

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, April 23, 2018**

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: Luke Arends and New alternate Dan Wagner, Clerk Jean Wahlfeld, Planner Sue Becker and Recording Secretary Barb Griswold.

INTRODUCTION AND WELCOME NEW MEMBER

Chair Stachowiak welcomed Dan Wagner as a new alternate member of the Zoning Board of Appeals.

SWEARING IN OF ZONING BOARD OF APPEALS MEMBER

Clerk Jean Wahlfeld 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, May 22, 2017 minutes. Schweitzer motioned, supported by O'Malley to approve the minutes with corrections.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #18-ZBA-01

William Lewinski of Gordon Foods has requested a front yard setback variance at 4322 Alpine Ave. (PP#41-09-36-101-045) within the C-2, Commercial zoning district.

Motion by O'Malley 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 the applicant has requested a front yard setback variance from the required 75 feet to 50 feet to allow for the construction of a building addition. The property to the east is planned and used for multi-family housing, and is currently partially zoned commercial. The lot to the north is occupied by a bank with its wooded yard to the south.

John Walsh, engineer with Paradigm Design for the applicant stated Gordon Foods is proposing a 3,475 square foot addition to their existing building. The current building front sits on the 75 foot set back from the right-of-way line and the proposed addition will sit within the minimum set back of 50 feet per the district regulations. All options of Section 12.04 of the District Regulations have been explored.

The current building envelope and building setbacks do not allow expansion of the building to the south as the building line is set on the property line. The north side of the building is being utilized for parking and any expansion in that direction would interfere with street access. The east or rear property will be utilized for a freezer/cooler expansion and is also where the electrical transformer is located.

Mr. Walsh said the current building/site does not allow the proper building expansion in any direction other than the proposed. This is due to the location of the access off Alpine Avenue, the parking lot to the north, the building being set on the property line to the south, and site drainage and green space requirements to the east. The site currently provides cross access to both the north and south parcels in an offset fashion (SW to NE) which makes it unique in the Township.

Mr. Walsh stated in granting this variance the property owner shall have the ability to update their current facility. As it sits now, the building not only requires improvements to the exterior but the interior as well in order to sufficiently deliver a modern facility. The ability to create a modern facility by granting the variance will assure the same rights as others in the zoning district.

Mr. Walsh said granting of this variance will not impair the adjacent properties. The property to the north is a non-buildable vacant lot that is currently wooded up to the sidewalk edge. The property to the south is currently set back further away from the road, has an outdoor seating area in front of it and the line of sight to the building from Alpine Avenue will not be obstructed any more that it is currently. Signage viewing from Alpine Avenue for the property to the south will not be obstructed in granting this variance and current cross access will remain.

The variance request is a condition and unique to this parcel. One situation that creates a uniqueness to this parcel is the neighboring parcel to the north is a non-buildable lot in that it does not meet the current parcel size requirement. The land to the west side of Alpine Avenue is on a sloped grade that will not allow any building towards the right-of-way of Alpine Avenue. The variance request is also unique in that the parcel to the south has maximized its building and parking space in a way that does not allow expansion to the west under current zoning. There are multiple parcels in the near vicinity where they are encroaching into the 75-foot minimum set back ordinance.

Motion by O'Malley to close the public hearing, supported by Schweitzer.

Ayes: 5

Nays: 0

Motion carried

Stachowiak asked Becker what the 400 foot measurements are regarding Section 12.04 and Becker answered to the north it would be to Lamoreaux Drive and to the south would be to York Creek Drive. Becker clarified that the wooded area to the north is not a separate lot but an unused part of the bank's property.

Stachowiak asked Mr. Walsh if the ramp for trucks backing into was moving and he answered no, it would not be moving because it is the only spot on the site where it would fit. Stachowiak felt that could be safety issue with parking spots being close the ramp. Becker also asked Mr. Walsh when trucks pull in from the east, do they swing to the south to get the right angle to back in and Mr. Walsh answered no, the trucks do not need to do.

Spangenberg asked Mr. Walsh if Gordon Foods had approached the bank to the north if the current unused property would be available for parking. Mr. Walsh said they had not because it was felt the existing number of parking spots would still be appropriate if the expansion variance was approved. Spangenberg also asked if Gordon Foods was automatically thinking of applying for a variance instead of trying to go to the north with the addition and Mr. Walsh said if the addition were to go to the north, the store would have to be shut down for a significantly

longer period of time during construction and would require moving the M-37 access to the north, impacting the truck maneuvers.

O'Malley said he has concerns if the variance would be fair to the owner of Culver's Restaurant directly south of Gordon Foods. When Culver's was built, it was under the current configuration and if the variance is granted, that configuration will change. O'Malley stated he is concerned with traffic coming from Culver's drive-thru lane and it being a safety issue.

Becker said as a reminder that the request is for a 25-foot variance, and the ZBA Board can consider anything less than that also. She stated this is true of any variance request; it does not have to be an "all or nothing" situation.

Spangenberg said ADA spots on the west side of the building are easier to use than the ones on the north. Schweitzer feels the request sets a precedent. Homrich stated on the plus side it would eliminate cars backing out from parking spaces at SW corner where oncoming traffic from the south is hard to see.

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;">Motion for a Front Yard Setback Variance at 4322 Alpine Avenue. Case #18-ZBA-01</p>

Variance Decision:

Stachowiak motioned, supported by Spangenberg to DENY the requested variance from Section 12.04(b) to vary the required front yard setback from 75 feet to 50 feet to allow for a building addition in the C-2, Commercial zoning district for the property located at 4322 Alpine Avenue NW, PP# 41-09-36-101-045.

FINDINGS OF FACT:

1. The requested variance *does not* 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 regarding this property.

2. The requested variance *does not* 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 request would give the owner more rights than others in the zoning district or vicinity.

3. The requested variance *does not* 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 could be harmful to the public interest as it would reduce vision for traffic coming from Culver's Restaurant and could damage other neighbor's property or business.

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 setback along Alpine Avenue.

VOTES: AYES: 5 (Stachowiak, Schweitzer, O'Malley, Homrich and Spangenberg)
NAYS: 0
Motion passed to deny the requested variance. 5-0

ZONING BOARD OF APPEALS ADMINISTRATIVE ITEMS:

2017 Year End Report

Planner Becker reviewed the ZBA requests and approvals for 2017. She also gave updates on other items the Planning Department worked on in 2017 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 Stachowiak to nominate Mike O'Malley as Vice Chair Person.

Ayes: 5 Nays: 0 Motion carried

ADJOURNMENT

Motion made to adjourn the meeting at 8:24 PM by O'Malley, supported by Schweitzer.

Ayes: 5 Nays: 0 Motion carried



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary