



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

NOTICE OF PUBLIC MEETING VIA VIDEO CONFERENCE

In accordance with Executive Order 2020-75, which declares that public bodies subject to the Open Meetings Act can use telephone and/or video conferencing technology to meet and conduct business during the ongoing COVID-19 pandemic, the Cascade Charter Township Zoning Board of Appeals will conduct a regular meeting on Tuesday, December 8, 2020 at 5:30pm utilizing the Zoom video conferencing platform, for the purpose of conducting official business while complying with Executive Order 2020-77 and the Michigan Department of Health and Human Services recommendations designed to help prevent the spread of COVID-19. For up-to-date information regarding the ongoing public health crisis, please visit:

<http://www.Michigan.gov/coronavirus> or <http://www.CDC.gov/coronavirus>

INSTRUCTIONS FOR ACCESS AND PARTICIPATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88317011772>

Or iPhone one-tap :

US: +13126266799,,88317011772 # or +19292056099,,88317011772 #

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1
669 900 6833 or +1 253 215 8782

Webinar ID: 883 1701 1772

International numbers available: <https://us02web.zoom.us/j/88317011772>

Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Deputy Clerk, Padley Gallagher, at pgallagher@cascadetwp.com or 616-949-1500 at least 24 hours prior to the meeting

PUBLIC PARTICIPATION

Members of the public will be able to listen to and view all discussion by the Zoning Board of Appeals and all official materials for this meeting prepared for the Zoning Board of Appeals will

be included in the meeting packet and available to the public on the Township website www.cascadetwp.com

Individuals will be permitted to speak during public comment periods in accordance with the Township Remote Public Meeting Procedure Policy.

If you would like to contact the Township about any matter, on the agenda or otherwise, please do so via email at the addresses below a minimum of 8 hours prior to the meeting. If you wish comments to be read into the public record during the public comment period, you must indicate so and draft communication that can be read in the allotted 3-minute timeframe.

Clerk Sue Slater: sslater@cascadetwp.com

Manager Ben Swayze: bswayze@cascadetwp.com

Community Dev. Director: speterson@cascadetwp.com

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, December 8, 2020
5:30 pm
Virtual Zoom Meeting

- 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 October 13, 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 #20-3613/BDR Inc.
Public Hearing
Property Address: 6921 Burger Dr SE
Requested Action: The Applicant is requesting a variance to keep an accessory building on the property while the existing house is demolished and a new house is built.**
- ARTICLE 7. Any other business**
- ARTICLE 8. 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, October 13, 2020
5:30 P.M.
Cascade Library Wisner Center
2870 Jacksmith Ave SE

ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.
Members Present: Puplava, Mead, McDonald, Moxley, Berra, and Milliken
Members Absent:
Others Present: Community Development Director, Steve Peterson, Planner Brian Hilbrands, 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 Berra. Motion carried 6 to 0.

ARTICLE 4. Approve the Minutes of the September 8, 2020 Meeting.

Motion was made by Member McDonald to approve the Minutes of September 8, 2020. Supported by Member Mead. Motion carried 6 to 0.

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

No visitors came forward to speak.

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.

Planner Brian Hilbrands stated that the proposed building would be 20x20, with a total of 400 square feet. Mr. Hilbrands stated that because the applicant has a through lot with two front yards (per zoning ordinance) with no rear yard, this leaves very little space where an accessory building can be located without a variance. The location of the building in the front yard is the only variance being requested. Mr. Hilbrands stated

that the building will be located in the front yard facing Cascade Road, with a shown setback of 115 feet from the road right of way (required setback is 50 feet). The side yard setback is shown to be 20 feet from the lot line (required setback is 10 feet). Mr. Hilbrands stated the building will not be located closer to Cascade Road than either of the buildings on adjacent properties, so it will not appear that the building is in the front yard of the applicants property.

Mr. Hilbrands stated that the applicant has indicated access to the building will come off of Pine Park Court, and the most impacted neighbor to the north has a line of vegetation between their property and the proposed building that would help screen the building. Mr. Hilbrands states there is also a line of vegetation between the proposed building and Cascade Road.

Mr. Hilbrands stated that Staff is recommending approval of the variance with the one condition that access to the building comes off Pine Park Court.

Member Moxley asked Mr. Hilbrands what type of trees makes up the line of trees on the north side of the property, Mr. Hilbrands states they are Evergreen trees.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Mead. Motion carried 6 to 0.

No member of the public came forward with comment.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Mead. Motion carried 6 to 0.

Motion was made by Member Mead to approve the variance with the Staff condition that access to the building be off Pine Park Court. Supported by Member Moxley. Motion carried 6 to 0.

**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 his exiting home.

Director Peterson stated that this is a unique request that is not seen often. Two homes are not allowed on a single piece of property, so that is the purpose of the requested variance. Director Peterson stated that because there are two accessory buildings on the property, the applicant is aware that they are not allowed to have an attached garage. Director Peterson stated that the applicant has indicated they have building permits ready and believes they will be in the new home within 9 months. Director Peterson stated that in previous similar cases, a performance bond of \$10,000 has been required to ensure the temporary home be removed in a timely manner.

Director Peterson stated that he recommends approval of the applicants requested variance, and that he has not received any comment as a result of the public hearing notice that was sent out.

Member Berra asked Director Peterson if there is any historic value for a house that is 100+ years old. Director Peterson stated that there may be for the owner, but the Township does not have any historic preservation or historic district.

Member Mead asked Director Peterson if he would be inclined to state that demolition of the old home needs to start within 30 days of receiving a certificate of occupancy for the new home. Director Peterson states that as long as the applicant is working on it, a time frame does not need to be stated, but can be if Members feel inclined to add one.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Mead. Motion carried 6 to 0.

The applicants neighbor to the south stated that he is in favor of this proposal, and would prefer the applicants to live in the existing home during construction of their new home.

Motion was made by Member McDonald to close the Public Hearing. Supported by Member Moxley. Motion carried 6 to 0.

Motion was made by Member McDonald to approve the variance based on Staff conditions. Supported by Member Berra. Motion carried 6 to 0.

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.

Director Peterson stated that this permit was previously granted, and the applicants were given one year to tear down the existing home and then build the new home. Due to Covid-19 related delays, they are in need of an extension of that same variance. Director Peterson states the applicant does have the permit for the new home and is ready to begin building.

Director Peterson is recommending approval of the applicants request for an extension; he recommends another one-year permit.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Berra. Motion carried 6 to 0.

There was no public comment made.

Motion was made by Member McDonald to close the Public Hearing. Supported by Member Moxley. Motion carried 6 to 0.

Motion was made by Member McDonald to approve the applicants variance request with conditions outlined by Staff. Supported by Member Berra. Motion carried 6 to 0.

ARTICLE 9. Any other business.

None

ARTICLE 10. Adjournment

Motion was made by Member Mead to adjourn. Supported by Member McDonald. Motion carried 6 to 0. Meeting adjourned at 5:45 p.m.

Respectfully submitted,
Aaron Mead, Secretary

STAFF REPORT

STAFF REPORT: Case #20-3613/ BDR Inc
REPORT DATE: November 30, 2020
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: December 8, 2020
PREPARED BY: Brian Hilbrands, Planner

APPLICANT:
BDR Inc
6921 Burger Dr SE
Grand Rapids, MI 49546

STATUS
OF APPLICANT: Property Owner/Developer

REQUESTED ACTION: The applicant is requesting a variance to keep an accessory building on the property while the existing house is demolished, and a new house is built.

EXISTING ZONING OF
SUBJECT PARCEL(S): R-2

GENERAL LOCATION: The property is located on the northside of Burger Dr near the intersection with Tuscany Dr.

PARCEL SIZE: Approximately 0.8 acres

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: All Residential

ZONING ON
ADJOINING PARCELS: All R-2

STAFF COMMENTS:

1. The applicant is requesting 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 is then limited based on the size of the property.

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

2. The property is less than 3 acres, so this is the only accessory building they are allowed.
3. The variance request is the result of the applicant wanting to remove the house in order to construct a new house and leave the accessory building.
4. The Zoning ordinance actually requires that the house be at least 50% complete before an accessory building can be built.
5. 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 does not come into compliance.
6. The applicant has indicated that they believe they will have the new home built within one year. They have also indicated that they are willing to obtain a \$10,000 bond to guarantee that the house will be built.
7. 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 removal of the home is not a unique circumstance. The purpose of the regulation is to avoid an accessory building on a vacant lot. The quick resolution of building the house will address the matter.
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 request to remove the house is the result of actions of the owner.
That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.	The quicker the new house 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.

