

**GRAND RAPIDS CHARTER TOWNSHIP
BOARD OF ZONING APPEALS
SEPTEMBER 14, 2010**

A meeting of the Grand Rapids Charter Township Zoning Board of Appeals was called to order at 7:01 pm with the following present; Chair Ron Hall, Secretary David VanDyke, Lee VanPopering, George Orphan and Greg Timmer. Also present were Township Planning Director Richard Sprague Jr. and Treasurer Clerical Assistant Kara Ronda. Jim Kubicek was not present.

1. Approval of the August 10, 2010 minutes.

Lee VanPopering, seconded by **George Orphan**, moved to approve the minutes with the following changes:

- page 1, 4th paragraph from the bottom, change the word “as” to “asked”

Motion passed unanimously.

2. #2010-05 – James D. Ries – 3277 Shadyside Drive.

James Ries, 3277 Shadyside Dr, (currently residing in Holland), is requesting a condition from a previous variance be removed.

Lee VanPopering asked the applicant, James Ries, if the work is already done. James stated yes, it has been done for several years. The applicant noted he forgot about the variance that was granted 10 years ago.

Ron Hall asked if there was any change done to the deck construction at all. James Ries stated there was not.

The applicant, James Ries, explained the screened in decks fits, architecturally, with the neighborhood. James stated it is no way a living space, merely an enclosed space and the screens keep insects out.

George Orphan asked before the addition, what was in front of the house. James Ries stated it was an open deck on the second level.

Lee VanPopering noted the applicant currently lives in Holland and asked if this property is a rental. James Ries stated it is not a rental, he uses it as a workshop. Lee asked about the tools in his workshop. James said there are only a few hand tools, used mainly as an office now.

James Ries explained the space is not used as a living space, because it is too close to the road. James noted he did not screen the decks in to convert it to a living space, he had nor has any intention in doing that.

Lee VanPopering asked why the applicant did not come back for approval. James Ries stated he forgot. James said it is not being used as a living space, only as a screened in porch.

Ron Hall opened the Public Hearing at 7:08 pm.

Ken Fridsma, 3225 Shadyside Drive, is opposed to the request and gave the following remarks/oppositions:

- already screened in, after the fact
- the applicant should have know this was not allowed, undermining the ZBA
- the home sticks out like a sore thumb being right next to the road
- what is to prevent the applicant from proceeding with additions in the future without approval

Harry Kok, 3267 Shadyside Drive, is also opposed to the request:

- his home is immediately south of the applicant's
- no one lived in that home for over 10 years
- explained he has lived with this "project" next to him for long enough and is sick of it
- stated the applicant has "a door to no where"

The Public Hearing was closed at 7:12 pm.

James Ries commented on some of the comments made during the Public Hearing:

- regarding the "door to no where": James explained there was an open spot on the front of the house that did not look good, so he built a wall and a door but does not see the relevance of the door since he is talking about the screened in porches
- forgetting about the variance was not intentional
- there are excellent health reasons for screening in a porch
- he does not think it is bad architecture, actually believes it is improvement

Lee VanPopering asked the applicant if he changed the size or increased the decks. James stated he did not go any further than the original roof.

The ZBA members reviewed pictures and original drawings from 2000.

Ron Hall asked when the new decks were built if the roof was extended. James Ries replied yes.

Lee VanPopering asked Rick Sprague if the property had been inspected. Rick Sprague stated he was not sure; he would have to check with Cascade.

George Orphan believes the home sits too close to the road. George said if the screens were eliminated, the home may not be as imposing when pulling into the neighborhood.

Dave VanDyke asked about the roof, if the applicant made a flatter pitch to the roof. James Ries stated yes he did.

Lee VanPopering asked the applicant if he knows what the pitch is. James Ries said 5, 12.

George Orphan, seconded by **Greg Timmer**, moved to deny the request and ask the screens be removed in accordance with the previous variance.

Motion approved unanimously.

3. #2010-06 – SignArt, Inc – 3590 Plainfield Avenue.

Brad Rhodes, Sign Art, Inc. 5757 East Cork St, Kalamazoo, representing CVS Pharmacy, is requesting a variance from the Zoning Ordinance to allow total square footage of signs to exceed 150 square feet.

- asking for 366.7 square feet
- property has hardships on it: building sits back, blocked by some other buildings
- coincides with Plainfield Township and the City of Grand Rapids which are more liberal than GRT with their sign ordinances
- to identify the property correctly, need the extra square footage
- sign package, less than 200 square feet
- hardship being on the corner and in that corridor, need for the additional signage

Lee VanPopering stated as it stands, the square footage is quite a bit over what the Township allows. Lee believes the applicant should go back to the drawing board and come back with something closer to what the Township allows. Lee explained what has to go on the building has to be tasteful, but a 15 foot sign is too large.

The applicant explained Walgreen's, in Plainfield Township, has a 30 foot sign.

Ron Hall opened the Public Hearing at 7:43 pm.

Gayle Ray, owns the building adjacent to the property to the south, explained she is worried about the placement of the sign, not so much with the actual size of the sign. Gayle is concerned the sign would be too close to her building.

The Public Hearing was closed at 7:44 pm.

Ron Hall asked the applicant about the time line of the project. The applicant replied construction just started and they are on the agenda next month for a height variance.

Dave VanDyke noted 150 square feet is the max allowed in the Township. Dave believes the applicant needs to cut back on some of the signage on the building. George Orphan used the sign for the shopping center, to the east of the property, as an example and said it is tastefully done. Ron Hall stated the CVS on Fuller and Leonard has a nice, smaller sign. Greg Timmer explained he is not seeing any exceptional circumstances and it does not appear there is a hardship for this property.

