

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, October 11, 2011
7:00 P.M.

ARTICLE 1. Chairman Mel Casey called the meeting to order at 7:00 P.M.
Members Present: Casey, Goldberg, James, Logue, McDonald
Members Absent:
Others Present: Planning Director, Steve Peterson

ARTICLE 2. Chairman Casey led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda

Motion was made by Member Goldberg to approve the Agenda. Support by Member McDonald. Motion carried.

ARTICLE 4. Approve the Minutes of the August 9, 2011 Meeting.

Motion was made by Member McDonald to approve the Minutes. Support by Member James. Motion carried.

**ARTICLE 5. Case #11-3046 Brian Poppema
(Public Hearing)**

Property Address: 5567 Whitneyville Ave.

Requested Action: The applicant is requesting a Variance to allow the construction of an addition to his garage resulting in the need for a rear yard variance as well as a variance to have a garage larger than permitted.

Planning Director Peterson reviewed the location of the property and stated that the applicant needs a few variances to allow the garage addition variance. The variances needed are:

- a. Expansion of a non-conforming situation – rear yard setbacks.
- b. Expansion of a non-conforming situation – size of attached garage.
- c. Rear yard setback reduction from 25 feet to 1 foot.
- d. Total size of attached garage increase from 991 sq. ft. to 1,430 sq. ft.

The reason for the first two variances is due to the fact that the rear yard and size of the garage are already non-compliant.

The homeowner is trying to take advantage of the old existing foundation that is in place by putting the addition on it. This foundation appears to be in solid shape but will need approval from the building department to be able to use it.

Going back through ZBA cases through 2001 the Planner found 5 variance requests for the side or rear setbacks for home additions. He did not find any requests for larger attached garages than permitted. 4 of these cases were denied.

The home in this case was built in 1890. The lot is quite small and is non-conforming as are other lots in the area. The property abuts the Whitneyville Cemetery. The property also has a large drop off at the rear, making the location of the addition hidden from view.

Staff recommends denial of the variances to allow the garage addition. The amount of variance needed would be inconsistent with any other variance request and may create future issues for other similar requests given the fact that both the garage size and setback are already non-conforming.

The Planner informed the ZBA members that just for the record; Brian Poppema is an employee of Cascade Township.

Brian and Valerie Poppema are the owners of the property and were both present. Valerie began by saying that there is one neighbor just to the north that has a lot smaller than theirs. There are no houses close to their property line. As to the history of the house, Valerie stated that it originally was a one room school house for the Caledonia School District. Originally it was in the cemetery in the corner where the pump house now is. It burned while there. The community rebuilt it to where it is now. That building also burned. The church bought it and used it as a parsonage. The garage burned; Valerie does not know the year that happened.

Poppema's bought the house two years ago. They believe the lot was small because it was used for a school. It was not converted to a home until the late 50's or early 60's.

Brian Poppema shared pictures of the property with the Board Members. He explained the reasons for asking for the addition to the garage. Because of the uniqueness of the property, there is no space to put a shed. They need more space to store things due to their growing family. The existing foundation will be used as the rear wall of the addition. They feel it is the best use of an otherwise somewhat unusable space and the addition will be much less of an eyesore than what the present condition is. They would like the property to look finished while making the best use of space.

Member James made a Motion to open the Public Hearing. Support by Member Goldberg. Motion carried.

Chairman Casey asked if there was anyone from the public who wished to speak or ask questions in regards to the case. No one came forward to speak.

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

Member James made a Motion to approve the Variance requested.

Member McDonald called for further discussion. McDonald feels that the setback isn't an issue as much as the size of the garage relative to the home. He likes the project and understands the request, but wonders what makes this exceptional that the ZBA Board could approve it. Given that there is a retaining wall that's been there for an unknown

number of years, it almost makes part of the garage already there; the applicant just wants to link them.

Member James explained that the applicant is basically covering the back wall that has been there for years with the building that is already currently there and usable. He doesn't believe they are really increasing dramatically the non-conformity; they are basically enclosing the non-conformity.

