

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, March 10, 2015
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 December 09, 2014 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 #15-3230 Harvest Health
Public Hearing
Property Address: 6807 Cascade Road SE
Requested Action: The applicant is seeking a variance to modify the amount of wall signage permitted.**
- ARTICLE 7. Case #15-3231 Lake Michigan Credit Union
Public Hearing
Property Address: 5701 28th Street SE
Requested Action: The applicant is requesting approval to use a building where a non-conforming situation exists where the use is changing.**
- ARTICLE 8. Any other business**
- ARTICLE 9. 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, 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 Commissions 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 that they had requested to purchase land from the neighboring property in the past and we were turned down.

Member McDonald stated that if they did not receive the variance they would lose parking spaces along Kraft. The Applicant stated that 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 that 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 that 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 that 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 that 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 demonstrable 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 that 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 that 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 that 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 be 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

STAFF REPORT

TO: Cascade Township Zoning Board of Appeals
FROM: Steve Peterson, Community Development Director
REPORT DATE: March 3, 2015
MEETING DATE: March 10, 2015
CASE: #15-3230 – Harvest Health

GENERAL INFORMATION

STATUS OF APPLICANT: sign contractor for owner

REQUESTED ACTION: The applicant is seeking a variance to modify the amount of wall signage permitted.

EXISTING ZONING OF SUBJECT PARCEL: PUD 19 Thonrapple Centre

GENERAL LOCATION: 28th and Cascade Rd

PARCEL SIZE: Approximately .78 Acres

EXISTING LAND USE ON THE PARCEL: Retail Store

ADJACENT AREA LAND USES:
N – Bank
S – Vacant restaurant
E – Vacant retail
W – Gas station

ZONING ON ADJOINING PARCELS:
N – PUD 19
S – B1
E – PUD 19
W – B1

STAFF COMMENTS:

- A. The applicant is requesting a variance to the building at 6807 Cascade Rd to modify the wall signage.
- B. This property is in the Thornapple Centre PUD (PUD 19). The PUD for this project restricted wall signage to the rectangles that were above the entrances of every store. These rectangles vary in size throughout the project. I believe the size of the rectangle corresponds to the size of the tenant space.
- C. This was seen as an efficient way to regulate the amount of signage and have a uniformed sign look throughout the project.
- D. Harvest Health who occupies almost all of the building at 6807 Cascade Rd and is allowed to use all of the “rectangles” that are on the building that they occupy. This would allow them to have up to 840 sq ft of signage. This would be divided up into 6- 128 sq ft signs (on the east and west elevations)and one 72 sq ft sign (north elevation). They are asking to remove the rectangles on the building and replace them fewer, larger signs.
- E. The wall signs would also be much higher on the building and would be different than others in the area.
- F. This variance would allow them to have one sign on the east, west and north elevations. The sizes would be 170 sq ft each on the east and west and 90 sq ft on the north for a total of 430 sq ft of wall signage.
- G. In addition, they are asking for your approval of another 90 sq ft sign on the south elevation if they acquire that space as well. This would bring the total amount of wall signage to 520 sq ft.
- H. If Harvest Health were a single tenant building in the B1 zone they would only be permitted 50 sq ft of wall signs.
- I. There has been interest from other users in the PUD to modify signage. However, no one has tried to work together to come up with a new sign package for the development. The Township modified the sin ordinance to recognize that this development may be able to have some “different” kind of signage, but it would be for the entire project not just one tenant.
- J. 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
<p>The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.</p>	<p>Nobody else would be allowed such large signs in the "village". They would also be higher on the building than others. The concept of having less signage than what is permitted is sound but the way it is being proposed would be completely different than what anyone else could have and would be huge change to the development and to the village.</p>
<p>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.</p>	<p>There is no hardship to the case and in fact this building already has a significant amount of signage that was designed to as part of a larger uniformed sign package.</p>
<p>The granting of the variance would not be contrary to the general purposes of this Ordinance or set an adverse precedent.</p>	<p>The variance would be contrary to the intent of the ordinance and would be significant change to the area due to the following</p> <ol style="list-style-type: none"> 1. Total amount and size of wall signage. 2. Placement on the building. 3. Impact on the rest of the Thornapple Centre PUD. 4. Impact on the amount of wall signage in the B1 zoning district. 5. Amount of signage for single tenant building compared to any other project in Cascade.

RECOMMENDATION

Deny the variance and recommend that they pursue a PUD amendment with the development of a new sign package.

Attachments: Application w/attachments

SITE PLAN REVIEW PROCESS



Planning & Zoning Application

APPLICANT: Name: Midwest Sign Co.
 Address: 7381 Ardith Ct, Ste D
 Telephone: 616-583-1743
 Facsimile: 616-825-5962

OWNER:* Name: Atsma Properties LLC
 Address: 7846 Kenowa SW, Byron Center, MI 49315
 Telephone: _____
 Facsimile: _____

(*If different from the Applicant)

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)	
<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. - Rezoning **
<input type="checkbox"/> P.U.D. - Site Condominium **	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review **	<input checked="" type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review **
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: _____ **

(**Requires an initial submission of 5 copies of the completed site plan)

BRIEFLY DESCRIBE YOUR REQUEST:***

Replace the current (8) sign box area's totaling 744 sq. ft. with (4) new wall signs totaling 520 sq. ft.

