

**MEETING**

**CITY OF WALKER**

**ZONING BOARD OF APPEALS**

**Thursday, March 26, 2009**

**7:00 p.m.**

The meeting of the Zoning Board of Appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Charles Deschaine; Brian Boelens; Randy Smith; James Hickey; and Beth Rogers. Also present: Jeff Nelson, Building Official; and Bonnie Antcliff, Recording Secretary.

**DECISION AND ORDER**

**Legal Description**

Property located at 4300 Remembrance also known on the tax rolls as 41-13-07-401-015.

The applicant's request is to hold an outdoor farmer's market during the months of June through November exceeding the 20% outdoor display and sales are allowed in the C-1 Zoning District.

**Finding of Facts**

Robert Marz, Chairman reviewed the application and site plan submitted. He went on to say that the Engineering Department has no problem with this request. No citizen appeared with respect to this request.

Chuck Deschaine stated that he feels this is a good spot for this and there is ample parking here.

Bob Marz asked the applicant if they were going to do vegetables and fruits?

The applicant replied yes, vegetables and fruits.

Brian Boelens asked how many vendors will there be?

The applicant replied possibly six.

Randy Smith felt that the fire station in Standale would be an ideal location for this type of thing.

Bob Marz stated that he felt that property could only be used for City activities and there are restrictions for this property.

Roger Crabtree felt that this should be limited to one row of parking for vendors. He does not feel they should be scattered around the parking lot.

The applicant stated that they want this to draw customers into the store. This will not interfere with store parking.

Randy Smith does not want to see vendors near the store entrance.

Brian Boelens asked about signage.

The applicant stated that the signage will be on the marquee sign.

### Motion

Beth Rogers moved and Randy Smith supported the motion to grant the applicant's request to hold an outdoor farmer's market during the months of June through November exceeding the 20% outdoor display and sales area allowed in the C-1 Zoning District.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. Temporary outdoor sales of produce are allowed in every zoning district except the one in which we are located. We are requesting to be allowed for the temporary sale of produce by outside vendors.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Several businesses enjoy outdoor displays including Meijer, 315 Wilson, NW and Potter's corner of Lake Michigan Dr. and Wilson.
- c. Authorization of the variance will not be a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinances or public interest in that we have a large front yard setback and the proposed location of the farmer's market will not interfere with vision for ingress/regress.

- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable for the formulation of a general regulation. C-1 allows for 20% of our building square footage to be used for outdoor sales, which is possibly why this zone designation is the only one not included in the temporary outdoor sales ordinance.
- e. Does not apply.

The Board imposed the following conditions:

1. Limited to not more than 10 vendors.
2. Vendors to all be in one location.

Motion carried 7 to 0.

Motion

Charles Deschaine moved and Brian Boelens supported the motion to approve the Zoning Board of Appeals minutes of March 12, 2009.

Motion carried 7 to 0.

Motion

Roger Crabtree moved and James Hickey supported the motion to adjourn the Zoning Board of Appeals meeting at 7:45 p.m.

Motion carried 7 to 0.

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Roger Crabtree, Secretary