

MINUTES

Cascade Charter Township Zoning Board of Appeals

Tuesday, July 12, 2005

7:00 p.m.

- ARTICLE 1.** Chairman Casey called the meeting to order at 7:00 p.m.
Members Present: Beahan, Casey, Crawley, Lewis, 1st Alternate Neal.
Members Absent: Member Vaughn (excused), 2nd Alternate Richards (excused)
Others Present: Planner Deem and Admin. Assistant Hern. No members of the public in attendance.
- ARTICLE 2.** Chairman Casey requested a motion for approval of the July 12, 2005 Agenda. The agenda was approved on a motion by Member Beahan and supported by member Lewis. The motion carried, agenda approved.
- ARTICLE 3.** The Minutes of the June 14, 2005 Member Lewis requested typo-correction in Article 3 in first sentence – word should be “meeting” after 2005. No further corrections were stated. Member Lewis motioned to approve the June 14, 2005 minutes as corrected, supported by Member Crawley. The motion carried, June 14, 2005 Minutes approved as corrected.
- ARTICLE 4.** The Planning Commission Minutes of June 6, 2005 and June 20, 2005 were received and filed.
- Member Lewis on Monday, June 20th Article 4 noted he submitted handwritten items regarding his thoughts on limitations and noted the corrections would be forthcoming in future minutes.
- ARTICLE 5.** **Case #05-2746: WalMart**
(PUBLIC HEARING)
The applicant is seeking a ZBA approval to store eight (8) storage trailers behind the store during a two-month store re-modeling project.
- Planner Deem noted this is not a variance request to allow storage trailers. The applicant is within accordance to section 23.07.04 of the Zoning Ordinance the ZBA has the authority to review and approve all temporary uses provided it complies with section 4.18(4) of the Zoning Ordinance.
- He noted other temporary structures not permitted or regulated above or by provisions of this Ordinance might be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set for the purposes of the construction. The Zoning

Board of Appeals shall determine whether such structure is intended as temporary building and that its use shall be terminated at conclusion of the project. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.

Planner Deem also noted that ZBA received a similar request about two (2) years ago from Meijer that the ZBA approved with no signage/ads on the storage.

Planner Deem also noted that WalMart would be keeping these containers in the rear of the property and Meijer had kept theirs at the side of the building.

Planner Deem said Staff recommends approval of this application since it is a one-time event for the remodeling construction and would assist in keeping the site clean of construction debris, allowing the storage containers for the length of the remodel with the following condition that no signage or advertising be placed on the storage container(s).

Tony Pierce, Store Manager of WalMart, noted the request is for temporary storage while in the process of re-modeling and the project should be completed by September 30, 2005, and will store fixtures and some construction supplies.

Member Beahan asked if the storage will be utilized at night; will deliveries be made or will the containers be used in the evening hours? Pierce said the containers would be used day and night; delivery trailers will come in during the night from other warehouses.

Member Beahan questioned if there is any problem removing signage from the containers. Pierce said the containers are numbered and doesn't believe there is any additional advertising or signage on them but will have to double-check. He said he wasn't aware of the no signage condition and will check with the container supplier to meet compliance.

Member Lewis asked, in the past, trailers parked in the back used for storage, gone through empty trailers or trailers without the tractor in the front, those won't be necessary if containers are approved? Pierce said there is currently one empty trailer in the far back of the lot that has been there for years but doesn't foresee using any trailers.

Member Lewis supported by Member Beahan moved to open the public hearing. The motion carried and the public hearing was opened.

There being no one present to speak on the matter Chairman Casey asked if Staff received any letters or phone calls regarding the containers. Planner Deem noted none received.

Member Lewis supported by Member Crawley moved to close the public hearing. The motion carried and the public hearing was closed.

Member Crawley noted the request seems pretty straight-forward.

Member Beahan questioned the amount of noise during the nighttime and Planner Deem noted there is an 11:00 p.m. Ordinance regarding noise but doesn't foresee any issues. If noise becomes an issue during the re-modeling, WalMart will be notified of the ordinance.

Member Lewis asked if additional lighting would be needed around the containers and Pierce noted security lighting would be installed but no additional lighting to be installed.

Member Lewis moved to approve the applicant's request for eight (8) storage bins be granted starting today, July 12, 2005 and run for two (2) months and expire September 30, 2005 with the following conditions:

- 1) **No ads/signage on the bins.**
- 2) **Containers are to remain behind the building and not visible from 28th Street.**
- 3) **No other trailers appear for storage purposes in the parking area.**

Member Beahan supported the motion and conditions set-forth. All members in favor, none opposed. The motion carried.

Chairman Casey asked Pierce to walk out the back door today and have the pallets taken care of; Pierce will correct the issue.

ARTICLE 7.

Any Other Business

Member Lewis asked Staff for an update regarding the variance ZBA gave for signage for Clever Cook. Planner Deem said he has not received an application to amend the PUD Ordinance for signage and the applicant is no longer within compliance. Member Beahan saw her (owner) on the 4th of July and asked her how the issue was coming and she didn't sound too hopeful. Planner Deem believes the issue is coming down to the sign's owner, Sundance and contract prohibits others from sharing the sign. Member Lewis noted recommendation from ZBA was the size of the lettering.

Chairman Casey noted this Township has rules for banner signs, that are enforced, but no rules about somebody vacating a space and the sign staying forever. Planner Deemed confirmed that is correct and the Township doesn't issue business licenses and don't know who's there or not and don't patrol to see who's vacating. Chairman Casey said the Clever Cook sign could stay there until the landlord decides to remove. Planner Deem confirmed that is correct.

Member Crawley also noted someone may move but still paying a lease on the old property. He would rather see a sign there, even if incorrect due to business moved, etc., instead of an empty sign.

Member Beahan noted the temporary sign problem with Bishop's Furniture on Michigan Ave. He said that he noticed Bishop's going out of business signs and there were upwards of fifty (50) signs along 28th Street and he gathered a couple of signs and called the store. Member Beahan said the store manager had the signs down within ½-hour of the phone call and noted his staff was not to place signs in Cascade. Member Beahan called the store manager and thanked him for removing them so quickly.

Open discussion was held regarding the opening of 36th Street and the news reported tomorrow at 4:00 p.m. Member Beahan noted he walked the connection and has seen many residents walking it prior to its opening.

ARTICLE 8.

Adjournment

Member Beahan supported by 1st Alternate Neal moved to adjourn. The motion carried and the meeting was adjourned at 7:22 p.m.

Respectfully submitted,
Jack Lewis, Secretary
JL:LH