

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, October 13, 2020
5:30 pm
Cascade Library Wisner Center
2870 Jacksmith Ave SE

- 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 of the September 8, 2020 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 #20-3606 Denison/Buchholz
Public Hearing
Property Address: 3711 Pine Park Ct SE
Requested Action: The Applicant is requesting a variance to construct an accessory building in the front yard.**
- ARTICLE 7. Case #20-3607 Lance Korhorn
Public Hearing
Property Address: 3480 Buttrick Ave
Requested Action: The Applicant is requesting a variance to allow the construction of his new home on the same property as the existing home.**
- ARTICLE 8. Case #20-3604 Rolf & Melva Ludge
Public Hearing
Property Address: 4879 Buttrick Ave
Requested Action: The Applicant is requesting an extension of a previous variance that allowed them to have an accessory building on the property with no house.**
- ARTICLE 9. Any other business**
- ARTICLE 10. Adjournment**

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 8th, 2020
5:30 P.M.
Virtual Zoom Meeting

- ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.**
Members Present: Berra, McDonald, Mead, Milliken and Moxley
Members Absent: None
Others Present: Community Development Director, Steve Peterson, and Planner Brian Hilbrands.
- ARTICLE 2. Chairman Milliken led the Pledge of Allegiance to the Flag.**
- ARTICLE 3. Approve the Agenda.**

Motion was made by Member Mead to approve the Agenda. Supported by Member Berra. Motion carried 5 to 0.
- ARTICLE 4. Approve the Minutes of the August 11, 2020 Meeting.**

Motion was made by Member Berra to approve the Minutes of the August 11, 2020 Meeting. Supported by Member Mead. Motion carried 5 to 0.
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.**

No visitors came forward.
- ARTICLE 6. Case #20-3597/Brad Maslowski
Public Hearing
Property Address: 9585 60th St SE
Requested Action: The applicant is requesting a variance to construct an addition to an accessory building in the front yard.**

Planner Brian Hilbrands stated that this will be an addition to an accessory building that is currently 24x24 feet, and that the addition will be 24x30 feet. This will increase the square footage of the accessory building to over 832 square feet, requiring the applicant to submit an application for a special use permit. Mr. Hilbrands stated that since the applicant is on a corner lot, they are considered to have two front yards, and that the accessory building in question is in the front yard facing Snow Ave. The building is setback 63 feet from the road right of way (which is behind the required 35-foot setback), and the addition will not be move the building any closer to the street.

Mr. Hilbrands states that the existing building was granted a variance to be in the front yard, with one condition of approval being that any access to the building come off of

60th St., not Snow Ave. Mr. Hilbrands states that the most impacted neighbor is to the north, and that there is a significant amount of vegetation and trees between their property and the proposed addition, and that there is also a line of vegetation between the building and Snow Ave.

Mr. Hilbrands is recommending approval of the variance with the condition that any access to the building come off of 60th St.

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

Member McDonald asked Mr. Hilbrands if he received any comment from the public about this case, Mr. Hilbrands stated that he had not received any.

No member of the public came forward with comment.

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 Staffs condition that access to the building come off of 60th St. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Any other business.

Director Peterson stated there will be a meeting held in October.

ARTICLE 8. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Moxley. Motion carried 5 to 0. Meeting adjourned at 5:35 p.m.

Respectfully submitted,
Aaron Mead, Secretary

STAFF REPORT

STAFF REPORT: Case #20-3606/ Denison/Buchholz
REPORT DATE: September 28, 2020
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 13, 2020
PREPARED BY: Brian Hilbrands, Planner

APPLICANT:

Sarah Denison/John Buchholz
3711 Pine Park Ct SE
Grand Rapids, MI 49546

STATUS

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to construct an accessory building in the front yard.

EXISTING ZONING OF SUBJECT PARCEL(S): R-1

GENERAL LOCATION: The property is located on the east side of Cascade Road, south of 36th Street.

