

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, November 9, 2021
5:30 pm
2870 Jacksmith Ave

- ARTICLE 1. Call the meeting to order
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the Flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the minutes of the October 12, 2021 meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case #21-3672/Goehring
Public Hearing
Property Address: 6389 Burton St
Requested Action: The applicant is requesting an extension of a previous
variance for the use of a temporary building during the construction of a
detached garage.**
- ARTICLE 7. Case #21-3674/Keeler
Public Hearing
Property Address: 7385 Kilmer St
Requested Action: The applicant is requesting a variance to construct an addition
to the north side of the home that is closer to the side property line than permitted.**
- ARTICLE 8. Any other business**
- 2022 Meeting Schedule
- ARTICLE 9. Adjournment**

Meeting format

1. **Staff Presentation** *Staff report and recommendation*
2. **Project presentation-** *Applicant presentation and explanation of project*
 - a. **PUBLIC HEARINGS**
 - i. *Open Public Hearing. Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. *Close public hearing*
3. **Commission discussion –** *May ask for clarification from applicant, staff or public*
4. **Commission decision - Options**
 - a. *Table the decision*
 - b. *Deny*
 - c. *Approve*
 - d. *Approve with conditions*
 - e. *Recommendation to Township Board*

Minutes
Cascade Charter Township
Zoning Board of Appeals
Tuesday October 12, 2021
5:30 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Vice Chairman Moxley called the meeting to order at 5:30 P.M.
Members Present: Tom McDonald, Jennifer Puplava, Ralph Moxley, Lou Berra, Valerie Milliken
Members Absent: Aaron Mead
Others Present: Planner Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Berra to approve the current Agenda. Supported by Member Puplava. Motion carried 5 to 0.

ARTICLE 4. Approve the minutes of the September 14, 2021 meeting

Motion was made by Member Puplava to approve the September 14, 2021 meeting minutes as written. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

There were not any visitors that wished to speak to non-agenda items.

ARTICLE 6. Case #21-3665/Daniel Stephan Builders

Property Address: 1721 River Oaks Dr

Requested Action: The applicant is requesting a variance to keep an accessory building on the property while the existing home is demolished, and a new home is built.

Planner Brian presented the variance requested on section 4.19 of the zoning ordinance. It states that a house has to be 50% complete before accessory buildings can begin to be constructed. There was confusion as to what buildings the variance was being requested on as the site plan showed only two accessory buildings and there are three on the property: a large detached garage, a small detached garage, and a boathouse. If the applicant wants to keep more than one of the accessory buildings, it would be an additional variance to continue a non-conforming situation. The notice that was sent out only included the original variance for one accessory building so, if the applicant wants to keep more than one building, another notice would need to be sent out and another public hearing would need to be held 30 days after that. There was an option to combine two adjacent parcels owned by the property owner but it was unclear if the two parcels combined would be large enough to allow for a second accessory building

without a variance. The applicant had said that they intended to keep the large detached garage but not the smaller one. Variances like this have been granted in the past when the house was built in a timely manner and a performance bond was provided to the township. The applicant has indicated they believe the house will be built in a year and are willing to provide a \$10,000 bond to the township guaranteeing that the house will be built.

Staff recommend approval of the variance with four conditions:

1. The house is at least 50% complete within one year
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of the bond will be at a minimum \$10,000.
3. The bond will be released when the property is in compliance
4. If the property owner would like to also keep the boathouse building, they must combine their two adjoining parcels and the combined parcel must be at least 3 acres in size, exclusive of any right-of-way area. If the combined parcel is not at least 3 acres in size excluding any right-of-way, the boathouse must also be removed.

Dan Stephan of Dan Stephan Builders explained to the board that they would like to start demolition on the house and additional accessory building as soon as possible in order to complete the house within a year from starting the process. When they applied for the variance, they didn't realize that the boathouse would be considered an accessory building. The survey staff was provided was really just a site plan from the architect and nothing would be changed down on the boathouse building. The new house will be built on the space of the current house and an accessory building that is currently on that spot. When the house is completed, there will be one less building than there currently is. They didn't realize that the boathouse would be considered an accessory building until the site visit that took place the previous week. The owner has spoken with all surrounding neighbors and they are in favor of him keeping the boathouse and carriage house when building the new house.

Robert Buchanan, owner of the property, shared that he did not know that he needed a variance to keep the garage up while building a new house as that is somewhat unique to Cascade Township. He explained that he just repaired the carriage house a few years back and considers that his detached garage. He sees his boathouse as quite unique and well kept, having been there for many years. He did not see it as reasonable to be required to wait another month and go through the process of sending out notices and getting his case approved. He also showed a table in the ordinance that stated one attached or detached garage does not count as an accessory building so the only accessory building on his property would be the boathouse.

Member McDonald clarified that keeping an accessory building up while building a new residence is an often-granted variance that he does not see a problem with staff's conditions 1-3 but wondered if there would be enough acres to meet condition 4.

Buchanan shared that combining the two parcels would give him in excess of 3.2 acres, including the right-of-way that he believes should be included. Even with that being the case, he did not want to combine the two lots as they were each sizable on their own and he wanted to keep them separated so that his options with them were open in the future. He also does not want to wait another month for notices to be sent out and have another public hearing, but he would if that was what was required of him.

Member McDonald shared that he didn't see a problem approving the variance with staff's conditions of 1-3 and that the reason this was a case was that variances set precedents so what they're looking for are exceptional cases. Member McDonald believes that this is an exceptional case in that the boathouse is not a common occurrence and would not fall under the same rules as structures built today.

Motion to open public hearing by Member Berra. Supported by Member Puplava. Motion carried.

There was no one who wished to make a comment.

Motion to close public hearing Member McDonald. Supported by Member Berra. Motion carried.

