

AGENDA
Cascade Charter Township Zoning Board of Appeals
Special Meeting
Tuesday, December 21, 2021
5:30 pm
2870 Jacksmith Ave

- 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. Acknowledge visitors and those wishing to speak to non-agenda items.
(Comments are limited to five minutes per speaker.)**
- ARTICLE 5. Case #21-3687/Jeff Coffey/Thornapple Brewing
Public Hearing
Property Address: 6262 28th Street
Requested Action: The applicant is requesting approval to allow the placement of three seasonal temporary structures for outdoor seating.**
- ARTICLE 6. Any other business**
- ARTICLE 7. 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*

STAFF REPORT

STAFF REPORT: Case #21-3687/ Jeff Coffey/Thornapple Brewing
REPORT DATE: December 15, 2021
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: December 21, 2021
PREPARED BY: Brian Hilbrands, Interim Planning Director

APPLICANT:

Thornapple Brewing
Jeff Coffey/Eric Fouch
6262 28th St SE
Grand Rapids, MI 49546

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: The applicant is requesting approval to allow the placement of three seasonal temporary structures for outdoor seating.

EXISTING ZONING OF
SUBJECT PARCEL(S): PUD 39

GENERAL LOCATION: The property is located on the southside of 28th Street, between Lucerne Dr and Thornhills Ave.

PARCEL SIZE: Approximately 7 acres

EXISTING LAND USE
ON THE PROPERTY: Brewery/strip mall

ADJACENT AREA
LAND USES: Commercial

ZONING ON
ADJOINING PARCELS: North - B2/PUD 68
East - PUD 80
South - PUD 39
West - B2, General Business

STAFF COMMENTS:

1. The applicant is requesting your review, to allow for the placement of three temporary seasonal structures to allow for outdoor seating in the winter. This request is reviewed under Section 4.18(4) of the Zoning Ordinance.

2. Section 4.18(4) of the Zoning Ordinance requires the Zoning Board of Appeals to determine: if indeed the structure is temporary and when its use will be terminated; if the structure will be served by a healthful water supply and toilet facilities, and; if the temporary building will be injurious to the surrounding properties or neighborhood.
3. The applicant had previously received a variance to allow for the use of “igloos” on their outdoor patio. The variance was granted at the February 12, 2019 ZBA meeting with the following conditions, and the minutes from that meeting are attached:
 - a. The applicant remains in good standing with the Liquor control commission, Building Department and Fire Dept.
 - b. The permit would allow the temporary structures to be in place for no more than 4 months per year.
 - c. Have the Building and Fire Dept inspect the “igloos” prior to occupancy each year.
4. They are now requesting that the variance be expanded to include the wooden “huts” that they have been using since the pandemic began. During the pandemic the Township had allowed businesses to expand their outdoor seating onto sidewalks and parking lots because of the restrictions that had been in place for indoor dining. Now that indoor restrictions have been lifted businesses have to move all seating and any temporary structures back into their patio areas.
5. The application is proposing to use three 9’x12’ wooden huts on their patio area, as shown on the site plan.
6. The Building Department has noted that they don’t need a permit because they are under 120 sq ft but that they are limited to no more than 179 days and no more than 9 people can occupy. The structures need to be removed from the property after 179 days, or they would no longer be considered temporary. Since the structures will be occupied, they will still need to be inspected and approved by the Building Department.
7. The Fire Department has reviewed the plans and has approved provided they don’t have any open flame heaters.
8. We have granted other temporary structures permits. However, those had an ending date because they were temporary while a permanent addition was being built. In those cases, we allowed for the temporary structures for up to three years. We have also permitted temporary structures in one-year increments with the applicant appearing before the ZBA on an annual basis for renewal of the variance to report on the progress of the building addition plans. This was done to try and ensure that the temporary nature of the building would indeed remain temporary.
9. Since this is not a variance request, the standards you should apply are those referred to above.

STAFF RECOMMENDATION

Staff recommends approval of the applicant's request to allow three temporary structures in their outdoor patio area (igloos or huts) with the following conditions:

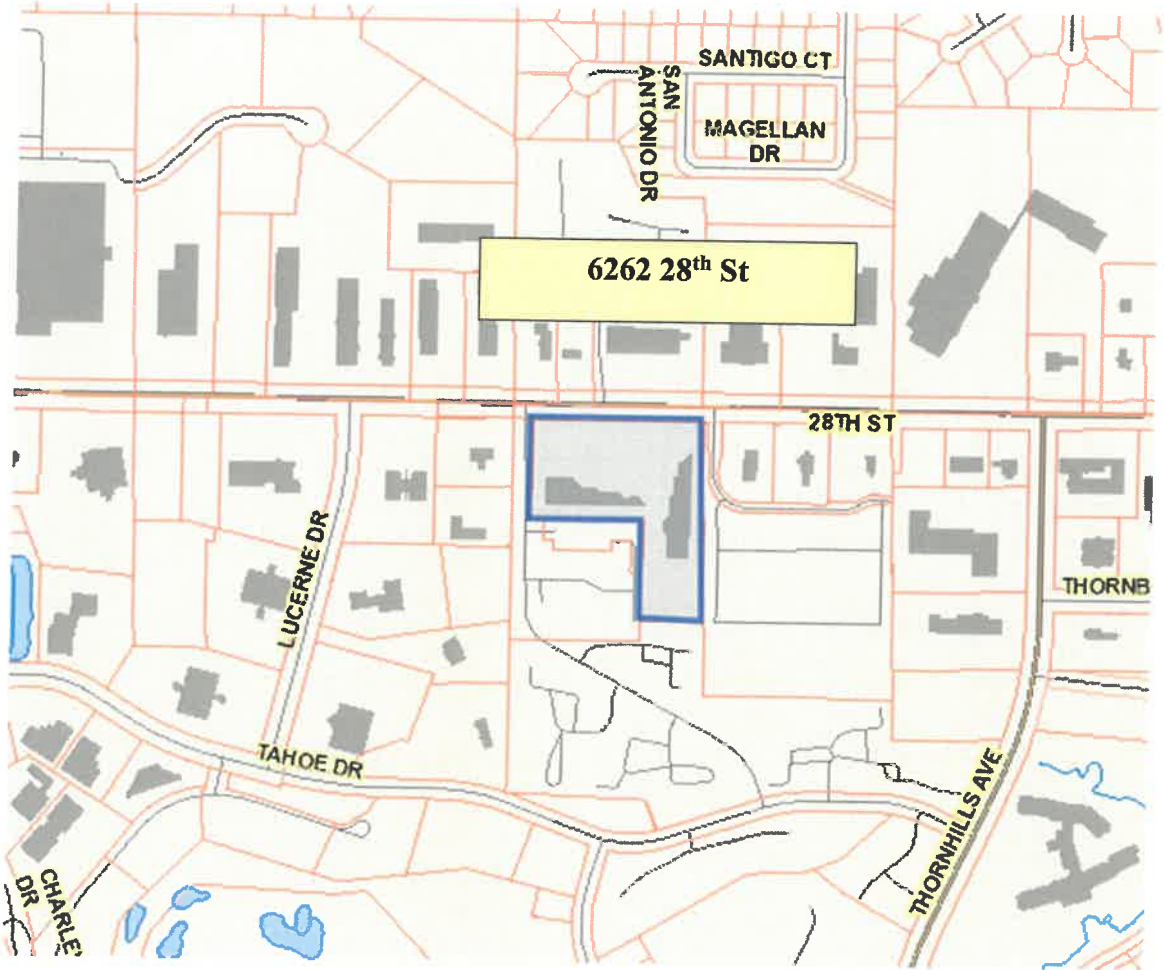
1. The applicant remains in good standing with the Liquor control commission, Planning Department, Building Department and Fire Department.
2. The permit would allow the temporary structures to be in place for no more than 179 days per year. After 179 days they would need to be removed from the property.
3. Have the Building and Fire Departments inspect the structures prior to occupancy each year.

