

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, October 14, 2008
7:00 p.m.

ARTICLE 1. Vice-Chairman Lewis called the meeting to order at 7:00 p.m.
Members Present: Beahan, Casey, Lewis, 1st Alternate Neal, Wilson
Others Present: Planning Director Peterson, Township Attorney Bloom,
and Members of the Public.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Vice-Chairman Lewis requested a motion for approval of the October 14, 2008 Agenda.

Member Beahan motioned for the approval of the October 14th ZBA Agenda with support from Member Neal. All were in favor, none opposed. The motion carried, October 14, 2008 Agenda approved.

ARTICLE 4. Vice-Chairman Lewis requested a motion for approval or corrections of the September 9, 2008 Meeting Minutes.

Member Casey motioned to approve the September 9, 2008 ZBA Meeting Minutes as presented, supported by Member Beahan. All in favor, with none opposed. September 9, 2008 Zoning Board of Appeals Meeting Minutes was approved as submitted.

**ARTICLE 5. Case #08-2951: Brian & Rajini Van Farowe
Property Address: 3598 Goodwood Drive
(From the Table of September 9, 2008)**

Requested Action: The Applicants are appealing the Zoning Administrator's decision that subsection 4.33(10)(b) of the Zoning Ordinance allows the Goodwood Property Owner Association to apply for a Special Use Permit to allow for a common boat ramp.

Vice-Chairman Lewis requested a motion for this item to be removed from the table.

Member Beahan motioned to remove Case # 08-2951: Brian & Rajini Van Farowe from the table, supported by Member Casey. All in favor with none opposed, motion carried.

Vice-Chairman Lewis noted that Member Wilson would not be voting on this case since she was absent from last month's meeting. Only the

attending members of the Zoning Board of Appeals at the September 9th Meeting would be voting upon this case tonight.

He also stated that he has read the resolution, and understands that the ZBA members have also reviewed the documentation.

Vice-Chairman Lewis opened the meeting for any comments from the Zoning Board regarding the resolution. [Neither the Applicants nor their attorney were present.] **Member Beahan motioned to adopt the resolution as presented to uphold Staff's interpretation of subsection 4.33(10)(b) of the Zoning Ordinance allowing the Goodwood Property Owner Association to apply for a Special Use Permit for a common boat ramp and appurtenances, supported by Member Neal.**

Vice-Chairman Lewis requested a Roll Call vote:

**Member Casey, yes
Member Lewis, yes
Member Beahan, yes
Member Neal, yes**

All in favor of the motion with none opposed, the motion carried and the resolution was adopted.

ARTICLE 6.

**Case # 08-2932: Goodwood Plat Owners Association
Property Address: 3598 Goodwood Drive
(From the table of September 9, 2008)**

Requested Action: The Applicant is requesting a Variance to allow for the Goodwood Plat Owners to apply for a Type II Special Use Permit to allow for the construction of a boat launch to be used for members of the Goodwood Plat Owners Association.

Vice-Chairman Lewis requested a motion for this item to be removed from the table.

Member Casey motioned to remove Case # 08-2932: Goodwood Plat Owners Association from the table, supported by Member Beahan. All in favor with none opposed, motion carried.

Vice-Chairman Lewis noted a copy of the resolution is within the Board's packets. He opened the meeting for any comments from the Board.

Member Casey clarified that the case is requesting a variance to allow Goodwood Plat Owners to apply for a Type II Special Use Permit.

Vice-Chairman Lewis opened the meeting for any comments from the audience. There were no comments.

Member Beahan motioned to approve the applicant's request for a Variance to allow for the Goodwood Plat Owners to apply for a Type II Special Use Permit to allow for the construction of a boat launch to be used for members of the Goodwood Plat Owners Association. Member Neal supported the motion.

Vice-Chairman Lewis requested a Roll Call vote:

**Member Casey, yes
Member Lewis, yes
Member Beahan, yes
Member Neal, yes**

All in favor of the motion with none opposed, the motion carried and the resolution was adopted.

ARTICLE 7.

**Case # 08-2953: American Cancer Society
Property Address: 28th Street and Jacksmith
(PUBLIC HEARING)**

Requested Action: The Applicant is seeking a Variance to modify its existing Variance to allow a temporary banner during the Relay for Life Event for a 72-hour period.

Planning Director Peterson said the Applicant is requesting a modification to the Variance that was approved last year for the Relay for Life Event.

The Variance from last year allowed a temporary banner for the event for a 24-hour period. The Applicant is now requesting that the banner be permitted for a 72-hour period.

Since none of the facts have changed from last year, Staff has copied the Staff Report from 2007 for the Board's use again.

Technically, the ZBA did not limit the banner to only a 24-hour period, although that is what the Applicant requested last year. Staff believes that the Applicant needs this new Variance since it did not ask for anything more than 24 hours last year.

The minutes from last year are also included within the Boards' packets.

If this request were to be denied, the Applicant would be allowed to have the banner for the 24-hour time period as approved in 2007.

