

MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, January 8, 2013
7:00 P.M.

ARTICLE 1. Chairman Mel Casey called the meeting to order at 7:00 P.M.
Members Present: Casey, Goldberg, Hammond, James, McDonald
Members Absent: None
Others Present: Planning Director Steve Peterson

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

ARTICLE 3. Approve the Agenda

Motion was made by Member James to switch Article 6 to Article 7, and then Article 7 would become Article 6. Support by Member Goldberg to amend the agenda. Motion carried.

ARTICLE 4. Approve the Minutes of the October 9, 2012 Meeting.

Motion was made by Member McDonald to approve the Minutes as presented. Support by Member Hammond. Motion carried.

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

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

ARTICLE 6. Case # 12-3114 Kevin Eidson
(Public Hearing)
Property Address: 5570 28th St SE

Requested Action: The applicant is requesting a Variance to allow the use of a nonconforming property.

Planning Director Peterson introduced the case. He stated that the property has previously been used as a Marathon gas station. It is on 28th St. across from Meijer. The property has been unused for more than 180 days and the non-conforming situation of the property include setbacks, bufferyards and lot size.

The property is in the Expressway Service Zoning District. The rules were recently changed, dropping the minimum lot size down to 1 acre from 3 acres. The property in question is less than 1 acre, so it is non-conforming.

The landscape buffers do not meet our requirements. They do not have a front bufferyard and the sides are 6-10 feet on the side. The Ordinance requires a 25 foot buffer around the entire perimeter with the front being reduced to 20 feet along 28th St.

The new building will have a front setback of about 60 feet and a rear setback of 18 feet. The required setbacks are 100 feet in the front and 50 feet in the rear.

This is a change in use, as the applicant has indicated that they believe the building will be a mix of restaurant and retail. With the limited amount of parking available it will restrict any use to what is allowed per the parking standards.

The applicant will also be required to obtain Site Plan Approval from the Planning Commission for the new building if the Variances are granted.

The standard for this variance is found in Section 22.06 of the zoning ordinance. It indicates that the ZBA may grant a variance to allow the non-conformities to continue if they find that eliminating a particular nonconformity is not reasonable possible. Peterson indicated that we have tried to get sites like this closer to compliance than what is now. If we held this site to complete compliance, it would probably never be used.

Peterson believes the applicant has brought the property closer to compliance and recommends that the variances be approved to allow the non-conforming situations to exist as shown on the site plan dated 12/10/12 with the condition that the site plan must be approved by the Planning Commission.

Chairman Casey asked if there were any questions of Staff.

Member Goldberg asked if there was a time-frame for an applicant to move forward once a variance is granted. Peterson replied that unless substantial improvement are made, the variance granted would last for one year.

Chairman Casey asked the applicant to come forward for comments or questions. Kevin Eidson is the applicant and is representing the property owner. He works for W. L. Perry Associates.

Mr. Eidson briefly explained the plans for the property as well as the building, and then asked if anyone had questions.

Member Goldberg asked about the timeline in going forward with the project if all requests are granted. Mr. Eidson replied that if the Variances are approved he will submit for Site Plan Approval. If that is approved they would like to break ground by spring.

Chairman Casey asked about the environmental issues. Mr. Eidson replied that they are working with FTC&H on these issues.

Member McDonald made a Motion to open Public Hearing. Support by Member Goldberg. Motion carried.

No one from the public spoke to this project. Planner Peterson stated that he had not received any correspondence regarding the request.

Member Goldberg made a Motion to close Public Hearing. Support by Member McDonald. Motion carried.

Member McDonald made a Motion to grant the Variances to allow the non-conforming situations to exist as shown on the site plan dated 12/10/12, with the condition that the site plan must be approved by the Planning Commission. McDonald added that we should also allow this due to the 4 facts listed on page 3 of the Staff Report. Support by Member Hammond. Motion carried unanimously.

ARTICLE 7. Case #12-3113 ICON Signs
(Public Hearing)
Property Address: 5570 28th St SE
Requested Action: The applicant is seeking a Variance to allow the construction of a pylon sign closer to the road than permitted.

Staff stated that the applicant is requesting a Variance to allow the construction of a new sign approximately 13 feet back from the 28th St ROW. The Sign Ordinance requires 25 feet. The old sign (which has been removed) was located in the NW corner of the property and was setback about 3 feet. The new sign will be located in the middle of the lot.

Our Sign Ordinance requires that new signs be in compliance when the use of the property changes or when a new sign is installed.

The property is small and non-conforming. They are increasing the front bufferyard, giving them a place to install the sign, which comes closer to the proper setbacks. The only option would be to locate it in the east or west bufferyard which would require a Variance for setbacks from the side property line.

They are building the sign shorter (25 feet) than it could be (30 feet).

In the past we have negotiated other signage tradeoffs by reducing the total amount of signs, total sq. footage provided, or even setbacks.

Peterson indicated that the PUD to the West allows for two pylon signs for the hotel and restaurant that are setback 15 from the ROW but the signs are about 20 feet tall.

Planning Director Peterson recommends that a Variance be approved based on the fact that the sign will be closer to compliance than it was before, it will be consistent with the setback of the signs to the west of it, and the entire site is being upgraded to come closer to compliance; which allows the sign to come closer to compliance. Peterson also recommends that the applicant be limited to a 20 foot tall sign to be more consistent with neighboring signs.

Chairman Casey asked the applicant to come forward for comments.

Andy Huffman came forward to represent the applicant. He requested to have a 25 foot sign, as there will be two tenants. He added that it would be beneficial for the tenants to have a taller sign.

Member James asked if there is a line of sight issue with the neighboring signs if they are all of similar height. The applicant answered “no”.

Member McDonald made a Motion to open Public Hearing. Support by Member Hammond. Motion carried.

James Mikrut of ICON Signs came forward. His business address is 3 Leonard, Grand Rapids, MI. He stated that when you are trying to gain a new tenant, the additional 5 feet of signage is important.

Member Hammond made a Motion to close Public Hearing. Support by Member McDonald.

Member Goldberg asked the Planner if there was any public comment. Peterson said there was not.

Motion carried to close Public Hearing.

Member Goldberg asked if there were any 30 foot tall signs in that area. Staff replied that the Meijer sign was, but none on the south side of the road in this area.

Member James made a Motion to approve the Variance with a 25 foot tall sign.

Discussion followed.

Support for the Motion by Member Goldberg who indicated that given the fact that the site has a lot working against it in terms of clean up, size, and access it might be wise to allow the 25 foot tall sign even though the staff has pointed out how the 20 foot tall sign would be consistent with its neighbors. Motion carried unanimously.

ARTICLE 8. Any other business

- Election of Officers.

Member James nominated Member McDonald to be the new Chair. Support by Member Goldberg. Member McDonald accepted the nomination. Motion carried.

Member James nominated Chairman Casey to be the Vice Chair for the coming year. Support by Member Goldberg. Motion Carried.

Member Goldberg nominated Member Hammond to continue as the Village Design Review Committee Representative. Support by Member McDonald. Motion carried.

ARTICLE 9. Adjournment

Motion was made by Member Goldberg to adjourn. Support by Member Hammond.
Motion carried. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,
Tom McDonald, Secretary
Carol M. Meyer, Planning Administrative Assistant