PARCEL SIZE: Approximately 1.2 acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: S,E,W - Residential
N – Forest Hills Presbyterian Church

ZONING ON ADJOINING PARCELS: All R-1

STAFF COMMENTS:

1. The applicant would like to construct an accessory building located in the front yard.
2. The lot is a through lot, therefore both the yard facing Pine Park Ct and the yard facing Cascade Rd are considered front yards which limits the places to place the building. The accessory building is in the front yard facing Cascade Rd with a setback of 115 feet from the street. The required front yard setback on Cascade Rd is 50 feet.

3. The location of the building in the front yard is the only variance being asked for. The applicant indicated that the building would be 10 feet tall at the midpoint of the roof, so the building meets our side yard setback requirement of 10 feet.
 4. The building would not be located closer to Cascade Rd than the buildings on either of the adjacent properties, so this accessory building would not appear to be in the front yard to the neighbors.
 5. The applicant has indicated that access to the building will come from the existing driveway off of Pine Park Ct.
 6. The property is less than 3 acres, so this is the only accessory building they are allowed.
 7. There is at least one other building on the street with an accessory building in the front yard.
 8. There is a line of trees and vegetation along Cascade Rd and the north property line that at least partially screens the building from the road and from the neighbor to the north.
- A. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all the findings of fact listed in the table below:

Findings of Fact	Comment
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The property is wooded and is a through lot with two front yards which leaves very little space where an accessory building can be located without a variance.
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this Ordinance will not be considered self-created)	The conditions of the property are not the result of actions taken by the applicant.
That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.	The building is located quite a distance from the road, minimizing the amount of front yard variance.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	Given the fact that the building is behind the required front setback and is not being located any closer to the road than the buildings on the neighboring properties, it would not appear to be injurious to the neighborhood.
That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is	The through lot and existing trees create some challenges for placing the building.

not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.	
The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.	Given that it is a through lot, that the building will be placed far from the road and that it would not appear to be in the front yard to the neighbors, the variance is justified.

STAFF RECOMMENDATION:

Staff recommends that you approve the variance as requested with the following condition:

1. Any access to the building comes off of Pine Park Ct.

Attachments: Application package
Site plan





CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Sarah Denison / John Buchholz
Address: 3711 Pine Park Ct SE
City & Zip Code: Grand Rapids 49546
Telephone: 517-944-4007
Email Address: John.Buchholz20@gmail.com

OWNER: * (If different from Applicant) Name: Same as above
Address: _____
City & Zip Code: _____
Telephone: _____
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 |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review * |
| <input checked="" type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other: _____ * |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

Add a garage, on a property considered to
be a through lot, has frontage on Cascade Rd
and Pine Park Ct.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

Parcel # 41-19-22-127-004
Lot 3 - Wardenwood

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 22 127 004
ADDRESS OF PROPERTY: 3711 Pine Park Ct SE
PRESENT USE OF THE PROPERTY: Homestead

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

Name(s)	Address(es)
Sarah Denison	3711 Pine Park Ct SE
John Buchholz	

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.)

Sarah Denison
 Owner – Print or Type Name
 (*If different from Applicant)

* Sarah Denison 09/08/20
 Owner's Signature & Date
 (*If different from Applicant)

Sarah Denison
 Applicant – Print or Type Name

Sarah Denison 09/08/20
 Applicant's Signature & Date

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



4855 CASCADE RD SE

8800 PINE PARK CT SE

8004 PINE P

20 ft from Fence line at closest point



115ft from Cascade RD at closest point



Access to from Pine Park CT



8701 PINE PARK CT SE

8710 PINE PARK CT SE

7201 PINE PARK DR SE

8000 CASCADE RD SE

40m



Length 20'
Width 20'
Height 8'

STAFF REPORT: Case #20-3607
REPORT DATE: September 25, 2020
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 13, 2020
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
Lance Korhorn
3480 Buttrick Ave
Cascade MI 49301

STATUS

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to allow the construction of his new home on the same property as the existing home.