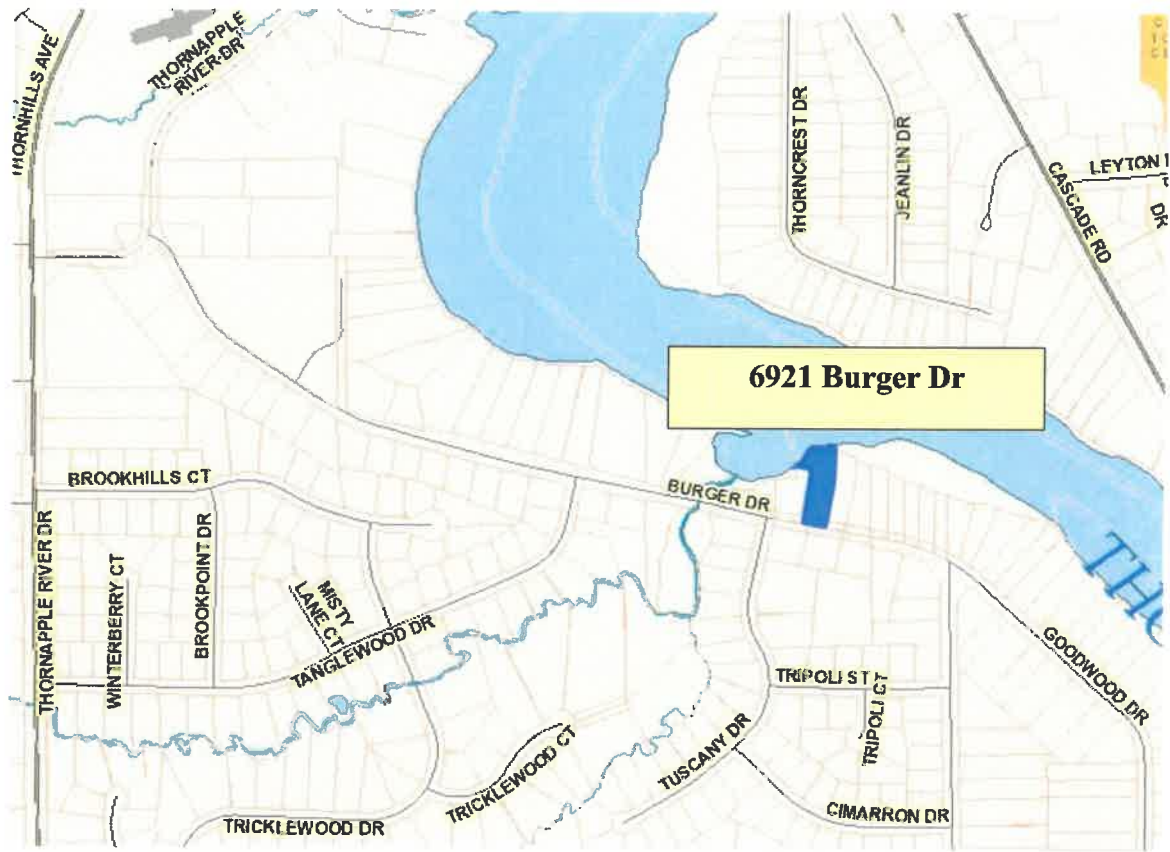
<p>That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.</p>	<p>I did find a couple of similar variances that we have approved provided that the house is built quickly and a bond is submitted.</p>
<p>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.</p>	<p>If denied the applicant could remove the accessory building, build a house and then build a new accessory building.</p>

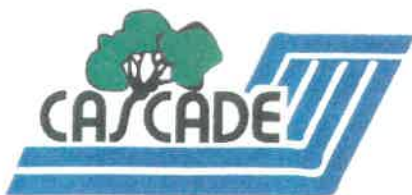
STAFF RECOMMENDATION:

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

1. The house 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 the bond will be at a minimum \$10,000.
3. The bond will be released when the property is in compliance.

Attachments: Application package
Site plan





CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: BDR Inc.
 Address: 5510 Cascade Road, SE, Suite 200,
 City & Zip Code: Grand Rapids, MI 49546.
 Telephone: 616-458-8505
 Email Address: dcontant@bdrinc.com.