(***Use Attachments if Necessary)

SITE PLAN REVIEW PROCESS



LEGAL DESCRIPTION OF PROPERTY*:**

Attached

(***Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 09-451-005

ADDRESS OF PROPERTY: 6807 Cascade Rd SE

PRESENT USE OF THE PROPERTY: Harvest Health

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
<u>W. Michigan Medical Supply</u>	<u>6807 Cascade Rd SE, Ste C</u>
<u>G.R. Family Chiropractic</u>	<u>Ste D</u>

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

Owner - Print or Type Name
 (*If different from Applicant)

[Signature]

Owner's Signature & Date
 (*If different from Applicant)

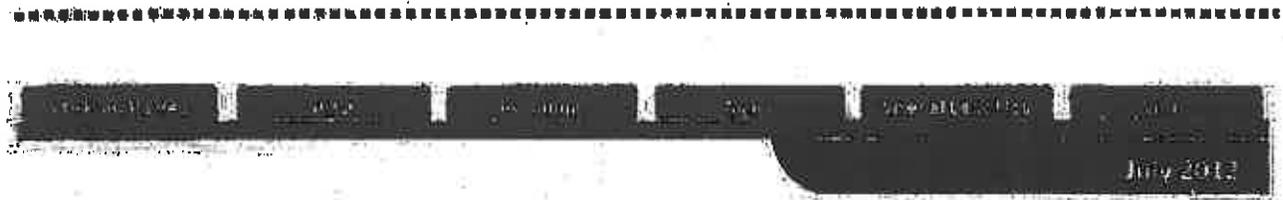
Mike Tiesma

Applicant - Print or Type Name

[Signature] 1/30/15

Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET - THANK YOU!





6807 Cascade Rd

CASCADE RD

15TH ST

OLD 15TH ST

JACKSMITH AVE

15TH ST

REVERE W

15TH ST

15TH ST

WATER TOWER

005810000000000000

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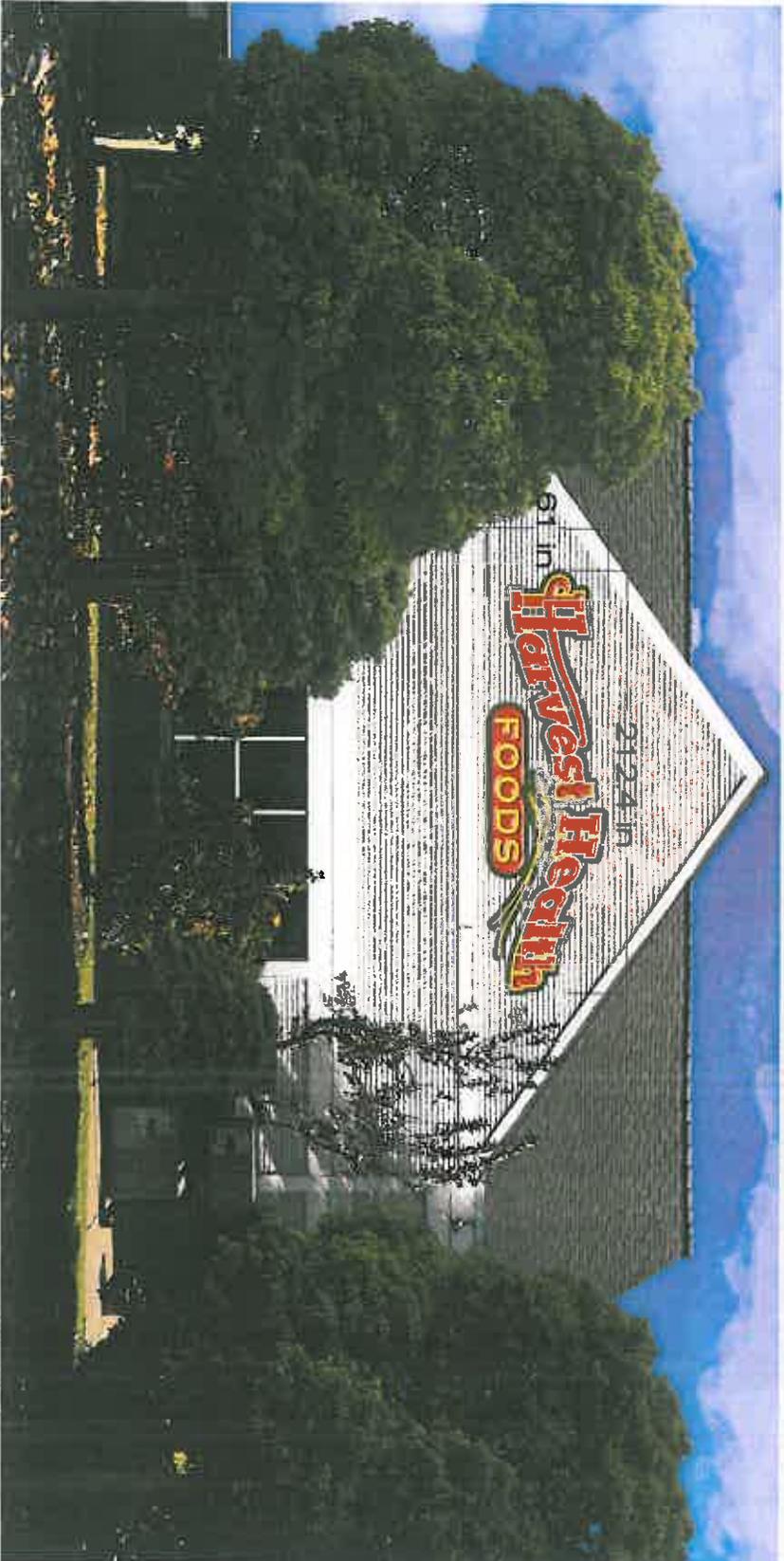
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Harvest Health



