

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, September 12, 2023
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 from the August 8, 2023 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 #23-3783 Tsutarov
Public Hearing
Property Address: 3680 Buttrick Ave SE
Requested Action: The applicant is requesting a variance to build an accessory building in the front yard.**
- ARTICLE 7. Case #23-3788 Blue Water Pools
Public Hearing
Property Address: 5824 Golden Hollow
Requested Action: The applicant is requesting a variance to build an accessory building in the side yard.**
- ARTICLE 8. Any other business**
- ARTICLE 9. Adjourn**

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
Planning Commission
Monday, March 20, 2023
5:30 P.M.
2870 Jacksmith Ave SE

- ARTICLE 1.** Chair Moxley called the meeting to order at 5:29 P.M.
Members Present: Mead, McDonald, Moxley, Berra, Milliken
Members Absent: None
Others Present: Planning Director Brian Hilbrands, Zoning Administrator (ZA) Madison Smith-Jacoby, and those listed on the sign-in sheet
- ARTICLE 2.** **Pledge of Allegiance**
- ARTICLE 3.** **Approve the current Agenda**
Motion was made by Member Mead to approve the current agenda. Supported by Member Berra. Motion carried 5 to 0.
- ARTICLE 4.** **Approve the Minutes of the June 13, 2023 Meeting**
Motion was made by Member Berra to approve the June 13 meeting minutes as written. Supported by Member Milliken. Motion carried 5 to 0.
- ARTICLE 5.** **Acknowledge visitors and those wishing to speak**
There was no one that wished to speak.
- ARTICLE 6.** **Case #23- 3777- Goehring**
Property Address: 6389 Burton St
Requested Action: The applicant is requesting a variance to build an accessory building in the side yard.
ZA Smith-Jacoby presented the case and explained that the applicant wants to build an 816sqft carriage house in their side yard. The height to the midpoint would be 17ft, requiring a setback of 40ft from both the rear and side yards. She indicated that the applicant meets all the required setbacks except for the west side property line which requires a variance. The parcel is long and narrow, making this difficult to meet setbacks.
Some neighbors submitted a public comment which was included in the packet. ZA Smith-Jacoby noted that the applicant has a shipping container on their property. The container had previously been granted a variance for temporary storage, but now needs a removal deadline. Neighbors have indicated this to be a nuisance.

Staff recommended approval for the accessory building with conditions listed in the packet along with setting a deadline for the shipping container removal and that the north side setback will be 40ft.

Member Mead mentioned that this is the second variance approval for the shipping container.

Harold Goehring (6389 Burton) is the applicant and thanked everyone for their patience as he completes this project. His house has limited storage as it is 167 years old, so the accessory building will be primarily for storage.

Member McDonald asked if it would be feasible to remove the existing shed and the shipping container within 6 months. Goehring thought that seemed reasonable for the removal of the items. The container has building materials and furniture stored inside.

Motion was made by Member McDonald to open public hearing. Supported by Member Mead. Motion carried 5 to 0.

Will Alberts (6201 Cascade Pointe) stated he likes what the applicant has done, but the shipping container has disrupted neighbors.

Matt Burrows (6380 Cascade Pointe) lives directly behind the applicant and he expressed an issue with the shipping container. He explained he has never seen a shipping container used for projects, let alone for more than 2 years. Burrows wondered what the repercussions are.

Member McDonald asked the applicant if he could store items in his existing shed, as opposed to the container. Goehring indicated that the equipment and material are too large to fit. Member McDonald suggested increasing the bond.

Member Mead suggested either getting a storage unit or covering the materials with a tarp since the temporary storage container has been there for over two years. He reiterated that this is a variance violation and there needs to be a penalty.

Motion was made by Member McDonald to close public hearing. Supported by Member Milliken. Motion carried 5 to 0.

Member McDonald stated that they all share the neighbor's concerns, but they don't want to deny the right for somebody to complete a project on their own property.

Motion was made by Member McDonald to approve the variance with the Staff conditions previously noted, that there is the removal of the storage container within 6 months or by February 8, 2024, that all required permits are in place prior to building, and the repercussions for not adhering to the removal of the container is a bond set at \$5,000. Supported by Member Mead. Motion carried 5 to 0.