EXISTING ZONING OF SUBJECT PARCEL(S): ARC

GENERAL LOCATION: The property is NE of the corner of 36th and Buttrick Ave.

PARCEL SIZE: 2.6 Acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: Residential/Golf Course

ZONING ON ADJOINING PARCELS: N - PUD 61 Golf Course
S - R1
E - PUD 61
W - R1

STAFF COMMENTS

1. The applicant originally requested a variance of Section 4.06. of the Zoning Ordinance. This section limits parcels to no more than one home per property. The applicant would like to build a new home on the property and then demolish the existing home. they would have two homes on the property for a period of time.
2. In researching similar requests, I did not find any other variances exactly like this. We do have a history of permitting temporary structures (mobile home) for people to live in while they are building a new home on the property. The most recent was 1996.
3. In those cases, we made sure that they had approved water and sewer supplies and that they were indeed temporary.

4. This case is a little different since they will be building the permanent home while living in the existing home on the property.
5. The applicant has indicated that they will be ready to get the building permit the day after the ZBA meeting if approved and that they plan to have the new home completed in 6-9 months.
6. After the new home is built, they would be required to demolish the existing home.
7. In similar situations we have had applicants post a bond or letter of credit to ensure the building would be demolished. The applicant has indicated that they are willing to post a bond.
8. Since we have granted permits for temporary housing, I don't think this is that different. The applicant will still need to satisfy the KCHD for septic permit and connect the home to the water line in Buttrick if the new home is within 300 feet of the water line in Buttrick.
9. It should be noted that the property has less than three acres and already has two accessory buildings. Since they already have two accessory building, they would not be permitted an attached garage with the new home. The applicant is aware of this and is developing plans in order to comply. They have indicated that they may attach the home to the smaller accessory building.
10. If denied the applicant would need a variance anyways for keeping the accessory buildings, or they would need ZBA approval to bring in a mobile during construction.
11. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

<i>Findings of Fact</i>	
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	We have granted permits for temporary housing in order to build a home. This is not that different and may be less objectionable than bringing in a mobile home.
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this Ordinance will not be considered self-created)	To be in complete compliance they would be required to take down all of the building on the property. This seems like a drastic position for a current property who is simply building a new home on his property.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The quicker the new home is built will reduce the "amount" of the variance.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The variance would not be detrimental to others if the situation is quickly addressed.
That the condition or situation of the specific piece of property, or the intended use of the	We have no other cases like this but did find other temporary permits granted. In similar cases where

property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.	we denied situations like this they had no plans to rebuild on the property.
The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.	If denied the applicant would have to remove the accessory buildings.

STAFF RECOMMENDATION

Approve the variance under the following conditions:

1. Post a bond or letter of credit for at least \$10,000. To cover the cost of removal of the existing home.
2. The existing home demolish should begin as soon as the new home is granted an occupancy permit.

Attachments: Application
 Site Plan



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: LANCE FORNORN

Address: 3480 BUTTRICK AVE SE

City & Zip Code ADA, 49301

Telephone: 616 723-2486

Email Address: LANCEBIZZ@GMAIL.COM

OWNER: * (If different from Applicant)

Name: _____

Address: _____

City & Zip Code: _____

Telephone: _____

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 checked="" type="checkbox"/> Site Plan Review * | <input type="checkbox"/> Sign Variance |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review * |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other: _____ * |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

SEE ATTACHED

(Use Attachments if Necessary)**

-SEE OTHER SIDE-

Assessing
949-6176

Building
949-3765

Buildings & Grounds
682-4836

Clerk
949-1508

Fire
949-1320

Manager
949-1500

Planning
949-0224

Treasurer
949-6944

LEGAL DESCRIPTION OF PROPERTY:**

SEE ATTACHED

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 - 14 - 300 - 013

ADDRESS OF PROPERTY: 3480 BUTTECH AVE SE

PRESENT USE OF THE PROPERTY: RESIDENTIAL

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

Name(s)

Address(es)

CLAIRE KOEHOEN

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.)

