

AGENDA
Cascade Charter Zoning Board of Appeals
Tuesday, October 8, 2019
5:30 pm
Cascade Library Wisner Center
2870 Jacksmith Ave. SE

- 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 September 10, 2019 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 # 19-3552 Kimberly Lohr
Public Hearing
Property Address: 4615 Whitneyville Ave SE
Requested Action: The Applicant is requesting a variance to construct an addition to the house that does not meet the minimum 43-foot front setback.**
- ARTICLE 7. Case# 19-3556 David Teppo
Public Hearing
Property Address: 3777 Cherry Lane
Requested Action: The Applicant is requesting a variance that would allow him to sell some of his property to the neighbor which would result in an accessory building in the front yard.**
- ARTICLE 8. Case# 19-3555 Jack Cramer
Public Hearing
Property Address: 3494 Goodwood
Requested Action: The Applicant is requesting a variance to allow an addition to the side of the home. The addition would result in a sideyard setback of 6 feet. A variance is needed for an exception to the minimum 10-foot setback and for not meeting the total sideyard setback of 25 feet.**
- ARTICLE 9. Any other business**
- ARTICLE 10. Adjournment**

Meeting Format

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

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 bufferyard.

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

says there is a sewer lateral on the property to the south that was developed with intention to provide access to this property. There is an easement that provides the ability to construct a pipe that would connect this property to that pipe. Director Peterson stated that he had a conversation with the Health department and they stated that they would not permit this drain field or septic system to be fixed, but they would allow some of the crushed concrete to be done provided it be a certain distance from the drain field area.

Director Peterson stated that the Township has allowed for some properties adjacent to the airport to forgo landscaping requirements in the past, and a crushed concrete surface for storage areas has also been allowed a couple of times before.

Director Peterson states that it would be reasonable to allow the Applicant to forgo landscaping along the north property line adjacent to the airport, and to also allow them to have the gravel storage area that they show on their plan. He does suggest they remove the non-conforming parking spaces on the south side of the property, and states that by connecting to sewer, the variances for the landscape bufferyards on the north and south sides of the property would not be needed. The south side will still need to be landscaped.

There has not been feedback from any adjacent property owners, including the airport.

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

Chairman Milliken invited the Applicant to come forward with any comment.

Mr. Doug Stalsonburg (Excel Engineering) came forward to state they are asking for the bufferyard on the south side of the property be reduced from 20 to 15 feet wide so that semi-trucks can have better ease of access to the property. As it stands, larger trucks (with trailers) will not be able to turn into the parking lot and then into the building/garage. Mr. Stalsonburg stated that along the south side of the property, there is an extensive row of 20-25 ft tall trees on the neighboring property. He states that you can not see through the trees as they stand, and to put additional trees up against that row does not make sense to him.

Mr. Stalsonburg stated that they are very seriously looking into hooking up to the sewer since that would open up area that is currently drain field, and add to maneuverability of vehicles on the property.

Mr. Stalsonburg states that front setback of the existing building is 66 feet. That is part of the building that caught fire and burned down, but there is still an existing wall there. Mr. Stalsonburg states that they would like to discuss maintaining that 66-foot setback if Mr. Harmon decides to add onto the existing building in the future. Director Peterson says that if granted, a front setback of 66 feet would expire in a year if not acted upon. If this is indeed going to be a future project, maintaining that 66-foot setback may need to be reapplied for. Director Peterson states that the landscaping on the south side of the property is required because that's the way the bufferyards are supposed to work. Even

though there may be an existing “screen” of trees on the neighboring property, the requirement stands for the Applicants property.

Director Peterson states that that there was a court date requiring the front of the building that sustained fire damage to be demolished within 60 days of 9/10/19.

Mr. Brad Harmon states that the variance being requested on the south side of the building is needed because as it stands, he cannot turn a truck 90 degrees and get it into the building. Director Peterson states that he thinks that by eliminating the septic system, entrance to the building would be sufficient. Mr. Harmon stated that that is correct, but he would still need a reduction of the south bufferyard from 20 to 15 feet as he intends to add overhead doors to the end of the building with a building permit.

Member McDonald listed conditions that he believed should be in place if the variance is approved. They are as follows:

1. Connect the property to sewer
2. Provide landscaping on the south property line, but not require landscaping on the north property line
3. Allow the reduction of the south property line bufferyard from 20 to 15 feet
4. Remove the non-conforming parking along the south property line
5. Allow for the change in use for the less than 200 ft lot width
6. Allow the gravel area for storage and materials

Director Peterson stated that is everything that is in the application, with exception of the new discussion of the front setback and the possibility of it being less than the required 100 feet. Director Peterson states that the plan does show a possible future addition with a 100-foot setback.

Member Berra asked Mr. Stalsonburg if there will be adequate designated parking if the non-conforming parking on the south property line is removed. Mr. Stalsonburg states that there will not be enough parking. Mr. Stalsonburg stated that there are 10 spaces on the plan, and there are currently 11 spaces on the property that include the non-conforming parking on the south property line. Director Peterson stated that that space would typically be created in the front of the building where the required 100-foot setback is.

