

**GRAND RAPIDS CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
October 11, 2016**

A regular meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 pm with the following present; Chair George Orphan, Secretary Jim Kubicek, Greg Timmer, Doug Kochneff, Lee VanPopering, Alternates; Lindsey Koorndyk-Theil and Martin Andree. Also present were Township Attorney Jim Scales and Planning/Zoning Assistant Kara Hammond.

1. Approval of the September 13, 2016 minutes.

Lee VanPopering, seconded by **Jim Kubicek**, moved to approve the minutes as they stand, with no changes.

Motion approved unanimously.

2. #2016-05.2: Tabled: - NorthStar Commercial - 4609 Cascade Rd SE - The applicant is requesting a parking variance conducive to the proposed remodeling plans of the existing restaurant/building.

Jim Kubicek, seconded by **Lee VanPopering**, moved to allow for further deliberation on the previously tabled NorthStar Commercial request.

Motion approved unanimously.

Attorney Jim Scales went over the legal review and explained the findings of the Planning Commission regarding the Patio/Al Fresco Special Land Use request and approval.

Lee VanPopering stated it is not the applicants fault, they heard it all last month, no reason to continue debating. Jim Kubicek brought up the possible issue of snow removal and noted that has not been addressed. Doug Kochneff said it is a good point, but the applicant will not be using the outdoor dining and will have sufficient area to store the snow. Kochneff continued, stating if the applicant does not do a good job of snow removal, customers will not visit their establishment, thus they would only be hurting themselves.

The applicant stated he has a problem with the way the language in item 3.C. of the drafted resolution reads; explaining that if the other properties have a condition where the zoning administrator can make restrictions or take action that is fine, if not, he does not feel that is fair nor necessary for just them. Lee VanPopering stated he agrees with the applicant's issue. Greg Timmer asked if any of the current businesses (to the north) have variances, they do not, so Timmer said he feels that the condition proposed is good starting now and going forward. Timmer reiterated that this is good framework for this current variance request and any other variance requests going forward. George Orphan asked Attorney Jim Scales to clarify section 3.C., to see if the conditions presented are necessary or can be removed.

Martin Andree brought up the fact that the resolution in front of them was something that was handed to them, the Board members did not come up with it themselves and it was not addressed at the previous meeting. He added that he does not think it is an issue that the Board makes the determination of whether the applicants issue is valid or not.

Lee VanPopering, seconded by **Doug Kochneff**, moved to approve the Resolution as drafted by the Attorney with the condition of the removal of section 3.C..

Motion approved unanimously.

The meeting was adjourned at 7:29 pm.

Respectfully Submitted,
Jim Kubicek