LANE KOEHOEN

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

Applicant – Print or Type Name

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

Applicant's Signature & Date

 9/3/20

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

Rev. 7/24/14

**Special Use Permit
3480 Buttrick House**

In 1862, Dewitt Thomas constructed a farmhouse located at the address of 3480 Buttrick Ave SE Ada MI 49301. The farmhouse was built from heavy wood timber and hand hune lumber hauled by horses from the 280+ acre parcel behind it which contained walnut, oak, and maple.

In the early 1900's, my family acquired this 280+ acre parcel and operated one of the largest farms in this township providing a variety of value to the residents who surrounded it. This property has been passed down from my Uncle Jay Timmer, to my father, and now my wife and I.

My wife Claire and I are seeking this Special Use Permit because we are planning to construct a new home on our existing property and would like to stay in the existing farmhouse until the new home is complete. Sadly, nature has taken its toll on our 158 year old home. This decision to knock down our home has been an emotional journey as this farmhouse has provided my family, and now the family that I have with my wife many years of incredible memories.

The new home was designed with history in mind and will capture the beautiful sunrises and sunsets this property has to offer. It will also contain some of the original historic lumber displaying initials carved into wood by the original builders, and the subsequent children who lived there.

My wife and I will be on site each day ensuring that construction is moving along in a timely, well kept manner. Additionally, Claire has a Bachelor of Arts from Kendall college of interior design and she will be working in every facet of the build. Staying in the existing home would make her involvement that much easier.

As an employee of this township, I give you my word that the day we move from the farmhouse to the completed build, we will begin deconstruction of our farmhouse the following morning. The farmhouse will take 8-11 days to deconstruct using the appropriate waste removal containers and the site will be leveled and covered with soil no longer than 14 days from the day we move in.

Additional information (Page 2)

Our new house will require a new septic and drain field which has been approved by the health department (see attached letter). There is an electricity pole within 100' of the new home which is much more affordable distance switching to an underground line. We have also worked with DTE Energy who advised that we would have to run a new line from the road as the existing gas line/meter should be replaced. Lastly, our current farmhouse is connected to city water and a new line would be connected to the new house when it is needed.