Motion was made by Member McDonald to approve case #21-3665 with staff conditions 1-3: The house is at least 50% complete within one year, a minimum \$10,000 performance bond for the removal of the accessory building if the home is not at least 50% complete within one year is provided, and the bond will be released when the property is in compliance. Staff condition 4 will be struck, allowing boathouse to stay. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 7. Case #21-3670/John Rabideau/Cascade Roadhouse

Property Address: 6817 Cascade Rd

Requested Action: The applicant is requesting a variance for an outdoor seating area closer to the side property line than permitted and the addition of a covered structure closer to the front property line than permitted.

Planner Brian presented the variance. The applicant is looking to expand their outdoor seating area within the front and side yard setback with the addition of a covered structure within the front yard setback. Seating would be located on the North side of the building and include a pergola approximately 1 ft from the side property line and 6 ft from the front property line. A 20' x 20' covered structure would be placed over the current West side patio and not extend beyond the front of the building which is approximately 10 ft from the property line. B1 ordinance requires a 7 ft side yard setback and total of both side yards equaling not less than 16 ft. It also requires a front yard setback between 20-30 ft when along an arterial road such as Cascade Rd. The property was granted a side yard setback in 1994 giving it a setback of zero to accommodate an expanded kitchen area as required by the Kent County Health Department in 1994. This expansion would result in a total side yard setback of 1 ft.

This isn't a frequent request and there was not a variance request for outdoor seating at any sooner than at least 2000. Covered structure will not increase setback but will still need a variance as it would be within the required front yard setback. Outdoor seating contributes to the village atmosphere that the B1 zoning is meant to create so this request falls in line with what Cascade is trying to do but still requires a variance.

Staff recommend approval of the variance as requested with the following condition: The expanded outdoor seating area on the north side of the building remains an outdoor "café" seating area and does not become covered or enclosed.

John Rabideau, owner of Cascade Roadhouse, told the board that Planner Brian had explained the request well. Member McDonald asked if Rabideau was comfortable with the one condition of "the expanded outdoor seating area on the North side of the building remaining an outdoor "café" seating area and not becoming covered or enclosed?" Rabideau said that he was comfortable with it.

Motion to open public hearing by Member McDonald. Supported by Member Puplava. Motion carried.

Planner Brian said that he got a call from a neighbor of Cascade Roadhouse stating that they were comfortable with the proposed seating area.

Motion to close public hearing by Member McDonald. Supported by Member Berra. Motion carried.

Motion was made by Member McDonald to approve case #21-3670 with the condition staff recommended. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 8. Old Business

Planner Brian confirmed that the next Zoning Board of Appeals meeting will be November 9, 2021.

ARTICLE 9. Adjournment

Motion to adjourn was made by Member McDonald. Supported by Member Puplava. Motion carried 5 to 0. The meeting was adjourned at 5:52 P.M.

Respectfully submitted,

Ralph Moxley, Secretary

STAFF REPORT

STAFF REPORT: Case #21-3672/Harold Goehring
REPORT DATE: November 3, 2021
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: November 9, 2021
PREPARED BY: Brian Hilbrands, Planner

APPLICANT:
Harold Goehring
6389 Burton St SE
Grand Rapids, MI 49546

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: The applicant is requesting an extension of a previous variance for the use of a temporary building during the construction of a detached garage.

EXISTING ZONING OF
SUBJECT PARCEL(S): R1

GENERAL LOCATION: The property is located on the northwest corner of Burton Street and Cascade Pointe Drive.

PARCEL SIZE: Approximately 0.45 acres

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: All residential

ZONING ON
ADJOINING PARCELS: N,W – R1
E – PUD 75
S – R2

STAFF COMMENTS:

1. The applicant is requesting a 6-month extension of a previous variance to allow for a temporary building to be used for storage during the construction of a detached garage. The temporary building is a shipping container that is approximately 8’x 20’ and 9’ tall. This request was reviewed under section 4.18(4) of the Zoning Ordinance.

2. The building was originally brought to our attention when we received a complaint from a neighbor in March. We then made contact with the property owner and informed them that they would need to receive a variance in order to allow for the temporary building to remain until the garage is built.
3. Section 4.18(4) of the Zoning Ordinance requires that the Zoning Board of Appeals to determine: if indeed the structure is temporary and when its use will be terminated; if the structure will be served by a healthful water supply and toilet facilities, and if the temporary building will be injurious to the surrounding properties or neighborhood.
4. We have granted other temporary structure permits in the past. However, those have most often been located on commercial sites. In those cases, we have granted several variances allowing the temporary building or use provided that the end date was set when the temporary building or use would be terminated.
5. The Fire Department had reviewed the plan and stated that they do not have any concerns.
6. The Building Department had noted that since the container is under 200 square feet it does not require a building permit.
7. The applicant had indicated that they believed they would have the garage finished within 6 months. However, they have not been able to start construction on the garage. The applicant has noted that work on the garage and also some work on the home has been delayed due to the pandemic and the difficulty in finding materials and a contractor. The applicant should speak as why the storage container is still needed.
8. The ZBA met on this matter and approved the variance at their 5/11/21 meeting with the following conditions:
 - a. The applicant removes the temporary building upon completion of the detached garage, or within 6 months. Whichever is sooner.
 - b. Provide a performance bond/security deposit for the removal of the temporary building if the building has not been removed and the property is not in compliance in 6 months. The amount of the bond/security deposit will be at a minimum \$500.
9. The applicant has provided the \$500 performance bond but has been unable to start work on the garage. Rather than remove the temporary building they are asking for a 6-month extension of the previous variance.
10. Denial of the variance would require that the temporary building be removed.
11. Given the pandemic and difficulties that it has caused, along with the fact that the initial variance was only for 6 months, it seems reasonable to give them a little more time.

