

MINUTES
MARSHALL CITY ZONING BOARD OF APPEALS
Regular Meeting Thursday, April 16, 2015
7:00 P.M. – COUNCIL CHAMBERS

CALL TO ORDER

This meeting was called to order by Chair Feneley at 7:02 p.m.

ROLL CALL

Members Present: Board Members Byrne, Karns, Revore, DeGraw, Feneley and Council Liaison Caron

Members Absent: None

Staff Present: Lisa Huepenbecker, Community Services Project Coordinator

APPROVAL OF MINUTES

Motion by Karns, supported by DeGraw, to accept the minutes of the November 20, 2014 regular meeting as submitted. On a voice vote; **Motion Carried.**

APPROVAL OF AGENDA

Motion by Byrne, supported by Karns, to approve the agenda of the April 16, 2015 regular meeting as submitted. On a voice vote; **Motion Carried.**

AUDIENCE PARTICIPATION

No public comment.

NEW BUSINESS

Appeal #15.01

Staff reported that the Planning Commission has granted approval of site plan for Taco Bell at 15955 W. Michigan Avenue contingent upon Zoning Board of Appeals approval of variances.

Jim Vanden Berge, Chicago Diversified (Taco Bell) representative of Grand Rapids, stated he plans to demolish and rebuild structure using a new prototype design. He remarked that the current structure is obsolete and no longer supports their business model. He stated the existing site does not currently conform to ordinance requirements. He also discussed that the limited space of the site will not allow all landscaping requirements to be met. He stated there was a revision to the original landscaping plan to reflect the suggestions of the Planning Commission during their first review for better placement and species selection, however, the lot size is not sufficient to meet interior landscaping requirements. Vanden Berge mentioned that they are seeking a total of 35 parking spaces which will reflect more accurately parking demands of the establishment according to Taco Bell's research. He remarked that similar businesses in the city have a greater number of parking spaces and approval of this variance would allow Taco Bell an equal opportunity to remain profitable. He further stated that the addition of these parking spaces would only necessitate an additional 3' X 50' section of pavement on the

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west side of the lot and would not cause a significant increase in stormwater runoff. He also stated that the site boundaries consist of three front yards and one side yard, therefore it is not possible to have a loading space at this location without relief from loading space requirements.

Motion by DeGraw, supported by Karns, to approve Appeal #15.01 for Dimensional Variances filed by Chicago Diversified Foods of 15955 W Michigan Ave from (a) §156.324 MINIMUM NUMBER OF SPACED REQUIRED, to increase maximum number of parking spaces from 30 to 35; from (c) §156.328 LOADING SPACES REQUIREMENTS to place loading space in front yard; from (d) §156.304 METHODS OF SCREENING for relief from hedgerow around parking area and lot line buffering requirements, §156.306 INTERIOR LANDSCAPING for relief from living groundcover, and §156.307 PARKING LOT LANDSCAPING for relief from required deciduous and ornamental tree requirements and required 100 square feet of planting area per ten parking spaces.

Using the Dimensional Variance Worksheet, the board cited the following items pertaining to this variance:

- Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose. **Board Members discussed that denial of variances would prohibit owner from using the property for a permitted purpose. Owner has conducted research to support the need for additional parking to accommodate the business needs.**
- The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners. **Board Members discussed that the property owner, as well as adjacent property owners, will be done justice with a redeveloped property. Approval of requested variances would allow property owner to remain efficient and competitive.**
- The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district. **Board Members discussed that the lot location and size present unique circumstances peculiar to the land.**
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. **Board Members discussed that the need for the requested variances arises from the nature of the business market and was not self-created.**
- The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals, or welfare. **Board Members discussed that the approval of parking and loading variances would not cause significant adverse impacts to the adjacent properties. The landscaping variance will not likely create adverse impacts since it would allow similar landscaping to what is currently present on the site, and there are no current run-off issues. With the property being surrounded by parking areas on three sides, any property line and boundary screening requirements would be inconsequential.**
- The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return. **Board**

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Members discussed that the current property is obsolete. They discussed that the approval of variances would allow the owner to remain competitive in the local business market.

On a roll-call vote-ayes: Byrne, DeGraw, Feneley, Karns and Revore; nays-None. **Motion Carried.**

OLD BUSINESS

None

PUBLIC COMMENT

None

REPORTS

Staff distributed the 2015 City Visioning, Goals and Objectives Statement.

ADJOURN

Meeting adjourned at 7:50 pm.

Respectfully submitted,

Crystal Lane