OWNER: * (If different from Applicant)
 Name: BDR Holdings, LLC.
 Address: 5510 Cascade Road, SE, Suite 200
 City & Zip Code: Grand Rapids, MI 49546.
 Telephone: 616-458-8505
 Email Address: dcontant@bdrinc.com.

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:**

BDR Inc. is requesting a Zoning Variance to remove the existing home at 6921 Burger. BDR intends to construct a new custom home on the property within the next 12 months. Existing axillary structure do remain

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY**:

See Attached.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 -16 -404-002

ADDRESS OF PROPERTY: 6921 Burger Drive, SE, Grand Rapids, MI 49546

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)

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.)

BDR Holdings, LLC.
Kevin Einfeld - Manager.

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

*  11/9/20

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

BDR Inc. Authorized.
Kevin Einfeld - Signor.

Applicant - Print or Type Name

 11/9/20.

Applicant's Signature & Date

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

SITE PLAN

1" = 40'



J. VISSER

J. VISSER DESIGN

5800 CASADINO SE STE 210
 GRAND RAPIDS, MICHIGAN 49506
 616-551-2599
 JVISSER.COM

DATE	DESCRIPTION	DRAWN BY
08/14/13	PLAN REVIEW	N. TRILL

© 2013 JVISSER.COM

6921
 BURGER
 THORNAPPLE
 RIVER

SITE

P-0



NEW TOTAL	2336 SF
MAIN FLOOR	2336 SF
UPPER FLOOR	320 SF
NEW TOTAL	3306 SF

FLOOR PLAN

3/32" = 1'-0"

J. VISSER

J. VISSER DESIGN

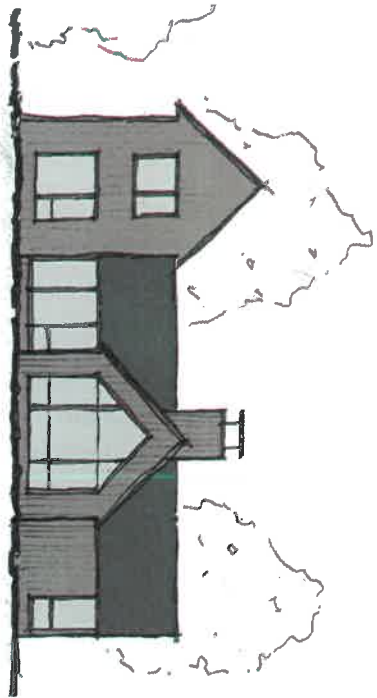
5800 VANDERBILT BL SE STE 200
 CLANDON, VA 22031
 666-951-1289
 JVISSER.COM

NO.	DATE	DESCRIPTION
1	11/27/13	ISSUED FOR PERMITS
2		
3		
4		
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9		
10		

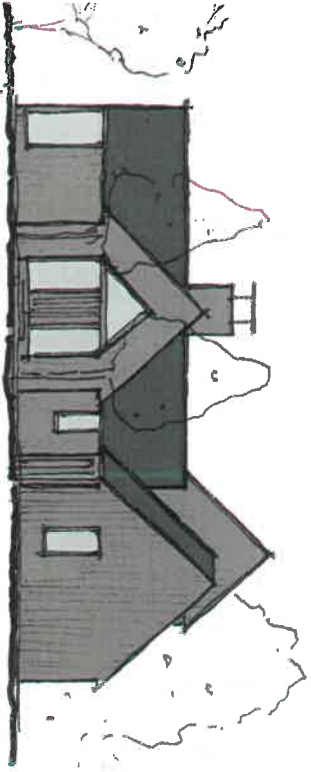
6921
 BURGER
 THUNDERBOLT
 RIDGE

P-1

MAIN AND UPPER



REAR ELEVATION



FRONT ELEVATION

J. VISSER

J. VISSER DESIGN

5800 CASCADE RD. SE STE 201
 CLATSOP COUNTY, OREGON 97146
 503-865-1200
 JVISSER.COM

DATE	DESCRIPTION	DRAWN BY
01/15/11	PLAN REVIEW	

6921
 BURGER
 THOMPSON RIVER

ELEVATIONS