ARTICLE 7. Any Other Business

Member Moxley said there is a property by Peace Park that was unsightly and has been cleaned up.

ARTICLE 8. Adjournment

Motion was made by Member McDonald to adjourn the meeting. Supported by Member Mead. Motion carried 5 to 0. The meeting adjourned at 6:07 P.M.

Respectfully submitted,

Valerie Milliken, Secretary

DRAFT

STAFF REPORT

STAFF REPORT: Case # 23-3783
REPORT DATE: August 10, 2023
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: September 12, 2023
PREPARED BY: Madison Smith-Jacoby

APPLICANT

Alexander Tsaturov

ADDRESS: **3680 Buttrick Ave. SE
Ada, Michigan 49301**

STATUS OF APPLICANT: Property Owner

REQUESTED ACTION: Seeking a variance to build in the front yard of a corner lot.

EXISTING ZONING OF SUBJECT PARCEL: ARC

GENERAL LOCATION: Corner of 36th Street and Buttrick Ave.

PARCEL SIZE: 4.2 acres

EXISTING LAND USE ON THE PARCEL: Residential

ADJACENT AREA LAND USES:
N: Residential
E: Residential
S: Residential
W: Residential

ZONING ON ADJOINING PARCELS:
N: PUD
E: ARC
S: ARC
W: R1

STAFF COMMENTS:

- A. The applicant is requesting to build an accessory building off of 36th Street.
- B. The parcel is a corner lot, requiring two front yard setbacks. Accessory buildings are required to be behind the frontline of the principal residence. Because the applicant is requesting to build in one of the front yards, requiring a variance.
- C. The proposed setback from 36th Street is 96 feet. The home sits approximately 212 feet from 36th street property line. The request is for a 116-foot variance.
- D. The accessory building meets all other requirements for side and rear yard setbacks.
- E. The applicant has indicated that the placement would utilize an existing gravel drive off of 36th Street. County Road Commission may require a new curb cut for access.
- F. Indicated in their narrative description, the accessory building would have trees and foliage to obscure the building from the road. The pole barn would allow better access to store recreational vehicles and other equipment. Refer to applicant for more information.
- G. The accessory building will exceed 832sqft requiring a two-part approval with a variance and a Type I Special Use permit. If the variance is granted, the applicant will go to Planning Commission.

<i>Findings of Fact</i>	<i>Comment</i>
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 property being a corner lot causes difficulty for the applicant to build in what seems like their backyard, because of setback requirements.
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 applicant has not taken action to create the hardship. The home was purchased with no accessory buildings on the property.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The applicant has indicated this is the placement preferred. Staff have encouraged the applicant to place the accessory building as far off of 36 th street as possible. The location maintains their backyard lawn with a

	good distance from the drain field, other structures, wetland, and the well.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The parcel is almost 5 acres, with only neighbors on two sides. This would not be injurious to neighbors.
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 make it more reasonable and practical to amend the Zoning Ordinance.	The placement is typical for a corner lot and this type of variance is not uncommon for corner lot parcel owners, but not the general population so a variance is the best method here.

RECOMMENDATION

Staff recommends that this variance be APPROVED based on the findings above, with the following conditions:

1. All outdoor lighting adheres to Cascade Township ordinance standards.
2. The accessory building not be used for a dwelling or home occupation.



CASCADE CHARTER TOWNSHIP

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

PLANNING & ZONING APPLICATION

APPLICANT:

Name: Alex Tsaturov

Address: 3680 Buttrick Ave SE

City & Zip Code: Ada 49301

Telephone: 616-430-6191

Email Address: Alexander.k.tsaturov@gmail.com

OWNER: * (If different from Applicant)

Name: AKDK Living Trust

Address: same

City & Zip Code: same

Telephone: same

Email Address: same

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:**

We are requesting a variance for the placement

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

LEGAL DESCRIPTION OF PROPERTY:**

of a large garage to safely secure our
personal property as well as navigate our
camper onto our property. We are on a corner
lot which makes expanding our current garage
unsuitable for our needs. Please see attached

(**Use Attachments if Necessary) letter and paperwork.

