

**Minutes**

Cascade Charter Township  
Zoning Board of Appeals  
Tuesday, May 9, 2023  
5:30 pm  
2870 Jacksmith Ave SE

**ARTICLE 1.** Chair Moxley called the meeting to order at 5:30 P.M.  
Members Present: Aaron Mead, Tom McDonald, Ralph Moxley, Lou Berra, Valerie Milliken  
Members Absent: None  
Others Present: Planning Director Brian Hilbrands, Zoning Administrator Madison Smith-Jacoby

**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 from the April 11, 2023 meeting**

**Motion was made by Member McDonald to approve the April 11, 2023 meeting minutes as written. Supported by Member Mead. Motion carried 5 to 0.**

**ARTICLE 5. Acknowledge visitors and those wishing to speak**

There were no visitors wishing to speak to non-agenda items.

**ARTICLE 6. Case #23-3759 – Dykstra**

**Property Address:** 2768 Thornapple River Drive

**Requested Action:** The applicant is requesting a variance to build a boathouse on a vacant parcel.

Zoning Administrator (ZA) Smith-Jacoby presented the case and stated the applicant wants to build a boathouse on a vacant parcel located across the street from his house. Since the parcel where his home is located is separate from the vacant parcel, he will need a variance before building an accessory building. The structure will be approximately 1,200sqft which would require a Type 1 Special Use Permit since this would exceed 832sqft. The setback requirement is 50ft off of Thornapple River Dr, so the boathouse would be placed very close to the water. ZA Smith-Jacoby said the applicant would need to acquire permits from EGLE and DEQ to work with the flood zone determination.

Because the applicant has other ways to build without a variance, such as combining the parcels, this isn't considered an exceptional circumstance aside from having a small and

uniquely shaped parcel. She also noted that granting this variance did not seem injurious to neighbors or public welfare.

Staff recommended that this variance be denied since the applicant has an option to build without needing a variance.

Member Mead wanted clarification that the parcels are touching. ZA Smith-Jacoby confirmed the two parcels are connected but have separate parcel numbers. He also asked if the township has noted any physical changes to the property and ZA Smith-Jacoby said there had been, but nothing that was permitted through the township.

Ron Mccollum, the applicant's friend, has been helping him out with this project and stated that the boathouse would be perfect for Cascade and would be an iconic building. Mccollum said the applicant has done a lot to improve the property and he receives many compliments.

Ron Dykstra, the applicant, said one of the main reasons for building this structure is because of the busy road his grandkids have to cross to access the river. Dykstra stated all of his neighbors like the work he has done and have no objections. Some of his neighbors have boathouse and he would like something comparable.

Member Mead questioned why some of the photos of the property showed silt fencing while others did not. Dykstra ensured that he has a soil and erosion EGLE permit.

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

Christopher Bingham (2845 Cascade Springs) lives across the river from the applicant and he strongly objects this variance. He stated that this would negatively impact the view of the river for many surrounding properties. Bingham continued to say that section of the river is extremely shallow making it not suitable for a boat and it would have to be dredged. Additionally, he stated every inch of his property had been modified without permits which raised a compliance concern.

David O'Donoghue (2865 Cascade Springs) lives across the river from the applicant and he had concerns about this boathouse. He believed this would negatively impact the Thornapple River and wildlife. The river changes dramatically due to the proximity of the Cascade dam, causing a need for boathouses to be built high enough to accommodate changes in flow. The boathouse would take damage from turbulent waters and he hopes the applicant and potential future owners would take care of the upkeep and repairs.

Nancy Bandstra (2779 Thornapple River Drive) is a neighbor of the applicant and explained she has a small dock with a canoe and kayaks that even she struggles to lift from the river. She noted that the applicant's property used to be a very beautiful site but now it has been undesirably modified by cutting down trees.

Tom Ippel (2861 Cascade Springs) lives across the river and stated the applicant has already changed the water front by adding extra rocks into the river. Ippel also noted the applicant cut down a dozen trees and brought in 20 tons of rock onto his property.

Roger Hill (2875 Cascade Springs) expressed concern with the size of boat the applicant will have. He explained you will have to dredge the river which will bring about unforeseen environmental changes. Member Moxley asked what the distance from the shoreline to the channel is and Hill figured it was roughly 30ft.

Dykstra clarified he would have no need to dredged the river and said he's on the river frequently in his pontoon with no issues. Member Moxley asked if he had modified the waterfront and Dykstra ensured he didn't. He explained he brought rocks and boulders onsite for landscaping.

