

CHARTER TOWNSHIP OF EAST CHINA
ZONING BOARD OF APPEALS

OCTOBER 22, 2007

CALL TO ORDER - Chairperson Tkachik called meeting to order at 7:30 p.m. with Knotts and Carey. Peters and Morse excused.

Five in the audience.

APPROVE MINUTES – Knotts, supported by Tkachik, moved to approve the minutes of September 24, 2007. Carried.

APPEAL CASE 427 - 07
DAIRY QUEEN – 1980 RIVER ROAD

At the Planning Commission meeting held on October 9, 2007, the site plan for the Dairy Queen addition was accepted. A condition of that motion was that the owner, Chafic Kadouh, seek guidance from the Zoning Board of Appeals as to whether a use variance is necessary. The Zoning Board of Appeals approved this use on July 6, 1995. The motion is as follows:

Tkachik moved that the official interpretation of the Zoning Board of Appeals is the proposed Dairy Queen would be allowed in a B-1 District because dairy products fall within this category. There will not be a kitchen, tables or seating for an eating area. Supported by Barker and carried.

Chafic Kadouh explained he acquired more land adjacent to his business and will be enlarging the store and parking area. Customers have continually requested that he serve more food. Now he has room to expand and add a simple menu for customers. The store will remain a drive-thru operation with no seating inside for customers.

Knotts said a use variance was granted for the Dairy Queen and they need to decide if the present use extends beyond the intent of the original use variance.

Tkachik asked if expanding the menu and adding new equipment would be considered adding a kitchen.

PUBLIC HEARING

COMMENTS FROM INTERESTED PARTIES

Michael McCartney, 3640 River Road said the use variance already limits the seasonal business.

Robert Meader, 1719 River Road said in the future other items might be added to the menu. He asked if the Dairy Queen improves or decreases the value of his property. Kadouh replied that a liquor store occupied the property before the Dairy Queen was built.

Knotts said he is not against the Dairy Queen. If a use variance is requested or required it needs to be done correctly. A Public Hearing must be held and all property owners within 300 feet of the premises must be notified and be offered the opportunity to state their opinion.

CLOSE THE PUBLIC HEARING – Carey, supported by Knotts, moved to close the Public Hearing at 7:55 p.m. Carried.

Tkachik asked if the equipment to cook hamburgers and a fryer constitutes a kitchen. She also asked if Kadouh is expanding the building and if a sink will be added because a sink could be considered part of a kitchen.

Kadouh said the hamburger machine is about 18” x 3’ and plugs into the wall. Carey said he is not sure if that type of equipment would constitute a kitchen.

CONSIDERATION AND ACTION – Knotts, supported by Tkachik, moved that yes, a use variance is necessary for the addition and neighbors must be notified of the Public Hearing. Ayes: Tkachik and Knotts. Nays: Carey. Motion did not pass because a quorum of three was not attained.

McCartney asked if Kadouh should go ask the Township Board for permission to sell hamburgers and fries. He feels that another Public Hearing is not necessary.

Carey said the business use would not be much more than what was approved to begin with. He feels that a Public Hearing for another use variance is not required.

Tkachik is concerned about ventilation and excessive smoke created from cooking burgers.

Knotts, supported by Tkachik, move to table any action until all five ZBA members are present. Carried.

ADJOURN – Knotts, supported by Carey, moved to adjourn at 8:25 p.m. Carried.