Member James asked to amend his Motion to include that the existing foundation structure be included in the final construction.

Support for the Motion was made by Member Goldberg. Motion carried.

**ARTICLE 6: Case #11-3049 Metro Detroit Signs for Bagger Dave's
(Public Hearing)**

Property Address: 2817 Kraft Ave.

Requested Action: The applicant is requesting a Variance to allow multiple wall signs on the building.

Planner Peterson commented that this is the former Big Boy property at the corner of Kraft and 28th. The applicant is requesting a variance to allow 2 wall signs in addition to the permitted wall sign. The permitted wall sign is 50 sq ft and is planned for the North elevation of the building. Wall signs in the ES district are limited to 100 sq ft. The additional wall signs are located above the entrance to the building and are smaller versions of the permitted wall sign. Each smaller wall sign totals about 17 sq ft resulting in an additional 34 sq ft of wall signage

The Planner is not aware of the ZBA recently granting a sign variance to allow additional signage. We have, however negotiated signage as part of a development by reducing the overall number of signs, or a tradeoff of square footage with other allowed signage.

Staff would recommend that the applicant revise the wall signs to comply with the Ordinance. If the ZBA believes that a variance is justified, Peterson recommends that the justification be based on the fact that they have not exceeded the total amount of sq ft of wall signage allowed (100 sq ft). If approved we should place a condition that the total amount of 3 wall signs is limited to no more than 85 sq ft.

Chairman Casey asked if there were any questions of the Planner. After clarification of an item in the report, Casey asked the applicant to present additional information.

Paul Deters was present from Metro Detroit Signs of Warren, MI. Also present was Carlos Santa Cruz from Southfield, MI; director of construction for Bagger Dave's. Mr. Deters explained why they were asking for this variance. Bagger Dave's is new to this area so they are trying to establish their brand. They try to have quality, classy looking facilities. They strive to have their stores be an asset to the community. They would like consistency with what they are doing at other facilities. Mr. Deters added that the signage package they are proposing is significantly less than what they would be allowed under the Ordinance. After reading the Staff Report, they submitted a revision to make

the ground sign smaller so that their proposed wall sign plan will receive additional consideration. The package they have proposed will work better for them than the directional or incidental signage.

Member McDonald asked if this is a Michigan based company. Mr. Santa Cruz replied that it is and is from Southfield, MI.

Member Goldberg asked how many people will be employed at the restaurant. Mr. Santa Cruz replied between 55 and 60; not all at one time, but different shifts. Some will be full-time and some part-time.

Member James questioned the number of stores they have. This store will be number 6. There is both a family component and a tavern component. It is a full-service, casual family dining restaurant. They propose to open mid November.

Member McDonald made a Motion to move into the Public Hearing. Support by Member Goldberg. Motion carried.

With no one present to speak from the public, Member McDonald made a Motion to close Public Hearing. Support by Member Goldberg. Motion carried.

Member McDonald acknowledged that customarily he favors reducing visual clutter. He feels however that the sign options would create more visual clutter than the trade-off requested by the applicant. Despite this not quite fitting the Ordinance, McDonald feels there is a trade-off which would fit in better.

Member Goldberg and Member Logue are in agreement with Member McDonald. Member James said as long as it fits with the Ordinance, he approves.

Member McDonald made a Motion to approve the request with a condition that the total amount of the 3 wall signs is limited to no more than 85 sq ft and that it is done in the design as presented to the ZBA tonight. Support by Member Goldberg. Motion carried.

**ARTICLE 7: Case #11-3050 6303 Twenty-Eighth LLC
(Public Hearing)**

Property Address: 6303 28th St.

Requested Action: The applicant is requesting a Variance to allow the use of a non-conforming property and bufferyard exceptions.

Planner Peterson began by saying that the building on this property previously housed Nextel Communications. The applicant is requesting approval from Section 22.03 to allow the use of a property that has a non-conforming situation(s). The non-conforming situations that are known include:

- a. lot size/lot width (currently less than required)
- b. landscaping/bufferyards (currently less than required)
- c. parking lot landscaping (limited space to meet today's requirements)

The variance for these non-conforming issues are to be able to use the site as it is today with some of these areas that have less than the required bufferyard area.