PERMANENT PARCEL (TAX) NUMBER: 41-19-23-100-013

ADDRESS OF PROPERTY: 3080 Buttrick Ave SE Ada, MI 49301

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)
<u>Anna Tsaturova</u>	<u>Same</u>
_____	_____

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.)

Anna Tsaturova
 Owner – Print or Type Name co-trustee
 (*If different from Applicant)
 * [Signature] 7/24/23
 Owner's Signature & Date
 (*If different from Applicant)

Alexander Tsaturov
 Applicant – Print or Type Name co-trustee
[Signature] 7/24/2023
 Applicant's Signature & Date co-trustee

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

Alexander Tsaturov
3680 Buttrick Ave SE Ada, Michigan 49301
alexander.k.tsaturov@gmail.com
616-430-6191

Application for Garage Construction Permit

Dear Cascade township,

I am writing to apply for a permit to build a garage for my family on our property located at 3680 Buttrick Ave, Ada 49301. The purpose of the garage is to provide secure parking for our 27' travel trailer as well as several other recreational vehicles (boat, jetski and a side-by-side). I am looking to place the garage at the north side of the property with access to 36th, which will make it significantly easier and safer to navigate our camper on and off the property. There is adequate set back for the garage to be placed at an adequate distance away from the road, with visibility obscured by a tree line as well as other foliage on our property. I have attached a site plan that outlines the location of the proposed garage on my property, indicating setbacks from property lines, existing structures, and any other relevant details as required by local regulations. I affirm that the construction of the garage will comply with all local building codes, zoning regulations, and other relevant laws.

Thank you for considering my application. I look forward to receiving the necessary permit to proceed with the construction of the garage.

Project Description:

Dimensions: 40' W x 70' L x 20'8" H 2800sq feet

Installation Surface: Concrete

Roof: Burnished Slate

Trim: Brown

Siding Color: Tan

Roof Style: A Frame - Vertical

Roof Pitch: 4 / 12

Roof Overhang: 12"

Leg Style: Ladder Legs

Gauge: 14-Gauge Framing

Leg Height: 14'

Left Side: Fully Enclosed

Left Side Siding: Vertical

Right Side: Fully Enclosed

Right Side Siding: Vertical

Front End: Fully Enclosed

Front End Siding: Vertical
Back End: Fully Enclosed
Back End Siding: Vertical
Approximate center clearance: 20'8"

Garage Doors

12'x12' Garage Door
10'x8' Garage Door
10'x8' Garage Door

Doors

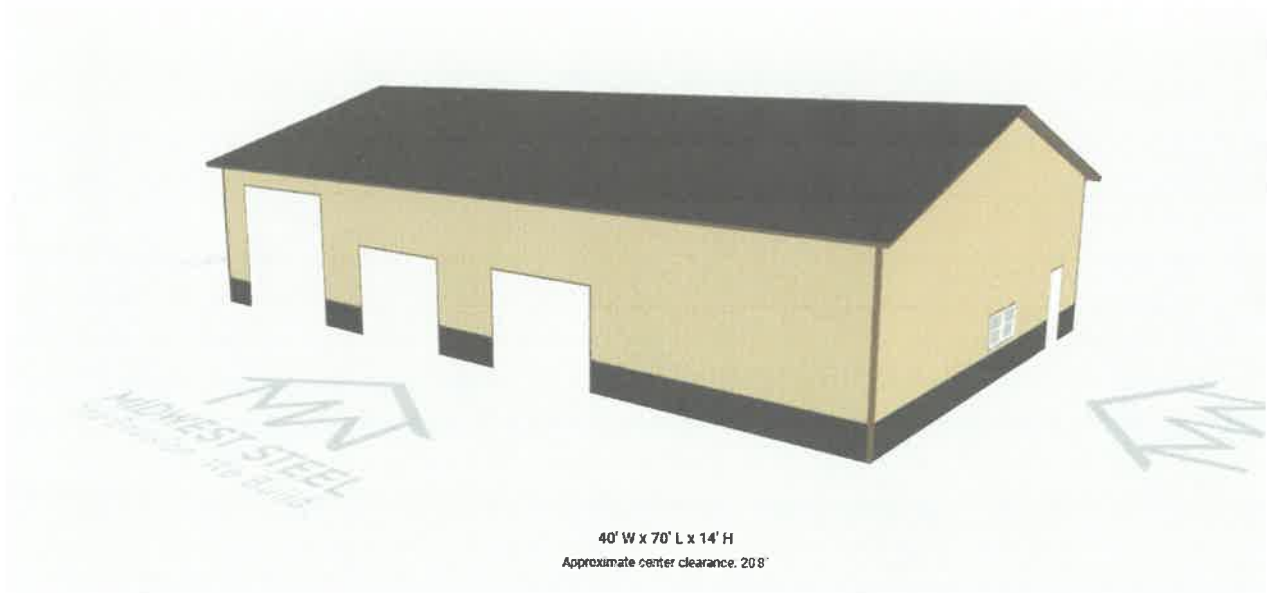
Walk-in Door (36x80)

