

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday May 10, 2022
5:30 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chair Mead called the meeting to order at 5:30 P.M.
Members Present: Tom McDonald, Ralph Moxley, Aaron Mead, Lou Berra, Valerie Milliken
Members Absent: None
Others Present: Planning Director Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member McDonald to approve the current Agenda. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 4. Approve the minutes of the February 8, 2022 meeting

Motion was made by Member McDonald to approve the February 8, 2022 meeting minutes as written. Supported by Member Milliken. Motion carried 5 to 0.

The Board congratulated Planning Director Hilbrands for his promotion to Planning Director.

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

There were not any visitors that wished to speak to non-agenda items.

ARTICLE 6. Case #22-3704/Albright

Property Address: 2970 Thorncrest

Requested Action: The applicant is requesting a variance to allow for a pool to be located in the front yard and within the front yard building setback.

Planning Director Hilbrands presented the case. The applicant is requesting a variance to install a 24' above ground pool in their front yard and front yard setback. Their lot is technically a through lot because it borders Cascade Road and a service drive by which the property is accessed, making both the yard that faces the service drive and the yard that faces Cascade Road both considered front yards. The zoning ordinance requires a pool to be in the side or rear yard, not the front. There would be a setback of 16' to the front property line and 18' to the side property line. They can't put it on the south side of the home because the driveway is located there and they can't put it on the north side of the home because that is where their septic system is located. The majority of the houses along the service drive have their back yard adjacent this house's front yard area. Planning Director Hilbrands had not seen any cases since 2001 that included a

pool in the front yard but there were cases where a shed was allowed to be placed in the front yard and they are both considered accessory structures. Staff recommend approval of this variance with the condition that the pool is at least 25ft from the front property line.

Andrew and Kate Albright (2970 Thorncrest), the applicants, came forward and shared pictures that showed the desired pool location and why other areas wouldn't work; they explained that they need to have a direct line of sight to their kids in the pool. They also provided letters of approval from the neighbors to the south and east of their yard. They will also be installing a six-foot privacy fence but will need approval from the Planning Commission. Kate Albright thanked Planning Director Hilbrands for his help in making this project a reality.

The Zoning Board received letters of approval from a neighbor at 7000 Cascade Rd and from Veronica Rumschlag in support of this application.

Motion to open public hearing by Member McDonald. Supported by Member Moxley. Motion carried.

There was no one who wished to make a comment.

Motion to close public hearing by Member McDonald. Supported by Member Berra. Motion carried.

Member McDonald thanked the applicants for getting letters of support from the neighbors because that is something the Zoning Board highly considers when voting on a case.

Motion was made by Member McDonald to approve case #22-3704 with the staff condition that the pool be at least 25 ft from the front property line. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #22-3705/D. Carpenter Homes LLC

Property Address: 4826 Sequoia

Requested Action: The applicant is requesting a variance to allow for an attached car port to be constructed with a smaller total side yard building setback than what is permitted.

Planning Director Hilbrands presented the case. The applicant was looking to replace a carport that had previously been attached to the house but was removed during major renovations a few years ago, with the intention of eventually replacing it. For a house, the minimum side yard setback is 10 ft on each side, with both sides totaling at least 25 ft. This house is currently legal non-conforming as it has less than a 5' setback from the northern property line. The car port would result in a 13.6' setback. The car port requires a variance since even though it complies with the minimum 10-foot setback, it does not comply with the total 25-foot setbacks that are required between the two sides. The total setback between the two sides would be approximately 18.2'. The lot

width for the parcel is only 70', while the current minimum width requirement is 110'. There have been other variances granted for side yard setback exceptions related to building additions in recent years due to the lots being older and non-conforming with setback requirements. Staff recommends approval of the variance as requested.

Dustin Carpenter, the builder for the project, explained to the Zoning Board that the carport is to be the same size as the original carport and the reason the original was removed was because they were performing major renovations on the house that greatly improved its aesthetic.

Motion to open public hearing by Member McDonald. Supported by Member Milliken. Motion carried.

There was no one who wished to make a comment.

Motion to close public hearing by Member Berra. Supported by Member Milliken. Motion carried.

Member McDonald shared that he believes this parcel has multiple exceptional circumstances and is the right type of case to be considered by the Zoning Board.

Motion was made by Member McDonald to approve case #22-3705 with Staff recommendations. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 8. Case #22-3706/Cascade Charter Township

Property Address: 2865 Thornhills Ave

Requested Action: The applicant is requesting approval from the Zoning Board of Appeals to allow for the construction of a new fire station as an essential public service.