Staff recommends approval of the variance modification request given the fact that this is a special fundraising, community event and is different from the "normal" commercial businesses that try to do extra advertising

with banners and trailer signs. Staff does not believe that this banner is any different from the Township's banner used on the 4th of July.

There were no comments from the Board. Applicant Terence Roach, Chairman of Relay for Life – American Cancer Society, said that their request is simply to promote the event to Cascade Charter Township families. Last year, the banner was displayed just prior to the event and that does not allow families enough time to plan and attend. This year, they would like to promote to the families in advance to allow for some planning time. The event will have various activities for the children and will be partnering with the Township's Library.

Chairman Lewis asked if there would be restrooms provided for the event and Applicant Roach said yes, just like last year, and attendees would also be able to use the facilities at the Library.

Applicant Roach said the Relay for Life is an annual event that covers the Forest Hills School District. It is a celebration of life and surviving cancer. It is also a fundraiser that involves thirty-five (35) teams from different companies/organizations (i.e. Meijer, the Library, Township Fire Department, etc.). Materials will also be distributed to the families. They will also have some inflatable activities for the children to enjoy.

Member Beahan asked if the event is also held in the back of Noto's Restaurant's parking lot and Applicant Roach said yes, and they have resolved the issue of traffic from 28th Street into the area. He also said that Noto's has agreed to let them use the rear part of their lot, as Noto's does not foresee needing the area at that time. Other businesses have also agreed to allow use of their lots as long as they are not conducting business at the time.

Member Wilson asked what the date of the event is and Applicant Roach said May 28th and May 29, 2009, beginning at 2 p.m. on Friday and concluding at 2 p.m. on Saturday and the event runs continuously for 24 hours.

Member Beahan asked the Applicant if they wanted to put up the banners at 2 p.m. on Wednesday, May 27, 2009 and would then remove them at 2 p.m. on Saturday, May 29, 2009 and Applicant Roach stated that is correct.

Member Beahan motioned to open the Public Hearing for Case #08-2953: American Cancer Society, supported by Member Wilson. All in favor, with none opposed, the Public Hearing was opened.

There were no public comments.

Vice-Chairman Lewis asked Staff if any letters or phone calls were received regarding the case, Staff said no.

Member Wilson motioned to close the Public Hearing for Case #08-2953: American Cancer Society, supported by Member Casey. All in favor, with none opposed, the Public Hearing was closed.

There was no further discussion. **Member Wilson motioned to approve the Applicant's request seeking a Variance to modify its existing Variance to allow a temporary banner during the Relay for Life event for a 72-hour period, supported by Member Casey. All in favor, with none opposed, the Variance is granted.**

ARTICLE 8.

**Case # 08-2955: Chris Terrasi
Property Address: 5633 52nd Street**

Requested Action: The Applicant is requesting a Variance to create a new lot that does not meet the required lot width of 200 feet.

Planning Director Peterson referred to the location map, noting the property's location at the northeast corner of Kraft Ave. and 52nd Street.

The Applicant is requesting a lot split to create a substandard lot and has provided two options: Option 1, the Applicant's preferred choice, shows the split of approximately 2-1/2 acres to the north and the frontage would be approximately 186 feet. Option 2 shows a jog in the property that is 200 feet wide but is only 200 feet wide for approximately 100 feet deep, once you take out the road right-of-way. The Township requires the 200 feet wide for 150 feet deep. Either option requires a Variance.

Staff also included, within the Boards' packets, the Township's Zoning Ordinance requirements for Industrial zoned lots. Planning Director Peterson reviewed the requirements noting the required 2 acres for a minimum lot size and a minimum lot width of 200 feet. He also noted that the building setbacks do come into play because the property does have an existing building and the building would also have to meet the Township's requirements. The side yard setbacks would come into play with the attempted lot split. These regulations have been in place since 1988.

Staff did not find any similar variance requests over the last ten (10) years.

One of the biggest concerns for creating smaller lots than required is the impact on the eventual development of the lot. The other rules for the area are established assuming that one meets the basic requirements and can cause a problem for the eventual development of the lot if they are not meeting all of the basic requirements.

In reviewing the Standards for a Variance, Staff did not find any exceptional circumstances on this lot that would not apply to others.

The desire to split this lot is due to action taken by the Applicant and not from any unique circumstances regarding the property itself.

The requested variance is the minimum variance that would make possible the reasonable use of the land. The variance requested is a small amount and would be closer to compliance than the existing other narrow parcels in the area.

Planning Director Peterson does believe there are some landowners in the area who would feel that this is an unfair advantage and would probably want to take advantage as well. However, four (4) other parcels in the area have even less width than what is being requested.

If this variance is granted, it may cause the need to look at revising the ordinance to allow for a more narrow lot in the industrial area.

Staff also recognizes that the Applicant cannot split the property as desired and still comply with the Township's ordinance.