PROPOSED AREA- 90 SF



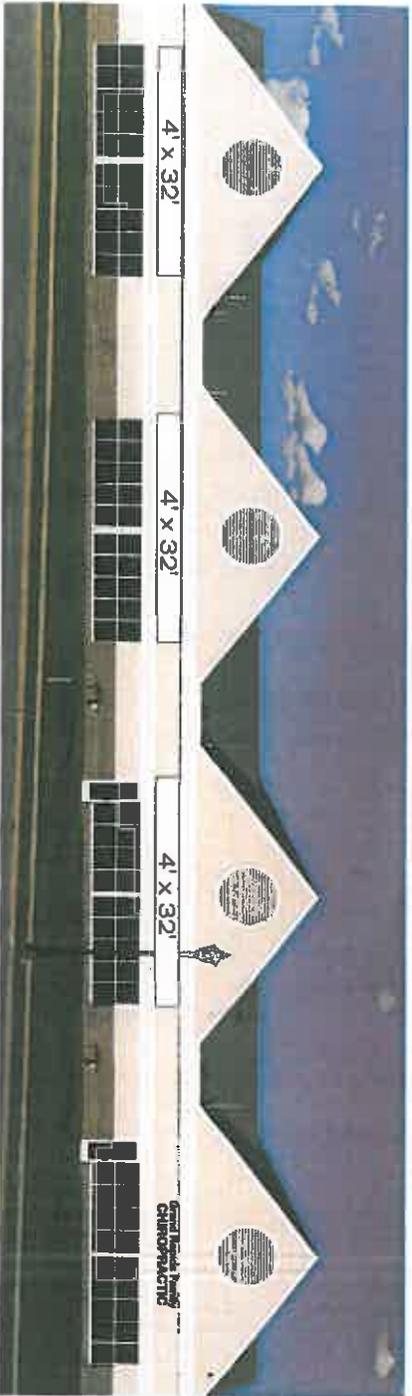
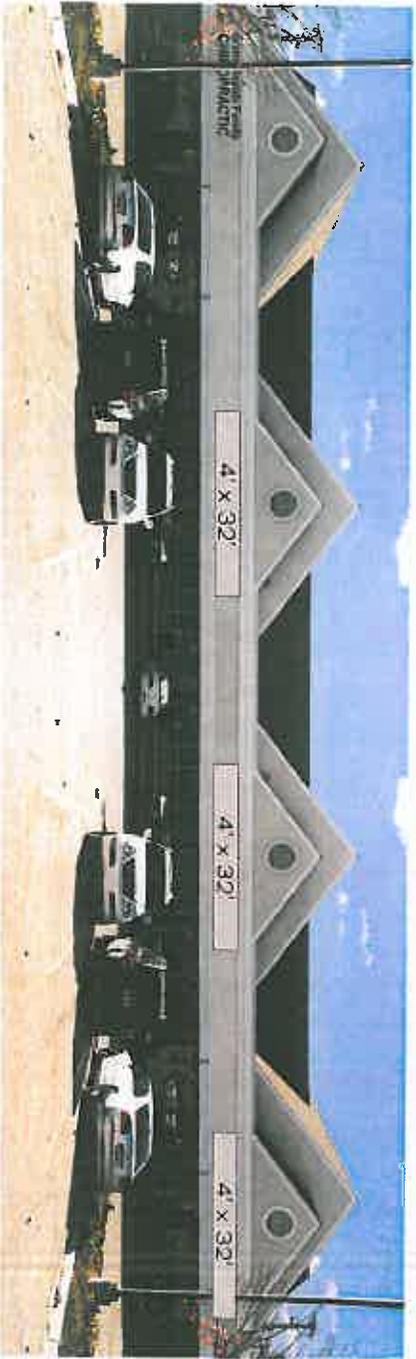
MIDWEST
SIGN COMPANY

These designs, details and plans represented herein are the property of Midwest Sign Co. specifically developed for your personal use in connection with the project being planned for you by Midwest Sign Co. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, exhibited or copied in any fashion whatsoever. All designs (including registered trademarks) remain the property of Midwest Sign Co.

