

**GRAND RAPIDS CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 13, 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, Doug Kochneff, Lee VanPopering, Alternates; Lindsey Koorndyk-Theil and Martin Andree. Also present were Township Attorney Jim Scales and Planning/Zoning Assistant Kara Hammond. Greg Timmer was absent.

1. Approval of the June 14, 2016 minutes.

George Orphan, seconded by **Jim Kubicek**, moved to approve the minutes as they stand.
Motion approved unanimously, 5-0.

2. #2016-05 - NorthStar Commercial - 4609 Cascade Rd SE - The applicant is requesting variances conducive to the proposed remodeling plans of the existing restaurant/building.

Steve Millman with NorthStar Commercial, and Mike Corby with Integrated Architecture, gave the presentation;

- Spruce up landscaping, building will get a facelift
- More vibrant feel and generate more business and make it more viable
- Asking for three setback variances on setbacks and a variance for parking
- Two access points (off Cascade and Forest Hill), will not change
- Parking, right now, is not in compliance - current restaurant is deficient by 22 spaces - by square footage they will be deficient by 24 spaces, using per seat calculation they will be deficient by 30 spaces
- Parking agreement with Kennedy's when they are not operational for shared parking (over 40 spaces available at Kennedy's, adjacent to the site)
- East and south setbacks are not in compliance, nor is the north (rear yard)
- Adding patio to the south and open terrace to the west - not changing much of the footprint
- Building has a full basement, noted for reference
- Reconfigure main dining area, most floor plan stays as existing with modifications and vibrant and inviting place to have lunch and dinner
- Basing all calculations on full occupancy, agreement with Kennedy's allows for that, although the applicant does not foresee full occupancy at all time
- Proposing a lower scale patio, will be enclosed at times, will have heaters
- Would like to screen the east side of the building, where the dumpster is located, allowing some extra screening from the traffic passing by

George Orphan asked the applicant what the material of the enclosed area is proposed to be made of. The applicant said they visualize that area to be very open with incorporating the trellis and roof as supporting structures.

Jim Kubicek asked about the location of the dumpster and if it could be moved or repositioned to allow for more parking spaces. The applicant stated they are trying to get ahead of the game

with having the contractual valet agreement with Kennedy's, so they can keep the dumpster location and enclosure as proposed, etc... The applicant stated they plan to have employees/staff park at Kennedy's so they will not interfere with the neighbors along the road.

Jim Kubicek said it seems that parking is the major issue; the parking agreement can be terminated in 90 days, but the variance stays with the property indefinitely. The applicant stated they understand that but they are trying to do what they can right now to make it work, they feel like they are going down the right path, and putting that in place with the neighbor and doing what is best for surrounding businesses and neighbors.

The applicant feels that more patrons will be occupying their establishment during the evening/dinner time, which is why they feel confident in their agreement with Kennedy's for the shared parking. Peak times believe to be more at dinner time and extended stay after dinner. Lee VanPopering stated he does not believe the applicant should be penalized for being the last person to ask for a variance at that location. The applicant appreciated the acknowledgment and stated that is why they are being proactive with neighboring businesses to do their part in making the parking situation beneficial for everyone.

George Orphan clarified the applicant is here asking for variances due to their proposed addition, adding if the applicant were to merely remodel the existing building's interior they would not have to ask for variances. Attorney Jim Scales stated that statement is correct. The applicant stated what they are proposing is the way they see the future of outdoor/evening dining headed.

Lee VanPopering, seconded by **Jim Kubicek**, moved to open the Public Hearing at 7:33 pm.
Motion approved unanimously, 5-0.

Brett Rodgers, owner of Marco's restaurant;

- ♦ mostly concerned about parking
- ♦ how many more or less parking space will be lost (attorney stated they gain one)
- ♦ asked about seasonal seating and calculations (the applicant replied with numbers for all)
- ♦ how many employees do they intend to employ (the applicant stated the same amount)
- ♦ asked about the dumpster (applicant stated they are just asking for the area to be enclosed, screened from the traffic on Cascade Rd)
- ♦ biggest concern is primarily parking

Tom Lawrence, owner of 820 and 850 Forest Hill;

- ♦ huge concern regarding parking...gave some background on his experience with traffic, parking and the congestion in that particular area with the existing businesses now, concerned the lack of parking may be detrimental to the viability of the existing businesses (lack of parking, may deter potential customers from visiting their establishments...no parking spots have caused numerous businesses, established small business owners, to lose business and customers)
- ♦ grossly unfair to the established businesses to potentially lose business because of the spill over from the restaurant because of lack of parking that was allowed by the variance of parking
- ♦ building is out of compliance, the applicant needs to deal with their site as it stands - do not put it on the neighboring businesses

Katie Venneman, 850 Delray Ave SE;

- ♦ Kennedy's vans are parked in the lot at all times, overnight - so that needs to be taken into consideration
- ♦ making sure employees are not parking along the yards on Delray
- ♦ wants the restaurant to know they are for them and making the community better, but not at the cost to the residents

Owner of Forest Hills Barbershop;

- ♦ Forest Hills entitlement, people who do not care where they park, whether there are signs posted or not
- ♦ questions 40 spaces at Kennedy's (not sure that is accurate)
- ♦ gave the example of Blue Water Grill and The Score on Northland Drive, afraid that's the path they are on

Mark Marco, 888 Forest Hill Ave SE;

- ♦ overflow from Kennedy's has been there for at least 14 years, also does not believe there is 40 parking spaces available at Kennedy's
- ♦ afraid it may hurt the existing businesses by allowing this one to go in
- ♦ detriment to everyone

JW's Coffee House;

- ♦ faces the parking lot day in and day out
- ♦ no business at lunch, no parking
- ♦ Kennedy's employees park wherever they want
- ♦ has to cater lunches to businesses around there in order to have any business during lunch
- ♦ parking is an issue and afraid the existing businesses will suffer from the ramifications of the newly proposed restaurant

George Orphan noted there were public comments submitted by neighbors and read the concerns out loud.

George Orphan, seconded by **Doug Kochneff**, moved to close the Public Hearing at 8:03 pm. **Motion approved unanimously, 5-0.**

Attorney Jim Scales gave the legal report. Scales noted the agreement provided by the applicant tonight does not meet the Zoning Ordinance's requirements, but it is a move in the right direction.

Lee VanPopering stated the whole area is a parking nightmare and should have been dealt with 40 years ago, but they cannot penalize the applicant for that. Doug Kochneff agreed that he does not think it is fair that one business should be punished for having successful businesses around them.

Lindsey Koorndyk-Theil asked about the private dining, and its intentions. The applicant said it is intended for strictly private dining. Theil asked if the applicant could share the other options they are looking at for parking options. The applicant said he cannot, only because they are not present and does not want to speak on their behalf. The applicant stated he does not want to hurt or hinder anyone else's business, explaining he hopes that with his proposed business he can

bring new customers to the surrounding businesses and help compliment the surrounding businesses in that area.

Jim Kubicek, seconded by **Lee VanPopering**, moved to approve the front yard setback (1.a), side yard (1.b), and rear setback (1.c) -dimensional variance- as written in the Resolution provided by the Attorney.

Motion approved unanimously, 5-0.

Lee VanPopering, seconded by **Doug Kochneff**, moved to table the variance request pertaining to the parking spaces and seating capacity (1.d) until a further date.

Motion approved unanimously, 5-0.

The meeting was adjourned at 8:37 pm.

Respectfully Submitted,
Jim Kubicek