

**Minutes of the Zoning Board of Appeals  
Of the City of Portland**  
Held on Monday, October 12, 2015 at 7:00 P.M.  
In Council Chambers at City Hall

Members Present: Barnes, Graham, Fedewa, Parsons

Absent: Stahl

Staff: City Manager Gorman, City Clerk Miller

Guests: Jeff Brinks of Williams & Works

Chair Barnes called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

There were no public comments.

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

Yeas: Graham, Fedewa, Parsons, Barnes

Nays: None

Absent: Stahl

Approved

Motion by Graham, supported by Parsons, to approve the minutes of the September 14, 2015 meeting with grammatical corrections.

Yeas: Graham, Parsons, Fedewa, Barnes

Nays: None

Absent: Stahl

Approved

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

City Manager Gorman explained that Jeff Brinks of Williams & Works, Inc. is requesting a variance from the off-street/front yard parking requirement for the C-2 District [Section 42-408 (a) (1)] for the properties located at 1320 & 1240 E. Grand River Ave. in order to facilitate the efficient and orderly operation of the businesses following the demolition of the existing buildings due to tornado damage sustained on June 22, 2015. The proposed redevelopment would provide an improved layout and function that would benefit both businesses and motorists utilizing the adjacent streets. The issue is the same as related to the variance request made by McDonald's at last month's meeting.

Mr. Brinks presented the criteria for the request.

Under Criterion #1, conformance with the parking lot setback standards would be unnecessarily burdensome due to the shape and location of the properties. The redevelopment of the property and the desire to consolidate and improve access to and from Grand River Avenue requires that the building and parking be oriented in a manner that causes the parking to be placed in the front yard

setback. In this specific situation, the zoning requirement is unduly burdensome in facilitating an orderly redevelopment of the properties.

Under Criterion #2, the conditions which require the requested variance are unique to this property/development due to the fact that it is a unique property. The existing properties are bounded by streets on both sides and are triangular in shape. Further, the layout of the adjacent property to the south makes it desirable to continue the existing parking along Grand River Avenue.

Under Criterion #3, granting the variance would do substantial justice to the applicant as well as the other property owners and the City generally. As proposed, the redevelopment will reduce curb cuts to Grand River Avenue and will bring the properties into better conformance with the Grand River Access Management Plan. Also, the neighboring properties share access and have parking in the setback along their frontage. Continuing the parking in the setback will be more convenient to them.

Under Criterion #4, the problem has not been created by the applicant. The former configuration of the property, prior to the tornado damage, was not the most convenient and usable layout. Redeveloping the property in an efficient manner while maintaining the uses requires the variance.

Under Criterion #5, granting of the requested variance is not in conflict with the spirit of the City's Zoning Ordinance.

City Manager Gorman noted that the variance request would be contingent on approval of the site plan by the Planning Commission on Wednesday, October 14, 2015.

Mayor Barnes noted the access between the Verizon property to the south would require the new Goodwill building to be built further back from Grand River Avenue to allow better access.

Mr. Brinks noted the goal is to clean up the access between the properties.

Vice Chair Graham noted that the entire "triangle" between Grand River Avenue, Bridge Street, and Charlotte Highway would only have one access each and would reduce congestion on city streets and bring the properties into closer conformance to the City's Grand River Access Management Plan.

Mr. Brinks noted that the variance request is for both 1320 and 1240 E. Grand River Avenue and that Pinnacle Construction is working on behalf of both property owners. There will be some change to property lines in order to improve both parcels.

City Manager Gorman noted the yellow house near the corner of Charlotte Highway and Grand River Avenue will be demolished.

Chair Barnes closed the Public Hearing at 7:21 P.M.

Under New Business, the Board considered the variance request from the off-street parking requirements for the C-2 District [Section 42-408 (a) (1)] for the properties located at 1320 and 1240 E. Grand River Avenue.

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Secretary Parsons stated that no matter how the buildings might be situated on the lot, parking would face a street. She further stated the proposed plan would improve access management on Grand River Avenue and it is “no lose” in this situation. As proposed, the loading dock access for Goodwill is better on Charlotte Highway than Grand River Avenue, and reduces proximity of pedestrians and semis.

City Manager Gorman explained the issue with meeting the 25% window requirement. Given the triangular shape of the lot there has to be a “back” of the building on one of the streets. He expects this issue will be resolved at the Planning Commission meeting on Wednesday, October 14, 2015 with the review of the site plan. In 2014 a section was added to the Zoning Ordinance that gave the Planning Commission authority to deviate from its standards.

There was discussion.

Motion by Parsons, supported by Graham, to approve the variance request from the off-street/front yard parking requirements for the C-2 District [Section 42-408 (a) (1)] for the properties located at 1320 & 1240 E. Grand River Avenue contingent on approval of the site plan by the Planning Commission.

Yeas: Parsons, Graham, Barnes, Fedewa

Nays: None

Absent: Stahl

Approved.

Motion by Parsons, supported by Graham, to adjourn the meeting at 7:28 P.M.

Yeas: Parsons, Graham, Barnes, Fedewa

Nays: None

Absent: Stahl

Adjourned.

Respectfully submitted,

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Kathy Parsons, Secretary