7381 Ardith Ct SW, Suite D, Byron Center, MI 49315
PH 800.245.5800 FAX 616.825.5962 midwestsignco.com

Drawing	building signs	Dwg By	
Project	Harvest Health		
Date	12/19/2014	1791	

Harvest Health



MIDWEST SIGN COMPANY

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7381 Ardith Ct SW, Suite D, Byron Center, MI 49315
 PH 800.245.5800 FAX 616.825.5962 midwestsignco.com

Drawing	existing sign areas	Dwg By	
Project	Harvest Health		
Date	2/24/2015		

Harvest Health



PROPOSED AREA- 170 SF



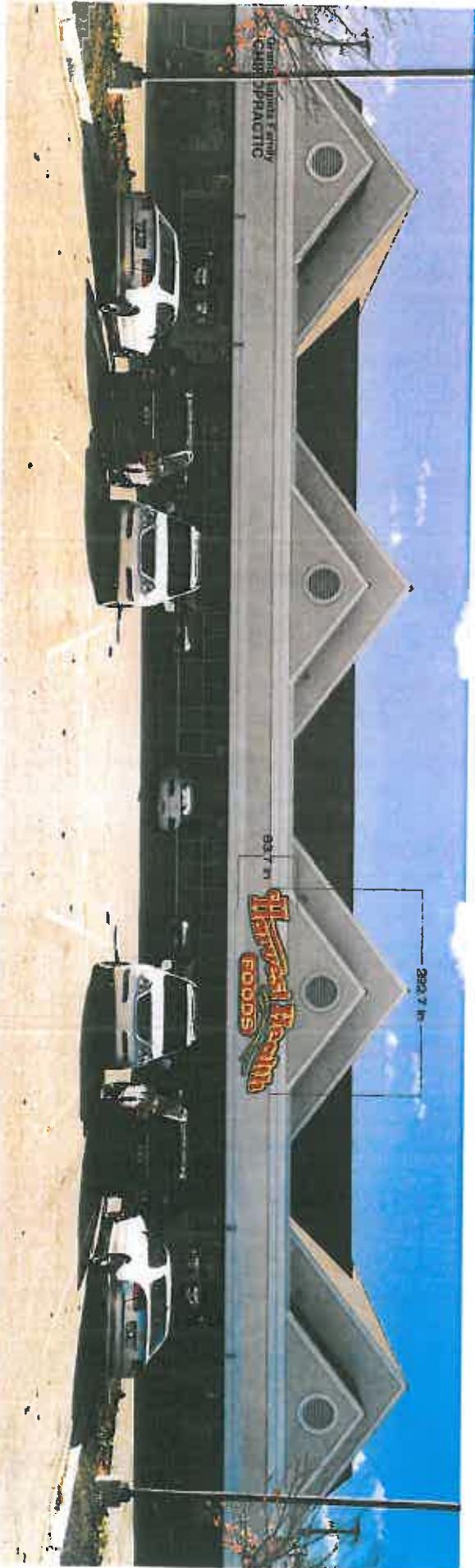
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7381 Ardith Ct SW, Suite D, Byron Center, MI 49315
 PH 800.245.5800 FAX 616.825.5962 midwestsignco.com

Drawing	Building Signs	DWG By
Project	Harvest Health	TSR
Date	12/19/2014	

Harvest Health



PROPOSED AREA- 170 SF



MIDWEST SIGN COMPANY

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7381 Ardith Ct SW, Suite D, Byron Center, MI 49315
 PH 800.245.5800 FAX 616.825.5962 midwestsignco.com

Drawing	building signs	Dwg By	
Project	Harvest Health		
Date	12/19/2014	151'	

STAFF REPORT: Case # 15-3231
REPORT DATE: February 23, 2015
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: March 10, 2015
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
Lake Michigan Credit Union
Attn: Leo Vicari
5540 Glenwood Hills Parkway
Grand Rapids MI 49512

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: They are requesting approval to use a building where a non-conforming situation exists where the use is changing.

EXISTING ZONING OF
SUBJECT PARCEL(S): PUD 31

GENERAL LOCATION: The property is located on the north side of 28th St just east of Kraft Ave

PARCEL SIZE: Acres

EXISTING LAND USE
ON THE PROPERTY: vacant/former Burger King

ADJACENT AREA
LAND USES: N - Salon
S - Hotel
E - Strip Mall
W - Gordon Food Service

ZONING ON
ADJOINING PARCELS: N - PUD -82
S - Centennial Overlay Zone
E - PUD 32
W - ES

