

MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, August 14, 2012
7:00 P.M.

ARTICLE 1. Chairman Mel Casey called the meeting to order at 7:00 P.M.
Members Present: Casey, Hammond, James, McDonald, Alternate Neal
Members Absent: Goldberg
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 McDonald to approve the Agenda. Support by Member James. Motion carried.

ARTICLE 4. Approve the Minutes of the April 10, 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 were present who wished to speak about non-agenda items.

**ARTICLE 6. Case # 12-3103 Patterson Ice Arena
(Public Hearing)**

Property Address: 2550 Patterson Ave.

Requested Action: The applicant is requesting a Variance to allow the facility to serve alcohol for a fundraiser.

Planning Director Steve Peterson stated that the last request for a similar use was from the Make a Wish Foundation in 2002. Currently the PUD Ordinance that regulates the project specifically prohibits the sale or consumption of alcohol at the site. This is a onetime event and Staff recommends it be approved. The applicant has been before the Township Board already and the Board did not have a problem with it. If you approve, they will need to obtain a temporary liquor license.

Chairman Casey asked if anyone had questions for Peterson. Member McDonald asked if the liquor license specifies any type of alcoholic beverages such as beer and wine only. Member Peterson said that would be a question for the applicant.

Chairman Casey asked if the applicant had any comments to add. Justin Howe was present representing the Grand Rapids Amateur Hockey Association. He stated that GRAHA operates out of the Patterson Ice Arena at 2550 Patterson Ave SE. He replied to

Member McDonald that the license they are applying for is strictly a one day permit for a beer and wine liquor license.

There were no questions of the applicant.

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

No one was present to comment.

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

Member McDonald commented that the Planner has laid out all the conditions, the applicant has a good reason for this as it is for a charity event and he does not have a problem with it at all. Member Hammond is in agreement. Member Neal had no comment.

Member McDonald made a Motion to approve the Variance to allow the facility to serve alcohol for a fundraiser based on Staffs recommendations and their ability to get the permit. Support by Member James. Motion carried, 5-0.

**ARTICLE 7. Case #12-3095 Bond Fluidaire
(Public Hearing)**

Property Address: 5506 36th St

Requested Action: The applicant is requesting a Variance to allow a ground sign at 5506 36th St, closer to the road right-of-way than the required 25 feet.

Planner Peterson explained that the applicants' sign had been run over. They would like to replace the old sign with a new sign in the same location. The old sign was non-conforming, as it was too close to the road. Section 5.06.d requires that all permanent signs be setback from the lot line a minimum of 25 feet. When the old sign was removed due to the damage, the applicant lost any ability to simply replace the sign in the existing spot without a variance since it was located adjacent to the 36th St right-of-way.

The sign could be moved back away from the R.O.W., and without any grade change the height of the sign would not be impacted. The difficulty is because of the location of the parking lot right at 25 feet from the ROW. Any sign placed perpendicular to the road would be in the parking lot.

The other possible spot for a sign on the property is in the NE corner. It is flat but there are a couple of pines that would have to be removed if the sign was installed in this location.

We have had a couple similar cases over the past few years, with the most recent one being Lakeland Finishing. They were granted a Variance.

Given the limited amount of room on the site and the fact that they do not have room to move the sign 25 feet back from the ROW it seems reasonable to grant a Variance for the sign location. The site does not have any topography issues and has room to move the sign away from the road. Staff would recommend a variance to allow the sign to be placed 15 feet back from the ROW. This will give plenty of room to install the sign perpendicular to the road and keep it out of the parking lot while still coming closer to compliance with the Ordinance.

Chairman Casey asked if there were any questions of Staff. Member McDonald asked about the current location of the sign. Peterson answered that it is right on the ROW property line and that the ROW is where we take the measurements for setback.

Chairman Casey asked if the applicant wished to come forward to comment or to add any information. James Mikrut of Icon Signs was present as well as Chris Bond, owner of the property. Also present was Kristie Czlonka of Icon Signs.

James stated that the current location of the sign is 10 feet from the curb. They would like to place the new sign in the same spot or no more than 13 feet back. For every foot it goes further back it makes it more difficult to see from the road, as there is a fence coming from the west.

Chris mentioned that if they went east as the Planner had suggested, the neighboring property has very large pine trees which makes it very challenging.

Member McDonald asked about the proposed new sign sketch and the significance of where it reads, "Message Here". Kristie explained that it would be a LED message board but it will not rotate more than once every 24 hours.

Member Hammond inquired if there are actually two separate signs; the main Bond sign and the address appears to be a separate sign. Kristie answered that he's seeing an end view.

Member McDonald questioned the 13' vs. 15' Variance. He asked if 2' will really make that much of a difference. The applicant explained that a fence located on the neighboring property will obstruct the view of the sign (coming from the west) and for every foot they are required to move the sign back makes it more challenging. Coming from the east there are large pine trees that block the view of the sign.

Chairman Casey is concerned about poor visibility for anyone leaving their driveway with the sign where it is located today.

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

With no one present to comment, Member McDonald made a Motion to close Public Hearing. Support by Member Neal. Motion carried.

Member McDonald commented that he has the same concerns as Chairman Casey in that the sign is presently too close to the road for visibility as one leaves the driveway. Pulling it back somewhat should not hurt the applicant that much and will give anyone exiting the driveway much better visibility.

Because of the applicants' circumstances Planner Peterson has no problem with the 13' request, but specified that the closest point of the sign was to be 13' from the ROW and not from the curb.

The applicant explained that the sign is 8' wide. Placing the sign at 13' from the ROW will still put the back half of the sign in the parking lot.

After discussion Peterson suggested a 8' setback from the ROW. It would still give them a couple feet from the parking lot. He said that it's not the required 25' from the ROW, but closer to compliance than it presently is.

After more discussion they came upon a final agreement and a Motion was made.

Member McDonald made a Motion that the ZBA approve the Variance with Staffs' recommendations, except that the sign be placed 8' back from the ROW. Support by Member Neal. Motion carried, 5 – 0.

ARTICLE 8. Any other business

ARTICLE 9. Adjournment

Motion was made by Member McDonald to adjourn. Support by Member Hammond. Motion carried. The meeting was adjourned at 7:30 p.m.

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