

**Minutes of the Zoning Board of Appeals
Of the City of Portland**
Held on Monday, August 10, 2015 at 7:00 P.M.
In Council Chambers at City Hall

Members Present: Barnes, Graham, Fedewa, Stahl

Staff: City Manager Gorman, City Clerk Miller

Guests: Ricardo Biella, Clare Linderman, George Vroman, Larry Hyland

Chairman Barnes called the meeting to order at 7:00 P.M.

There were no public comments.

Motion by Graham, supported by Fedewa, to approve the proposed agenda as presented.

Yeas: Graham, Fedewa, Stahl, Barnes

Nays: None

Approved

Motion by Graham, supported by Fedewa, to approve the minutes of the December 8, 2014 meeting.

Yeas: Graham, Fedewa, Stahl, Barnes

Nays: None

Approved

Chairman Barnes opened the Public Hearing at 7:02 P.M.

City Manager Gorman explained that Ricardo Biella is requesting a variance from the minimum side setback for the C-3 District [Section 42-186 (b)] for the building located at 1417 E. Grand River Ave. in order to expand the building into the current drive through lane to accommodate plans to open an Olivera's restaurant in Portland. The ordinance requires a 30-foot setback; a 28-foot variance is being requested.

Mayor Barnes recalled an issue with the trailer park behind the building having problems with the noise and lights from the drive through lane.

Mr. Biella stated that the drive through lane will be eliminated and that the fence was damaged by the tornado on June 22, 2015 but will be repaired with the fence as it was in place with the intent to buffer the noise and lights from the restaurant.

Chair Barnes went through the application for the requested variance and Mr. Biella responded with the rationale for the property.

Under criterion #1, Mr. Biella stated Olivera's floor plan requires two separate dining and serving areas which allows them to provide the community with a pleasant, safe and family oriented gathering space. The current building is exceptionally narrow and does not have enough frontage or

total square footage. The expansion to the west, into the drive through lane space, would double the square footage and allow for the required two serving areas.

Under criterion #2, Mr. Biella stated that although the property is fairly large in area, it has a relatively small frontage on Grand River Ave and is exceptionally narrow. If the variance is not granted, the existing building would be unusable for their concept. Considering the fairly large area of the property, the area behind the proposed expansion would be sufficient to accommodate parking.

Under criterion #3, Mr. Biella stated that justice to Olivera's would be the development of their concept in the Portland community. Justice to the other property owners along the Grand River corridor would be the renovation of the proposed building façade and landscaping. He further stated that when considering the appearance of the existing building; Olivera's should be a welcomed addition as is their Ionia location's overall appearance and popularity. This will not be able to be accomplished without the requested variance due to the narrowness of the property.

City Manager Gorman further stated that granting this variance would not be detrimental to the adjacent property owners as this will improve the property.

Under criterion #4, Mr. Biella stated the issue is simply the shape of the property (narrowness) which was not created by Olivera's. Without a drive through window in use, the addition to the north side would add more usable square footage as dining area to serve customers.

Under criterion #5, Mr. Biella stated he understands that the ordinances are in place to prevent uncontrolled development which can create problems. He asked for consideration of the variance as the change would not be detrimental to the adjacent properties and would in fact likely enhance the value and appeal of their properties as a result of the increased exposure and additional customer traffic based on the large number of guests they would serve.

He further stated they are planning to add an exit onto Bristie Street in order to help the traffic flow and to decrease the traffic safety hazards that are currently in place.

Member Fedewa commented on how well the information was presented.

Mr. Vroman stated that he has no problem with the egress through his property to Bristie St.

Chairman Barnes closed the Public Hearing at 7:19 P.M.

Under New Business, the Board considered the request for a variance from the minimum side setback in the C-3 District [Section 42-186 (b)] for the building located at 1417 E. Grand River Ave.

Motion by Graham, supported by Fedewa, to approve a 28-foot variance from the minimum side setback in the C-3 District [Section 42-186 (b)] for the building located at 1417 E. Grand River Ave.

Yeas: Graham, Fedewa, Stahl, Barnes

Nays: None

Approved

City Manager Gorman stated that Mr. Biella will have another variance request for parking for the proposed business. He is doing everything he can to accommodate the current requirements but is still running into issues meeting the required number of parking spaces.

City Manager Gorman stated that at another time he would like the City to consider the parking requirements in the Ordinances.

Mayor Barnes commented that he appreciates Mr. Biella's respect for the Zoning Ordinance and that the City has trusted its consultants when the ordinances have been passed. When they are put into practice they sometimes become a problem.

City Manager Gorman stated that McDonald's is also looking to make improvements to its property and will also be requesting variances for setbacks and parking. Their parking issue is that they have too much, and they will be adding more green space.

Motion by Fedewa, supported by Graham, to adjourn the meeting at 7:27 P.M.

Yeas: Fedewa, Graham, Stahl, Barnes

Nays: None

Approved

Respectfully submitted,

Monique I. Miller, City Clerk