

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday February 8, 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, Jennifer Puplava, Valerie Milliken
Members Absent: Lou Berra
Others Present: Interim 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 Puplava. Motion carried 5 to 0.

ARTICLE 4. Approve the minutes of the December 14, 2021 meeting

Motion was made by Member Moxley to approve the December 14, 2021 meeting minutes as written. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 5. Approve the minutes of the December 21, 2021 meeting

Motion was made by Member McDonald to approve the December 14, 2021 meeting minutes as written. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 6. 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 7. Case #22-3689/Mayton

Property Address: 1468 Buttrick Ave

Requested Action: The applicant is requesting a variance to allow them to keep one more accessory building on their property than what is permitted.

Interim Planning Director Hilbrands presented the case. The applicant is requesting a variance to keep a 12'x24' shed (incorrectly noted as 8'x12' in the staff report) on their property in addition to the 1,326 sq ft detached garage/pool house they are currently building. They need a variance as only one accessory building is permitted for properties under 3 acres and their property is approximately 1.8 acres. The shed was discovered by the Assessing Department when they were reviewing the property in 2021 and brought it to Staff's attention. The applicant received a special use permit for the construction of the garage/pool house in September of 2020 in which there was no

indication that there was an existing accessory building on the property. If that information had been included, they would have been required to remove the shed before the special use permit was approved. The Building and Assessing Departments do not have a record of a shed on the property at that time. Staff made the applicant aware that they would either need to remove the shed before the garage/pool house was completed or receive a variance to keep both accessory buildings. In order to be in compliance, the applicant must either remove the existing 12'x24' shed, receive a variance, or purchase additional property to allow for the second accessory building.

Similar variances in the past that were granted required the property owner to take action that brought the property closer into compliance. If a variance is granted, the applicant will need to obtain a building permit for the shed as it is over 200 sq ft. The shed also did not meet the 10 ft setback requirement (appearing closer to 7 ft) so, if the variance were to be approved, the applicant would be required to move the shed out of the setback. Staff recommends the variance be denied since it does not appear to meet any of the standards for granting a variance and there are no unique circumstances present. If the variance is denied, a deadline to have the issue resolved would be prudent; Staff suggest no more than three months from the date of decision or prior to a final inspection scheduled for the garage/pool house, whichever is sooner.

Anette Mayton-1468 Buttrick Ave: Mayton shared a letter signed by all of the neighbors saying that they like the shed and they want the applicant to be able to keep it. They use it to house vehicles, lawn care equipment, and art supplies. The neighbors like the shed because it keeps everything clean and out of sight. The shed is two years old and the applicant didn't know they needed permission or a building permit for it as it was built off-site and was brought in on a dolly. They believed it to be personal property because they could pick it up and take it with them if they were ever to move. The shed is barely visible and secluded enough that the neighbors can hardly see it. The roof matches that of the house and pool house.

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

There was no one who wished to make a comment.

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

Member McDonald said that Interim Planning Director Hilbrands conclusion was technically correct but, since the building compliments the property and surrounding buildings, the applicant is willing to move the shed, there is low to no visibility, and there is strong neighbor support, he is inclined to approve the variance.

Member Mead agreed with Member McDonald and said that the item he was most concerned with is visibility and setting precedent. They discussed screening and if they should require the shed to remain not-visible in the conditions.

Motion was made by Member McDonald to approve case #22-3689 with conditions that the applicant get a permit for the shed from the building department, the shed is moved to be in compliance with the required 10-foot setback from the side property line, and the building stays non-visible to the neighboring properties via natural screening, or with additional landscaped screening being added if the existing screening is removed. Supported by Member Puplava. Motion carried 5 to 0.

ARTICLE 8. Case #22-3690/Meddirect Inc.

Property Address: 5251 36th St

Requested Action: The applicant is requesting a variance to allow for a lot split that would result in a smaller side yard building setback than what is permitted.

Interim Planning Director Hilbrands presented the case. The property is in the transitional industrial district and currently consists of two buildings connected by a covered walkway. The proposed center property line is placed so that all building setback requirements for Parcel B are met and all except for the side yard setback, along the east property line, are met for Parcel A. The required side yard setback is 25 ft and the lot split would result in a 17.6 ft setback. The applicant intends to remove the southern section of the building on Parcel A and create a new addition that would meet the side yard setback requirement. Only the northern part of the original building would still be within the setback. The walkway between the two buildings would need to be removed before the lot split could be finalized. If a variance is not approved the applicant would most likely not be able to split the parcel unless one of the buildings were completely removed.

Staff recommends approval of the variance for a side yard building setback of 17.6 ft along the eastern property line of the proposed Parcel A with the conditions that the enclosed walkway connecting the two buildings is removed before the lot split is finalized and any new construction or building addition meets setback requirements for the zoning district.

Member McDonald asked why the enclosed walkway needed to be removed and Interim Planning Director Hilbrands explained that it would be within the setback of both properties if they didn't remove it. He also added that the applicant currently intends to remove the walkway regardless of it being a requirement of the variance.

Dustin Hemmes-GDK Construction, 12 W 8th St Holland: The current parcel and both buildings are owned by one person and only one of the two buildings has been in use for an extended period of time. The second building has been underutilized and is dilapidating. They want to split the property, buy the parcel with the unoccupied building, remove/remodel the portion that is in disrepair, and build an addition that will meet setback requirements. The walkway would be removed as there is no need or desire to connect the buildings because they will be separate entities.

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

There was no one who wished to make a comment.

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

Motion was made by Member Moxley to approve case #22-3690 with Staff conditions. Supported by Member Puplava. Motion carried 5 to 0.

ARTICLE 9. Election of Officers

Interim Planning Director Hilbrands shared that Chair Mead and Vice Chair/Secretary Moxley have both only been in their role for one year and are therefore eligible for reelection. The only other position to fill was the Village Design Review Committee; Member Berra is the current appointee to the committee.

Motion was made by Member McDonald to retain Chair Mead and Vice Chair Moxley for another year in their current positions. Supported by Member Milliken. Motion carried 5 to 0.

Motion was made by Member Puplava to reappoint Member Berra to the Village Design Review Committee. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 10. 2021 Annual Report

The 2021 Planning Department Annual Report was included in the packet.

ARTICLE 11. Rules of Conduct

The Township Rules of Conduct were included in the packet. Member Moxley talked to Interim Planning Director Hilbrands at the previous Planning Commission meeting about bylaws and blending the Conflict-of-Interest sections from the bylaws and Rules of Conduct to form a single, comprehensive list. He said he would bring these to the Zoning Board when they are complete.

ARTICLE 12. Planning Principles

The Township Planning Principles were included in the packet.

ARTICLE 13. 2022 Calendar

The 2022 Township Meetings Calendar was included in the packet.

ARTICLE 14. Any Other Business

The next meeting will be on March 8th, 2022, but there aren't currently any cases slated for presentation so it may be cancelled.

ARTICLE 15. Adjournment

Motion to adjourn was made by Member Puplava. Supported by Member McDonald. Motion carried 5 to 0. The meeting was adjourned at 5:59 P.M.

Respectfully submitted,
Ralph Moxley, Secretary