Planning Director Hilbrands presented the case. Section 4.25 of the Zoning Ordinance considers fire stations an essential public service and grants the Zoning Board of Appeals the power to permit such a building to be constructed in any zoning district. The existing building that housed Fire Station 1 and the old Township offices will be removed and a new 17,300 sq ft building with 24 parking spaces will be erected.

There won't be a sidewalk on the south side of the building as there is not an existing sidewalk, in that direction, to connect it to and the topography would make it difficult to construct one. The building will have a brick façade and will conform with the local architecture. The building meets all setback and zoning requirements except for the height requirement of 35'. This is because a tower on the building is designed to be used for training exercises and that needs to be 47'.

The two driveways for the new building will not be changed from their current location; the driveways are required to be spaced 300' apart according to the Zoning Ordinance but they are only 157' apart. Due to the unique use of the building, two driveways are required for access and the Kent County Road Commission has signed off on the

preliminary driveway locations. The applicant will need to receive a driveway permit and must comply with any changes required regarding drainage within the right-of-way.

There is a cell tower in the northwest corner of the property and plans show a 5' retaining wall separating the cell tower and the parking lot, but the applicant will need to determine what kind of access the company who owns it will require before the wall is put up.

Staff recommends approval of the new fire station with conditions that the applicant must comply with the Township Engineer letter dated May 4, 2022, all necessary permits are obtained before construction begins, a stormwater maintenance agreement is recorded, a driveway permit and approval are received from the Kent County Road Commission, and access for the cell tower located on the property is determined.

Township Manager Ben Swayze (5920 Tahoe Dr SE), the applicant on behalf of Cascade Township, came forward to answer questions. He said that this project is the culmination of four years of hard work and fifteen to twenty years of work behind the scenes to get to that point. They worked to minimize variances as much as possible and will meet the township's new stormwater ordinance guidelines.

Member Mead asked where Fire Station 1 will be relocated to until the new building is complete and Chief Adam Mangers (of the Cascade Township Fire Department) said they would be leasing a building down the road in the interim and staging trucks in various areas of the township to keep up their response time.

Engineer John VerPlank with Prein & Newhof (3355 Evergreen Dr) came forward and explained that the steep grade of the parcel makes it so that the driveway to the north can be straightened but the driveway to the south can't, creating the need for the driveways to be closer together than is allowed by the Zoning Ordinance. This is also the reason it would be difficult to add a sidewalk on that side.

Chief Mangers explained the need for the tower being taller than is required by the Zoning Ordinance as part of the station's training program. He said that the tower will contain the mechanism for the hose and allow firefighters to train on buildings with three or more floors. They currently don't have anywhere they can throw a ladder taller than 28' to practice with so much of their training for these situations is hypothetical. This tower would allow them to have training that is more consistent and of a higher quality than what they currently have.

Member McDonald asked Chief Mangers if he had any problems with the conditions laid out in the staff report and Chief Mangers stated that he did not.

Member Mead asked if the yard waste program was going to be relocated or changed due to this and Manager Swayze said that it would most likely be relocated back to Cascade Rec Park or they may potentially partner with a local entity.

Member Berra asked what the timeline for the project looked like and Chief Mangers said that they would be able to see studs in the ground this August and their move-in date would be fall of 2023.

Member Mead asked how much they intended to change the elevation of the property and Engineer John VerPlank said that they would only be taking the site down 1% or 1' but that will translate to a lot more dirt being removed.

Member Mead asked about the cell tower in the corner of the property and Engineer John VerPlank said that he hadn't gotten a response from them yet, but Manager Swayze said they had an agreement with them for 24x7 access but that what that access entailed wasn't ever defined. Manager Swayze said they will continue to work on contacting the company who owns it.

Motion to open public hearing by Member McDonald. Supported by Member Moxley. Motion carried.

There wasn't anyone who wished to comment.

Motion to close public hearing by Member Moxley. Supported by Member McDonald. Motion carried.

Member McDonald said that they could approve this case based on it being a public service alone but the reason the zoning requirements on building height exist is to avoid blocking a view or natural light for other residences and that isn't a problem with this parcel.

Manager Swayze came forward and explained that they would be changing some of the shrubs and perennials that are on the design because plants on the current plan total over \$100,000 and they would like to decrease the price while still meeting the ordinance.

Motion was made by Member McDonald to approve case #22-3706 with Staff conditions. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 9. Any Other Business

There wasn't any other business to discuss.

ARTICLE 10. Adjournment

Motion to adjourn was made by Member Berra. Supported by Member Milliken. Motion carried 5 to 0. The meeting was adjourned at 6:06 P.M.

Respectfully submitted,

Ralph Moxley, Secretary