The applicant explained with the new setback requirements the building is blocked, that is where the hardship comes into play.

Ron Hall told the applicant to compare his signage to the bank on the west side of the road; they are in compliance with the Township.

Lee VanPopering, seconded by **George Orphan**, moved to table the request.

Motion approved unanimously.

4. #2010-07 – Porter Hills Presbyterian Village Inc – 4450 Cascade Road.

The applicant is requesting a Front Yard Setback variance and a Driveway width variance to allow expansion of their parking lot. Reed VanderSlik, representing Porter Hills, explained the need for the variance:

- building has been owned by them for 7 years
- have had parking challenges for many years
- recently had a company join Porter Hills
- Porter Hills has 11 locations, the 2 largest being in the Township
- this location, 4450 Cascade Rd, will now be their corporate office
- moving people over with the recent joining of two companies and are in need of more parking

Ron VanSingle, engineering, answered the criteria for variance approval:

- explained the storm drain needs to be crossed, requiring a permit from the Michigan Department of Natural Resources and Environment (MDNRE)
- If a 16 ft aisle is done the local MDNRE office can issue the permit, if the drive aisle is 22 ft it would require a permit from the Lansing MDNRE office which would delay the project.
- 16 ft aisle crosses the drain (safety drain, still allows access), versus the 22 ft or 24 ft aisle required by the Zoning Ordinance
- The 4 criteria were addressed as follows:
 - A. Property is currently Zoned and used for Office. Parcel has a ditch for drainage that crosses the property east to West and thus leaves a large portion of the property to the North as unusable. By allowing a parking aisle to cross the ditch over a culvert 18 additional parking spaces can be created in the unusable portion of the parcel. This additional area will be used for Employee parking, which will typically enter and leave at the same time, similar to a one

way aisle which required a 16' aisle width. Yield signs will be placed on either side of the culvert structure to allow for a smooth flow of traffic.

- B. Currently due to growth, this parcel in the Office Zone needs additional parking spaces. There currently are none available in the area. In order to create the additional spaces the entire parcel needs to be utilized. By extending a parking aisle over the ditch to access the North portion of the parcel additional parking spaces can be added. A variance is needed for the 16' width of this parking aisle.
- C. This variance will not be detrimental to the adjacent properties. The new parking area would have the proper setbacks for the Office Zoning and also provide buffering for adjacent parcels to the East. Clearing of this parcel for parking will open up the corner of Parchment and Cascade Road and make it a safer entrance and exit to Cascade Road.
- D. The condition of the parcel, crossing of the drain, with the intended use of the parcel, additional parking, makes the additional filling in of the ditch to cover the culvert for the added width of the parking aisle impracticable. The additional width would also change the permit from the DNRE from a minor permit to a major permit.

Ron Hall clarified the variance the applicant is asking for is a 16' bottleneck for a drain. The applicant replied that is correct.

Ron Hall asked about setbacks. The applicant stated the lot to the north, extended into setback, and they are able to move it back into a location and they would not have to have that variance, the 16' width is the only variance needed.

George Orphan asked Rick Sprague if, other than the culvert, there are any other Variances needed. Rick Sprague stated no.

Lee VanPopering asked the applicant if they are going to do a bridge. The applicant replied yes.

Greg Timmer asked what the problem is going with 22 ft and not 16 ft. The applicant replied it is the cost and time elements, also requires more fill in the drainage area.

Dave VanDyke asked why the building is so short in parking. The applicant replied it has always been that way.

Dave VanDyke feels the applicant is asking for something that is functionally obsolete. Dave stated hardship can not be based on cost. Dave said cutting the driveway down because it is less time and less cost is not the correct way to go about it.

The applicant stated the width is determined by parking angle, not spaces. Dave VanDyke replied a 2 way drive it is normally 22 feet; the applicant is down to 16 feet. Dave said he would like to see the width closer to our standards. The applicant replied

they are trying to utilize the space that is already there. The applicant also stated there is a sense of urgency; they are trying to get it done before winter.

Lee VanPopering noted he counted 51 parking spots, he inquired about the amount of employees the applicant has. The applicant replied the home health agency has grown and the building has grown in terms of their needs.

Ron Hall opened the Public Hearing at 8:18 pm.

Dave Huizenga, 1016 Farnsworth Ave SE, stated he believes less would be more beneficial, smaller seems to be a reasonable thing.

The Public Hearing was closed at 8:19 pm.

Greg Timmer feels the hardship is not sufficient. Dave VanDyke believes the applicant is trying to point out the drainage ditch as the hardship, but feels it should be 22' but also feels this project should be done right from the start.

George Orphan said there are other factors to consider as well, like the 4' grade difference and access for fire and EMS services. George stated he would want full access for first responders and for that reason alone he would vote against it.

Dave VanDyke asked the applicant if there are new proposed grades. The applicant stated it is not finalized. They are mainly here tonight for size; all that stuff comes in on the site plan, but stated there is no sense going that far until things are approved.

Dave VanDyke stated he prefers to table the request, that way if the applicant gets turned down, they can come back to the ZBA.

The applicant asked Ron Hall if they can request to have the request tabled.

Dave VanDyke, seconded by **Lee VanPopering**, moved to table the request indefinitely, up to one year from today, September 14, 2010.

Motion approved unanimously.

5. Update from Township Planning Director.

Planning Director Rick Sprague announced there will be a meeting in October.

The meeting was adjourned at 8:32 pm.

Respectfully Submitted,
David VanDyke