – I searched exterior materials, how it causes contamination. Didn't find much.

Vanden Heuvel – on your application, it states that the USDA will not allow a fluted exposed aggregate panel.

KQF – There are no concerns from the USDA. We are up and operating. They don't make recommendations on anything...just a yes or no to operate.

Vanden Heuvel – Your position then is that there is no way, at this point, to bring this into compliance...brick and stone.

KQF – No easy cost effective way to comply.

Sharphorn – this is a different type of business...different standards. Protecting foods with USDA requirements.

KQF – we are using the best practices for our industry.

Motion by Brouwer to close the hearing, supported by VanAanhold. Carried.

Vanden Heuvel – I'm wondering, if we deny...what happens. Setting any kind of precedent?

Sharphorn – if you deny, they can appeal the decision to the circuit court and a judge will make a decision.

Vanden Heuvel – how did you find out they did not meet code.

Sharphorn – when the planner did the final inspection, it was discovered.

Byker – I feel this is in line with the type of business.

Vanden Heuvel – the ZBA bases decisions on the ordinance and guidelines set, criteria to meet.

Sharphorn – when looking at the criteria, 'unique to property', you have to consider the type of business. Looking at exterior façade, you have to look at - that this is unique to their business – dealing with the USDA.

Vanden Heuvel – didn't raise any flags earlier?

Sharphorn – we are making/taking steps to correct this. Maybe checking a few times before the final inspection and parking lot is complete. Would like to see contractors come and say there is a change in the plan. There is no gross negligence here. If it was a different type of business, I'd say yes deny.

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Vanden Heuvel – I'd be really interested...it would be very important to make all aware that changes need to be brought forth.

Motion by Vanden Heuvel to approve the request for a variance to allow for smooth face concrete panels, supported by Byker for the following reasons:

- 1] Best practice for type of business
- 2] A hardship we can avoid – property owner not at fault
- 3] Take into account the business they are in
- 4] Will not grant special privileges that are denied other properties

Motion carried unanimously.

Motion by Zomerlei to elect Vanden Heuvel for vice-chair, seconded by Brouwer. Carried unanimously.

Motion by Byker to adjourn, supported by Vanden Heuvel. Motion carried.

Meeting adjourned at 6:48 p.m.

Respectfully submitted,

Bonnie Oosterink, Recording Sec.
Zoning Board of Appeals

Minutes approved on _____ by _____
Chairman