

**MEETING**

**CITY OF WALKER**

**ZONING BOARD OF APPEALS**

**Thursday, March 11, 2010**

**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; Sandi Howlands, Brian Boelens; Randy Smith; Beth Rogers and James Hickey. Also present: Jeff Nelson, Building Official; and Shannon Bales, Recording Secretary.

**DECISION AND ORDER**

**Legal Description**

Property located at 1403 Ferndale Ave SW also known on the tax rolls as 41-17-06-126-017. Hearing requested by The Society of Protestant Reformed Secondary Education.

(Tabled from 1-28-2010) - The applicant's request is to erect an addition to Covenant Christian's High School with a 29' rear yard to the west, instead of the 50' required.

**Motion**

James Hickey moved and Brian Boelens supported the motion to remove the application from the table. Motion carried unanimously.

**Finding of Facts**

Robert Marz, Chairman reviewed the application and site plan submitted.

Neale Bauman, President, Design Forum; 59 Ionia SW, Grand Rapids, was present and discussed the findings of the site plan review meeting that the Board instructed him to have with the City before they would rule on his application. He provided a drawing of what was agreed upon with the Site Plan Review Committee and stated that they have a written agreement for the elements that must be included in the design.

James Hickey stated that he was in attendance at the meeting and that the new proposal allows for vehicle turn around.

### Motion

James Hickey moved and Beth Rogers supported the motion to approve (tabled from 1-28-2010) the applicant's request to erect an addition to Covenant Christian's High School with a 29' rear yard to the west, instead of the 50' required.

- 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. The design of this building is made more complex by the fact that the front of the building in the eyes of the code is now to the east on Wilson Avenue. This access was part of the original building, but was added years later in a property acquisition. Thus the west side of the building was originally a side yard and met all the requirements of a side yard even in the current zoning ordinance. Because the site has two front yards, the west side is now considered a rear yard to the primary front on Wilson Avenue. So the building no longer complies with zoning requirements for a fifty foot rear yard setback.
- 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. To properly design a school it is important to consider the required access and egress issues and the proper placement of corridors to support both. If this request is denied, the owner will suffer in terms of their ability to expand the building. Moving everything to the east would not work with existing corridors and would force expansion in other areas where more parking would have to be replaced or where other site amenities required for the proper operation of the school would be lost. For this reason, preservation of the owner's rights to reasonable use of the property would be harmed.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that the proposed addition would only be marginally closer to the property line at its southernmost extension and will not substantially impact the adjacent properties. The setback at its minimum will still be twenty nine feet. This is not an area that the owner will use for any activities and it will not be established for any kind of student traffic.
- 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 a nature as to make reasonably practicable for the formulation of a general regulation because of the unique use of this site as a school building.

e. Does not apply.

The Board proposed the following condition:

1. That the addition be constructed as per the written agreement with the Site Plan Review Committee.

## **DECISION AND ORDER**

### Legal Description

Property located at 1258 White Pine Dr SW also known on the tax rolls as 41-17-05-103-001. Hearing requested by David C Lawrence.

The applicant's request is to build a 28' x 28' detached garage in the front yard, instead of the rear yard as required.

### Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

David Lawrence was present to discuss his application. The majority of his lot drops off to the creek. The proposed location is primarily wooded to the street so in the summer you would hardly see it.

David Moelker, 3886 Tall Oak Ct SW, asked the ZBA to consider requiring the following items: exterior to match that of the house, that many times the side of a garage can become a depository for unneeded items, and that plot restrictions are fine if you are in an association but they don't work otherwise. Also, he inquired as to how far from the road the structure was going to be built. It will be 160 feet from the West lot line.

James Hickey asked how tall the side walls will be. The building will be a standard garage with 8 foot walls. Discussion was held regarding the aesthetics of the garage. It was determined the garage will be constructed with a hip roof and siding to match the existing home.

Brian Boelens inquired as to why the structure cannot be pushed towards the home more. Utilities and drainage run along the North side of the driveway with a drainage field to the East of the proposed location. The owner's builder agrees this is the best location on the property.

Sandi Howland inquired as to the exterior of the structure and if the door to the building will be facing the house or road. She asked if a blueprint of the building could be provided. The applicant does not have a blueprint because he wanted approval before proceeding with the project. The estimated cost of the project will be \$20,000 and the doors will be facing the driveway.

Randy Smith stated that the proposed location is quite low and with the trees and foliage it would help to minimize the view of the structure from the road.

### Motion

Beth Rogers moved and Roger Crabtree supported the motion to approve the applicant's request is to build a 28' x 28' detached garage in the front yard, instead of the rear yard as required.