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

Member McDonald asked Director Peterson if landscaping on the south property line is being asked to be eliminated due to the height and density of the trees on the neighboring property line. Director Peterson replied yes. Member McDonald stated that it may be pointless to plant anything there if it can't grow in the shadows of the trees in place. Director Peterson stated that the landscaping is part of the bufferyard requirement, and the intent is to have it on both sides of a property line. Director Peterson stated that exceptions to width of a bufferyard have been made before, but exceptions to the required landscaping are extremely rare.

Mr. Harmon stated that he has not purchased this property yet, and is intending to close by the end of the month. Mr. Harmon states that it is a necessity he be allowed to extend the entrance area of the property (by reducing the south side bufferyard) for anyone to be able to access the building garage doors, especially larger trucks with trailers. Mr. Harmon states that he does not feel adding tress/landscaping on his property near the property line will be beneficial to the property at all. Mr. Harmon does state that he intends to remove an existing driveway and install a berm with pine trees on it in that area, and in an additional area on the property. Mr. Harmon states that he does intend to remove the fire damaged area and redo the front of the building, put in two new entryways, add windows and doors, and that it is his intention to have his property look nice. Mr. Harmon stated that now that he is aware there is an easement, he will hook up to the sewer because it is right for the piece of property.

Conversation followed between Mr. Harmon, Mr. Stalsonburg, Director Peterson, and Members about possible future additions, and the variances, bufferyards, conditions, and landscaping that would go along with an addition on this property. Member McDonald listed conditions for Mr. Harmon should the variance be approved. They are as follows:

1. Connect the property to sewer
2. Provide landscaping on the south property line based on Staff approval, but not require landscaping on the north property line
3. Allow a reduction of the south property line bufferyard from 20 to 15 feet.
4. Leave the non-conforming parking along the south property line
5. Allow for the change in use for the less than 200-foot lot width
6. Allow for the gravel area for storage and materials
7. The north property line bufferyard requirement is met

Motion was made by Member McDonald to approve the variance with the following conditions. Supported by Member Mead. Motion carried 5 to 0.

- 1. Connect the property to sewer**
- 2. Provide landscaping on the south property line based on Staff approval, but not require landscaping on the north property line**
- 3. Allow a reduction of the south property line bufferyard from 20 to 15 feet.**
- 4. Leave the non-conforming parking along the south property line**
- 5. Allow for the change in use for the less than 200-foot lot width**
- 6. Allow for the gravel area for storage and materials**
- 7. The north property line bufferyard requirement is met.**

ARTICLE 9. Any other business.

ARTICLE 10. Adjournment.

Motion was made by Member McDonald to adjourn. Supported by Member Berra. Motion carried 5 to 0. Meeting adjourned at 7:05 p.m.

Respectfully submitted,
Aaron Mead, Secretary

STAFF REPORT

STAFF REPORT: Case #19-3552
REPORT DATE: October 1, 2019
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 8, 2019
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
Kimberly Lohr
4615 Whitneyville Ave SE
Cascade MI 49301

STATUS
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to construct an addition to the house that does not meet the minimum 43-foot front setback.

EXISTING ZONING OF
SUBJECT PARCEL(S): R1

GENERAL LOCATION: West side of Whitneyville Ave just North of I-96

PARCEL SIZE: Approximately .81 acres.

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: Residential

ZONING ON
ADJOINING PARCELS: R1

STAFF COMMENTS

1. This same applicant withdrew this case at the August 13, 2019 meeting and has now reapplied.
2. The applicant is requesting a variance from chapter 18 to allow an addition closer to the road ROW.
3. The home currently has a setback of 13 feet to the ROW line.

4. It appears the addition the applicant would like to put on the house would be setback 30 feet from the ROW. This setback should be verified since the survey they have provided is not scalable.
5. Based on the type of road (arterial) the home is required to be setback 50 feet from the ROW. As it is, the current house is legal nonconforming because it has a 13 foot front setback.
6. The addition is in the sideyard but given the location of the home, almost the entire home is in the required front setback. Any addition on the home would probably require a variance.
7. The applicant is asking to build the addition to improve the entry into the home.
8. Our records indicate the home was built in 1946.
9. In reviewing the neighborhood, it does appear that all of the homes in the area meet the 50-foot requirement with the exception of the applicant's home and the home closest to the highway.
10. In situations involving non-conforming setbacks we have granted variances. However, we have typically limited those variances to no more than what was existing and not allowed them to make it worse by reducing the non-conformity. In 2017 we approved a variance at 2611 Thornapple River Dr that allowed for a 38-foot setback where the existing setback was 46 feet. In that case the ZBA felt that the topography and grade change and the fact that they would still be meeting the "normal" residential setback of 35 feet made the situation unique.

Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

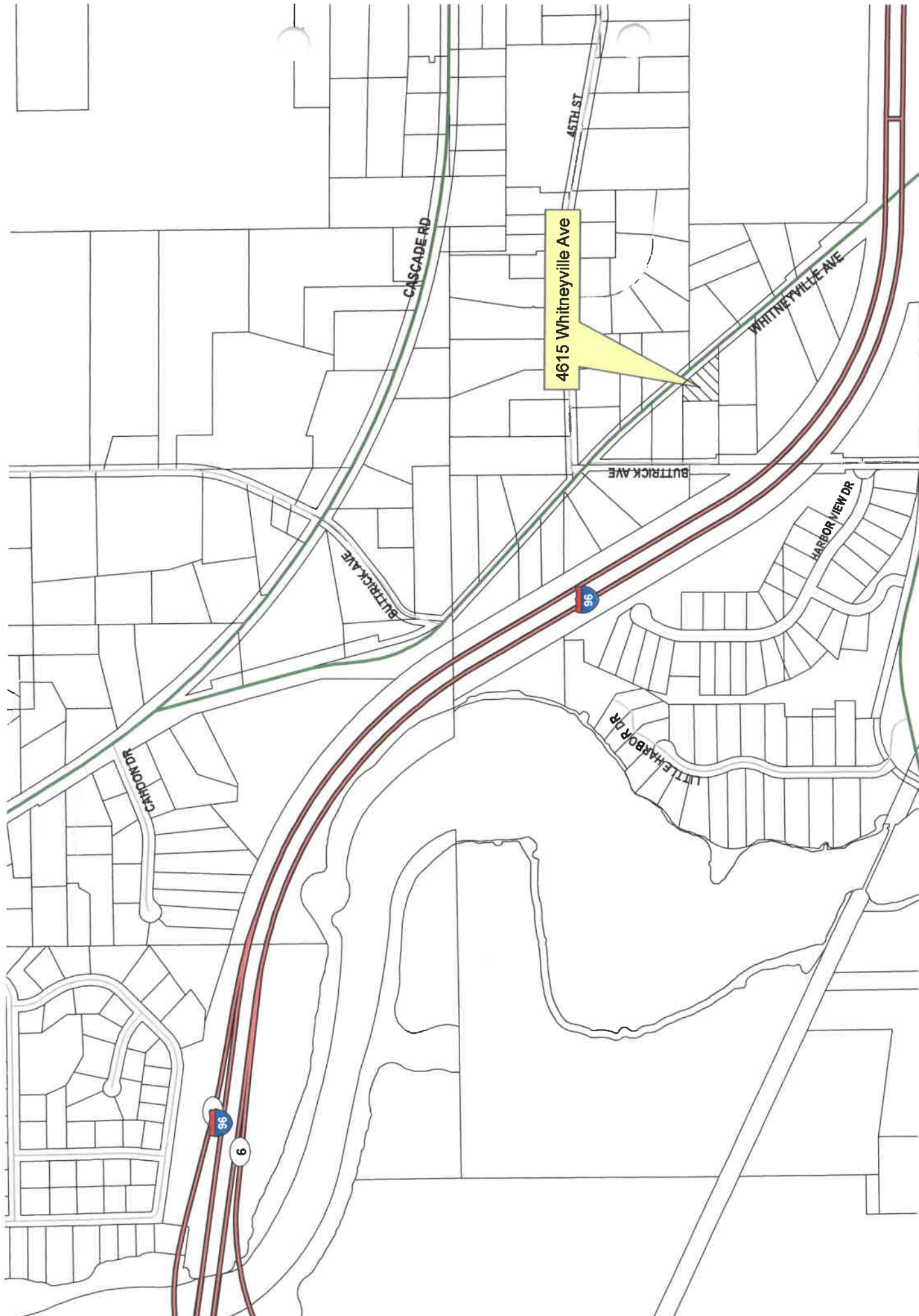
<i>Findings of Fact</i>	<i>Comment</i>
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The small lot size, age of the home and being located on a major arterial street contribute to the variance request but there is not much that is exceptional about this property that does not apply to others in the area.
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)	Due to the fact that much of the home is currently built within the required front setback, it would be very difficult to build an addition to the home without the need for relief from the front setback requirement of 50 feet.

That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The minimum variance would be to maintain the existing 13 foot front setback. They are proposing a setback of approximately 30 feet
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	Others in the neighborhood do meet the 50-foot setback requirement. We have granted similar varices before provided they don't make the exception worse.
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.	In other situations, we have tried to not increase the amount of non-conformity.
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.	It would appear that this is a small addition to the side /rear of the home but given the location of the home any addition would require a variance.

STAFF RECOMMENDATION

Staff Recommends approval of the variance to allow the addition as proposed.

Attachments: Application
 Site Plan



4615 Whitneyville Ave

45TH ST

CASCADE RD

WHITNEYVILLE AVE

BUTTRICK AVE

HARBOR VIEW DR

LITTLE HARBOR DR

CHONDR AVE

96

96

6



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Kimberly Lohr
 Address: 4615 Whitneyville Ave SE
 City & Zip Code: Ada, MI 49301
 Telephone: 231 357.2680
 Email Address: lohorkimb@gmail.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
<input checked="" 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:**

Application for variance to build within the 50'
setback from the road ROW.
using same plans from case #19-3539

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

see attachments

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 26-151-010

ADDRESS OF PROPERTY: 4615 Whitneyville Ave SE

PRESENT USE OF THE PROPERTY: residential home

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)