STAFF COMMENTS

1. The applicant is requesting approval from Section 22.05 to allow the use of a property that has a non-conforming situation but that not all of the zoning requirements can be reasonably complied with.
2. The non-conforming situations that are known include:
 - a. Bufferyard width
 - b. Parking lot design (lack of islands)
 - c. Lot size
 - d. Lot width
 - e. Lighting
3. The Township Approved this project in 1981 as PUD and awarded variances to allow the project as is. Unfortunately, no PUD ordinance was done and only a variance from 1984 that approved the lot size, lot width.
4. The applicant will be reinstalling new parking lot lights so the only non-conforming issues to discuss are the bufferyard width and the parking lot design.
5. Today we would require 25 foot bufferyards and the applicant only has about 8-9 feet. Today we would also require the parking lot to be broken up with a few more landscape islands and would not permit as much parking.
6. They will be reducing the overall amount of impervious area with the redevelopment.
7. Overall I believe the site to be an improvement and would view the new use as slightly less intense than the fast food restaurant.
8. This request is not a variance but is an approval the ZBA has to issue. I would say this is most similar to the request that was granted to Bagger Daves.
9. I believe the intent of this section is to eliminate non-conforming situations where possible. The Zoning Ordinance recognizes that this could be a problem and allows for relief through the zba process.

When considering this type of request Section 22.05.3 states, "If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot be reasonably complied with, then the change is permissible if the Zoning Board of Appeals issues a variance authorizing the change. This variance may be issued if the Zoning Board of Appeals finds that:

- a. The intended change will not result in a violation of Section 22.03, above, and
- b. All of the applicable requirements of this Ordinance that can reasonably be complied with will be complied with. Financial hardship caused by the cost of meeting such requirements does not constitute grounds for finding that compliance is not reasonably possible. In no case shall an applicant be given permission pursuant to this Subsection to construct a building or add to an existing building if additional nonconformities would thereby be created”.

10. In this case I do not find that it would be reasonable to correct these non-conforming situations for the following reasons:

- a. They are bringing the site into more compliance than it was previously.
- b. The use will be less intense than it was previously.

If approved, the applicant will need to apply for administrative site plan approval.

STAFF RECOMMENDATION

Staff Recommends Approval to use the lot for a new bank as it is being proposed.

Attachments: Application
 Site Plan



Cascade Charter Township

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

PLANNING & ZONING APPLICATION

APPLICANT: Name: Lake Michigan Credit Union Atten: Leo Vicari

Address: 5540 Glenwood Hills Parkway, SE; Grand Rapids, MI 49512

Telephone: (616) 242-9790

Facsimile: _____

OWNER*: Name: will be same as applicant

Address: _____

Telephone: _____

Facsimile: _____

(* If different from the Applicant)

Nature of the Request: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. - Rezoning*
<input type="checkbox"/> P.U.D. -Site Condominium	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review*	<input type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review
<input checked="" type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other:

* - Requires an initial submission of 5 copies of the completed site plan.

BRIEFLY DESCRIBE YOUR REQUEST:** Lake Michigan Credit Union is
proposing to purchase the property and renovate the existing building/site
converting it from a fast food location (Burger King) to a credit union
The request is to keep the outer edge of the existing pavement/parking areas
in their current location. This requires a variance from Section 20.04 of
of the zoning ordinance.

(**Use Attachments if Necessary)

LEGAL DESCRIPTION OF PROPERTY:** _____

See site plan and attached

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 08-351-015

ADDRESS OF PROPERTY: 5701 - 28th Street SE

PRESENT USE OF THE PROPERTY: former Burger King

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s) Address(es)

Three sets of horizontal lines for listing other persons with interest in the property.

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

* Leo VICARI / LMCU
Owner - Print or Type Name

Applicant - Print or Type Name

(If different from Applicant)

