

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING  
Monday, March 27, 2017**

**CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Bill Stachowiak called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Members present: Chair Bill Stachowiak, Mike O'Malley, Bill Homrich, Bill Schweitzer and Ted Spangenberg. Also present: New alternate Luke Arends, Clerk Jean Wahlfield, Planner Sue Becker and Recording Secretary Barb Griswold.

**INTRODUCTION AND WELCOME NEW MEMBER**

Chair Stachowiak welcomed Luke Arends as a new alternative member of the Zoning Board of Appeals.

**SWEARING IN OF ZONING BOARD OF APPEALS MEMBER**

Clerk Jean Wahlfield swore in the new alternate with an oath for the Zoning Board of Appeals members. She thanked members for their time and service on the Zoning Board of Appeals.

**APPROVAL OF MINUTES**

The Board reviewed the Monday, November 28, 2016 minutes. Schweitzer motioned, supported by O'Malley to approve the minutes with one change.

**Ayes: 5                      Nays: 0                      Motion carried**

O'Malley recused himself (due to already voting on these cases as a Planning Commission Member) and sat in the audience. Alternate Arends then joined the Zoning Board Members.

**NEW BUSINESS**

**CASE #17-ZBA-01**

**Michael Stinson of All Points Tire has requested a front yard parking lot setback variance at 6435 Alpine Ave. (PP#41-09-14-200-017) within the C-2, Commercial zoning district.**

Motion by Schweitzer to open the public hearing, supported by Spangenberg.

**Ayes: 5                      Nays: 0                      Motion carried**

Planner Becker gave a brief background statement on this case. She stated the applicant has received site plan approval for adding vehicle repair service to his business and site plan approval for adding a future building in the rear for tire storage. Becker also said that about a decade ago, the parking lot was expanded towards Alpine Avenue without site plan approval.

Tim Allspach, architect for Mr. Stinson stated there is a front yard setback requirement in the ordinance but what is unique about this property is the different amounts of green space between the right-a-ways and the road edge on Alpine Avenue for different properties. He said the average amount of green space distance from the road to the parking areas is 37 feet on the south end of Alpine Avenue. Heading north on Alpine Avenue (Westgate/Lamoreaux area) is 29 feet and farther north towards Mr. Stinson business the average is 46 feet. Mr. Stinson has 48 feet of green space from the road edge to the parking area, so Mr. Allspach feels this meets the intent of the Zoning Ordinance for green space.

Applicant Michael Stinson, 6435 Alpine Avenue, presented his request by stating the current building location restricts the delivery of materials and work bay access at the front delivery location. Mr. Stinson said to receive the required deliveries and to service vehicles; a larger parking lot with a wider aisle in place is needed for the mobility and turning radius of delivery and service vehicles.

Mr. Stinson said because this is an existing building, there is not an opportunity to rearrange either the building or the parking lot without limiting his business opportunities. Mr. Stinson also stated he has residential land with an embankment and a fence to the north and farm land to the west. These circumstances make it unique to his property and business and therefore won't set a precedent.

Schweitzer asked Mr. Stinson about a cross access easement with Fox Pools and Mr. Stinson said they have agreed to one but it won't be a straight-thru easement that goes further north beyond his property if the variance isn't granted. If the parking lot is pulled back west (as it was years ago) there would be parked cars in the space where the cross access easement going further north eventually.

Stachowiak asked if Mr. Stinson could receive parts or tires on the south end bay in the front of the current building. Stachowiak wondered if a semi-truck could pull into Fox Pools driveway, pull into Mr. Stinson's driveway and back straight up into the south end bay door for receiving. Mr. Stinson said it was his understanding that the cross access area is for customers and not vendors to use, and Planner Becker stated that was correct.

Stachowiak asked about tire delivery in the back of the property between the current building and where the new building will be. Mr. Stinson said the tire deliveries come in the front area of the current building and he plans on moving employee parking in the back of the property.

Homrich asked if the proposed parallel parking along the south lot line by Fox Pools could be changed to angle parking spaces. Mr. Stinson didn't think that was an option and that area is also where he plans on putting his dumpster. Mr. Allspach added the movement of trucks on the site is key; it would be a tight fit with angle parking on the south side and that space is needed for semi-trucks to maneuver on site.

Arends asked if vehicles will be dropped off in front of the service doors or would vehicles be left in the front parking spaces. Stinson said vehicles could be dropped off after hours and left in the front parking spaces, but would be moved into a bay or in back to await repairs. The gate is locked after hours. Approximately four times a week a truck or rig is dropped off in the front parking lot during the night.