Kimberly Lohr
Applicant – Print or Type Name

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

Kimberly Lohr 9.6.19
Applicant's Signature & Date

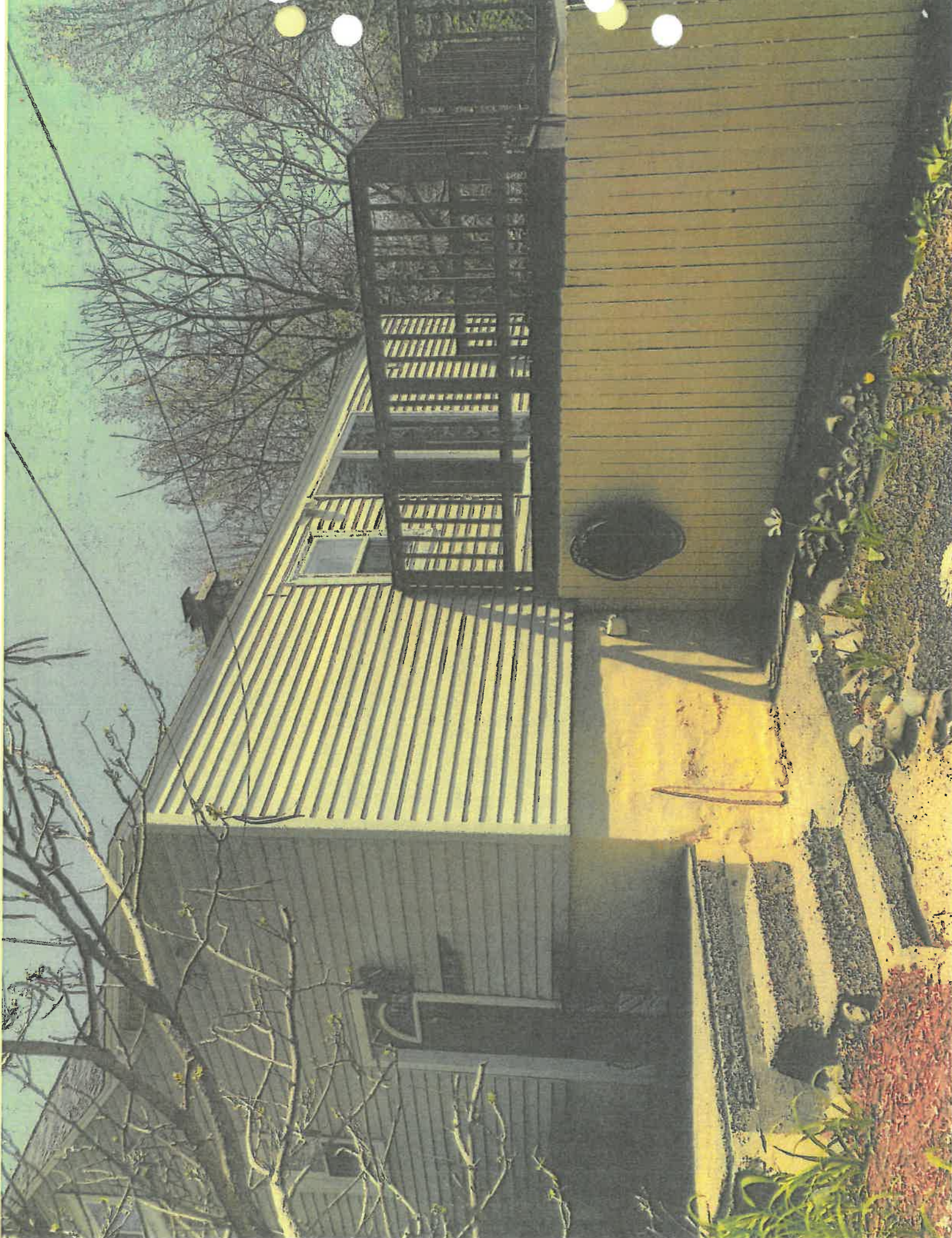
PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

