

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, October 8, 2019
5:30 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 5:30 P.M.
Members Present: Puplava, Mead, McDonald, Moxley, and Milliken
Members Absent:
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 McDonald to approve the Agenda. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the September 10, 2019 Meeting.

Motion was made by Member McDonald to approve the Minutes of September 10, 2019. Supported by Member Moxley. Motion carried 5 to 0.

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

Local Boy Scouts are in attendance to earn badge and rank advancement requirements by attending a local government meeting. Chairman Milliken welcomed and thanked them for being in attendance tonight.

**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.

As Director Peterson started to present the case, the Applicant interrupted to state that she would like to withdraw the request once again. Ms. Lohr stated that the house will be torn down and rebuilt.

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

No member of the public came forward with comment.

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

ARTICLE 7. Case #19-3556 David Teppo

Public Hearing

Property Address: 3777 Cherry Lane Ave SE

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.

Director Peterson stated that parcel A on 3777 would be spilt off and added to the property of 3779 Cherry Lane. Director Peterson stated that this is not an unusual request, however there is a building on that property that would end up being in front of the house at 3779. In order to complete the property split, the Applicant does need a variance to allow that building to stay in front of the house at 3779. Director Peterson stated that the Township does allow for buildings in the front yard if certain criteria is met. That criteria includes being at least 200 feet back from the road, being a property in which you have to drive over the drain field or septic in order to access the garage, or being a lot in which the topography of the lot makes it impossible to construct a building in the rear or side yard. Director Peterson stated that it is his decision that the Applicant did not meet the last criteria ("A", in the ordinance), so they do need the variance. Director Peterson stated that they are 800 feet off the road, the septic system is located in front of the house, and there is a low pond/wet space that does limit where a new building can be built. Director Peterson stated that it is his opinion that although the Applicant does not meet ordinance requirements, they do meet the requirements for an exception in this particular case. Director Peterson noted that he did receive a letter response from one neighbor (Pam Stanley – Shaggy Pines Dog Park {[the neighboring property]}) who is in support of the requested variance.

Director Peterson stated that he does recommend approval of the Applicants variance.

Member Mead asked Director Peterson what the size of the building in question is, Director Peterson stated that he did not recall the exact size, and although it is a large building, he would not consider it excessive or out of character for the size of property.

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

Mr. Jack Hulst (3717 Cherry Lane) came forward to state that he has a good view of the building from his property. He has no complaints, and is in favor of this variance.

Mr. David Teppo (Applicant) came forward to state that it is his intention to maintain the rural feel and ambiance of the area by not having to build another building.

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

Motion was made by Member McDonald to approve the variance to allow the building in the front yard based upon Staffs finding of facts. Supported by Member Mead. Motion carried 5-0.

ARTICLE 8. Case #19-3555 Jack Cramer

Public Hearing

Property Address: 3494 Goodwood Dr SE

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.

Director Peterson stated that this property is on the river, and the Applicant would like to put a 5-foot addition on the east side of the home. Director Peterson stated that they are in need of an exception because one side of the property is 14 feet back from the property line, the other side is 11 feet back. Township requirements are that you have minimum total of 25 feet, with no one side being less than 10. A 5-foot addition on the east side of the property would give them a 6-foot setback. Director Peterson stated that lots in the area are typically the same size and width. Looking back at previous case history for setbacks, Director Peterson stated that there have been a few sideyard setbacks granted, most were for existing non-conforming setbacks that would make a slight improvement, or that would follow an existing line. There has not been a history of granting exceptions for homes that meet the requirements, and then want to go under the requirement.

Director Peterson stated that the Applicants builder said they do have a backup plan to add an addition on to the rear of the home, which they can do as long as they maintain the existing setbacks.

Director Peterson is recommending denial of the Applicants relief of the sideyard setback.

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

Ms. Margaret Vega and Mr. Tom Erdall (3500 Goodwood Dr SE) came forward to express their concern of the possible variance and state an addition to the neighboring home may impact their view since the properties are "pie shaped". They would like stakes to be in place to show where exactly the lot lines are. Ms. Vega then states that they are not necessarily against the variance, but have yet to see a plan and do not want to lose space or trees between theirs and the Applicants home.

Mr. Ken Kuiper (Applicants builder) came forward to state the plan to go upwards with the addition, and states they need the variance in order to build a rear staircase. Mr. Kuiper states the stairwell would go four feet to the east (they are asking for a five-foot variance), and six feet out to the north.

Member Puplava asks Mr. Kuiper what the Applicants plan is if the variance is denied. Mr. Kuiper stated the Applicant would then like to build a 24' x 24' garage up the hill.

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

Motion was made by Member McDonald to deny the request based on Staffs finding of facts, and as to not set a precedence for variances going forward. Supported by Member Moxley. Motion carried 5-0.

ARTICLE 9. Any other business.

Director Peterson reminds Members of the upcoming Joint Meeting with the Planning Commission and the Township Board on October 21st at 7pm.

ARTICLE 10. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Mead. Motion carried 5 to 0. Meeting adjourned at 5:55 p.m.

Respectfully submitted,
Aaron Mead, Secretary