

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, October 10, 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 September 12, 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 #23-3792 - Walmart
Public Hearing
Property Address: 5859 28th Street
Requested Action: The applicant is requesting a variance to place temporary storage on the property.**
- ARTICLE 7. Any other business**
- ARTICLE 8. 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
Zoning Board of Appeals
Tuesday, September 12, 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, Moxley, Berra, Milliken, Pupilava (alternate)
Members Absent: McDonald
Others Present: Planning Director Brian Hilbrands, Zoning Administrator (ZA) Madison Smith-Jacoby, and others 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 August 8, 2023 Meeting

Motion was made by Member Berra to approve the August 8, 2023 meeting minutes as written. Supported by Member Mead. 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 #23-3783 Tsaturov

Property Address: 3680 Buttrick Ave Se

Requested Action: The applicant is requesting a variance to build an accessory building in the front yard.

ZA Smith-Jacoby presented the case and explained that the applicants are seeking a variance to build in the technical front yard of their property that's located on a corner lot. The proposed setback from 36th Street will be 96ft and the home sits approximately 212ft from the street, making the requested variance 116ft. The building will be used for vehicles and other personal storage.

ZA Smith-Jacoby considered the situation unique, the corner lot creating difficulty-given that the structure will be placed in what will seem like the applicants' backyard. She also indicated that granting this variance will not be injurious to neighbors.

Staff recommended approval of the accessory building placement with the conditions listed in the packet.

Alex and Anna Tsaturov, the applicants, said they are looking to build a garage suitable to store their RV, Jet skis, and boat. Currently these items are outside in the elements

and they would like to have a storage space. The structure will have three garage doors on the north side and one entrance door on the west side. Tsaturov also indicated there is a driveway off of 36th Street, previously made by utility workers, that will lead to the accessory building.

Member Mead inquired whether they had consulted with their neighbors regarding their plans for the property. Tsaturov said they spoke with one of their neighbors who showed their full support within an email.

Member Puplava asked if the installation of the building will hinder access to the drain field or well by contractors. Tsaturov said there will be enough space to go around the structure and there's an alternate entrance on the west side of the property.

Member Milliken said that she knows the applicant's property well, as she is a former neighbor, and that the proposed structure's location makes the most sense.

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

There was no one wishing to speak.

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

Motion was made by Member Mead to approve the location of the accessory building with the Staff conditions listed in the packet. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #23-3788 Blue Water Pools

Property Address: 5824 Golden Hollow

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 the applicant built the structure prior to obtaining zoning approval for the location and size and are seeking a variance to allow the building to stay. Building Department staff advised buildings under 200sqft do not require building permits but would need zoning approval for placement. The existing setback from the side-yard is 6.4ft with the required setback being 10ft for the height of the building, making the requested variance total 3.6ft. Neighbors may be slightly impacted but the applicants have proposed landscaping between the two properties.

Staff recommended denying the variance as the applicants did not apply properly for zoning approval. If the board decides to grant approval, there are conditions listed in the packet.

Member Moxley asked if the pool equipment would be screen or covered by landscaping. ZA Smith-Jacoby previously recommend to the applicant to add landscaping around the equipment.

Member Mead asked if the building department has reviewed the structure to ensure it is conforming. ZA Smith-Jacoby said the application is on hold because of the variance request.

Yvonne Roush, designer with Blue Water Pools, explained she originally had the understanding that the location of the property was in Ada Township with different zoning regulations.

Justin Taggy, Project Manager for Blue Water Pools, stated when he dropped off the applications to building inspectors at Cascade Township, he was told there was no need for a building permit since the enclosed portion of the pool house was under 200sqft.

Roush also confirmed that the pool equipment area will be enclosed with tasteful landscaping and the neighbors showed much appreciation for the plans.

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

Todd Ripley (5815 Golden Hollow Drive) lives across the street from the applicant and is also a part of the HOA board for their neighborhood. He stated it is a beautiful project and clarified there are design submittals to the HOA Board for review and approval but zoning is solely handled by the township.

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

Motion was made by Member Berra to approve the variance with the recommended conditions noted by Staff and that proper landscaping, inclusive of a minimum of 6 bushes, be provided to screen the pool house from the neighbor's property. Supported by Member Mead. Motion carried 5 to 0.

ARTICLE 8. Any Other Business

There was no other business to discuss.

ARTICLE 9. Adjournment

Motion was made by Member Mead to adjourn the meeting. Supported by Member Berra. Motion carried 5 to 0. The meeting adjourned at 6:00 P.M.

Respectfully submitted,

Valerie Milliken, Secretary

STAFF REPORT

STAFF REPORT: Case #22-3792/Wal-Mart
REPORT DATE: October 2, 2023
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 10, 2023
PREPARED BY: Madison Smith-Jacoby, Zoning Administrator

APPLICANT:
Singleton Construction

PROPERTY LOCATION: **5859 28th Street SE**
Grand Rapids, Michigan 49546

STATUS
OF APPLICANT: Contractor designated for Walmart project

REQUESTED ACTION: The applicant is requesting approval from the Zoning Board of Appeals to allow for temporary outside storage of 18 storage containers.

EXISTING ZONING OF
SUBJECT PARCEL(S): B2

GENERAL LOCATION: On the north side of 28th street, just east of Charlevoix Drive SE.

PARCEL SIZE: Approximately 14.9 acres.

EXISTING LAND USE
ON THE PROPERTY: Commercial use, Wal-Mart Supercenter

ADJACENT AREA
LAND USES: W – Commercial
S – Commercial/office
E- Commercial/office
N – Attached residential

ZONING ON
ADJOINING PARCELS: N – PUD 91
S – PUD 39
E – PUD 67
W – B2

STAFF COMMENTS:

1. The applicant requests a variance for temporary placement of storage trailers in the parking lot for the duration of the interior renovation project.
2. The applicant indicates the project is planned for January 2, 2024 through April 13, 2024.
3. Plans indicate the shipping containers, dumpsters, and construction office will be enclosed with a fence.
4. The placement of the storage containers will be on the north side of the property, at the back of the parking lot. Roughly 72 parking spaces will be taken up by this construction project storage. This placement is the most hidden from 28th Street frontage.
5. The intended use for the storage containers is for construction materials, store fixtures and replacement shelving.
6. The property did receive a variance in June of 2022 for 90 days due to supply chain issues. The applicant complied with the timeline and conditions.
7. The Fire Department and Township Engineer have reviewed the plans and both see no hazard with ingress/egress, so long as emergency routes are preserved.
8. The Building Department will require a permit for proper anchoring.
9. The 2022 Cascade Township Strategic Plan indicates in *Priority 2 for Land Use and Economic Development*, that we ensure efficiency in zoning processes. One of the recommendations is to, “*Allow the Planning Director and Zoning Administrator (with oversight from the Township Manager) to review and approve temporary uses, as defined in the Zoning Ordinance (to lessen the workload of the ZBA and streamline processes).*” We are looking to make this recommendation to the Planning Commission during the current Master Plan revisions and Zoning Amendments (work being done with McKenna). See packet attachments for more details.

ZONING ORDINANCE SECTION 4.18: Criteria for Approval

1. Section 4.18 of our Zoning Ordinance allows for approval of temporary or movable structures so long as they meet the conditions outlined. **Section 4.18 Buildings and Structures, Temporary:** Mobile homes, mobile offices, tents or other movable or erected structures intended for temporary use or occupancy incidental to construction work, or special events shall be situated or erected upon land or premises within the Township and used according to the following provisions.

Other Approved Temporary Structures:

Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set forth the purposes of the construction. The Zoning Board of Appeals shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.

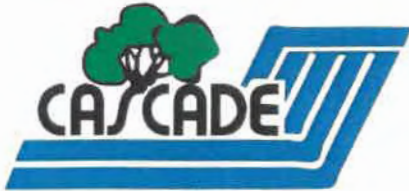
STAFF RECOMMENDATION:

Staff recommends that you APPROVE the variance as requested to allow for temporary outdoor storage until April 13, 2024, with the following conditions:

1. Proper anchoring of containers approved by Building Department and permits obtained if they require it.

ATTACHMENTS:

Application Packet
Cascade Township Strategic Plan



CASCADE CHARTER TOWNSHIP

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

PLANNING & ZONING APPLICATION

APPLICANT: Name: Singleton Construction LLC
 Address: 4730 Wilson Rd. NW
 City & Zip Code Lancaster, OH 43130
 Telephone: 740-503-3894
 Email Address: sappleman@singletonconstruction.net

OWNER: * (if different from Applicant)
 Name: Walmart Stores Inc.
 Address: P.O Bix 8050
 City & Zip Code: Bentonville, AR 72712
 Telephone: 906-204-6027
 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 Subdivision
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Plat Review *
<input checked="" type="checkbox"/> Zoning Variance	<input checked="" type="checkbox"/> Other: _____ *

** Requires an initial submission of 5 copies of the completed site plan*

BRIEFLY DESCRIBE YOUR REQUEST:**

Variance for location of storage containers during remodel.