Rev. 7/24/14

6/30/2019

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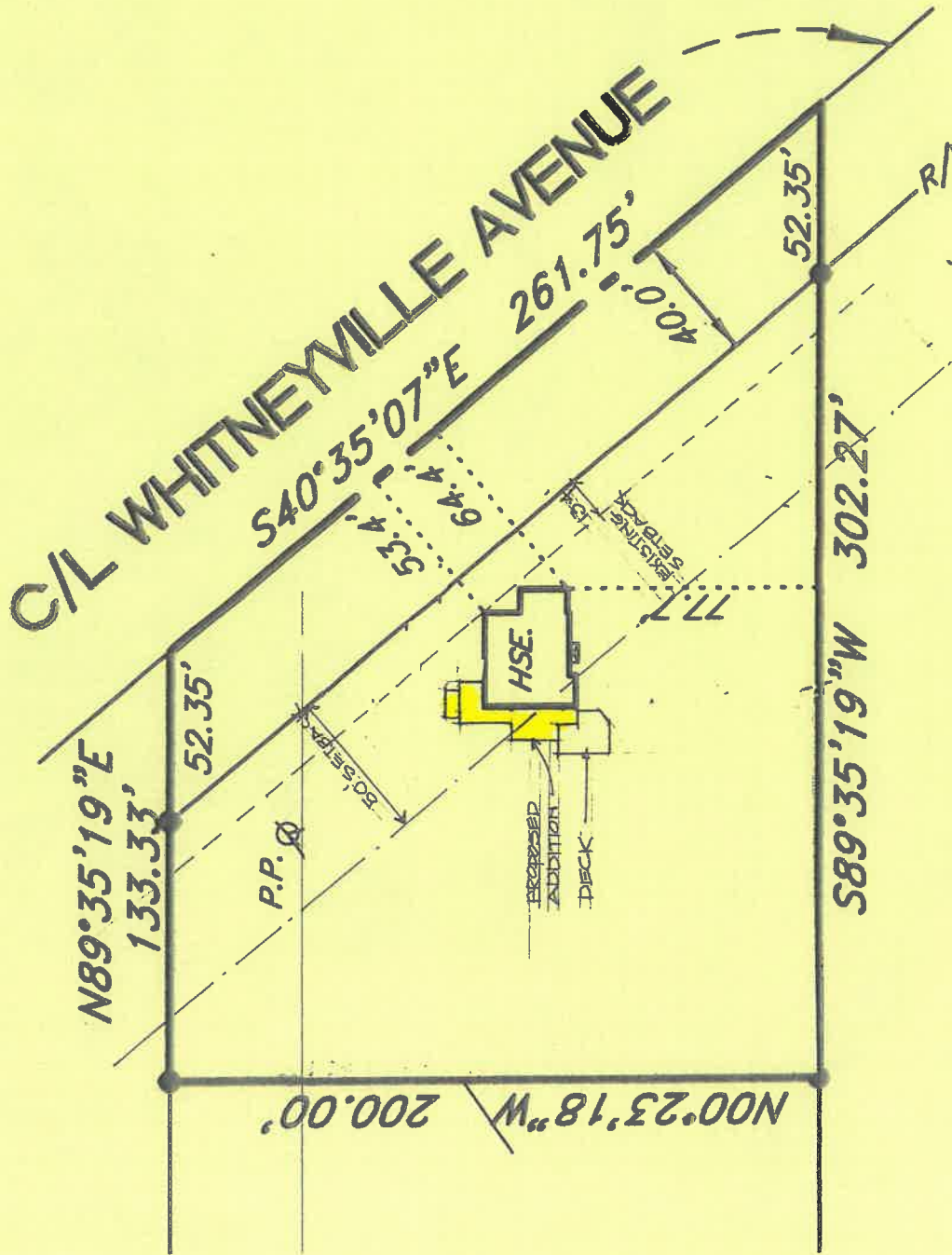






NOTE:

A title insurance policy was not provided at the time of this survey. One should be obtained to compare for accuracy of legal description and easements of record.



STAFF REPORT

STAFF REPORT: Case #19-3556
REPORT DATE: October 1, 2019
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 8, 2019
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
David Teppo
3777 Cherry Lane
Cascade MI 49301

STATUS
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance that would allow him to sell some of his property to the neighbor which would result in an accessory building in the front yard.

EXISTING ZONING OF
SUBJECT PARCEL(S): ARC

GENERAL LOCATION: West side of Cherry Lane just south of 36th St.

PARCEL SIZE: Approximately 8.3 acres.

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: Residential

ZONING ON
ADJOINING PARCELS: ARC

STAFF COMMENTS:

- 1) The applicant would like to reconfigure his property and the property at 3779 Cherry Lane. the result would be to split off about 2 acres from 3777 Cherry Lane and add that property to 37790 Cherry Lane.

- 2) However, that split would result in the existing accessory building being in the front yard of 3779 Cherry Lane. they are asking for the variance to allow them to keep the accessory building in the front yard.
 - 3) The accessory building in question has been there since the early 80's and the home at 3779 cherry lane was built in the mid 90's after the split was done about the same time.
 - 4) We do allow for accessory buildings in the front yard provided the meet the following requirements.
 - a) A lot in which the topography of the property makes it impossible to construct the building in the rear or side yard, or extensive grading and tree removal is required which would significantly change the landscape and views of the neighborhood if required to located the building in the rear or side yard.
 - b) A lot in which the property owner would have to drive over a drain or septic field in order to access the garage.
 - c) A lot in which the accessory building is setback a minimum of two-hundred (200') feet from the Right-of-Way.
 - 5) The building is about 800 feet off from the road so they clearly meet that standard. The septic system is located directly east of the home and there is a large wet area to the east of the home as well.
 - 6) It does not appear that extensive tree removal would have been required but the large wet area and location of the septic system would make it difficult to put the building behind the existing home.
 - 7) We do have some history with similar requests. It appears the variances that we have granted for front yard accessory building were largely due to the distance away from the road or that they were only slightly in front of the home, topography issues, wetlands, septic and well locations.
- A. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

<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 low in the front and side along with the location of the septic system would make it difficult to put an accessory building anywhere but the front yard.
That the exceptional or extraordinary conditions or circumstances are not	The location of the home is about the only building place on the original parcel.

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 are not the results of actions by the owner.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The building is located quite a distance from the road minimizing the amount of the front yard variance.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	We have granted other front yard accessory building under similar circumstances.
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.	Although other variances have been granted they appear to be the result of unique circumstances that would not merit the need to amend the 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.	It appears the front yard variance is justifiable.

STAFF RECOMMENDATION

Approve the variance to allow the building in the front yard.

Attachments: Application

TITLE



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Printed 10/1/2019 9:28:41 AM



3777 Cherry Lane

QUIGGLE AVE

CHERRY LN

BUTTRICK AVE

WEST 9TH ST

WESTCOTT DR

OAKAPPLE AVE

JITTERS WAY DR

HENROS DR

THIMBLE LN

SEDEWOOD DR



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: DAVID TEPPA

Address: 3777 CHERRY LANE AVE. SE

City & Zip Code ADA 49301

Telephone: 616-481-0006

Email Address: dteppo@sbcglobal.net

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 |
| <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:**

COMBINING PARCEL "A" TO NEIGHBORS PROPERTY AT 3779 CHERRY LANE AVE AND LEAVING EXISTING BARN WHICH WOULD BE IN FRONT OF HOUSE IN RELATION TO THE ROAD AT CHERRY LANE AVE.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 -23-100-032

ADDRESS OF PROPERTY: 3777 CHERRY LANE AVE. SE ADA

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)

LOAN CARE

P.O. BOX 8068 VIRGINIA BEACH, VA
23450

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)

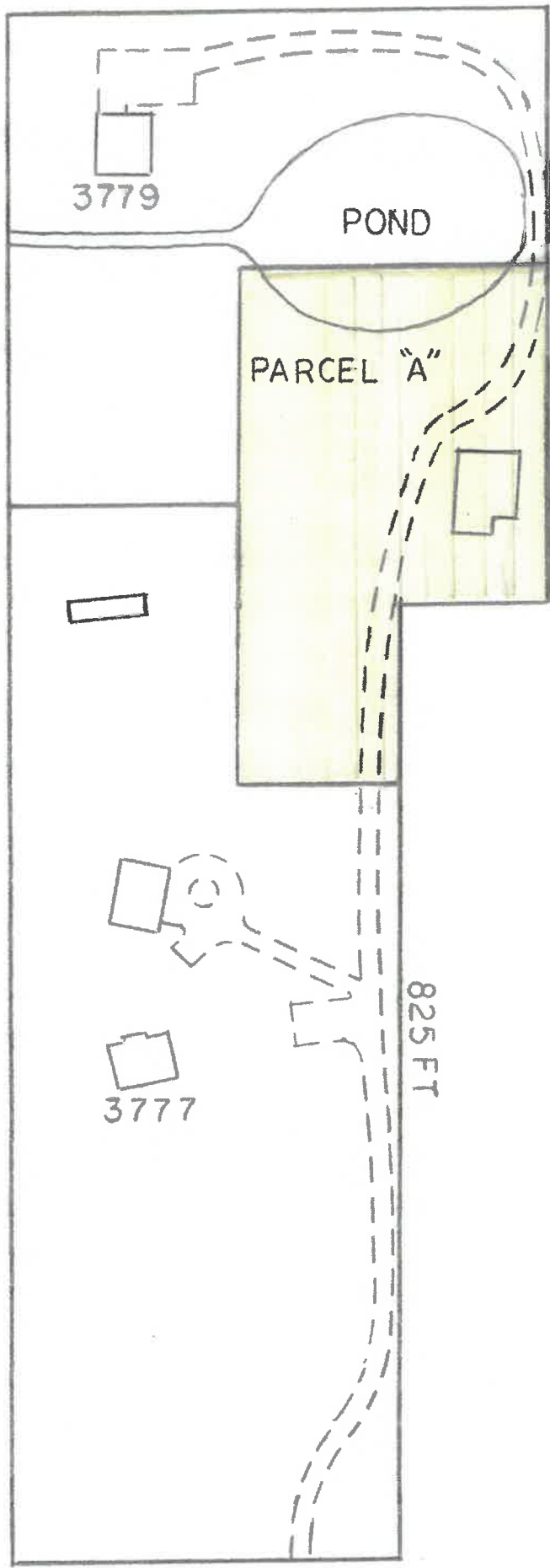
DAVID TEPPA
Applicant – Print or Type Name