The Applicant has been able to meet all the requirements for the new lot with the exception of the lot width and is seeking a small dimensional variance of 14 feet. Staff does not find that the Applicant meets all of the Standards to grant the request and recommends that the variance request be denied.

There were no questions from the Zoning Board of Appeals. Vice-Chairman Lewis invited the Applicant to present his information.

Applicant Chris Terrasi of 5633 52nd Street said his reason for the request, and he does believe he has a hardship, is that the building has been vacant for 2 years. He currently has an opportunity to sell the building to a company that will employ fifty (50) people. They are a technology company and would be doing upgrades to the building along with the parking lot. The prospect has told the Applicant that they do not need all of the land and would like to purchase just the building.

He also noted the pictures of the airport's roadblock on 52nd Street that are included within the Boards' packets. The roadblock does not provide access to two-thirds of the property and he asked if the airport would move the roadblock so he could split the property north and south and the airport suggested that the Applicant approach the Township. The airport does not want to move the sign. If the sign were moved, it would be down the hill and too late for an oncoming driver to see that the road ends.

He believes his request is unique because of the airport security concerns.

Vice-Chairman Lewis asked why the airport would not move the sign and Applicant Terrasi said they want it left where it currently is because if moved, a driver would not be able to see the sign in time.

Member Wilson asked if the Applicant has explored with the potential buyer the idea of purchasing the entire lot. Applicant Terrasi said he has and they cannot afford to do so. The potential buyer would be spending approximately \$500,000 in renovating the existing building.

Member Casey asked the Applicant if he could have the buyer enter into a lease arrangement for the extra parcel and the Applicant said the potential buyer could not afford to do so.

Member Wilson asked the Applicant if he has explored rezoning the property into a P.U.D. and Applicant Terrasi said he has not and is not familiar with the process. Planning Director Peterson said that the Applicant could develop a plan for the property showing its development and what would be on the property instead of the split and show how the site would be developed.

Planning Director Peterson also clarified that the airport does not decide upon the "road closed" sign that is out there, that is the Kent County Road Commission's (KCRC) responsibility and the road is governed by the KCRC. 52nd Street is a public road and there are other properties out there and it is not up to the airport to determine the sign's placement, although the airport does prefer the sign's current location.

Planning Director Peterson noted that the Applicant would have trouble extending his property east because he would have to run sewer and water.

Member Beahan motioned to open the Public Hearing for Case #08-2955: Chris Terrasi, supported by Member Casey. All in favor, with none opposed, the Public Hearing was opened.

Applicant Terrasi said that he petitioned several of the surrounding neighbors in support of his request and the petition is included within the Boards' packets. Planning Director Peterson said he did not include the petition within the packet and the Township has received a copy.

Member Beahan asked if Staff has heard from the KCRC and they have not. Planning Director Peterson said he did receive one letter from an opposing neighbor. Applicant Terrasi said the letter was from Mr. DeWitt, who wanted to purchase the property years ago, but his offer was declined.

Member Beahan motioned to close the Public Hearing for Case #08-2955: Chris Terrasi, supported by Member Wilson. All in favor, with none opposed, the Public Hearing was closed.

Chairman Lewis noted that the economy is difficult, but unfortunately this request goes against the Township's ordinance and this request is asking for a variance to create a nonconforming property without extenuating circumstances. The goal of the Township is to eliminate nonconforming properties, not create more.

As Staff noted in their report, the Applicant could go through a P.U.D. and this is a way for an applicant to develop their property, as they would like to with the Township's assistance in following the ordinance. The Applicant can submit a plan to the Township showing the lot split and a building that could be built there in the future. Developing the property into a P.U.D. is an option for the Applicant.

Member Casey asked that with the survey (it shows the lot at 186 feet wide), what is the setback of the side yard with the existing building? Planning Director Peterson believes 25 feet.

Member Casey noted that if this were approved, it would be creating a variance to create future variances and establishing precedence. It seems to him with a P.U.D. it could be possible to develop a business relationship and he is not comfortable granting the request.

Member Beahan asked how detailed the P.U.D. would be and Planning Director Peterson said it would have to be detailed so the Township knows what the site would develop into. The development does not have to happen right away, but the plan should show the potential future development of the site.

Member Wilson noted that in order to grant the variance, the Zoning Board of Appeals would have to find that all of the Standards be met and they are not. The Standards are not. She believes that the P.U.D. is a favorable option.

Member Wilson motioned to deny the Applicant's request for a variance to create a new lot that does not meet the required lot width of 200 feet at 5633 52nd Street for the reasons stated, supported by Member Beahan. All in favor, with none opposed. The motion carried and the variance request was denied.

ARTICLE 9.

Any Other Business

Vice-Chairman Lewis opened the meeting to any other business of the ZBA. There was no other business.

ARTICLE 10. Adjournment
Member Beahan, supported by Member Wilson, moved to adjourn.
The motion carried and the meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Jack Lewis, Vice-Chairman/Secretary

Lisa Hern, Recording Secretary

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