Spangenberg asked about water run-off from the parking lot and Mr. Allspach said he has worked with Moore and Bruggink on a leach basin system to take care of that issue. Spangenberg also asked about oil residue and Mr. Allspach said a flush system will be used to handle it.

Stachowiak noted the Township has received a letter from a neighbor against the variance being granted and Mr. Stinson brought a letter to the Township with several signatures in favor of the variance.

It was verified that meeting notices were sent to neighboring properties. No other audience members were present.

Motion by Arends to close the public hearing, supported Schweitzer.

Ayes: 5                      Nays: 0                      Motion carried

Chair Stachowiak asked Zoning Board Members to review the information presented. Board members discussed the four standards for a variance.

**Motion for a Front Yard Parking Lot Setback at 6435 Alpine Ave. Case #17-ZBA-01**

**Variance Decision:**

Schweitzer motioned, supported by Spangenberg to DENY the requested variance from Section 19.05(f)) to vary the required front yard parking lot setback from 20 feet to 5 feet to allow the 2008 parking lot expansion to remain in place in the C-2, Commercial zoning district for the property located at 6435 Alpine Avenue NW, PP# 41-09-14-200-017.

**FINDINGS OF FACT:**

1. The requested variance *doesn't* meet Standard # 1, that "There must be unique circumstances or conditions about this property, not the use of the property."

*There are not unique circumstances about this property, and there is other space within the property for parking options.*

2. The requested variance *does* meet Standard # 2, that "In giving the variance, the Zoning Board of Appeals will be assuring that the applicant has the same rights that other property owners in the same zoning district or vicinity have."

*The applicant has the same rights that other property owners to conform to the front yard setbacks and to use the area as green space rather than parking.*

3. The requested variance *does* meet Standard # 3, that "The variance will not create a situation that may be harmful or damaging to the neighbors' properties or the public interest."

*The variance will not be harmful to the neighbors' properties as the parking addition is not visible and the neighbors not opposed to the request.*

4. The requested variance *does not* meet Standard # 4, that "The variance cannot set a precedent.

*It would set a precedent because other business owners would want to change their front yard parking lot setback to less than 20 feet by expanding their parking lots also.*

VOTES:                      AYES: 5 (Stachowiak, Schweitzer, Arends, Homrich and Spangenberg)

NAYS: 0

Motion passed to deny the requested variance. 5-0

**CASE #17-ZBA-02**

**Jason Fuller of Motor Max of GR has requested a front yard parking lot setback variance at 5266 & 5280 Alpine Ave. (PP#41-09-24-351-037) within the C-2, Commercial zoning district.**

Motion by Arends to open the public hearing, supported by Schweitzer .

Ayes: 5                      Nays: 0                      Motion carried

Planner Becker gave a brief background statement on this case. She stated Motor Max will be combining their north and south properties into one parcel and will be adding a new building and then demolishing the current building. The applicant's variance request stems from the desire for permanent vehicle display parking 10 feet from the front property line and then to move the current cross access easement further east.

Applicant Jason Fuller of 5266 & 5280 Alpine Avenue, introduced himself as the general manager of the dealership and stated Motor Max does have site plan approval for a new building, contingent on the variance being approved.

Doug Stalsonburg, architect for Mr. Fuller stated that properties on Alpine Avenue have different green space area from the edge of the road to the property lines. If the variance is granted, Motor Max would still have 72 feet of green space area from the road to the current pavement on site.

Stalsonburg said the variance should be granted because car carrier trucks can't make the turn into the property, so the carrier has to unload on Alpine Avenue, which is not safe. He also said this is a car lot and the product needs to be close to Alpine Avenue, and parking the vehicles back 24 feet would be a problem for the business. The applicant needs parking along the front, a driveway to get semi-trucks in and out of, and to be able to display vehicles to the public.

Stachowiak questioned the semi-truck maneuvers on the property and thought a semi-truck should be able to make the turn into the property and back out again. Stalsonburg demonstrated the back wheel path of a semi-trailer to show it would not be able to pull straight out.

Homrich asked about the the 20 feet between parking and the display vehicles and if the proposed new building could be shifted back 10 feet to create more green space in front. Stalsonburg said it could not be shifted back 10 feet because of the detention pond and the applicant would lose 10% of their parking too.

Homrich asked what is the uniqueness of the property and Stalsonburg answered the uniqueness is the fact there is 62 feet from the edge of the road pavement to the property line. He also said there is an uniqueness in the extreme width of the green space in the right-a-way.

Homirch asked how this variance would not set a precedent and Stalsonburg answered the precedent has already been set with the different distances on set backs up and down Alpine Avenue. Stachowiak commented those were done under an older ordinance; that was then and this is now and the Zoning Board has to go by the current ordnance in place.

