

**GRAND RAPIDS TOWNSHIP
ZONING BOARD OF APPEALS
March 12, 2019**

A regular meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:00 pm. The following members of the Board of Appeals were present: Chair Greg Timmer, Vice Chair George Orphan, Secretary Jim Kubicek, Member Doug Kochneff, and Member Dave Pierangeli. Also present were Alternate Martin Andre and Township Attorney Jim Scales. Alternate Lindsey Koorndyk-Thiel was absent.

1. Approval of the January 8, 2019 minutes.

Dave Pierangeli, seconded by **Jim Kubicek**, moved to approve the minutes of the January 8, 2019 Zoning Board of Appeals meeting as presented.

Motion approved unanimously, 6-0.

2. #2019-01 – David VanderMolen – 3052 Oak Hollow Dr., SE - The applicant is requesting a variance from the prohibition of accessory building allowed in front yards. This item was tabled for additional information from the 1/8/19 meeting.

David VanderMolen, 3052 Oak Hollow Dr., SE, owner of the property, provided the Board with a survey with the proposed location and requested the Board allow him to move the location to the east four feet where it is shown now.

There was discussion amongst the Board about what the hardship is to warrant the variance. Mr. VanderMolen stated there is a raised location, a large spruce, drainage issues, and very little room.

Doug Kochneff, seconded by Jim Kubicek, moved to open the public hearing at 7:05 pm. Motion approved unanimously, 6-0.

Joan Vyn - 217 Kingswood Dr., SE. is the neighbor to the south of Mr. VanderMolen. She is not concerned about location from street, but wants reassurance that whatever the Board approves it isn't going to encroach onto her property. The Board commented it would be at least 5 feet from her property line.

Doug Kochneff, seconded by Jim Kubicek, moved to close the public hearing at 7:10 pm. Motion approved unanimously, 6-0.

Attorney Jim Scales gave the legal review on the proposed variance. He emphasized that the burden was on the applicant to establish that there was significant practical difficulty in putting the building in a location which would be consistent with the zoning ordinance. Attorney Scales had provided an updated memorandum dated March 1, 2019, and in addition the original review memorandum dated January 2, 2019 and the proposed resolution addressing the request for a variance.

Doug Kochneff commented that he had reviewed the meeting minutes and other materials presented at the January 8, 2019 meeting and was familiar with the matter.

The Board reviewed a marked-up version of the survey provided by Mr. VanderMolen showing an area on the south side of the house where the building could be located. The Board commented that they were not satisfied that the applicant had demonstrated that there would be any significant difficulty in placing the building in that location.

The Board had discussion about whether the shed could fit in the rear yard and be in compliance with the ordinance, possible precedent that might be set, and whether the showing of practical difficulty had been met.

Doug Kochneff commented that the accessory buildings located in front of principal buildings were not common in the area, and that there were a number of properties which were similar to this. Attorney Scales commented that one of the factors to be considered in reviewing a variance is whether a situation is sufficiently common such that it could be addressed by an amendment to the zoning ordinance.

George Orphan, seconded by **Jim Kubicek**, moved to deny the application for the above reasons discussed, to be incorporated into findings in the resolution presented to be signed by the Secretary.

Motion approved unanimously, 6-0

3. **#2019-03 – NOCO Provisions/Steve Milman – 4609 Cascade Rd. S.E. – The applicant is requesting an amendment to the parking provisions of a previously approved variance. The applicant is adding an outdoor deck, which will result in reducing on-site parking by two spaces and changing the seating allocation that was part of the original variance approval.**

Steve Milman, 4609 Cascade Rd. SE, requests additional seasonal outdoor seating because his current outdoor seating very limited. It will be accessed only from the inside of the restaurant. He has added shared parking and will have the same capacity. He has worked with Kennedy's and the two have done everything legally and granted cross-parking easements with each other. The shared parking is not occupied generally at the same time because of different business hours. He has also added signage at NOCO identifying the additional parking in the rear three locations in the restaurant. He confirmed to the Board that the parking is currently approved for 60 spaces. He is requesting that number go down to 58 on site, but that does not take into account the shared parking with Kennedy's.

There was discussion about sidewalks, the stone pavers at the north side of NOCO, and concern about people walking in the street. Steve commented that his employees are encouraged to park down the street a couple of blocks to leave more parking closer to the restaurant.

Jim Kubicek, seconded by Doug Kochneff, moved to open the public hearing at 7:23 p.m.
Motion approved unanimously, 6-0

Mark McNamara, 884 Forest Hills Ave., S.E., is the owner of Marco New American Bistro/Bliss and Vinegar. He asked if outdoor seating is being added, why isn't the capacity increasing? Mr. Milman clarified that it would be seasonal and there would be less seats in the dining room. Mr. McNamara stated that parking has been a struggle in that area but is getting a little better.

