

MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, March 3, 2020
5:30 P.M.

ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.
Members Present: McDonald, Mead, Milliken, and Moxley
Members Absent: Berra
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 current Agenda

Motion was made by Member Mead to approve the Agenda. Supported by Member McDonald. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the February 11, 2020 Meeting

Motion was made by Member Mead to approve the Minutes of February 11, 2020. Supported by Member McDonald. Motion carried 4 to 0.

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

No visitors came forward.

**ARTICLE 6. Case #20-3575 Todd and Amanda Shaarda
Public Hearing**

Property Address: 7788 Thornapple River Bayou Drive

Requested Action: The Applicant is requesting a variance to allow an addition to the southwest corner of the home. The addition would allow for the side setback to be reduced to 7.5 feet. This would also allow for the front setback to be reduced to 12 feet.

Director Peterson reviewed the plan submitted by the Applicant, and noted the current house location, the proposed addition location, and road right-of-way location, and also stated that Thornapple Bayou is a private road. Director Peterson stated that setbacks are measured to property lines and road right-of-way.

Director Peterson stated that with this addition, the Applicant would be coming closer to the side property line than allowed, noting that the minimum setback in a residential area requires the two sides together to measure 25 feet, with no one side being less than 10 feet. The Applicant has one side that currently measures at just less than 15 feet, and they are asking to go down to a measurement of 7 ½ feet on the other side. This would then total less than the required 25-foot side yard setback. The site plan shows the garage addition with a setback of 12 ½ feet, with the requirement being 35 feet of setback from the house.

Director Peterson displayed an aerial view of the Applicants home, and the homes surrounding it. Director Peterson stated that when reviewing a variance request, one thing that is looked into is whether or not other homes in the area have other non-conforming lots. He then pointed out that the surrounding homes are built mostly in a line, and at the required setback of 35 feet. Director Peterson described the Applicants home as becoming an outlier in this neighborhood as there have not been other similar variances granted in the area. Director Peterson stated that he does not find any rationale or anything unique about this property or circumstance to approve the Applicants variance request.

Director Peterson recommends denial of the requested variances.

Member McDonald asked Director Peterson who owns and maintains right-of-way property on a private road. Director Peterson replied that each individual property owner owns their part of the private road.

Director Peterson stated that he did receive a letter from the Applicant that summarizes neighbors' comments, which are generally in support of the Applicants request.

Member Mead asked Director Peterson what the minimum width for a private road is, and if there is an option to have the road reduced in width. Director Peterson replied that minimum right-of-way width is 66 feet, so that road cannot be reduced. This is the same standard Kent County has for small residential roads.

Member Moxley stated that the Applicants house is roughly 42 feet from the easement line, and asked for confirmation that the minimum allowed distance is 35 feet. Director Peterson confirmed that 35 feet is the minimum distance from an easement line that a house can be.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Moxley. Motion carried 4 to 0.

Chairman Milliken invited the public to come forward with comment.

Todd Shaarda (Applicant) came forward to state that current private road is not up to Township Standards, and that he believes their addition will not impact traffic, drivers' vision, or snowplow removal. Mr. Shaarda states that the rear of their home drops off significantly, so there is no room to add an addition on there. Mr. Shaarda says that with 4 children and their respective bikes and outdoor toys, there is currently no room for storage of these items in their garage, and adds that the addition would help their family life and well-being. Mr. Shaarda then mentions the positive statements from the neighbors, and states although he realizes this variance allowance would be an exception, he does not believe it will impede anyone else's property.

Member Moxley asked Mr. Shaarda if it was possible to shift their addition 3 feet to the east, which would then provide a 10 ½ foot setback on the west side, versus the proposed 7 ½ foot setback. Mrs. Shaarda stated that the addition is creating a mudroom upon entering the home. Member Moxley then gives an example on how to shift the proposed addition to accommodate a 10 ½ foot setback. Mr. Shaarda stated that the submitted plans work with how their house is set up now, but states that if it came

down to passage or denial of their requested variance change, he would consider having their builder change the building plan.

Member McDonald stated that a current challenge and concern is looking for exceptional conditions in order to grant a variance. Member McDonald then states that the topographical layout (being a unique circumstance) of the Applicants property is helpful to Members in giving justification to this variance approval if they chose to do so. Member McDonald then states this project has multiple variances being requested, and believes Member Moxleys suggestion of shifting the Applicants proposed addition was to eliminate one variance.

Discussion was then held between Members and the Applicant about possible modifications to the Applicants building plan in order to become more conforming to setback requirements.

Member McDonald stated the purpose of trying to reduce the amount of variance is to be able to approve the variance request without setting a bad precedent for future requests, and to not feel as if Township ordinances are being violated.

Mrs. Shaarda stated that they do own the property across the street from their home as well, and believes it to be a unique street in Cascade.

Chairman Milliken again invited the public to come forward with comment.

Mr. Carl Mast (7796 Thornapple Bayou SE) came forward to voice his support the Applicants request. Mr. Mast stated that the road narrows down to 15 feet near the Applicants home, and stated that speed in this area slows to 10-15 feet because of this. Mr. Mast also states his opinion that even though it appears the homes are in a line, the curvature of the road lessens the front setback of the Applicants home, and causes the front yard to be smaller.

