

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, March 22, 2016
7:00 pm
Cascade Library Wisner Center
2870 Jacksmith Ave. SE

- ARTICLE 1. Call the meeting to order
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the Minutes of the January 12, 2016 meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case #15:3285 Cascade Township
Public Hearing
Property Address: 5211 28th Street
Requested Action: The applicant is seeking a variance to allow a sign to be constructed taller than permitted by the sign ordinance and closer to the ROW than permitted.**
- ARTICLE 7. Any other business**
- ARTICLE 8. Adjournment**

Meeting format

- 1. **Staff Presentation** *Staff report and recommendation*
- 2. **Project presentation-** *Applicant presentation and explanation of project*
 - a. **PUBLIC HEARINGS**
 - i. *Open Public Hearing. Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. *Close public hearing*
- 3. **Commission discussion -** *May ask for clarification from applicant, staff or public*
- 4. **Commission decision - Options**
 - a. *Table the decision*
 - b. *Deny*
 - c. *Approve*
 - d. *Approve with conditions*
 - e. *Recommendation to Township Board*

ZONING MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, January 12, 2016
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, McDonald, Milliken, Pennington
Members Absent: None
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 current 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 December 08, 2015 Meeting.

Motion made by Member McDonald to approve the Minutes of the December 08, 2015 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 #15:3291 Meijer

Public Hearing

Property Address: 5531 28th Street SE

Requested Action: The Applicant is seeking approval from the Zoning Board to construct a bus stop shelter for The Rapid.

Community Development Director Peterson introduced the case. This is a bus shelter for The Rapid. It will be located on private property. The location for the bus stop is on the east side of the site. There is a small shelter in this location that is a smoking shelter for employees. This will be an additional structure in the same vicinity. We treat this as we do other public utility type structures. This will be important moving forward as we have more of these built in the more traditional locations in the road right-of-way. It will give neighbors the opportunity to come in and see the plans and comment on the locations. I have printed and highlighted the areas of our Ordinance that pertains to the standards that The Zoning Boards of Appeals must follow in approving these projects. These projects can be approved provided that you find the use, the height, the building structure is designed directed and landscaped to essentially fit into the district. This is a normal bus shelter and we are recommending approval. There will be additional bus shelters being built along 28th Street now that The Rapid bus service has started in Cascade Township.

Member Pennington asked if each of the bus shelter had to come before the Zoning Board. Director Peterson stated that each bus shelter would have to come before the Board.

Chairman Casey asked the applicant to come forward with comments.

The Applicant did not have any further comments.

Member McDonald made a motion to open the Public Hearing. Second by Member Berra. Motion passes 5-0.

Chairman Casey asked anyone with comments to come forward. No one came forward with comments.

Chairman Casey asked if they had performed a trial run of the bus to see if it would make the turn. The Applicant stated that they had worked with The Rapid to pick the best location and trial runs were performed to make sure the location would work. Chairman Casey asked who was responsible for snow removal. The Applicant stated that Meijer's was responsible for snow removal.

Chairman Casey asked Director Peterson if he had received any input from the public on the Bus shelter. Director Peterson stated that he did not receive anything.

Member McDonald made a motion to close the Public Hearing. Second by Member Berra. Motion passes 5-0.

Member McDonald made a motion to approve the construction of the bus shelter for Case 15:3291 Meijer as presented. Second by Member Berra. Motion passes 5-0.

ARTICLE 7 Planning Department 2015 Annual Report

Director Peterson stated that the numbers are up from last year.

ARTICLE 8. Election of Officers

- **Member Berra - Chairman**
- **Member Milliken - Vice Chair/Secretary**
- **Member Pennington - VDRC**

Motion by Member McDonald to elect officers to the positions stated. Support by Member Berra. Motion passes 5-0.

ARTICLE 9. Rules of Conduct

Director Peterson handed out the Rules of Conduct and Communication as a reminder.

ARTICLE 10. Any other business.