Windows

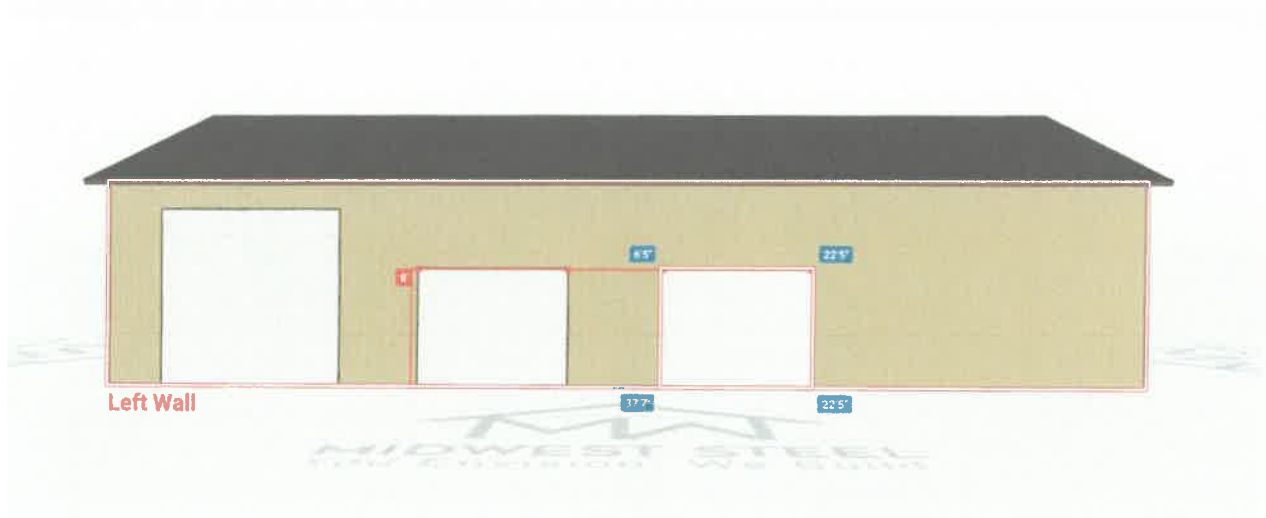
30W x 30H Window - Facing west
30W x 30H Window - Facing west
30W x 30H Window - Facing East
30W x 30H Window - Facing East
30W x 30H Window - Facing East
30W x 30H Window - Facing East
30W x 30H Window - Facing East

Frameouts

Corner Style: Square (Traditional)







Site Plan

Image 1, 2, 3 below. Please note that gis.kentcountymi.gov site would not allow to set actual dimensions of the garage to 40x70, thus the measurements represent h40.6 and w70.8 dimensions. Actuals are 40' W x 70' L x 20'8" H with sq footage of 2800 sq ft







5920 TAHOE DRIVE SE
 GRAND RAPIDS, MI 49546
 616-949-3765

Receipt: 202306856 07/25/23
 Page 07/25/23 Post Date

Cashier: MDodge
 Received Of: TSATUROVA LAW PLLC

6504 28TH ST. SE STE M
 GRAND RAPIDS MI 49546

The sum of: \$200.00

CHARG	CHARGES FOR SERVICES			100.00
CHARG	CHARGES FOR SERVICES			100.00
	PLANNING AND ZONING FEES	101-000-600-608		100.00
	PLANNING AND ZONING FEES	101-000-600-608		100.00
			Total	200.00
TENDERED:		CASH	3014+3015	200.00