Member Moxley asked why the road is curved in that area, Mr. Shaarda states he believes it was due to trees that have since fallen.

Ms. Michelle Mast (7796 Thornapple Bayou SE) came forward to express her support for the Applicants request as she states they are good neighbors, and would like the Applicants family to remain in the neighborhood instead of moving to find a new home that accommodates their family. Ms. Mast also believes it may spur other neighbors to update their homes façade.

Motion was made by Member McDonald to close the Public Hearing. Supported by Member Moxley. Motion carried 4-0.

Member McDonald stated that he feels the road being private makes some difference, although not from a Township ordinance standpoint.

Member Mead questioned whether or not to table this decision, Member McDonald stated that it's possible to tell that Applicant what will be approved up front to see if it's something they would be willing to change on their plan, rather than having to table the approval or denial.

Conversation followed between Members about the setback possibilities with changes to the Applicants building plan.

Member McDonald asked the Applicant if they would like to discuss these changes with their architect.

Ms. Shaarda stated that if they are told what will be approved, they are ok with doing this. Ms. Shaarda stated that they are willing to remove the bump out, which would reduce the front setback variance request by 2 ½ feet.

Mr. Shaarda stated that he believes the bump out on the side is cosmetically significant in making the house look appropriate, and that the space inside is would be used for the storage of outdoor recreation items. Mr. Shaarda also states that he would be willing to meet the 10-foot side setback, but would like to keep the appearance as submitted on their plan.

Member Mead stated his concern over the extent of the front yard setback as is is by choice, not circumstance.

Member McDonald stated he believes an exception in this case is that the road is private, and in an isolated area. He then states that expanding the house to the rear is not feasible because of the topography, and would also not want the Applicant to meet the setback requirements but then have a design that is not aesthetically pleasing.

Ms. Shaarda stated that the neighbor they would be moving closer to is in favor of this variance request and design of their home.

Member Mead replied that although having a neighbors approval is important, the concern is still setting precedence for future variance requests in the Township. Member Mead then asked Mr. Shaarda if there is an alternative material for the siding that will still give the visual appearance they would like without the 2+ foot bump out as it is not a necessity.

Chairman Milliken stated that although they may want to grant the variance based on the understanding of aesthetics and functionality, it is important that precedence is set so Applicants in the future can not reference back to this case.

Mr. Shaarda asked for clarification of the variances. Member Mead stated that the initial variance request is necessary for the function of the garage, the additional 2 feet of requested variance is for cosmetic purposes only, and goes even further into the variance than permitted. Member Mead describes it as a wish list item.

Director Peterson reads a Zoning Board of Appeals standard to Members and those in attendance: "That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure." Director Peterson then states that historically, Members have tried to reduce the amount of a variance when asked for one.

Member McDonald stated a compromise that if the Applicant can find a way to reduce the amount of variance required with their architect and builder, the exceptions such as

the topography of the land, and the road being private can be used in determining approval.

Ms. Shaarda asked for confirmation their variance request will be approved if the bump out is removed, and the side variance is at ten feet.

Member Moxley stated that he would be in approval at that point.

Chairman Milliken stated that topography will show that building in another direction is not possible.

Motion was made by Member Mead to approve the variance with the following two conditions:

- 1. The front yard setback be no less than 14 feet**
- 2. Making the side yard setback conforming with a no less than a 10-foot setback.**

Supported by Member McDonald. Motion carried 4-0.

ARTICLE 7. Case #20-3576 Target Store

Public Hearing

Property Address: 5120 28th St

Requested Action: The Applicant is seeking ZBA approval to store containers on site during remodel project. The containers would be in the parking lot for a period of 5 months.

Director Peterson stated that the store will be remodeled, and they would like to have around 50 storage trailers in a fenced in area of the parking lot from March – July. This is considered to be temporary use, and cases like this have been approved before.

Director Peterson recommends approval of this request.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Moxley. Motion carried 4-0.

Chairman Milliken invited the Public to come forward with comment.

Derek Macheske came forward on behalf of Target and Woods Construction to answer any questions.

Member Mead asked if there will be any hazardous materials stored in the trailers, or if it is anticipated running past the 5-month remodel time frame.

Mr. Macheske stated that no hazardous materials will be stored in the trailers and they have a direct deadline date of July 3rd to have the containers out of the parking lot. Mr. Macheske adds the fencing and dumpsters will be removed by this date also, as well as the parking lot swept/cleaned.

Member McDonald asked if there is anticipated road/parking lot damage.

Mr. Macheske stated that plywood will be underneath the storage containers to prevent any damage and protect the asphalt, and there will be an inspection completed for existing conditions before the remodel starts.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Mead. Motion carried 4-0.

Motion was made by Member McDonald to approve the request to store the containers onsite during the remodel as outlined. Supported by Member Moxley. Motion carried 4-0.

Mr. Macheske added that the Fire Marshall has an option to put their own lock on the gates surrounding the storage containers so the Fire Department has full access to the site, or that they will have the code to the locks put on by Woods Construction should they not choose to use their own.

ARTICLE 8. Any other business.

None at this time.

ARTICLE 9. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Mead. Motion carried 4 to 0. Meeting adjourned at 6:30 p.m.

Respectfully submitted,
Aaron Mead, Secretary