George Orphan, seconded by Dave Pierangeli, moved to close the public hearing at 7:35 p.m. Motion approved unanimously, 6-0

Attorney Jim Scales gave the legal review on the proposed variance. Mr. Scales reviewed his memorandum dated March 14, 2019 and the proposed resolution pertaining to the variance. It was noted that Kennedy's Flowers and Gifts retail operation required approximately 40 spaces, and the restaurant 90 spaces. Between the 58 remaining on-site parking spaces in the NOCO Provision property, plus the 96 shared parking spaces, the current situation comes close to meeting the minimum requirements of the zoning ordinance. In response to Mr. McNamara's comments, Mr. Scales pointed out that the approval could specifically limit the seating capacity to 225.

There was discussion amongst the Board about what would happen to the easements with Kennedy's if a change of ownership took place and pedestrian routes from the parking area to the restaurant. Mr. Scales commented that any approval could be conditioned upon the shared parking spaces remaining available, regardless of any change in ownership. The Board also commended Mr. Milman for his efforts to improve the parking, put up signage, and answer all of the concerns from the initial variance grant.

Doug Kochneff, seconded by **David Pierangeli** moved to approve the variance for the reasons discussed to be incorporated into findings in the resolution presented to be signed by the Secretary.

Motion approved unanimously, 6-0

4. **#2019-04 – Agave Ventures/Ghafari-Concept Design – 4461 Cascade Rd. SE – The applicant is requesting a variance from the 100' front and 50' rear setback requirements of the C-2 zoning district. This address was previously granted setback variances for a larger building however that variance has expired.**

Thomas Tooley, Ghafari & Associates, stated the applicant desires to buy a portion of the property and will request a lot split with a new east/west property line. A 4,000 sq. ft. personal service bank is planned for the lot and will address all of the parking issues. They are requesting a 60 foot front set back and a rear set back of 30 feet. The existing building would remain. The new building would be a traditional one-story brick building with a flat roof. He noted that it is similar to the previous request the Board heard for that spot and there are other buildings on Parchment that currently do not meet the 100 foot set back.

George Orphan, seconded by Doug Kochneff moved to open the public hearing at 7:55 p.m. Motion approved unanimously, 6-0

Jim Schumar, 322 Manhattan Rd, S.E., E. Grand Rapids, Michigan 49506 owns building directly east and west of the subject property. He cautioned the Board about changing setbacks because

he would like to continue the light office use in that area. He noted the traffic at that spot is the highest on Cascade Road and is increasing in density.

Eric Trierweiler, E&J Real Estate LLC, 825 Parchment Dr. S.E., Grand Rapids, Michigan 49546 is the business owner to the north. He had questions about the site plan, the use and ownership. He stated it is a small, older street, that is not quite adequate for today's uses. He does not object to the development, but would like the preserve the nature of the area that is currently in place to keep the area rentable and valuable. He urged the Board to consider the use, the traffic study, and the fact that they cannot go backwards once you grant the variance.

Mark Brandt, President of First Community Bank, 5367 School Ave. Hudsonville, Michigan 49426, explained that they are a small, West Michigan based bank that is not a traditional retail bank, but is primarily one that services business owners that generates low traffic volume. He estimates 8-10 employees who work mostly at the business owners' locations with 3-4 on-site employees. There will be minimal traffic, maybe 20-25 clients visiting on a busy day. He confirmed to the Board that the circle drive is primarily for the drop box, but it would also be desirable to have the ability for a single lane drive through.

Jim Kubicek, seconded by Dave Pierangeli, moved to close the public hearing at 8:05 p.m. Motion approved unanimously, 6-0

Attorney Jim Scales gave the legal review on the proposed variance. Mr. Scales reviewed his memorandum of March 1, 2019, and the proposed approving resolution. He commented that the use was a permitted use, that the zoning administrator had determined that there was sufficient parking on site, and the focus of variance requests should be on the front and rear setback variances being requested.

The Board discussed the impact of having the lot split, how it impacts possible future uses, the previously approved plan, and traffic. The Board noted that the building which would have been permitted under the previous variance was significantly larger and would have more impact on the area that the building being proposed now.

George Orphan, seconded by **Doug Kochneff**, moved to approve the variance for a one-story building as a bank with a flat roof at the size and location shown on the plans submitted, and subject to site plan approval and Township Board approval for a lot division, for the reasons discussed to be incorporated into findings in the resolution presented to be signed by the Secretary.

Motion approved unanimously, 6-0

5. Updates. None.

Dave Pierangeli, seconded by Doug Kochneff moved to adjourn the meeting at 8:12 pm. **Motion approved unanimously, 6-0**

Respectfully Submitted,

Jim Kubicek