They are also seeking a variance of the bufferyard requirement to install a drive on the east side of the building. This requires a variance because it will reduce the total bufferyard below the required 25 feet.

Peterson commented that one of the neighbors came to the office with a couple ideas regarding the rear parking area. There were a couple other phone calls and visits, but no written comments.

Staff recommends that the ZBA grant the variances and allow the bufferyards as they are today with the exception of the north-west corner; that bufferyard should be established.

Staff recommends that the additional variance request to allow a drive in the east bufferyard be denied.

Chairman Casey asked if there was enough parking on the site for the proposed use. Peterson replied that there was more than enough parking.

Chairman Casey asked if there were comments from the applicant. Harry Wierenga was present for Fleis & Vandenbrink. He also introduced Bob Dykstra as the general partner. Mr. Wierenga stated that the building has been there for a long time. He explained several aspects of the property and proposed changes while those present looked at a picture of the project on a screen. Presently there is a charging station for electric vehicles in the rear parking lot; that will remain. On the east side of the property they are asking for an access drive so there will be flow all the way around the building. He is concerned about the grade change, but feels they are improving the site. The building is proposed to be used as office space and small stores.

Member Goldberg commented that generally speaking the ZBA likes to reduce non-conformity incrementally over time. Their goal is to bring an overall site more closely into conformity rather than expand non-conformity. In what you are proposing, where are the plusses to bring the site more closely into conformity?

The applicant replied that they are taking the bulk of the parking up to the front of the building. The general use will be similar as previous tenants.

Member James asked if there will be more empty retail, as there are other projects in the Township that have a fair amount of empty retail. The applicant stated that they have 2 good anchor tenants right now. Office space will take about 1 year to fill.

Member McDonald made a Motion to move into Public Hearing. Support by Member Goldberg. Motion carried.

Jeff Siegfried of 2670 Weatherby Hills Dr. lives in a condo adjacent to the property. He is the President of the condo association. He is also the person who discussed the rear

bufferyard idea with the Township Planner. He is supportive of the proposed site plan with the exception of that section of parking which is adjacent to their properties. The condo residents would like more buffering. Member Goldberg suggested a good quality screening to buffer sight and sound. Discussion followed as to which side of the fence screening would be acceptable.

A lengthy discussion followed concerning the non-conforming issues and the best way to resolve them.

Ron Schlesinger of 2644 Weatherby Hills Dr. is concerned about fencing, plantings, mature trees, and possible lighting in the rear parking lot.

Kathryn Hascall of 2662 Weatherby Hills Dr. is concerned about the potential increased traffic flow around the neighboring properties.

Further discussion was related to fencing.

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

Member Goldberg stated that the issue that remains for him is the access going back increasing the non-conformity along the east side. He is ok with the rest of it.

Member Logue is in favor of the proposed east drive for circulation. It makes better use of a situation.

Member McDonald does not see the need for the proposed east drive.

Member McDonald made a Motion to approve the use of the lot for retail use as it currently exists with the installation of a permanent 6 foot high vinyl fence in the North West corner as drawn out by the engineer tonight, with a color to be chosen by the Association. Member Goldberg made a friendly amendment that the color would be chosen jointly by the developer and the association. Member McDonald agreed to that change. Support by Member Goldberg. Motion carried.

Member Goldberg made a Motion to deny the variance request for a drive on the east side of the building. Support by Member McDonald.

Roll Call Vote:

Logue, no

McDonald, yes

Casey, yes

Goldberg, yes

James, no

ARTICLE 8. Any other business

ARTICLE 9. Adjournment

**Motion was made by Member Goldberg to adjourn. Support by Member McDonald.
Motion carried. The meeting was adjourned at 9:07 p.m.**

Respectfully submitted,

Tom McDonald, Secretary

Carol M. Meyer, Planning Administrative Assistant