Tsaturova Law PLLC
 6504 28th St. SE Ste M
 Grand Rapids, MI 49546

3014
74-8067/2724

Date 7/24/23

Pay to the Order of Cascade township \$ 100.00
One hundred & 00/100 Dollars

Lake Michigan Credit Union

For Planning application (1) 

⑆ 27 24 806 78 ⑆ ⑆ 10 10 1 2 20 1 1 5 5 ⑆ 3014


Tsaturova Law PLLC
 6504 28th St. SE Ste M
 Grand Rapids, MI 49546

3015
74-8067/2724

Date 7/24/23

Pay to the Order of Cascade Township \$ 100.00
One hundred & 00/100 Dollars

Lake Michigan Credit Union

For Zoning application (2) 

⑆ 27 24 806 78 ⑆ ⑆ 10 10 1 2 20 1 1 5 5 ⑆ 3015

Signed: _____

STAFF REPORT

STAFF REPORT: Case # 23-3788
REPORT DATE: August 28, 2023
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: September 12, 2023
PREPARED BY: Madison Smith-Jacoby

APPLICANT

Blue Water Pools

ADDRESS: **5824 Golden Hollow Drive
Grand Rapids, MI 49546**

STATUS OF APPLICANT: **Contractor**

REQUESTED ACTION: Seeking a variance to build a pool house within the required side yard setback.

PROPERTY OWNER: Kathleen Howard

EXISTING ZONING OF SUBJECT PARCEL: R1

GENERAL LOCATION: Located on the end of Golden Hollow Drive, north of 60th Street.

PARCEL SIZE: 2.04 acres

EXISTING LAND USE ON THE PARCEL: Residential

ADJACENT AREA LAND USES:
N: Residential
E: Residential
S: Residential
W: Residential

ZONING ON ADJOINING PARCELS:
N: R1
E: R1
S: R1
W: R1

STAFF COMMENTS:

- A. The applicant is requesting to build an accessory building within the side yard setback.
- B. The proposed pool house storage building is 6.4 feet from the property line.
- C. The applicant built the pool house prior to having zoning approval and is now seeking a variance to allow the building to stay.
- D. Accessory buildings 200sqft and larger require a building permit. The building has 57.5sqft of pool storage and 280sqft. of covered pad for a total of 337.5 sqft. The Township defines building as:
“Any structure which is constructed or erected, either temporary or permanent, having a roof intended to be impervious to weather, supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other similar uses. The definition includes tents, awnings, and vehicles situated on private property and serving in some way the function of a building, but not including screened enclosure not having a roof impervious to weather (Section 3-5, Definitions)”
- E. The as-built side yard setback of the pool house is 6 feet, 4 inches. The required side yard setback is 10-feet. The applicant is requesting a 3.67-foot variance.
- F. Previously granted variances for side yard setbacks have typically been for an addition of a legally nonconforming setback requiring the need for the continuance of the setback.

<i>Findings of Fact</i>	<i>Comment</i>
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.	Staff did not find any extraordinary circumstances inherent to the property, other than that the applicant built the resident’s pool house prior to full approval.
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)	These circumstances did come about from actions taken by the applicant subsequent to the zoning ordinance.

<p>That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.</p>	<p>This is the minimum variance needed to make the pool house possible to remain.</p>
<p>That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p>The proximity to the neighbors may not be injurious. The public has not provided comment on if this is detrimental. I do not see this as being injurious. The primary residence next door is staggered from this home, creating a larger distance between structures.</p>
<p>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 make it more reasonable and practical to amend the Zoning Ordinance.</p>	<p>The situation is specific to this property as the requirement for building is to first obtain zoning approval to prevent building in the required setback.</p>

RECOMMENDATION

Staff recommends that this variance be DENIED based on the findings that the applicant created the necessity for a side yard setback exception.

Should the Zoning Board of Appeals wish to APPROVE the variance, staff recommends the following conditions:

1. All exterior lighting adheres to the Cascade Charter Township lighting standards.
2. The pool house is never used as a living quarters.
3. Proper landscaping be added to screen this pool house from the neighbors' property immediately adjacent.