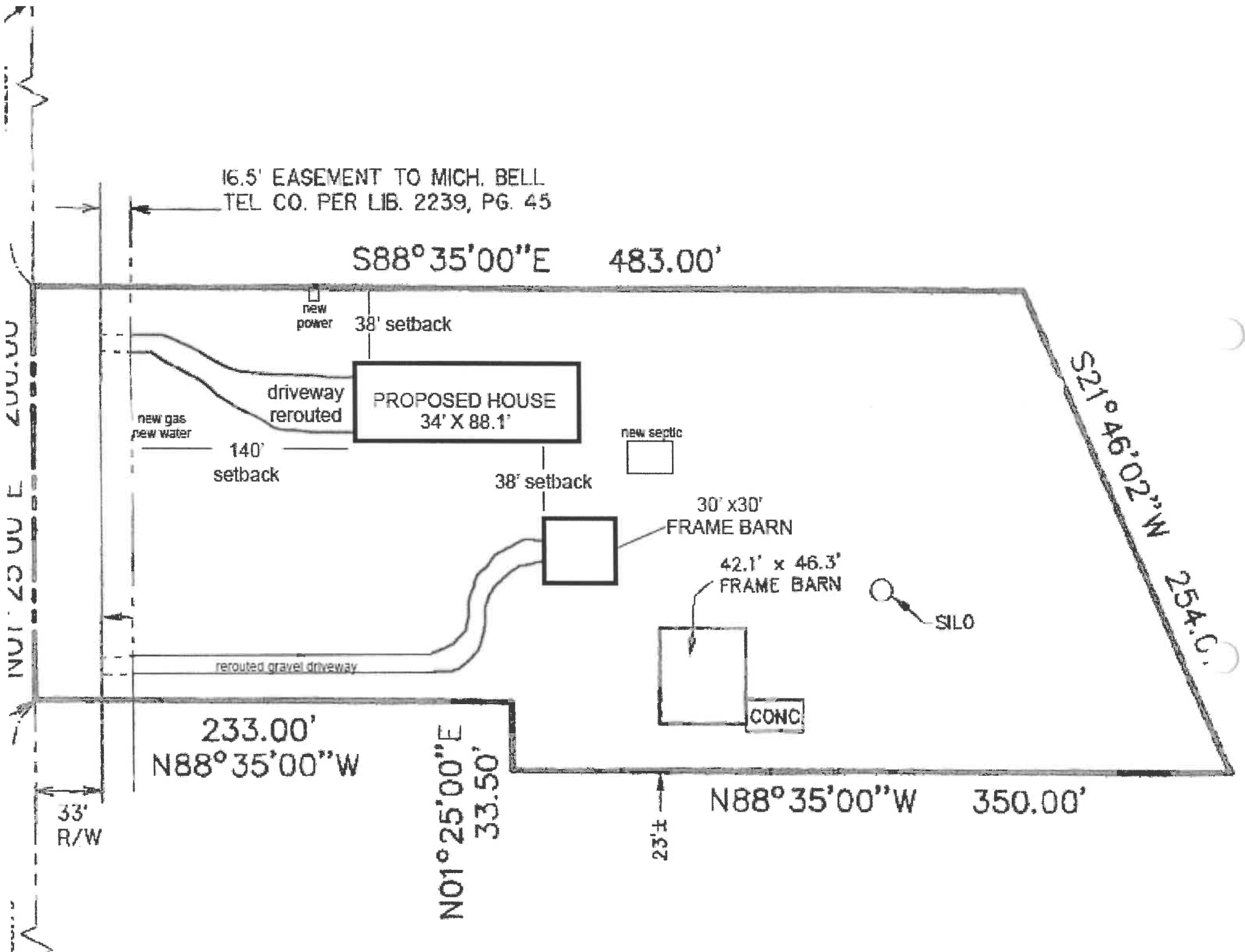
If a surety bond is needed to ensure our existing home is demolished at the completion of the new build, we would be happy to arrange for that.

Pending the approval of this Special Use Permit, we are prepared to submit our new house plans to the building department tomorrow morning. We have secured a builder as well as financing and hope to break ground as soon as possible to ensure the project is underway before the winter months. The site for the new home has been leveled and we have equipment in place to begin excavation. Through the challenges of Covid as well as the shortage of building materials, we estimate that this project will take 9-10 months to complete.

Lastly, our current home is financed and our lender will not allow us to deconstruct it until the new value asset has been completed.

Sincerely,

Lance & Claire Korhorn



16.5' EASEMENT TO MICH. BELL
TEL CO. PER LIB. 2239, PG. 45

S88°35'00"E 483.00'

S21°46'02"W 254.00'

N01°25'00"E 400.00'

existing septic

926

30'x30' FRAME
BARN

GRAVEL DR.

42.1' x 46.3'
FRAME BARN

SILO

CONC.

233.00'
N88°35'00"W

N01°25'00"E
33.50'

N88°35'00"W 350.00'