ARTICLE 11. Adjournment

**Motion by Member McDonald to adjourn the meeting. Support by Member Berra.
Motion Passed 5-0. Meeting adjourned at 7:25 PM.**

Respectfully submitted,

Ann Seykora/Julie Kutchins
Planning Administrative Assistant

DRAFT

STAFF REPORT

TO: Cascade Township Zoning Board of Appeals
FROM: Steve Peterson, Community Development Director
REPORT DATE: March 4, 2016
MEETING DATE: March 22, 2016
CASE: #15-3285 / Cascade Township

GENERAL INFORMATION

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: The applicant is seeking a variance to allow a sign to be constructed taller than permitted by the sign ordinance and closer to the ROW than permitted.

EXISTING ZONING OF
SUBJECT PARCEL: ES

GENERAL LOCATION: North side of 28th St just west of I-96

PARCEL SIZE: Approximately 34 Acres

EXISTING LAND USE
ON THE PARCEL: Vacant/Consumers Energy

ADJACENT AREA
LAND USES: N – I-96
S- Vacant
E – I-96
W- Hotel

ZONING ON ADJOINING
PARCELS:
ES

STAFF COMMENTS:

- 1) The applicant is requesting a variance to install a new community identification sign.
- 2) The reason for the variance is due to the height and setback for the sign.
- 3) Municipal signs are limited to 64 sq ft, 25-foot setback from the ROW and 5 feet high.
- 4) The Township is asking for a municipal sign to be placed on a wall that Drury Hotel is building. Drury was allowed to build the 7 story hotel because they agreed to construct this wall under the streetscape incentive of our zoning ordinance.
- 5) Because the property is owned by consumers energy and they have some wires in the area the placement for the wall was dictated on what consumers would allow.
- 6) The sign itself would be about 21 sq ft (this includes the swoop). The top of the swoop is 11' 4" at its peak. The sign for cascade is about 6 feet tall. The wall is adjacent to the ROW with the sign portion about 3 feet back.
- 7) The sign ordinance does have some flexibility for municipal signs if they are in the ROW. this sign is not. The idea was that we might have something different that we would want and if approved by the government agency controlling the r.o.w. it would be permitted. Otherwise we used the most restrictive rules for municipal signs.
- 8) We did have a sign along 28th St near Patterson that was in the ROW and taller than 5 feet. It was permitted using the exception in the ordinance. That sign was recently removed during the 28th St reconstruction and will be replaced with a similar sign that is being proposed now.
- 9) The design of the current sign allows the look to be repeated and mimics the Tassell Park sign design.
- 10) The Township has received other sign variances in the past. The 4th of July banners as well as Tassell Park sign.
- 11) This portion of 28th has an extremely wide ROW (about 75 from the center of the road) since it is so close the highway. The sign itself will appear to be much further from the road than the setback would suggest.

- 12) Other signs in the area are allowed to much taller and larger than municipal signs. They could be up to 30 feet tall and 125 sq ft.
- 13) According to Section 9.07 of the Sign Ordinance, a variance may be granted by the Zoning Board of Appeals where the literal application of the Ordinance would create a GENUINE hardship for the sign user and the following criteria are met. Before the Zoning Board of Appeals reaches a decision they shall consider the following findings of fact:

Findings of Fact	Staff Comments
The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.	The amount of signage is significantly less than what is permitted. The location is being dictated by another regulatory body and the height is less than what a normal sign would be in the zoning district would not make this request detrimental to the owners in the area.
The hardship created by a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to other properties in the Township.	The circumstances would be almost impossible to duplicate and therefore would not apply to other areas of the township.
The granting of the variance would not be contrary to the general purposes of this Ordinance or set an adverse precedent.	The amount of ROW the fact that the sign location is dictated by consumers and the fact that Drury is required to build the wall would make it a hard case to duplicate.

RECOMMENDATION

Staff would recommend that the variance be APPROVED.

Attachments: Application w/attachments



ASCAD E CHARTER TOWNSHIP
SIGNAGE AT DRURY HOTEL/ 28TH ST. OFF RAMP

9-22-15