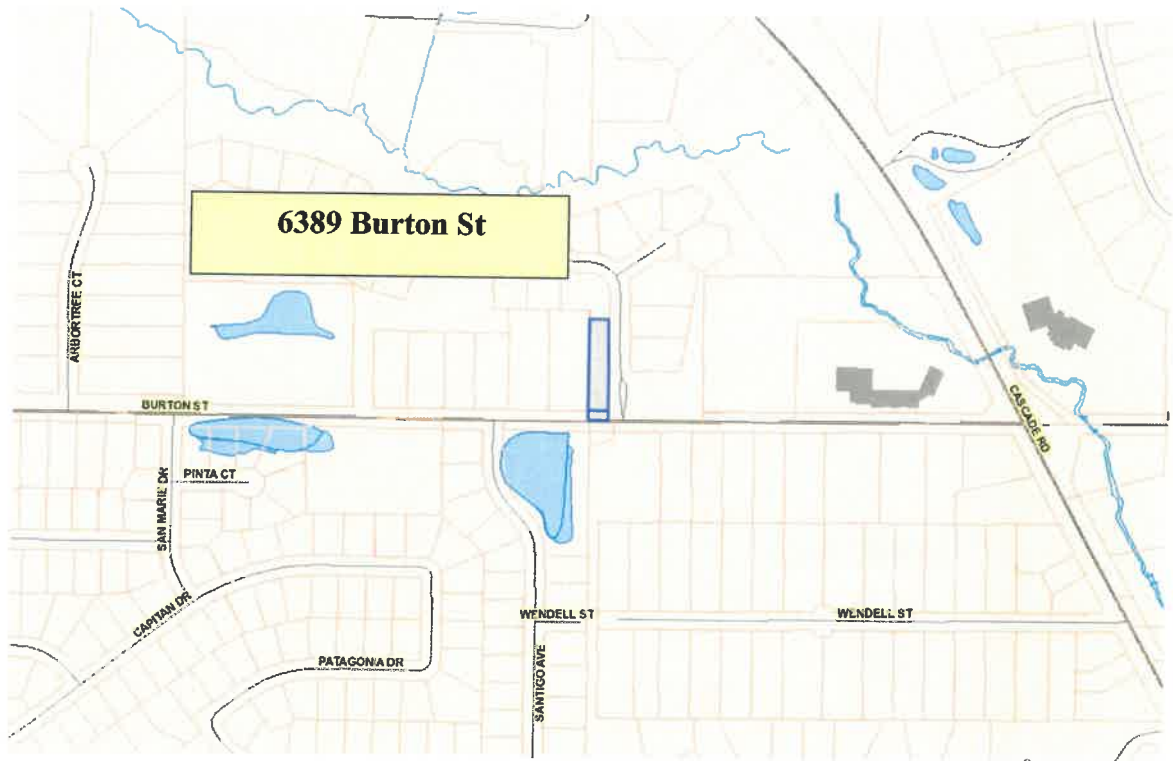
12. Since this is not a variance request, the standards you should apply are those referred to above.

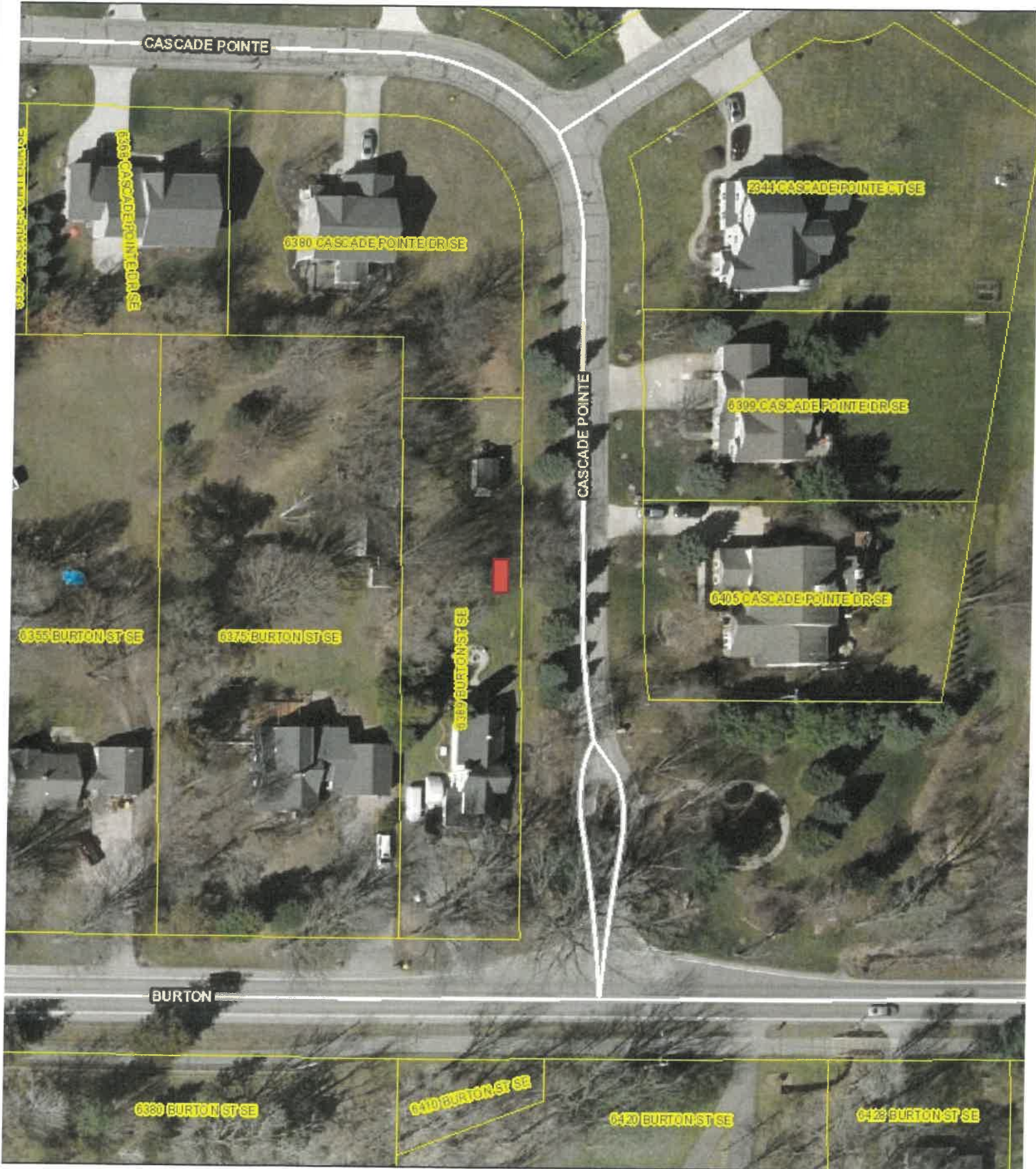
STAFF RECOMMENDATION:

Staff recommends that you approve the variance as requested with the following condition:

1. Grant a six-month extension (May 2022) to the previous conditions

Attachments: Application package
Site plan
Section 4.18(4) of the Zoning Ordinance
ZBA Minutes from 5/11/21 Meeting





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CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Harold Goehring
 Address: 6389 Burton St SE
 City & Zip Code: Grand Rapids
 Telephone: 616-443-8233
 Email Address: harold@campgroundsnow.com

OWNER: * (If different from Applicant)
 Name: _____
 Address: _____
 City & Zip Code: _____
 Telephone: _____
 Email Address: _____

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. - Rezoning *
<input type="checkbox"/> P.U.D. - Site Condominium *	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review *	<input type="checkbox"/> Sign Variance Subdivision
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Plat Review *
<input checked="" type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: _____ *

* Requires an initial submission of 5 copies of the completed site plan

BRIEFLY DESCRIBE YOUR REQUEST:**
Subot, materials, financing, council, weather regarding
6 mo extension

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY: 0389 Barclay St SE, GR

PRESENT USE OF THE PROPERTY: _____

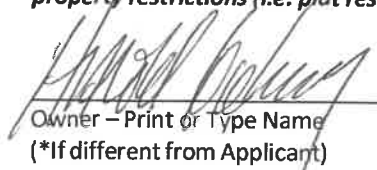
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR
EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)



Owner – Print or Type Name
(*If different from Applicant)

Applicant – Print or Type Name

* _____
Owner’s Signature & Date
(*If different from Applicant)

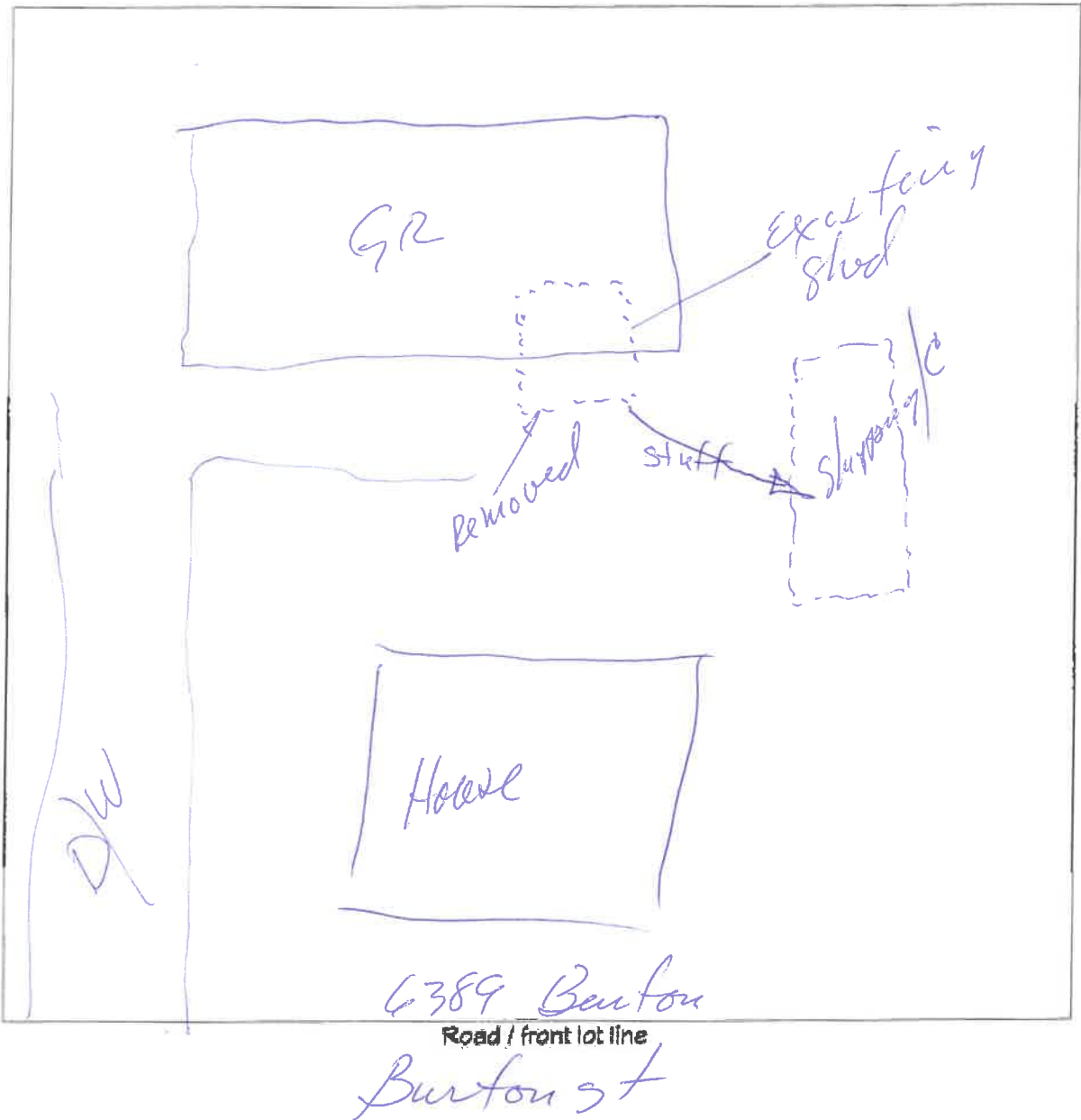
Applicant’s Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