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

 9/9/19
Applicant's Signature & Date

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

Rev. 7/24/14



3779

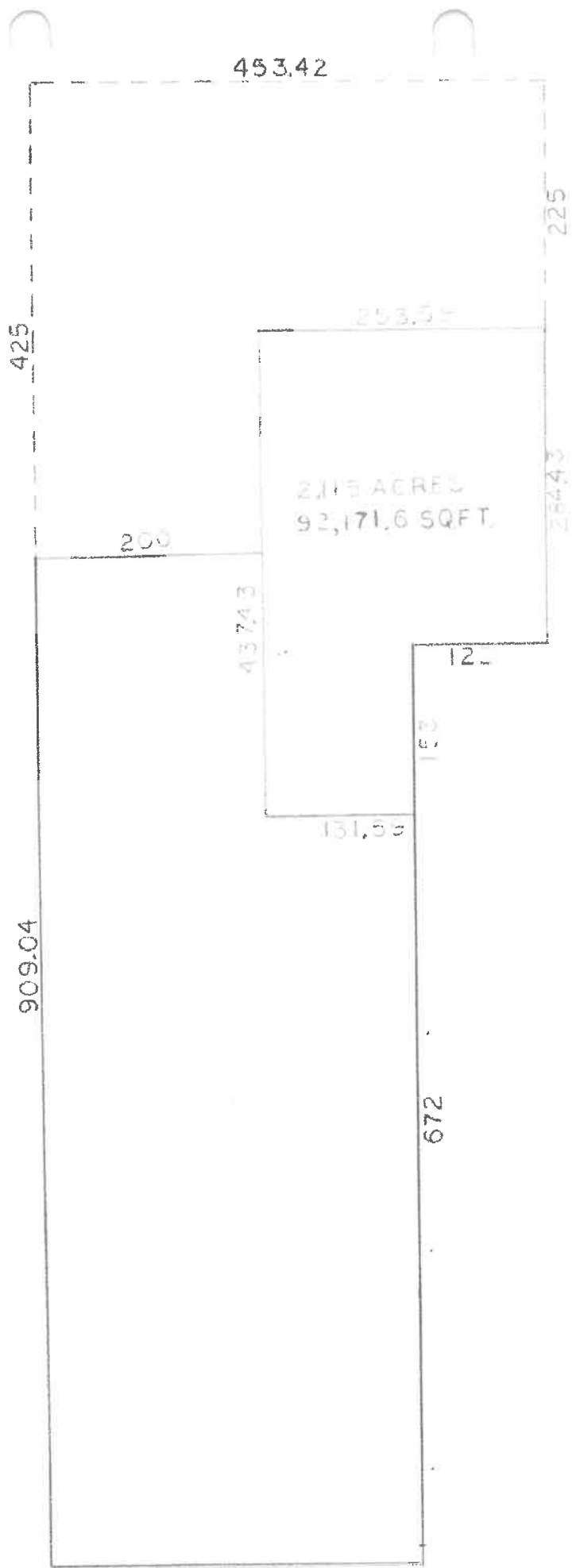
POND

PARCEL "A"

3777

825 FT

CHERRY LANE



CHERRY LANE

Steve

From: rkesch@gmail.com
Sent: Monday, September 09, 2019 5:35 PM
To: Steve
Cc: dteppo@sbcglobal.net
Subject: Lot Split - 3777 Cherry Lane / 3779 Cherry Lane

Good afternoon Mr. Peterson,

I understand that my neighbor, Dave Teppo, residing at 3777 Cherry Lane Ave SE has advised you of our desire to organize a lot split transaction whereby my property at 3779 Cherry Lane Ave SE would be extended to include a portion of his adjacent property.

Please accept this email as a confirmation of my intent integrate the lot to be split from 3777 Cherry Lane Ave SE to my current property at 3779 Cherry Lane Ave SE as we work through the process of requesting a variance ahead of any lot split due to the existing building, a pole barn, that is within the proposed boundaries of the lot to be split from 3777 Cherry Lane Ave SE.

It is not my intent to develop the lot to be split separately from my existing address. I simply wish to take ownership of the land and accept the existing building in the transaction.

If any further detail is helpful please let me know.

Best Regards,

Robert Esch
3779 Cherry Lane Ave SE
Ada, MI 49301

Phone: (616) 885-3485

STAFF REPORT: Case # 19-3555
REPORT DATE: October 1, 2019
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 8, 2019
PREPARED BY: Steve Peterson, Planning Director

APPLICANT:
Jack Cramer
3494 Goodwood
Cascade MI 49546

STATUS
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to allow an addition to the side of the home. The addition would result in a sideyard setback of 6 feet. A variance is needed for an exception to the minimum 10 foot setback and for not meeting the total sideyard setback of 25 feet.

EXISTING ZONING OF
SUBJECT PARCEL(S): R2

GENERAL LOCATION: The property is located on the North side of Goodwood just South of Burger Dr.

PARCEL SIZE: .5 Acres (21,825 sq.ft)

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: All Residential

ZONING ON
ADJOINING PARCELS: All R2

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 11' on the East side and 14 feet on the West Side. Therefore, the home was built at the minimum setbacks.

3. The owner would now like to put on a 5-foot addition to the East side of the home. This would make the east setback 6 feet and the total setback to be 20 feet. Both are below the minimum requirements.
4. The lot is 75 feet wide which is normal for this area. The home is located on the Thornapple River and was built in 1958.
5. The applicant has not indicated on the application the purpose of the addition but did tell me that they could put the addition on the back of the home and not need the variance. However, this was not their first choice.
6. The applicant is asking to put an 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.
7. In reviewing other zoning variances in the neighborhood, we have granted a couple of sideyard exceptions for additions. However, in those cases they were either maintaining an older non-conforming setback or they were making it closer to compliance with the addition.
8. Going back through other ZBA cases the same methodology carries forward.

Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

<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 is not unique and they have indicated that they could do an addition without the need for the variance.
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 is the result of action taken by the applicant.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The home is in compliance now and is built right to eh minimum setbacks.

That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The cases when we have granted variances typically involve non-conforming situations. This case does not.
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.	This would be considered a recurrent situation since no unique circumstance is present.
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.	There does not appear to be a legitimate variance request.

STAFF RECOMMENDATION

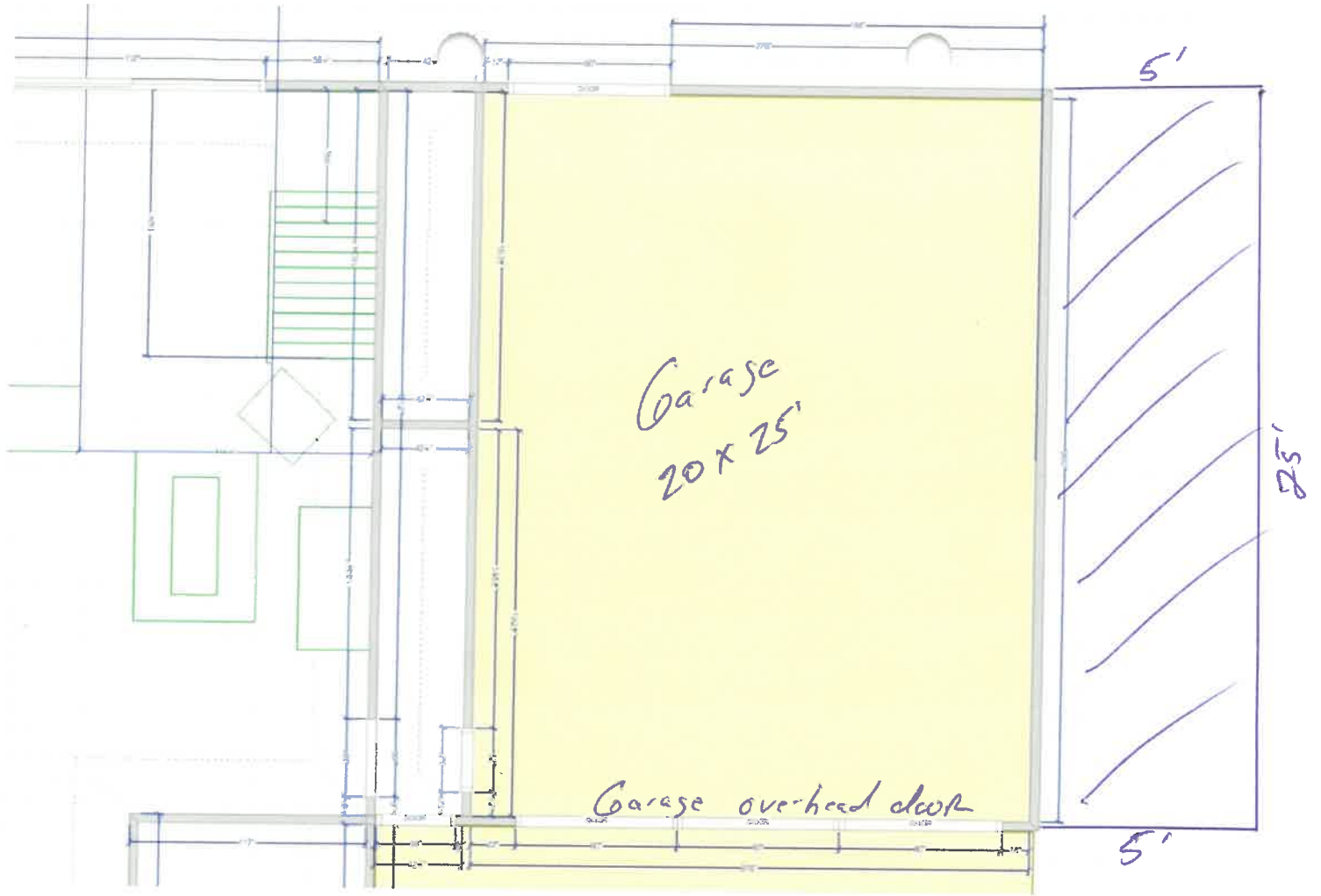
Staff Recommends Deny of the variance.

Attachments: Application
 Site Plan



3494 Goodwood Dr

MOON HILLS CT
CASCADE RD
HUDSON HILLS AVE
CHERRYWOOD DR
3494 GOODWOOD DR
BLACIA CT
TRIPOLI ST
TUSCANY DR
BORGER DR
BROOKHILLS CT
SAND LANE DR
OAK TREE DR
RABBIT HOLEY CT
OAKBLUFF DR
DARK TANKS CT
WOODBROOK DR
TRICKLEWOOD DR
WINDY LAKE CT
DAN TANKS CT
COMARSON DR



3494 Goodwood Dr SE
Grand Rapids, MI

5' Variance
Request

Scale $\frac{1}{4} = 1'$

Homeowner: Jack Cramer

Builder: Ken Kruper Homes

616-890-3250