



**Cedar Springs Zoning Board of Appeals
Meeting**

MINUTES

Wednesday, September 27, 2017

6:00 p.m.

**Cedar Springs City Hall
66 S. Main St.
Cedar Springs, Michigan**

1. **Owens** called the Meeting to Order at 6:06 p.m. The Pledge of Allegiance was recited.

2. <u>ROLL CALL:</u>	Mrs. Pat Capek	<u>Present</u>
	Mr. Steven Schmitz, Secretary	<u>Present</u>
	Mrs. Linda Nead	<u>Present</u>
	Mrs. Rose Ellen Powell, Vice Chairperson	<u>Present</u>
	Mr. Craig Owens, Chairperson	<u>Present</u>

Present: Womack

City Clerk and City Planner were not in attendance.

3. CONFLICTS OF INTEREST AND EX-PARTE COMMUNICATION INQUIRY

None.

4. Motion to approve the agenda.

Motion by **Capek** supported by **Powell** to approve with addition of City Planner report of August 21st, 2017 to packet.

Voice Vote

5-0

Motion Carried.

5. Motion to approve the minutes of the August 23, 2017 Meeting.

Motion by **Schmidt** supported by **Nead** to approve with the change listed 2017 instead of 2016 at proper year.

Voice Vote

5-0

Motion Carried.

6. NEW BUSINESS.

A. Motion to consider a variance request from ATB Investments, L.L.C. for property it owns at 4175 17 Mile Rd. NE Cedar Springs, MI 49319. The applicant seeks relief from **Sec. 40-577 Uses Q-R**, that requires that a lot on which any Retail businesses of equal to or greater than 10,000 square feet, shall have at least 300 feet of road frontage.
Parcel Number: 41-02-25-300-019

B. Motion to open the Public Hearing.

Motion by **Capek** supported by **Powell** open the public hearing

Voice Vote

5-0

Motion Carried.

1. Applicant Comments.

a) Supplemental Information- Eugene Franks, attorney for applicant, discussed his supplemental report and asked for ZBA to approve variance request

2. Staff Comments. City Manager discussed the 6 requirements for variance to be approved. Stated that he did not believe applicant could show that the immediate practical difficulty causing the need for the variance request was created by any affirmative action of the applicant.

3. Public Comment.

a. Correspondence from Rite Aid

b. Ken Hyder stated he attended the meeting because he had questions about the variance request, but that they had been answered by the previous points from the applicant and City Manager

C. Motion to close the Public Hearing.

Motion by **Powell** supported by **Capek** to close the public hearing.

Voice Vote

5-0

Motion Carried.

D. Zoning Board of Appeals decision to approve, deny or table the request.

Motion by **Owens** supported by **Nead** to deny variance request due to applicant's actions, specifically the division of this property, were an affirmative action of the applicant which caused the practical difficulty causing the need for the variance.

Voice Vote

5-0

Motion Carried.

7. ANY OTHER BUSINESS.

8. ADJOURNMENT. Motion by **Capek** supported by **Schmitz** to adjourn at 6:53 p.m.

Voice Vote

5-0

Motion Carried.