Attachments: Application package

Site plan

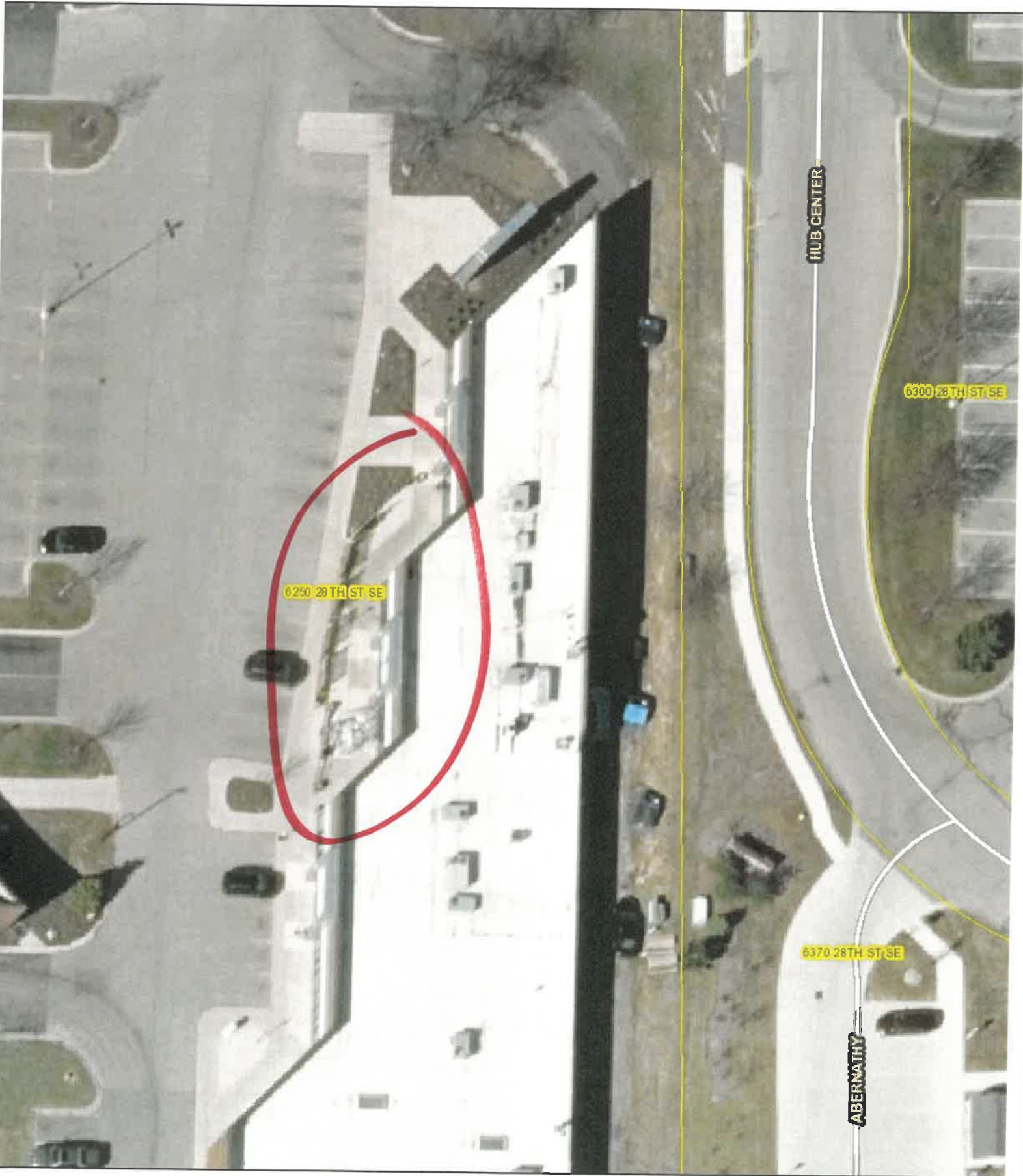
Building Department Safety Advice for Heating Outdoor Structures

Minutes from 2/12/19 ZBA Meeting



Kent County Web Map

December 17, 202



0250 28TH ST SE

HUB CENTER

6300 28TH ST SE

6370 28TH ST SE

ABERNATHY

0 0.0035 0.007 0.014 mi





CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids,
Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: Jeff Coffey / Eric Fouch
Address: 6262 28th St SE
City & Zip Code: GR 49546
Telephone: 616 826-5437
Email Address: jeffc@thornapplebrewing.com

OWNER: * (If different from Applicant)

Name: Same
Address: _____
City & Zip Code: _____
Telephone: _____
Email Address: _____

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 checked="" type="checkbox"/> Site Plan Review * | <input type="checkbox"/> Sign Variance Subdivision |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> 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:**

Our current site plan specifies "igloos" for outdoor winter dining. We would like to change the wording from "igloos" to "igloos or huts". The space for

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

this is our outdoor patio which is ~~currently~~
approved by the MLCC and our landlord for
food and beverage service. We have found that
huts are much more resilient to winter weather than
igloos.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-17-226-002

ADDRESS OF PROPERTY: 6262 28th St SE

PRESENT USE OF THE PROPERTY: outdoor patio

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

Name(s)

Address(es)

Sally Tucker (Property mgr)

250 Monroe Ave NW, suite 449
OR MI 49503
stucker@bradleyco.com
(616) 970-3199

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.)