- 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. The topography prevents the placement of the building in the rear of the home. The home sits on the farthest point of the lot on a cliff.
- 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. Properties located at 1165 White Pine Dr and 3653 Grand Bluffs Ct have built garages in front of their properties.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that the proposed location will be 160 feet from the west lot line and 120 feet from the house. Due to topography and heavy woods, neighbors will have a limited view of the new structure. The rear yard drops off sharply to Tallman Creek.
- 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 a nature as to make reasonably practicable for the formulation of a general regulation. The structure will conform to plat restrictions, matching architecture and finish of the home. The lot size is 2.2 acres and the rear yard drops off sharply to Tallman Creek.
- e. Does not apply.

The Board proposed the following condition:

1. That the hip roof and siding of the accessory building match the aesthetic of the house.
2. Placement of the structure as per site plan placement presented to the Board.

Motion carried 6, 1 (Sandi Howland).

## **DECISION AND ORDER**

### **Legal Description**

Property located at 3461 Alpine Ave NW also known on the tax rolls as 41-13-02-230-007. Hearing requested by Processing Specialties, LLC.

The applicant's request is to install a 133 square foot wall-mounted sign on the Golden Corral Restaurant facing Alpine Avenue, which is greater than the 31 square feet allowed.

### **Finding of Facts**

Robert Marz, Chairman reviewed the application and site plan submitted.

Robert Marz read a letter submitted by Frank Wash, City Planner in opposition to the request.

Jeff Nelson stated that they received a sign permit application today from the applicant for the pylon sign as approved by the Zoning Ordinance.

Michael Soule and Scott Reed of Processing Specialties LLC were present to discuss the application. They presented the Board with plans illustrating what a 31 square foot sign would look like on the side of the building and what the proposed 133 square foot sign would look like.

James Hickey inquired as to whether the red LED lighting was considered signage. It was determined it was not as it did not surround the sign itself.

Roger Crabtree commented that the 31 square foot sign looked out of place on the building and that it should be proportional to the architecture of the building.

Brian Boelens inquired if the proposed signage was standard "Golden Corral" signage. The applicants confirmed it is.

Michael Soule presented an 80 square foot sign as a compromise and submitted a plan illustrating its aesthetic.

Roger Crabtree inquired as to what signage will be on the Old Orchard Drive side of the building. The applicant stated that there will be no other signage than the pylon

sign as permitted by ordinance and the wall sign being requested tonight. Roger Crabtree stated that the 80 square foot sign was more aesthetically appropriate and inquired as to the height of the building. Also, there will be parking in front of the building directly below the signage.

### Motion

Roger Crabtree moved and James Hickey supported the motion approve an 80 square foot wall-mounted sign on the Golden Corral Restaurant facing Alpine Avenue, which is greater than the 31 square feet allowed.

- 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. The economic use of the subject parcel for a Golden Corral Restaurant requires a facility that can be identified as such by patrons driving along Alpine Avenue. The size and configuration of this pre-existing corner parcel necessitates that a front building wall of the restaurant face Old Orchard Drive rather than Alpine Avenue. To make viable economic use of the site as a restaurant, the wall-mounted sign must be readily visible to drivers on Alpine Avenue and thus must be placed on the wall facing Alpine Avenue at a size that is visible to passing motorists. An appropriate-sized sign will also promote safety along Alpine Avenue by minimizing the likelihood of traffic slow-downs as drivers look for the restaurant.
- 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. Restaurants are a permitted use in the C-4 zone, and numerous restaurants of varying descriptions are operated in C-4 zones, nearly all of which have all-mounted signs facing Alpine Avenue. The requested variance is necessary for the applicant to preserve and enjoy its right to operate a restaurant in the C-4 zone, namely Golden Corral family-style restaurant.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public in that the overwhelming majority of the buildings on Alpine Avenue are commercial and are configured such that their front building walls face Alpine Avenue and contain wall-mounted signs. The proposed wall-mounted sign is of a similar type and character of surrounding properties.
- 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 a nature as to make reasonably practicable for the formulation of a general regulation. The requested variance is necessitated by the size and configuration of this pre-existing parcel, including the need to configure the building such that the front

building wall does not face Alpine Avenue. Visible wall-mounted signage is essential to permit the economic use of the site as a Golden Corral restaurant.

- e. Does not apply.

Motion carried unanimously.

Motion

Roger Crabtree moved and Sandi Howland supported the motion to approve the Zoning Board of Appeals meeting minutes of January 28, 2010.

Motion carried unanimously.

Motion

Brian Boelens moved and James Hickey supported the motion to adjourn the Zoning Board of Appeals at 8:00 PM.

Motion carried unanimously.

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Roger G. Crabtree  
Zoning Board of Appeals Secretary

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Shannon Bales  
Recording Secretary