Leo Vicari
Owner's Signature & Date

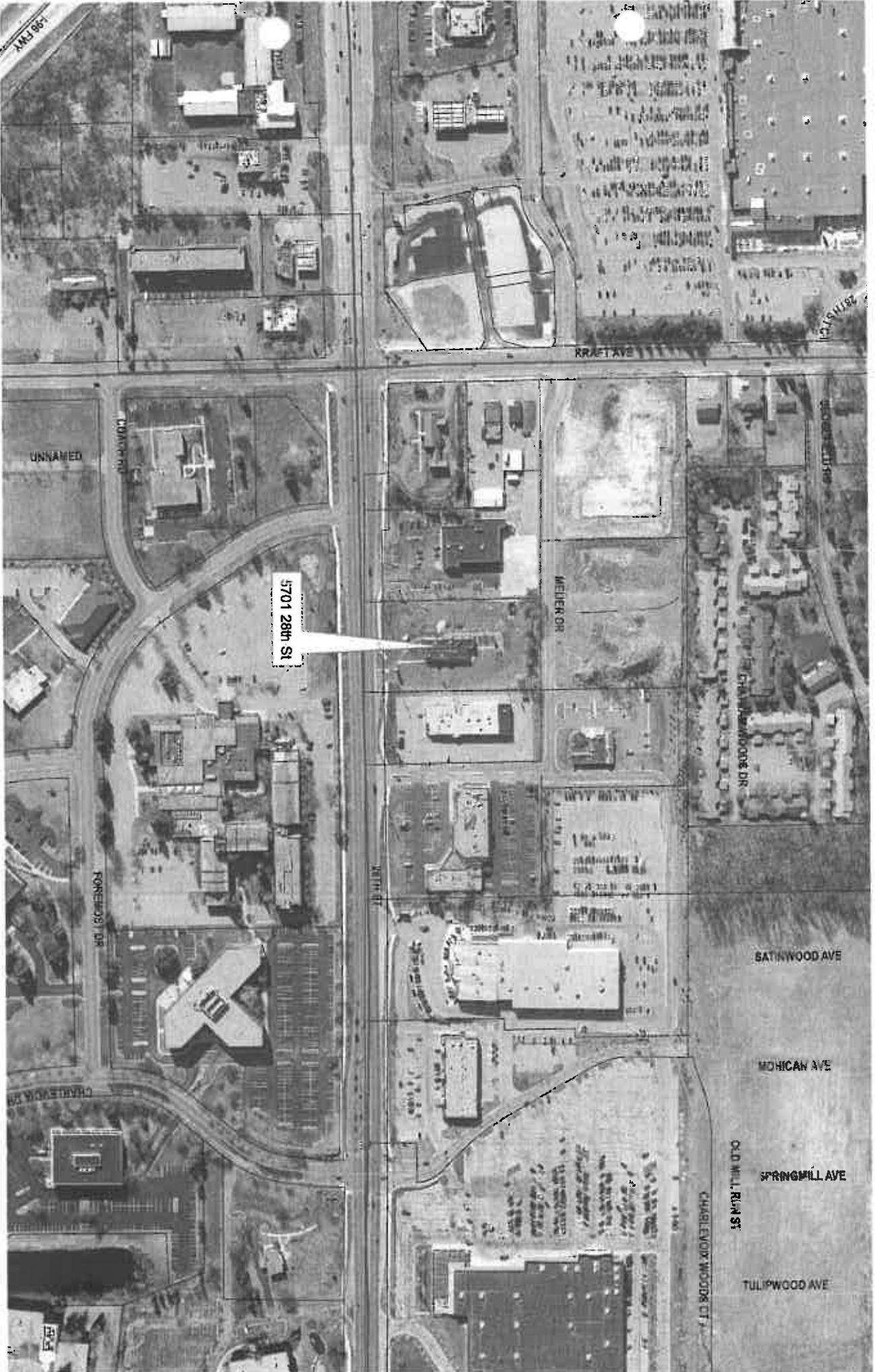
Applicant's Signature & Date

* Owner's Signature & Date
(If different from Applicant)

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS

REVIEW SHEET - THANK YOU

Revised 03/26/02



5701 28th St

AM3 661

UNNAMED

UNNAMED

KONECNY DR

CHARLEVOIX DR

UNNAMED

KRAFT AVE

28TH ST

MEILER DR

CHARLEVOIX DR

SATINWOOD AVE

MONICAN AVE

SPRINGMILL AVE

OLD MILL RUN ST

TULIPWOOD AVE

CHARLEVOIX WOODS CT

WIRTH DR

CHAPTER 22

Section 22.01: Title: Nonconforming Uses and Situations

Section 22.02: Intent:

Within the zoning districts and special use provisions established by this Ordinance, there exist lots, structures, and uses of land and structures which were lawful, either as conforming or nonconforming uses before this Ordinance was effective, but which would now be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuance. The purpose of this Chapter is that nonconformities shall not be enlarged, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district, except by approval from the Zoning Board of Appeals. It is further intended that such uses are declared to be incompatible with the permitted uses in the zoning district involved.

Section 22.03: Extension or Enlargement of Nonconforming Situations:

1. Except as specifically provided in this Chapter, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
- b. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking.

2. A nonconforming use may be extended throughout any portion of a completed building that was manifestly designed or arranged to accommodate such use when the use was made nonconforming by this Ordinance. However, subject to Section 22.07 (Authorizing the Completion of Nonconforming Projects in Certain Circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

3. Subject to Section 22.07 (Authorizing the Completion of Nonconforming Projects in Certain Circumstances), a nonconforming use of open land

may not be extended to cover more land than was occupied by that use when it became nonconforming.

Section 22.04: Repair and Maintenance of Nonconforming Property: (Ord No 8 of 2011; 6/23/11)

1. On any building or structure devoted in whole or in part to any nonconforming use, repair and maintenance work may be made provided that the cubic content of the building or structure as it existed at the time of adoption of this Ordinance is not increased.

2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

3. Nonconforming uses or structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming use or structure if the estimated expense of reconstruction exceeds sixty (60%) percent of the appraised replacement cost of the use or entire building or structure, with an exception for existing Automobile Service Stations and Mini-Food-Mart Stations with related automotive parts repair shops, garages and vehicle wash facilities in the B-1 district.

4. The estimated expense of reconstruction shall be determined by the Township Building Inspector, upon advice from the Township Assessor. Persons aggrieved by the determination of estimated replacement cost by the Building Inspector may appeal such determination to the Zoning Board of Appeals.

Section 22.05: Change in Use of Property Where a Nonconforming Situation Exists:

1. A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special use permit may not be made except in accordance with Subsections 22.05(2) through 22.05(4) below.