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

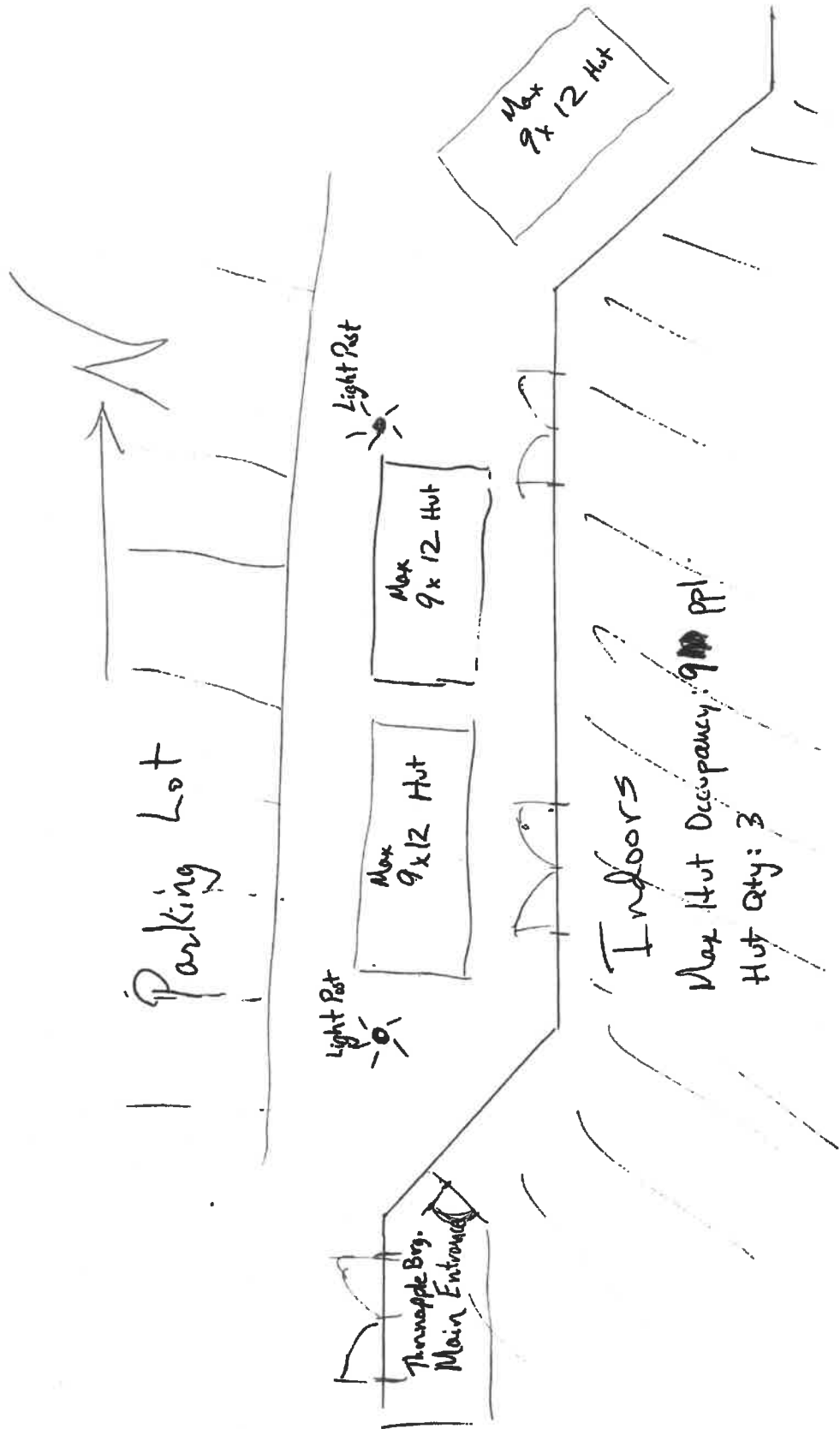
Jeffrey Coffey
Applicant - Print or Type Name

*

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

[Signature]
Applicant's Signature & Date

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



Parking Lot

Light Post

Max 9x12 Hut

Max 9x12 Hut

Light Post

Indoors

Max Hut Occupancy: 9 ppl

Hut Qty: 3

Pumpkin Brg.
Main Entrance

Max 9x12 Hut



Parking Lot

Outdoor Patio
Igloo or Huts in this
area.

Thornapple Brewing

Cascade Fire Department advises safety for heating outdoor dining structures

As indoor dining restrictions continue, heating outdoor dining structures must be fire safe.



The Cascade Fire Department tips for businesses to keep their outdoor dining structure heating safe:

- Electric heaters are acceptable in temporary structures but need to meet the required clearances to combustible material. Refer to manufacturers' guidelines on clearance requirements. Typically, three feet from the front of the heater to any combustible material is the norm. Electrical permits are required if circuits/receptacles are added. Electrical extension cords are permissible provided there is only one appliance being powered by a single cord. Extension cords must be rated for proper use and not run through walls or under doors to supply

the device. The CFD recommends infrared-type heaters for use with the public.