CASCADE CHARTER TOWNSHIP

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

PLANNING & ZONING APPLICATION

APPLICANT: Name: BLUE WATER POOLS OF GR
 Address: 0-465 LAKE MICHIGAN DR NW
 City & Zip Code: GRAND RAPIDS MI 49534
 Telephone: (616) 341-6969
 Email Address: MICHAEL@BLUWATERPOOLSGR.COM

OWNER: * (If different from Applicant)
 Name: KATHLEEN HOWARD
 Address: 9824 GOLDEN HOLLOW DR
 City & Zip Code: GRAND RAPIDS MI 49512
 Telephone: CH (616) 308-2662
 Email Address: KATHLEENHOWARD@COMCAST.NET

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:**

Side yard Setback Variance

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

LEGAL DESCRIPTION OF PROPERTY**:

ACREAGE: 2.045392

SHAPE AREA: 89097.760111

SHAPE LENGTH: 1440.919562

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 33-415-028

ADDRESS OF PROPERTY: 5824 GOLDEN HOLLOW DR SE

PRESENT USE OF THE PROPERTY: RESIDENCE

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)

Michael Perri
Applicant – Print or Type Name

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

Applicant's Signature & Date 8-14-23

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



LANDSCAPING BY ELEMENT LANDSCAPE

ORNAMENTAL FENCING: 288 LTV (2-3) GATES

GATE



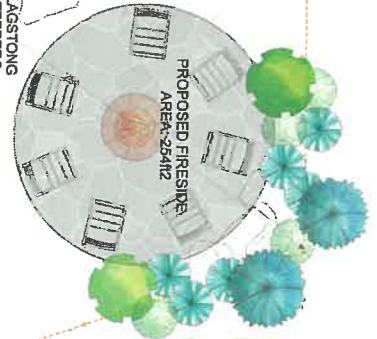
RAISED PLANTER
12' L X 30' W X 20" H
12' STEPS



RAISED PLANTER
12' L X 30' W X 20" H
12' STEPS



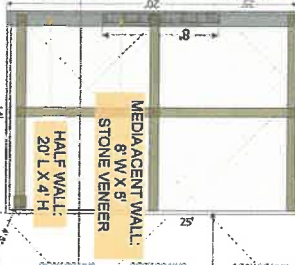
FLAGSTONE STEPPERS



PROPOSED FIREPIT
AREA-25412

STONE MULCH:
901 FT²

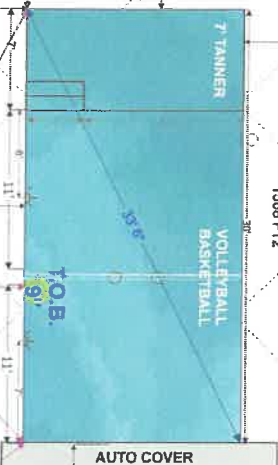
POOL EQUIPMENT PAD



MEDIA CABINET WALL:
8' W X 5' STONE VENEER

HALF WALL:
20' L X 4' H

CONCRETE DECK:
1888 FT²

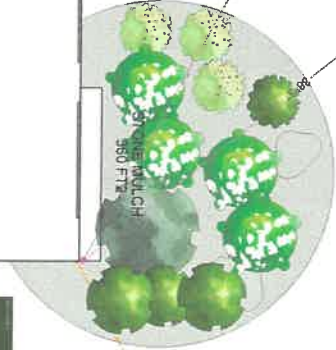


7' TANNER

VOLLEYBALL BASKETBALL

AUTO COVER

SPORTING POOL: 15' X 30'
3' TO 4'8" CENTER DEPTH
7' TANNER W/ (2) STEPS SETS
448 FT², 89' PERIM
9,584 GALLONS
(2) LED MICROBRITES



STONE MULCH
360 FT²

GATE

X-Series Spa - Model X-7 Premier



MODEL X-7 SPA



LANDSCAPING: REINFORCING BOLDERS W/ LEDE STONE STEPS BY OTHERS

EX. DECK

HOWARD RESIDENCE