Site Plan

Address: _____

Contact name/number: _____



****Please note existing building locations and distances from lot lines for any additions or decks.**

****For swimming pools - include the required barrier location**

CHAPTER 4

General Provisions

- d. The structure will be in place for less than 72 hours.
 - e. Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the temporary liquor license permit for the event prior to the Township signing off on the event. (amended by Ord #10 of 2018)
 - f. The event is a public service event or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.
3. Permits for the temporary placement of mobile homes for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Inspector upon approval by the Planning Director according to the following criteria:
- a. Sufficient domestic water supply and toilet facilities are provided.
 - b. All construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CFR 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.
 - c. The mobile home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zoning district except that it may be placed in the front yard.
 - d. The permit shall specify that the mobile home is temporary and that the permit shall expire after a reasonable specific time.
 - e. An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary mobile home for occupancy shall not be issued until it has been removed or an approved performance

guarantee for its removal is deposited with the Township Clerk.

4. Other Temporary Structures:

Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set forth the purposes of the construction. The Zoning Board of Appeals shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.

Section 4.19 Dwellings - Single-Family:

Single-family dwelling erected or placed on a lot or parcel of property in the Township shall meet the following minimum criteria:

- 1. It shall have a minimum width across any front, side or rear elevation of twenty (20) feet.
- 2. There shall be a minimum habitable floor to ceiling height of 7.5 feet.
- 3. The dwelling must be aesthetically compatible in design and appearance with other dwellings in the district, and conform to the minimum floor area requirements for the district in which it is located.
- 4. The dwelling shall be connected to a public sewer and water supply, or to such private facilities approved by the Kent County Health Department.
- 5. All construction and all plumbing, electrical apparatus and insulation within the dwelling shall be of a type and quality conforming to the Township Building Code (BOCA) or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. The dwelling shall meet or exceed all applicable roof snow



Definitions

General Provisions

Development Review

Zoning Districts

Special Uses

Planned Unit Development

Height, Area, & Placement

Parking & Access

Landscaping

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, May 11, 2021
5:30 P.M.
Virtual Zoom Meeting

ARTICLE 1. Chairman Mead called the meeting to order at 5:30 P.M.
Members Present: Berra, McDonald, Mead, Milliken, Moxley
Members Absent: None
Others Present: Planner Brian Hilbrands

ARTICLE 2. Chairman Mead led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member McDonald to approve the Agenda. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the April 13, 2021 Meeting.

Motion was made by Member McDonald to approve the Minutes of April 13, 2021. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

No visitors came forward.

ARTICLE 6. **Case #21-3628 / Goehring, Harold**

Public Hearing

Property Address: 6389 Burton St SE

Requested Action: The applicant is requesting a variance for the use of a temporary building during the construction of a detached garage.

Planner Hilbrands stated that this case was brought to the attention of Township Staff in March, and that the temporary building was already in place at that time. Planner Hilbrands stated that the applicant was told he would need to apply for and receive a variance in order to keep the temporary building on the property, and stated that since applying for the variance, the applicant has been very cooperative.

Planner Hilbrands stated that the temporary building is an approximately 8x20 shipping container, and is approximately 9 feet tall. Planner Hilbrands stated that although this is not a zoning variance, it is something the Zoning Board of Appeals needs to grant permission for. Both the Fire Department and Building Department have reviewed the request, and stated that no additional permits are needed.

Planner Hilbrands stated that as the building is currently placed, it is approximately 8 feet in front of the house on the side facing Cascade Pointe Drive, so it is technically in

the front yard since the home sits on a corner and has two front yards. Planner Hilbrands stated that there is room for the applicant to shift the building back to the west 8 feet if the Zoning Board would like that done. Planner Hilbrands stated that since this is just a temporary permit, he does not find it necessary to have the building moved. The applicant has stated that he is using the building as temporary storage until the garage is built, and has bids out to start work on the foundation of the garage.

Planner Hilbrands stated that variances for temporary structures have been issued in the past, however most often for commercial, school, or church sites. These variances have been given when an end date was set for when the use of the temporary building would be terminated.

Planner Hilbrands stated that Staff is recommending approval of the variance request with the two following conditions:

1. The applicant removes the temporary building upon completion of the detached garage or within six months, whichever is sooner.
2. The applicant provides a performance bond or security deposit for the removal of the temporary building if it is not removed and the property is not in compliance within six months. The amount of the bond or deposit will be a minimum of \$500.

Chairman Mead invited the applicant to comment.

Planner Hilbrands stated that the applicant reached out and said he had to travel for work, and was unsure if he would have internet access.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Berra. Motion carried 5 to 0.

Member McDonald asked Planner Hilbrands if there was any additional public comment made besides the initial complaint alerting the Township Office to the building, Planner Hilbrands stated there was none.

Mr. Tom Stolz (6399 Cascade Pointe Drive) asked if a permit is needed for the permanent structure (garage) being built, and if one has been applied for. Planner Hilbrands stated that he did not believe a permit is needed yet for the building that will be constructed, and that a temporary building only needs a permit if it is over 200 square feet. The temporary building on the property in question is not over 200 square feet, however the six-month timeline is given to assure that a permit will be pulled when needed, and that the project will be completed within six months.