Christopher Bingham (2845 Cascade Springs) stated he has not seen the applicant take his pontoon boat off of his residing property for over two years.

David O'Donoghue (2865 Cascade Springs) said upon comparing two pictures provided in the packet there is a visual difference in the shoreline where modifications have happened.

Tom Ippel (2861 Cascade Springs) stated about 2-3 years ago he witnessed people moving rocks into the river, attempting to extend the land out.

Wally Walcot, the applicants neighbor, has lived in his home for 47 years and said he loves the area but it hasn't been as peaceful lately.

Mary Ippel (2861 Cascade Springs) lives across the river and stated Dykstra has made her view atrocious with all of the trucks bringing rocks in. Herself and others don't trust him to respect nature or care for neighbors.

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

Member Mead would like to see permits from EGLE. He sees a major problem with the work that's been completed and land protruding into the river.

Member McDonald stated that, like Staff had mentioned, there is no reason to grant a variance. There have been injurious claims made by residents and apparencies of negative environmental impact.

**Motion was made by Member McDonald to deny the variance based on Staff recommendation and other reasons listed above. Supported by Member Mead. Motion carried 5 to 0.**

**ARTICLE 7. Case #23-3760 - Jipping**

**Property Address:** 7779 Silverthorne

**Requested Action:** The applicant is requesting a variance to rebuild a barn in the front yard.

ZA Smith-Jacoby presented the case and stated the applicants previously requested to keep the existing barn on the property but, upon further evaluation and inspections, they have to tear it down for safety reasons. They have recently combined parcels created frontage on two streets.

Staff recommended approval of the variance with conditions that the building can't be used as a business or living space, outdoor lighting must meet township standard, and that the height does not exceed 22ft.

Member Moxley asked about the other structures on the property and ZA Smith Jacoby confirmed they had torn those down as a condition to the previous variance granted.

Sam Kilbert (39577 Woodward Ave), the applicant's representative, stated they are simply looking to rebuild a barn in the same location as the existing barn. It was concluded after inspections that the structure is unsafe and professionals recommended tearing it down. The applicants are in full agreement of everything in the staff report and want to build a barn that fits the character of the neighborhood.

Member Moxley stated that the design of the structure is outstanding.

**Motion was made by Member McDonald to go into public hearing. Supported by Member Mead. Motion carried 5 to 0.**

Charles Stabler (2606 Buttrick) lives across the street from the applicants and said he loves the view he has of the barn and is in full support of the rebuild.

**Motion was made by Member Mead to close public hearing. Supported by Member Berra. Motion carried 5 to 0.**

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

**ARTICLE 8. Case #23-3761 – Goorley**

**Property Address 9478 Grand River Drive**

**Requested Action:** The applicant is requesting a variance to build an accessory building prior to building their home.

ZA Smith Jacoby stated that the applicant is seeking a variance to build an accessory building prior to building his home. She explained that the applicant will be building a home in the near future and needs a place to store equipment and tools necessary for the build. The proposed building will be 384sqft and will be placed in the rear of the yard to be in compliance when the home is built. The height will be 8ft and will be 45ft away from any property lines. The property to the north is the applicant's father-in-law and he is in support of the accessory building.

ZA Smith-Jacoby stated if the variance was approved, the applicant agreed to have the home at least 50% complete within one year and that they will provide a performance bond for the removal of the accessory building that will be released once the property is in compliance or home is complete.

Staff recommended approval of the variance with conditions.

Spencer Goorley (6716 Cascade Rd) explained that his father-in-law owns his lot and the 2 lots next door with family members living on each of them. Goorley is preparing to complete all of the tree cutting and excavation and needs a place to store equipment and tools. Eventually, the accessory building will become a wood shop or art studio.

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

There was no one that wished to speak.

**Motion was made by Member Mead to close public hearing. Supported by Member Berra. Motion carried 5 to 0.**

Member McDonald said this is not an exceptional case and they have approved variances alike with similar conditions.

**Motion was made by Member McDonald to approve the variance with staff conditions. Supported by Member Milliken. Motion carried 5 to 0.**

**ARTICLE 9. Any other business**

Member Mead wanted insurance that Staff will obtain a copy of the EGLE permit.

**ARTICLE 10. Adjournment**

**Motion was made by Member McDonald to adjourn the meeting. Supported by Member Mead. Motion carried 5 to 0. The meeting adjourned at 6:31 P.M.**

Respectfully submitted,

Valerie Milliken, Secretary