Please see attached request for variance and site plan.

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

LEGAL DESCRIPTION OF PROPERTY:**

Commercial / Industrial Building

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 - 08-376-009

ADDRESS OF PROPERTY: 5859 28th St. SE. Grand Rapids, MI 49546

PRESENT USE OF THE PROPERTY: Retail Sales

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
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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.)

Mari McLeod
Owner – Print or Type Name
(*If different from Applicant)

* Mari McLeod 9.01.23
Owner's Signature & Date
(*If different from Applicant)

Shawn Appleman
Applicant – Print or Type Name

Shawn Appleman 8/28/23
Applicant's Signature & Date

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



8/24/2023

Singleton Construction LLC is requesting a variance regarding placement of temporary 40' storage containers for the following address.

Walmart 2493
5859 28th St. SE
Grand Rapids, MI 49546
Permit #PB23001156
Parcel I.D 41-19-08-376-009

The proposed location would be situated to the northern side of the parking lot as shown on the attached PDF. The construction yard will be surrounded by 8' temp. fencing with a full windscreen barrier to block the view of the containers from the parking lot and Charlevoix Woods Ct.

Storage containers will be used to house construction materials, store planning fixtures and replacement shelving needed to complete the remodel of Walmart located at 5859 28th St. SE.

Project dates the containers will be utilized on site are January 2, 2024, through April 13, 2024. Containers will be removed from the site as they are emptied.

We appreciate your consideration and look forward to your response regarding this request.

Thank you,

Shawn Appleman

Shawn Appleman
Logistics Coordinator
Singleton Construction LLC.
Direct: 740-503-3894

Walmart 2493
5859 28th St. SE
Grand Rapids, MI 49546










Project Dates: 1/2/24 - 4/13/24

Proposed Construction Yard



LEGEND

-  CONSTRUCTION ENTRANCE
-  OFFICE TRAILER
-  EQUIPMENT AREA
-  GC 40' STORAGE CONTAINER
-  STORE PLANNING CONTAINERS
-  METALS DUMPSTER
-  CONSTRUCTION DUMPSTER



Priority 2. Ensure that zoning processes are clear, efficient, and promote both economic development and Township planning goals.

Task 2-1. Instruct the Planning Director and Zoning Administrator to make written recommendations to the Planning Commission of possible inefficiencies with zoning processes.

- Include specific provisions (Section 21.08) in which modifications to a site plan can be deemed minor and therefore not subject to another review and approval by the Planning Commission but can be approved by the Planning Director. Examples of minor modifications may include:
 - » Revisions to landscaping design.
 - » The addition or re-location of any sidewalks, refuse containers, lighting, interior driveways, and/or signs.
 - » Decrease in building size.

- » Moving a proposed building by no more than 10 feet or 5% of the distance to the closest property line.
- » An increase in building size that does not exceed 5,000 square feet or 5% of the approved floor area.
- » A new building that does not exceed 5,000 square feet and will not contain a use requiring a Special Use permit.
- » Modification of parking lots within 10% of the approved size.
- Develop provisions to establish distinct separation between the Planning Director roles and the newly created Zoning Administrator position (Section 24.02). Some of the roles for the Zoning Administrator may include (but are not limited to):
 - » Fielding general zoning ordinance inquiries from the public
 - » Administering permits and staff approvals for accessory structures (i.e., fences and sheds)
 - » Enforcement activities and case logs
 - » Authority to issue cease and desist orders.
- Evaluate creating a Civil Infractions Bureau and refine the civil infractions system as needed, which may include a definitive fine structure for zoning ordinance violations (such as a warning period, a base fine for first offense, secondary offenses, repeat offenses, and cost per day when the offense is not reconciled).
- Allow the Planning Director or Zoning Administrator (with oversight from the Township Manager) to review and approve temporary uses, as defined in the Zoning Ordinance (to lessen the workload of the ZBA and streamline processes).

Time Frame: ■ 1 year

Responsible Entities: ■ TS ■ PC ■ TB

Task 2-2. Ensure sufficient staff and professional support for the Planning Commission by reviewing workloads of current staff and finding areas where support may be needed.

Time Frame: ■ 1 year

Responsible Entities: ■ TS ■ PC ■ TB