There was no further comment.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Moxley. Motion carried 5 to 0.

Member Moxley asked what the current building to the north of the temporary building is, Planner Hilbrands stated that it is an existing shed that the applicant plans to take down after the garage is built.

Member Moxley asked where the new building is going to be located on the property. Planner Hilbrands stated it will be near where the current shed is, and will need to meet all Zoning requirements.

Member Moxley asked if the contents of the existing shed have been moved in to the temporary building, Planner Hilbrands stated that he believes so, but would need to verify that with the applicant.

Member Moxley asked if the temporary building can be moved once it's loaded. Planner Hilbrands stated that he would need to check with the applicant, Chairman Mead stated that he believes it can be moved.

Member Moxley commented that the temporary building is hid well by large spruce trees and another flowering tree on the property.

Motion was made by Member McDonald to approve the variance with the conditions listed above by Staff. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #21-3633 / Daniel Verkaik

Public Hearing

Property Address: 8934 52nd St SE

Requested Action: The applicant is requesting a variance to construct an accessory building concurrently with a home.

Planner Hilbrands Planner Hilbrands stated that the Township does not typically permit an accessory building being built at the same time as a home, and that the Township Ordinance states that a house has to be 50% complete before an accessory building is able to be constructed. Planner Hilbrands stated that the applicant has said that building both the home and accessory building concurrently will help with construction efficiencies. Planner Hilbrands stated that there have been similar variances granted in the past (accessory building built concurrently with a house), and that a performance bond is provided to the Township to ensure the building can be removed if the property does not come into compliance.

Planner Hilbrands stated that the applicant has been made aware of these requirements, and that this is the only approval the applicant needs to receive before he can apply for building permits for both buildings.

Planner Hilbrands stated that Staff is recommending approval of the variance as requested with the following three conditions:

1. The house is at least 50% complete within one year.
2. The applicant provides a performance bond (minimum of \$10,000) for the removal of the accessory building if the home is not 50% complete within one year.

STAFF REPORT

STAFF REPORT: Case #21-3674/Keeler
REPORT DATE: November 4, 2021
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: November 9, 2021
PREPARED BY: Brian Hilbrands, Planner

APPLICANT:
Nick and Kathy Keeler
7385 Kilmer St
Grand Rapids, MI 49512

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: The applicant is requesting a variance to construct an addition to the north side of the home that is closer to the side property line than permitted.

EXISTING ZONING OF
SUBJECT PARCEL(S): R-1

GENERAL LOCATION: The property is located on the east side of Kilmer Drive toward the end of the street, along the Thornapple River

PARCEL SIZE: Approximately .75 acres

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: All residential

ZONING ON
ADJOINING PARCELS: All R-1

STAFF COMMENTS:

1. The applicant is requesting a variance of Section 18.05 of the Zoning Ordinance. This section requires homes to have a minimum setback of 10 feet on the sides with the total of both sides being not less than 25 feet.

2. The applicant currently has a setback of 9'8" on the North side of the home and 9' on the south side. As it is, the current house is legal nonconforming because it does not meet current setback requirements.
3. The applicant is asking to put an approximately 14' x 18' addition on the front of the home (north side). The addition will maintain the current setback along the north side of the home. The addition requires a variance since they will not comply with the minimum 10-foot setback or the total 25-foot setbacks.
4. This same applicant applied for and received this variance both in 2009 and 2019. However, they did not construct it so it has expired.
5. Past staff reports indicate that the home was built in 1964 and that the minimum sideyard setback was 10 feet, we did not require the two sides to total 25 feet.
6. In looking at other homes in the neighborhood it does appear that there are a few homes that have similar non-conforming sideyard setbacks.
7. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all the findings of fact listed in the table below:

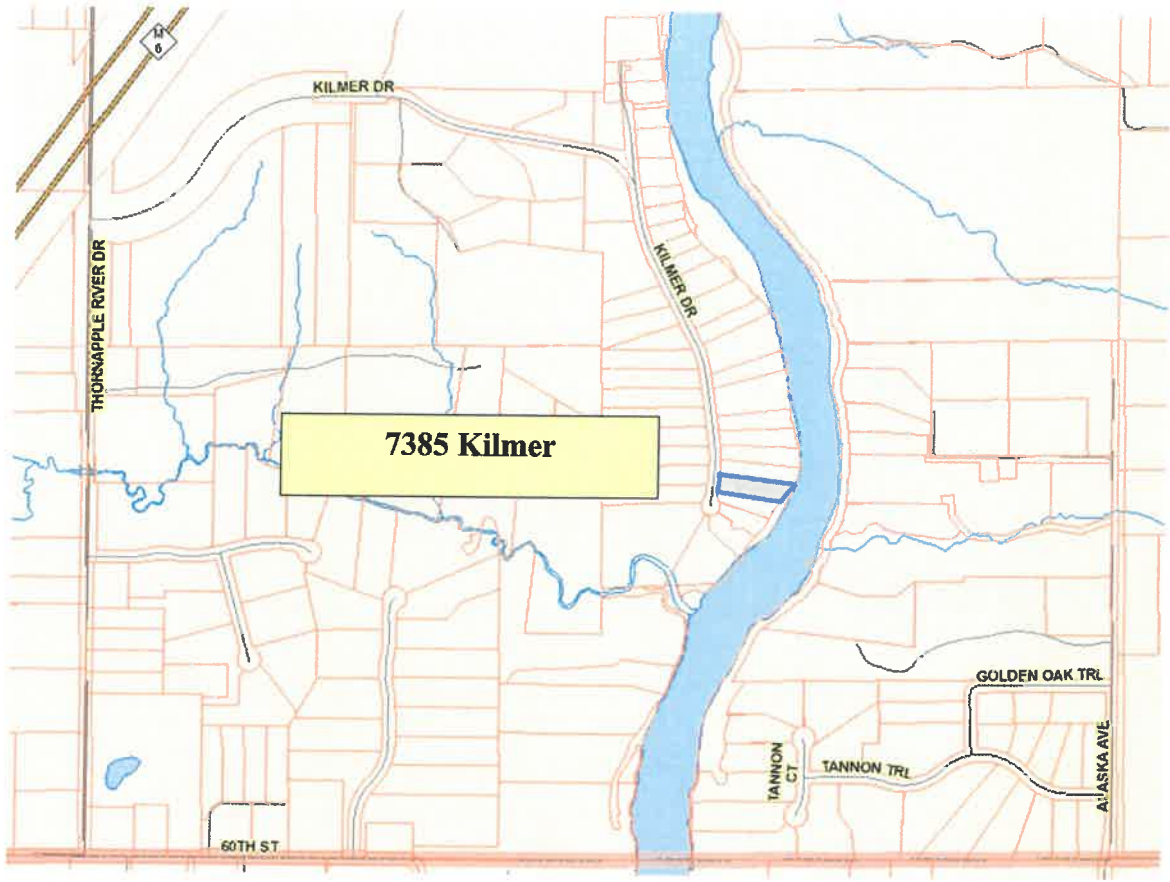
Findings of Fact	Comment
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The unique circumstance is the fact they are not increasing the current setback and that the setback is only off by 4 inches. Since the home's other setback is also non-conforming, they require a greater variance. The ZBA has already granted this variance in 2009 and 2019.
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this Ordinance will not be considered self-created)	The situation was created when the home was built.
That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.	They are not coming any closer to the property line than what exists today.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	It appears that there are already a few examples of reduced sideyard setbacks in this neighborhood.
That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to	It would not be practical to amend the zoning ordinance as a result of this application.