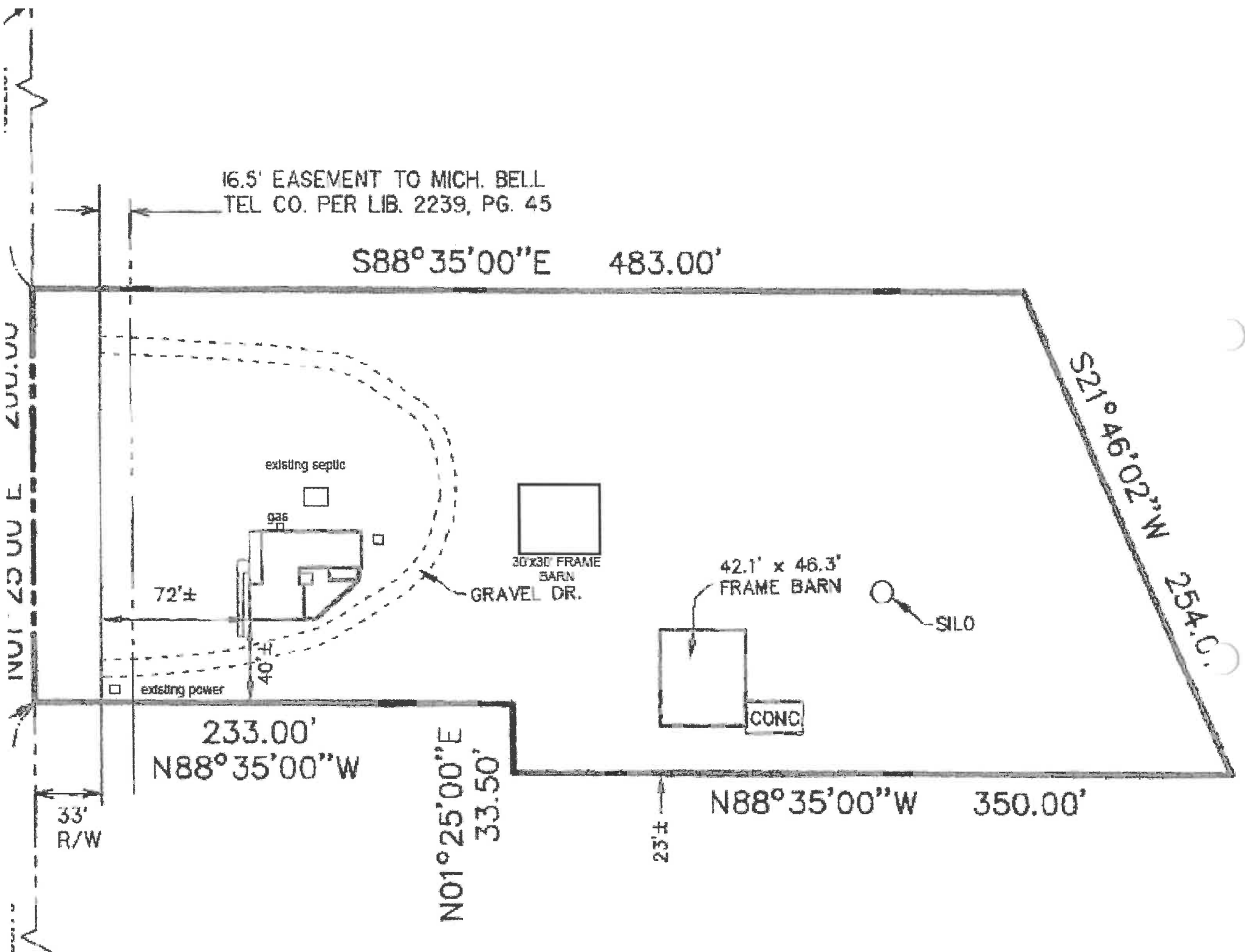
23'±

72'±

40'±

existing power

33'
R/W





Lance Korhorn <lancebizz@gmail.com>

Fw: *EXT* Building plans

1 message

Claire E Korhorn <goy nec@ferris.edu>
To: Business <lancebizz@gmail.com>

Mon, Aug 31, 2020 at 9:16 AM

From: Jerry Van Baren <gvb@unssw.com>
Sent: Monday, August 10, 2020 7:26 PM
To: Claire E Korhorn <goy nec@ferris.edu>
Cc: Heidi Van Baren <heidi.vanbaren@gmail.com>
Subject: *EXT* Building plans

Hi Lance & Claire,

Thanks for talking with us about your plans to build a new house on your property. We are very excited for you.

