

ZONING MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, December 09, 2014
7:00 P.M.
Cascade Library Wisner Center
2870 Jackson Avenue SE

ARTICLE 1. Chairman Casey called the meeting to order at 7:00 P.M.
Members Present: Berra, Casey, Hammond, McDonald, Neal
Members Absent: Cousins (Excused)
Others Present: Community Development Director Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Casey led the Pledge of Allegiance to the flag.

ARTICLE 3. Approve the Agenda.

Motion made to approve the Agenda as printed by Member McDonald. Support by Member Berra. Motion carried 5-0.

ARTICLE 4. Approve the Minutes of the November 11, 2014 Meeting.

Motion made by Member McDonald to approve the Minutes of the November 11, 2014 Meeting as written. Support by Member Berra. Motion carried 5-0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

No visitors present wished to speak to non-agenda items.

ARTICLE 6. Case #14:3223 Darlee LLC

Public Hearing

Property Address: 5380 52nd Street

Requested Action: The Applicant is requesting a variance to allow a new driveway off from 52nd Street that does not meet our spacing standards.

Community Development Director Peterson introduced the case by reviewing the map. The property is located on the south side of 52nd Street between Kraft and Patterson. They have two curb cuts but would like to close their western curb cut and put in a second curb cut further to the west to allow access to an undeveloped property to the rear of the site. The spacing we require for a street with traffic over 45mph is 300 feet. It does not meet the spacing requirement for driveways on the same side of the road to the next parcel to the west. By moving the curb cuts there would only be 251 feet of separation between the two driveways. The drawing shows the variance request is 251 feet so it does meet that requirement. The original Site Plan that the Township approved shows the two current curb cuts and it also shows this exact driveway as a future proposed driveway to the West. They are coordinating with the Road Commission's plans to reconstruct 52nd Street next year. We have granted some exceptions to our spacing requirements in the past. They were typically for right in/right

out entrances. Meijer and Centennial Park are the most recent cases. The regulations for spacing standards that we have on the books were developed after the original Site Plans were approved. We did allow DJ's Landscaping to keep their curb cuts that are spaced closer together with the understanding that when the parcel next door is developed they will close curb cuts and utilize a shared driveway. The curb cuts were existing. I am recommending approval of their variance but I would like to see if the driveway could be moved further to the east to increase the amount of spacing between the two curb cuts. A variance is warranted in this case, as the original plan showed this proposal and the coordination of their project with the Road Commission. It is a small variation in our spacing standards.

Chairman Casey asked the Applicant to come forward with any comments.

Zach Vogt, Moore & Bruggink Engineering and Eric DeRuge of Darlee LLC came forward as the Applicants to answer any questions.

Member McDonald made a motion to open the Public Hearing. Support from Member Hammond. Motion passed 5-0.

No one wished to speak on the case.

Member McDonald made a motion to close the Public Hearing. Support from Member Hammond. Motion passed 5-0.

Member McDonald made a motion for Case #14-3223 Darlee LLC, that the Applicant's request for a variance be approved to allow a new driveway off from 52nd street that does not meet our spacing standards per Staff's Finding of Fact and on the basis that this was part of the original Site Plan. Support by Member Hammond. Motion passed 5-0.

ARTICLE 7. Case #14:3224 Meidema Metal Building System

Public Hearing

Property Address 3801 Kraft

Requested Action: The Applicant is requesting a variance to allow a new parking area to be installed one (1) foot from the north property line.

Community Development Director Peterson introduced the case by reviewing the map. This is an industrial piece of property on Kraft Avenue south of 36th Street that dead ends at the airport. Lakeland Pallets operates out of this location. The exception that they are requesting is to extend their current parking lot on the north side to within one (1) foot of the property line. Normally we would have a buffer yard or a green space between a property line and a building. They are requesting to pave the buffer yard area. The Zoning Ordinance requires a 20 foot buffer yard so the variance is requesting a 19 foot exception. The site is surrounded by the airport, railroad tracks and the old gravel pit which is in operation. The site looks full and I am not recommending approval. Typically the variances that we have approved have been for a reduction in the buffer yard that still had room for plantings. When we have granted a variance we

have been able to get the required landscaping and in this case this is not possible. I did not find anything unique in this situation that would allow approval.

Chairman Casey asked the Applicant to come forward with any comments.

Dennis Buist, Meidema Metal Building Systems and Dan Bodbyl, Lakeland Pallets, came forward as the Applicant. There is going to be an addition added to the building and this will take away even more of the existing property. There is limited space now for the employee parking, pallets and trucks that enter the site.

Member McDonald asked if the property line extended to Kraft Avenue on the North side. The Applicant stated the property line extends to the fence.

Member McDonald asked if they could purchase some of the vacant property. The Applicant stated they had requested to purchase land from the neighboring property in the past and were turned down.

Member McDonald stated that if they did not receive the variance they would lose parking spaces along Kraft. The Applicant stated the current parking would be lost to truck traffic with the addition, so most of the employee parking would be lost.

Member Hammond asked if the Applicant had talked to the property owner about the parking addition. The Applicant stated they had not talked to the neighbor.

Member McDonald stated the issue is setting a precedent if we allow a variance without unique circumstances. There are not really any exceptional or unique circumstances in this case. We do recognize that you are land locked by the airport and the railroad tracks.

Chairman Casey stated that for clarification, if the gravel pit was redeveloped, they would be required to have a buffer yard. Director Peterson stated that this was correct.

The Applicant asked if it was possible to work with the gravel pit to work out an easement of 20 feet to allow for the buffer yard. Director Peterson stated this can be done but it is sometimes very hard to keep track of and can create an issue on future projects. We prefer this method is not used.

Member McDonald asked what amount of property would be needed to meet all the requirements. Director Peterson stated they would technically need only the 20 feet.

Member McDonald asked if it was possible to grant a partial variance if they could have a smaller buffer yard. Director Peterson stated it is up to the Board to decide if they would allow a smaller variance.

Chairman Casey stated that currently the Applicant is asking for the maximum variance. Given the guidelines that we have, it has to be demonstratable to be the minimal variance that makes sense to conditions that are beyond Applicants control.

Joel Bodbyl, Lakeland Pallets, asked if it was possible to receive a conditional variance stating they could put in the parking lot, but if the property to the north was ever sold, they would be required to remove the parking and put in the buffer yard at that time. Director Peterson stated he would not want to put something into a variance that is contingent on someone else's property or that was difficult to track or enforce.

Director Peterson stated the case could be tabled to give the Applicant time to ask the adjacent property owner if they were willing to sell the footage that is necessary to either be compliant or to know the minimum variance needed.

Member Hammond made a motion to open the Public Hearing. Support from Member Berra. Motion passed 5-0.

No one wished to speak on the case.

Member McDonald made a motion to close the Public Hearing. Support from Member Hammond. Motion passed 5-0.

Member McDonald made a motion to Table Case #14:3224, Meidema Metal Building Systems, to allow the Applicant time to pursue purchasing property from the adjacent property owner and/or redo the property with less of a variance request. Support by Member Berra. Motion passed. 5-0.

ARTICLE 8. Any other business.

There was no new business.

ARTICLE 9. Adjournment

Motion by Member McDonald to adjourn the meeting. Support by Member Berra. Motion Passed 5-0. Meeting adjourned at 7:45 PM.

Respectfully submitted,
Bill Cousins, Secretary

Ann Seykora/Debra Groendyk
Planning Administrative Assistant