make it more reasonable and practical to amend the Zoning Ordinance.	
The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.	Given that the addition will not be coming any closer to the property line and that it is the minimum variance necessary to achieve their desired results, the variance appears to be justified.

STAFF RECOMMENDATION:

Staff recommends approval of the variance.

- Attachments: Application package
 Site plan
 ZBA Minutes from 9/10/19 Meeting





CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Nick and Kathy Keeler
Address: 7385 Kilmer St. SE
City & Zip Code: Grand Rapids, MI 49512
Telephone: 616 291 3887
Email Address: nhkeeler@msn.com

OWNER: * (If different from Applicant)
Name: Same
Address: _____
City & Zip Code: _____
Telephone: _____
Email Address: _____

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. – Rezoning *
<input type="checkbox"/> P.U.D. – Site Condominium *	<input type="checkbox"/> Rezoning
<input checked="" type="checkbox"/> Site Plan Review *	<input type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review *
<input checked="" type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: _____ *

** Requires an initial submission of 5 copies of the completed site plan*

BRIEFLY DESCRIBE YOUR REQUEST:**
Requesting to build a bedroom addition on the North front of the house.

(**Use Attachments if Necessary)
-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

Lot 4, Thornapple Valley Plat, part of Sections 33 and 34, T6N, R10W, Cascade Township, Kent County, Michigan

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 -34-302-009

ADDRESS OF PROPERTY: 7385 Kilmer St. SE, Grand Rapids, MI 49512

PRESENT USE OF THE PROPERTY: Residential

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
N/A	

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

N/A
Owner – Print or Type Name
(*If different from Applicant)

Nick Keeler
Applicant – Print or Type Name

* _____
Owner’s Signature & Date
(*If different from Applicant)

 9/29/2021
Applicant’s Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

SURVEY FOR: Albert Carpenter
 7385 Kilmer Drive
 Grand Rapids, MI 49512

DESCRIPTION: Lot 4, Thornapple Valley Plat, part of
 Sections 33 and 34, T6N, R10W, Cascade Township, Kent
 County, Michigan.