Homrich asked about the same rights that other property owners in the same zoning district or vicinity have. Stalsonburg answered there are properties on Alpine Avenue that do not comply with the 19.05(f) ordinance and therefore have violated it.

Stachowiak said in 2012 it was acknowledged then the property to the south (5266 Alpine Avenue) redeveloped, the Township would require the access easement to be reciprocated. It was also acknowledged as a practical matter, display vehicles may end up being located in the access easement on a temporary basis until the access easement is reciprocated from the north or south. At such time access reciprocation occurs, any parked vehicles in the access easement must be moved. Stalsonburg said he can't do that and get a semi-truck in and out of the site.

Becker added back in 2012 the vehicles for sale were being driven to the site, not being delivered by car carriers, and that has now changed.

Spangenberg said the 1996 site plan conditions stated vehicles shall not be parked within 20 feet of the front lot line, however when he visited the site there was parking within 20 feet of the lot line. Stachowiak said that condition has not been enforced.

Spangenberg asked what situations demand a detention pond and Becker said the Township's storm water ordinance requires storm water detention on site and usually that is a detention pond.

Stalsonburg suggested tabling this motion until next month, however the Zoning Board members decided to continue the motion at this meeting.

Motion made by Stachowiak to close the public hearing, supported by Spangenberg.  
Ayes: 5                      Nays: 0                      Motion Carried

Chair Stachowiak asked Zoning Board Members to review the information presented. Board members discussed the four standards for a variance.

<p style="text-align: center;"><b>Motion for a Front Yard Parking Lot Setback at 5266 &amp; 5280 Alpine Ave. Case #17-ZBA-02</b></p>
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**Variance Decision:**

Spangenberg motioned, supported by Schweitzer to DENY the requested variance from Section 19.05(f)) to vary the required front yard parking lot setback from 20 feet to 10 feet to allow for permanent vehicle display parking in the C-2, Commercial zoning district for the properties located at 5266 & 5280 Alpine Avenue NW, PP# 41-09-24-351-037 and -005.

**FINDINGS OF FACT:**

1. The requested variance *doesn't* meet Standard # 1, that "There must be unique circumstances or conditions about this property, not the use of the property."

*There are no unique circumstances about this property.*

2. The requested variance *does* meet Standard # 2, that “In giving the variance, the Zoning Board of Appeals will be assuring that the applicant has the same rights that other property owners in the same zoning district or vicinity have.”

*The applicant has the same rights that other property owners have with front yard parking lot setbacks.*

3. The requested variance *does* meet Standard # 3, that “The variance will not create a situation that may be harmful or damaging to the neighbors’ properties or the public interest.”

*The variance will not be harmful to the neighbors’ properties and it is in the public’s interest that unloading of vehicles not occur on the state highway.*

4. The requested variance *does not* meet Standard # 4, that “The variance cannot set a precedent.

*It would set a precedent because other business owners(especially car dealerships) would want to change their front yard parking lot setback too.*

VOTES:           AYES: 4 (Schweitzer, Arends, Homrich and Spangenberg)  
                      NAYS: 1 (Stachowiak)  
                      Motion passed to deny the requested variance. 4-1

O’Malley sat with the Zoning Board members, and Arends sat back in audience.

#### **ZONING BOARD OF APPEALS ADMINISTRATIVE ITEMS:**

##### **2016 Year End Report**

Planner Becker reviewed the ZBA requests and approvals for 2016. She also gave updates on other items the Planning Department worked on in 2016 including the capital improvement plan, recreation plan, sidewalk construction, transportation, utilities and mapping/digital information.

##### **Election of Officers**

Motion made by O’Malley, supported by Schweitzer to nominate Bill Stachowiak as Chair Person.

**Ayes: 5                      Nays: 0                      Motion carried**

Motion made by Spangenberg, supported by Schweitzer to nominate Mike O’Malley as Vice Chair Person.

**Ayes: 5                      Nays: 0                      Motion carried**

**PUBLIC COMMENT**

Shawn Kunecki of 608 10 Mile Rd, addressed the Zoning Board of Appeals and asked what their role is. Stachowiak gave a brief explanation of the roles of the Zoning Board, the Planning Commission and the Township Board.

**ADJOURNMENT**

Motion made to adjourn the meeting at 10:50 PM by O'Malley, supported by Schweitzer.

**Ayes: 5                      Nays: 0                      Motion carried**

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Susan Becker, Planning Director

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Bill Stachowiak, Chair

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Barb Griswold, Recording Secretary