- Gas-fired heaters that are ducted into temporary structures are recommended and will require permits from the Cascade Fire Prevention. Business operators should contact a fire inspector for inspection requirements.
- Depending on the type of temporary gas-fueled heating appliances needed and fuel supply configuration, an inspection from the Cascade Fire Prevention and Cascade Building Department may be required.
- Portable outdoor gas-fired heating appliances are prohibited in the following locations:
 - Inside any occupancy where it is connected to a fuel gas container.
 - Inside tents, canopies and membrane structures.
- Portable outdoor gas-fired heaters must also be located at least five feet from buildings. They shall not be located beneath or closer than five feet to combustible overhangs, awnings, sunshades or similar combustible attachments to buildings.
- Garden Igloo structures have become a popular means to shelter patrons. Business operators must provide the necessary documentation to the Fire Prevention Division proving the correct flame/smoke rating requirements before approval and use.
- All portable heating devices must be listed by a recognized testing authority – such as Underwriters Laboratory – for use.
- Access to fire hydrants and fire department connections for sprinkler systems shall not be obstructed.
- All the interior surfaces are painted a fire suppressant paint. We have fire extinguishers in every unit, the doors are outward opening, and there is lots of ventilation."
- All exits must have clear access to a public way and shall not be obstructed.

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, February 12, 2019
5:30 P.M.

ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.
Members Present: Mead, McDonald, Moxley, Berra, Milliken
Members Absent: None
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Milliken led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member McDonald to approve the Agenda. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the January 8th, 2019 Meeting.

Motion was made by Member McDonald to approve the Minutes of January 8th, 2019. Supported by Member Berra. Motion carried 5 to 0.

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

There were no visitors.

ARTICLE 6. **Case #19:3510 Thornapple Brewing**

Public Hearing

Property Address: 6262 28th St.

Requested Action: The applicant is requesting approval to allow the placement of two seasonal temporary structures for outdoor seating.

Director Peterson stated that the structures were already up before the placement was approved, but since the Applicant is being cooperative and is now taking the proper steps to have the placement approved, they are being given the time to do so without having to take down the structures.

Director Peterson continued on to say that even though this is not a zoning variance, it is something that the Zoning Board of Appeals needs to grant permission for. He then states that this section of the ordinance has historically been used to allow for temporary classrooms or temporary housing after a house fire or during a build, but not yet for this type of structure. Some language in this section refers to having a water supply and toilet facilities, neither of which are needed with this approval as these structures will not be used for living space.

Director Peterson stated that the Fire Department approved the plan with the condition that there will be no open flame heaters, and the Building Department did not need a permit as it is under 120 sq feet, but did state that the temporary structures shall not be up for more that 180 days, and are limited to no more than 10 people inside a single structure at a time. The Liquor Control Commission stated that as long as the structures are within the confines of the allowed outdoor seating area, and as long as the outdoor seating area continues to be marked by ropes or lattice fencing as it is now to distinguish the outdoor seating area, they are support of the approval.

The two requested structures will be placed over two picnic tables that are already in the outdoor seating area, and Director Peterson suggested that the temporary structures be in place for no more than 4 months per year. A yearly inspection by the Building and Fire Departments to make sure the structures are still safe was also suggested by Director Peterson.

Director Peterson recommends approval of the structures with the three following conditions:

1. The structures be in place for no more than 4 months per year.
2. The structures be inspected yearly upon placement by the Building and Fire Departments.
3. The business remains in good standing with the Fire Department, Building Department, and Liquor Control Commission.

The Applicant did not attend the meeting; Director Peterson stated to the Board they could table the approval, or either approve or deny without the Applicant present.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Mead. Motion carried 5 to 0.

Director Peterson noted that he did hear from one person as a result of the public hearing notice who had general questions and/or concerns about past issues at this property, not specifically this business.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Berra. Motion carried 5-0.

Motion was made by Member McDonald to approve the application request with the Staffs conditions which are as follows:

1. **The structures be in place for no more than 4 months per year.**
2. **The structures be inspected yearly upon placement by the Building and Fire Departments.**
3. **The business remains in good standing with the Fire Department, Building Department, and Liquor Control Commission.**

Supported by Member Mead. Motion carried 5-0.

ARTICLE 7. Any Other Business

None.

ARTICLE 8. Adjournment

**Motion was made by Member McDonald to adjourn. Supported by Member Mead.
Motion carried 5 to 0. Meeting adjourned at 5:39 p.m.**

Respectfully submitted,
Aaron Mead, Secretary