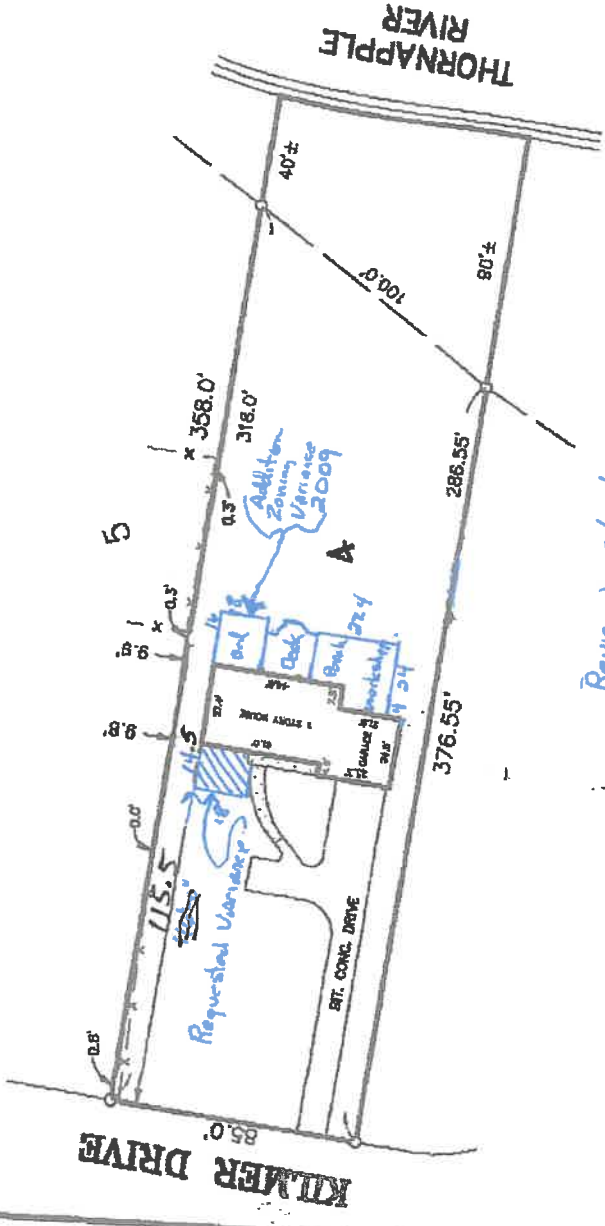


By *Randall J. Vegteveen*
 Randall J. Vegteveen Licensed Land Surveyor No. 28429

nederveld associates
 engineering • surveying

Grand Rapids Location, Fax: 616-954-8190
 8570 32nd Ave. Hudsonville, Michigan 49428
 Holland Location, Fax: 616-954-8190
 615 E. 10th Street Holland, Michigan 49423
 Ph: (616) 859-0448

File No. 944567 Date: 7-22-94



Revised 8/12/2019
 Nick Keeler

- Scale 1" = 50'
- = Concrete
 - D = Description dimension
 - M = Measured dimension
 - P = Platted dimension
 - o = Set Iron stake
 - O = Found Iron stake
 - = Fence Line

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon. This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and encroachments.

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, September 10, 2019
5:30 P.M.

ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.
Members Present: Berra, McDonald, Mead, Moxley, Milliken
Members Absent: None
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Milliken led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member Mead to approve the Agenda. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the August 13, 2019 Meeting.

Motion was made by Member McDonald to approve the Minutes of August 13, 2019. Supported by Member Mead. Motion carried 5 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

No visitors came forward.

ARTICLE 6. Case #19-3549 Rolf Ludge
Public Hearing

Property Address: 4879 Buttrick Ave

Requested Action: The Applicant is requesting a variance that would allow the property owner at 4879 Buttrick Ave to remove the home and leave the accessory buildings on the property.

Director Peterson stated that the variance is to leave an accessory building on the piece of property without a home, which the Township does not permit. It is required that a home be 50% complete before an accessory building is able to be constructed. Director Peterson stated that these variances have been given before when they are assured that a home will be built in a short period of time (typically one year has been the Zoning Board of Appeals standard), and a performance bond is provided to the Township for that guarantee.

The existing home is about 25 feet from the Buttrick ROW; this is non-conforming. Director Peterson stated that when the new home is built, it will have to meet the minimum setback of 35-feet.

Director Peterson recommends approval of the requested variance under the following conditions:

1. The home is at least 50% complete (rough-in) within 1 year
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance

Chairman Berra invited the Applicant to come forward.

Mr. Rolf Ludge came forward with comment that he believes they will have the new home built within one year, and that he is willing to obtain a \$10,000 bond to guarantee that the house will be built.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Mead. Motion carried 5 to 0.

No one came forward.

Motion was made by Member Mead to close Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.

Motion was made by Member McDonald to approve the variance under the following conditions. Supported by Member Mead. Motion carried 6 to 0.

1. The home is at least 50% complete (rough-in) within 1 year
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance

ARTICLE 7.

Case #19-3551 Nick Keeler

Public Hearing

Property Address: 7385 Kilmer SE

Requested Action: The Applicant is requesting a variance to allow an addition to the front of the home. This addition maintains the existing non-conforming setbacks of the house. A variance is needed for an exception to the minimum 10-foot setback and for not meeting the total side yard setback of 25 feet.

Director Peterson stated the Applicant has previously applied for and received this variance in 2009, however they did not construct the addition so the variance has expired. Director Peterson stated that the addition will be no closer to that property line than where the home exists today (9'8"), and that other reduced sideyard setback variances have been approved in this neighborhood.

Director Peterson recommends approval of the variance request as written.

Chairman Berra invited the Applicant to come forward.

Mr. Keeler did not come forward with comment.

Motion was made by Member Mead to open Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.

No one came forward.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Mead. Motion carried 5 to 0.

Motion was made by Member McDonald to approve the variance as requested. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 8.

Case #19-3550 Brad Harmon

Public Hearing

Property Address: 4910 Kraft Ave SE

Requested Action: The Applicant is requesting variances to allow for the redevelopment of a non-conforming property.

Director Peterson stated this property is on the north end of Kraft as it nears the airport. The Applicant would like to utilize this property for an electrical contractors' business, Director Peterson stated. The property involves a few non-conforming situations, such as the property is 147 feet wide and the Township requires a width of 200 feet, and there are some parking spaces that are close (or up to) the property line, and that does not meet the Township landscaping requirements, Director Peterson stated. Director Peterson stated that there are a couple of variances that the Applicant is requesting to be able to utilize this property. There is proposed parking and a turnaround for their equipment vehicles that are closer to the property line than what the Township requires. Director Peterson stated that a 20-foot bufferyard is required, these are proposed to be 10 and 15 feet. The Applicant has a proposed crushed concrete surface to the east, Director Peterson stated that a paved concrete or asphalt surface be provided rather than the loose gravel. Inside the reduced bufferyards, Director Peterson stated that the Applicant is asking to not provide the plantings that are required inside of the landscape bufferard.

Director Peterson stated that this property was built in the mid-70s and has been vacant for some time. There was a fire on the property recently that has been slowly getting cleaned up. The Applicant does plan to continue to clean-up process, and demolish some of the building on the property. Director Peterson stated that after the Zoning Board is done, at minimum the Applicants plan would go through a staff administrative site plan review, or possibly to the Planning Commission depending on what they decide to do. There is an existing septic system on the property, which is unusual for a commercial/industrial building. Director Peterson stated that he believes eliminating the septic drain field would address one problem of maneuvering around the property without having to maneuver around the drain field. The Health Department and City of Grand Rapids have provided comment, Director Peterson describes one comment and