2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Ordinance is

date of this Ordinance, subject to the following conditions:

1. Lot coverage by said dwelling and accessory building shall not exceed twenty-five (25%) percent;
2. Height of the structure shall not exceed thirty-five (35) feet. The height will be measured as provided in Section 4.14 of this Ordinance;
3. Side yards may be reduced by the same percentage that the area of such lots bears to its own district requirements, provided each side yard in no instance shall be less than five (5) feet; and
4. If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Ordinance or at anytime thereafter, such lots and parts of lots shall be used so as to meet the requirements for lot width and area, unless a variance is granted by the Zoning Board of Appeals.

Section 22.09: Elimination of Nonconforming Uses, Structures or Situations:

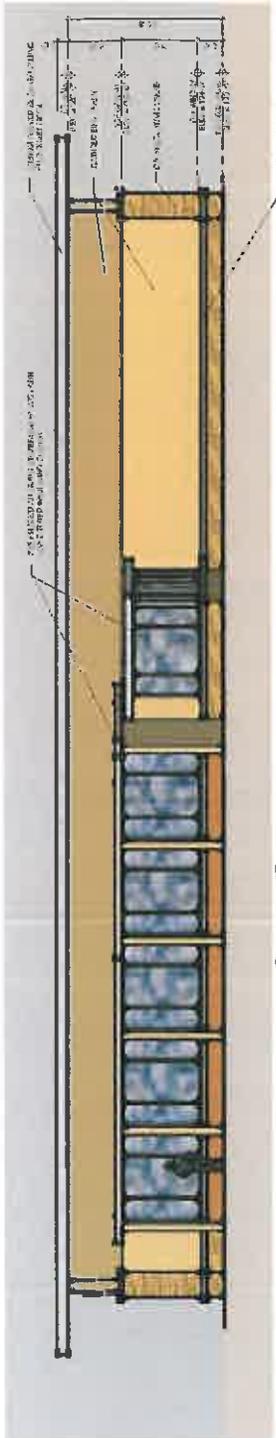
In accordance with Section 16.3 of the Township Rural Zoning Act (MCLA 125.286 et. seq.), as amended, the Township may acquire private property by purchase, condemnation or otherwise for removal of nonconforming uses, structures or situations, provided the elimination of such nonconformity is declared to be for a public purpose and for a public use.

REVISION NO.	DATE	BY	DESCRIPTION
1	08/11/16	MM	ISSUED FOR PERMIT
2	08/11/16	MM	ISSUED FOR PERMIT
3	08/11/16	MM	ISSUED FOR PERMIT
4	08/11/16	MM	ISSUED FOR PERMIT
5	08/11/16	MM	ISSUED FOR PERMIT
6	08/11/16	MM	ISSUED FOR PERMIT
7	08/11/16	MM	ISSUED FOR PERMIT
8	08/11/16	MM	ISSUED FOR PERMIT
9	08/11/16	MM	ISSUED FOR PERMIT
10	08/11/16	MM	ISSUED FOR PERMIT

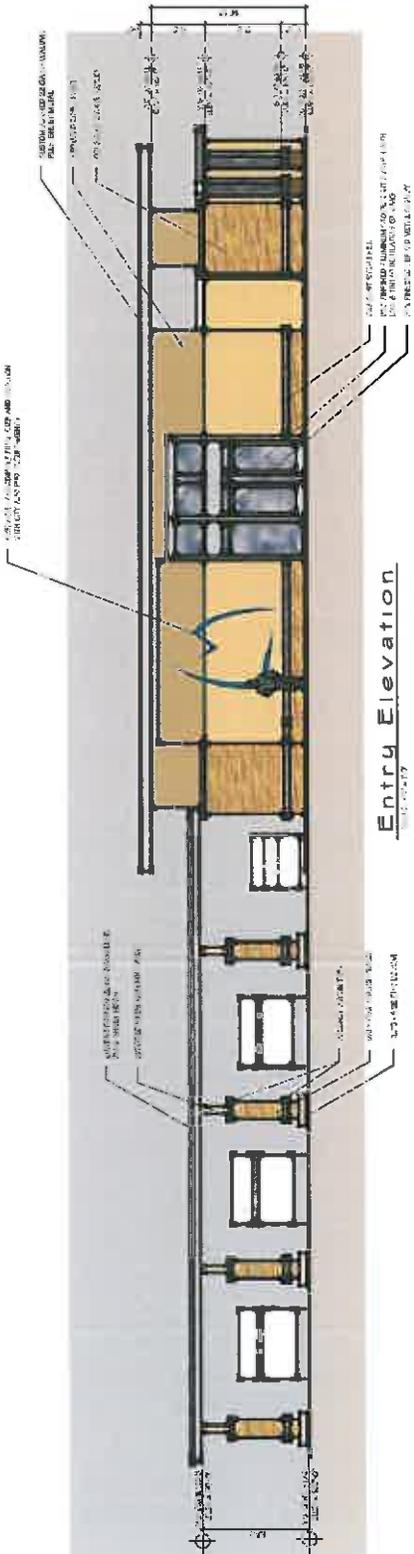
NO.	DATE	BY	DESCRIPTION

Exterior Elevation Notes:

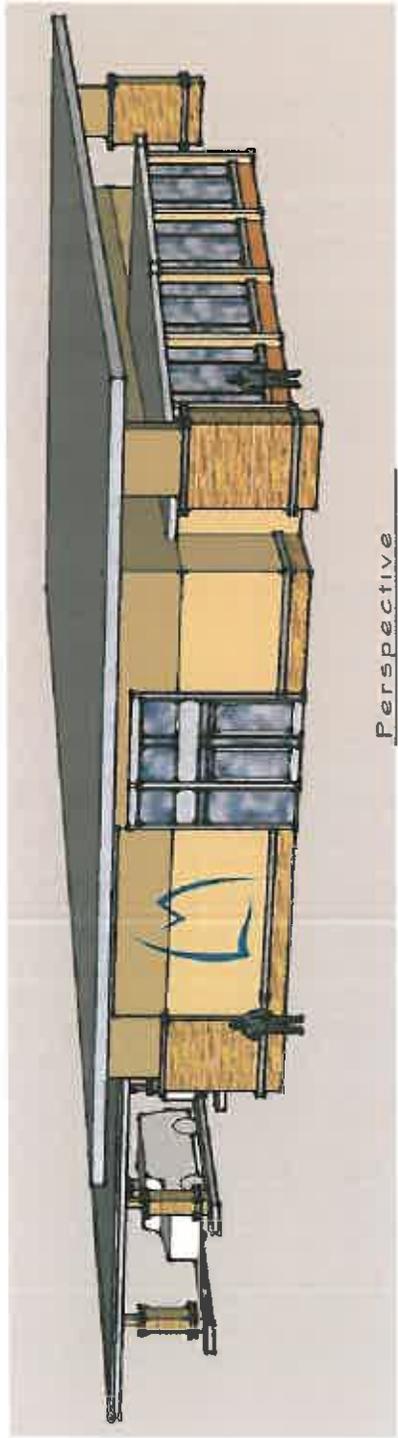
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 IBC.
2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.
3. FINISHES SHALL BE AS SHOWN ON THE SCHEDULE.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 IBC.



Side Elevation



Entry Elevation



Perspective



STRUCTURE

- Double sided sign
- SignComp widebody aluminum extrusion
- 2 1/4" aluminum retainers - hingeable for service
- 2"-4" reveals and 4" cap to be brushed aluminum
- Mount to existing structure
- Paint to be Matthews Acrylic Polyurethane

ELECTRICAL

- High output fluorescent lamps
- Lamps to be horizontal
- Cold start electronic ballasts
- Integrated disconnect
- Photocell to be included
- UL listed and labeled

FACES

- Arlon 18oz. Flexible pvc fabric
- 3M translucent vinyl graphics





7475 South Division Avenue, Grand Rapids, MI 49548 Phone (616) 455-0260 Fax (616) 455-0272

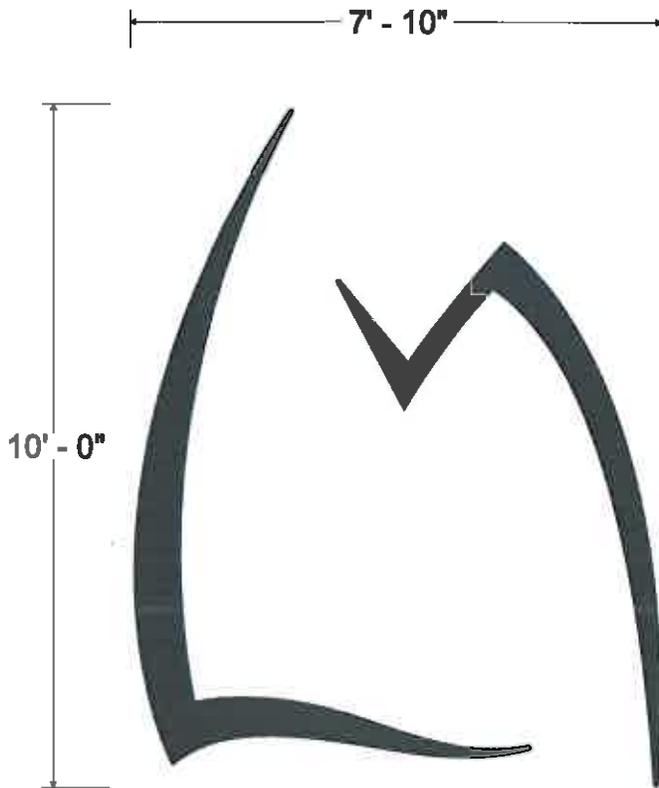
www.postemasign.com

STRUCTURE

- Reverse lighted channel letters
- Fabricated of aluminum, welded construction
- .090" aluminum faces, .063" sidewalls
- 1/2" clear acrylic enclosed backer
- Paint to be Matthews Acrylic Polyurethane

ELECTRICAL

- White LED modules
- 12 volt energy saving system
- Integrated disconnect
- Photocell to be included
- UL listed and labeled



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