We appreciate and are impressed with the improvements to your property that you have made over the years. The "new" barn that you moved onto your property turned out very well. We are fascinated by your current project of the rebuilding of the old barn - it is really interesting to watch it get straighter and we cannot wait to see the rebuild completed. We are very happy that you chose to rebuild it rather than tearing it down. Beyond the improvements to the barns, we also appreciate your continuing to clean up and improve the landscaping around your property.

You talked about continuing to live in the old farmhouse while building your new house. We don't have any objection to this. We are happy that you are continuing to improve your property and look forward to these improvements in our neighborhood.

Jerry & Heidi Van Baren
3500 Buttrick Ave

****Notice**** This message is from a sender outside of the Ferris Office 365 mail system. Use caution when clicking links or opening attachments. For assistance determining if this email is safe, please contact the ITSC.



3480 Buttrick



Wood Duck Ln

Setting Dr

Lake Crest Ct

Cherry Ln

Quiggle Ave

STAFF REPORT: Case # 20-3604
 REPORT DATE: September 25, 2020
 PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
 MEETING DATE: October 13, 2020
 PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
 Rolf Ludge
 4879 Buttrick Ave
 Cascade MI 49301

STATUS
 OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting an extension of a previous variance that allowed them to have an accessory building on the property with no house.

EXISTING ZONING OF
 SUBJECT PARCEL(S): R-1

GENERAL LOCATION: The property is located on the West side of Buttrick just south of 48th St .

PARCEL SIZE: 3.26 Acres

EXISTING LAND USE
 ON THE PROPERTY: Residential

ADJACENT AREA
 LAND USES: Residential

ZONING ON
 ADJOINING PARCELS: R1

STAFF COMMENTS

1. The applicant originally requested a variance of Section 4.09 of the Zoning Ordinance. This section requires a principal structure (home) on the property before an accessory building. The number of accessory buildings are then limited based on the size of the property.

Acreege	Number of Buildings Allowed*
Up to three (3) acres	1
3-6 acres	2
6+ acres	3

2. The variance request was the result of the applicant wanting to remove the home in order to construct a new home and leave the accessory building.
3. The Zoning ordinance actually requires that the home be at least 50% complete before an accessory building can be built.
4. We have had some similar cases in the past and those variances were given with the condition that a performance bond is provided to allow the township to remove the accessory building if the property was not come into compliance.
5. The applicant indicated that they thought they would have the new home built in a year. They also provided a \$10,000 bond to guarantee that the hose will be built.
6. It should be noted that the existing home is about 25 feet from the Buttrick ROW. This is non-conforming. When the home is rebuilt it will have to meet the minimum setback of 35 feet.
7. The ZBA met on this matter and approved the variance at their 9/10/19 meeting with the following conditions:
 - a. The new home is at least 50% complete (rough -in) within 1 year.
 - b. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year.
 - c. The amount of the bond will be at a minimum \$10,000.
 - d. Bond will be released when the property is in compliance.
8. The applicant will not be able to have the new home built by September 2020. Rather than tear down the accessory building they are asking for an extension to build the home. They have already applied for the permit and it should be issued by the time the ZBA considers the matter.
9. Denial of the extension will require that the accessory building is removed.
10. Given the pandemic it seems reasonable to give them a little more time.
11. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

<i>Findings of Fact</i>	
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The pandemic should be reason alone to give them a little more time.
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully	Although they could have started earlier no one could have foreseen the issues caused by the pandemic.

adopted regulations preceding this Ordinance will not be considered self-created)	
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The quicker the new home is built will reduce the “amount” of the variance.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The variance would not be detrimental to others if the situation is quickly addressed.
That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.	I did find a couple of similar variances that we have approved. In a case when we denied a similar request the applicant had no plan to build a home.
The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.	If denied the applicant would have to remove the accessory building

STAFF RECOMMENDATION

Approve the variance under the following conditions:

1. Grant a one-year extension (September 2021) to the original conditions

Attachments: Application
 Site Plan
 ZBA minutes from 2019 meeting



4879 Buttrick Ave

LITTLE HARBOR DR

HARBOR VIEW DR

48TH ST

BUTTRICK AVE

WHIPPLE AVE

SANDY HOLLOW DR

THORNAPPLE BAYOU DR

96

96



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Melva Ludge
Address: 8440 Dygert Dr SE
City & Zip Code Alto 49302
Telephone: 616-240-1446
Email Address: melvaludge@gmail.com

OWNER: * (If different from Applicant)

Name: _____
Address: _____
City & Zip Code: _____
Telephone: _____
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 |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review * |
| <input checked="" type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other: _____ * |

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

BRIEFLY DESCRIBE YOUR REQUEST:**

This is a request to extend a property variance deadline due to expire 9-11-20
With the Covid pandemic we were unable

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

to fulfill the obligation to build. Builders
and contractors were at a stop and are now
backed by months. The health advises they are
short staffed and a month out now.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 26-300-060

ADDRESS OF PROPERTY: 4879 Buttrick Ave SE

PRESENT USE OF THE PROPERTY: vacant and ready to build

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

Name(s)

Address(es)

ROLF Ludge

8440 Dugert Dr. Alto

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.)

Melva Ludge

Melva I. Ludge

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

Applicant – Print or Type Name

* Melva J. Ludge 8-28-20

Melva J. Ludge

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

Applicant's Signature & Date

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

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, September 10, 2019
5:30 P.M.

ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.
Members Present: Berra, McDonald, Mead, Moxley, Milliken
Members Absent: None
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 Mead to approve the Agenda. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the August 13, 2019 Meeting.

Motion was made by Member McDonald to approve the Minutes of August 13, 2019. Supported by Member Mead. Motion carried 5 to 0.

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

No visitors came forward.

ARTICLE 6. Case #19-3549 Rolf Ludge

Public Hearing

Property Address: 4879 Buttrick Ave

Requested Action: The Applicant is requesting a variance that would allow the property owner at 4879 Buttrick Ave to remove the home and leave the accessory buildings on the property.

Director Peterson stated that the variance is to leave an accessory building on the piece of property without a home, which the Township does not permit. It is required that a home be 50% complete before an accessory building is able to be constructed. Director Peterson stated that these variances have been given before when they are assured that a home will be built in a short period of time (typically one year has been the Zoning Board of Appeals standard), and a performance bond is provided to the Township for that guarantee.

The existing home is about 25 feet from the Buttrick ROW; this is non-conforming. Director Peterson stated that when the new home is built, it will have to meet the minimum setback of 35-feet.

Director Peterson recommends approval of the requested variance under the following conditions:

1. The home is at least 50% complete (rough-in) within 1 year
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance

Chairman Berra invited the Applicant to come forward.

Mr. Rolf Ludge came forward with comment that he believes they will have the new home built within one year, and that he is willing to obtain a \$10,000 bond to guarantee that the house will be built.

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

No one came forward.

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

Motion was made by Member McDonald to approve the variance under the following conditions. Supported by Member Mead. Motion carried 6 to 0.

1. The home is at least 50% complete (rough-in) within 1 year
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance

ARTICLE 7. Case #19-3551 Nick Keeler

Public Hearing

Property Address: 7385 Kilmer SE

Requested Action: The Applicant is requesting a variance to allow an addition to the front of the home. This addition maintains the existing non-conforming setbacks of the house. A variance is needed for an exception to the minimum 10-foot setback and for not meeting the total side yard setback of 25 feet.

Director Peterson stated the Applicant has previously applied for and received this variance in 2009, however they did not construct the addition so the variance has expired. Director Peterson stated that the addition will be no closer to that property line than where the home exists today (9'8"), and that other reduced sideyard setback variances have been approved in this neighborhood.

Director Peterson recommends approval of the variance request as written.