

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday, June 14, 2022
5:29 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chair Mead called the meeting to order at 5:29 P.M.
Members Present: Tom McDonald, Ralph Moxley, Aaron Mead, Lou Berra, and Valerie Milliken
Members Absent: None
Others Present: Planning Director Brian 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 May 10, 2022 Meeting

Motion made by Member Berra to approve the May 10, 2022 meeting minutes as written. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 5. Acknowledged any visitors wishing to speak on non-agenda items

There were not any visitors wishing to speak on non-agenda.

ARTICLE 6. Case #22-3709/Jipping

Property Address: 2637 Buttrick Ave

Requested Action: The applicant is requesting a variance to allow for the home located on the property to be removed while an accessory building remains, resulting in the building being located in the front yard.

Planning Director Hilbrands presented the case. The applicants are requesting for the home on their property (2637 Buttrick Ave) to be removed while allowing an accessory building to remain. The applicants own this property and they also own and live on the adjacent parcel to the west (7779 Silverthorne Dr). There is an old farmhouse located at 2637 Buttrick Ave along with a detached garage and two barns. The applicant wishes to remove all buildings except the largest barn on the property. Zoning requirements state you have to have a home on the property in order to have an accessory building. If the home is removed, then all accessory buildings must be removed at that time unless there are plans to build another home on the property. There are no plans to build another home at this time.

This case is unique due to the fact the property is currently a conforming parcel. The options include leaving the home on the property where no variance would be needed as it is a conforming parcel, removing the home and all other buildings on the property to remain in compliance, removing the home and then building a new one (which typically needs to be done within a year), removing the home and receiving a variance to allow the barn to be located on a vacant parcel, or removing the home, combining their two properties, and receiving a variance to allow the large barn to be located on what would be the front yard of the combined parcel. The applicants decided to apply for a variance to combine the two properties, leaving the barn, and resulting in the barn being left in the front area due to his combined parcel's frontage on Silverthorne Dr and Buttrick Ave.

Planning Director Hilbrands also noted that, after reviewing the property at 7779 Silverthorne Dr, it is considered a flag lot where there is a narrow, 33ft wide strip/flag that extends out to Silverthorne Dr, resulting in that parcel not meeting minimum width requirements. In this case, the parcel would be considered legal non-conforming. In the future, if the applicants wish to complete a lot split with this property, they would likely have to apply for another variance due to the property on Silverthorne Dr not meeting minimum width requirements. The barn the applicant would like to keep is approximately 30ftx42ft and has setbacks of approximately 81ft to the side property line and 190ft to the front property line. The barn is located behind the home on the parcel to the south and does not appear to be in the front yard to that neighbor. Variances have been granted in the past for properties with unique or exceptional circumstances. Given the fact that the barn is an existing building, the other two accessory buildings will be removed, and the barn appears to be in the side yard of the neighboring property, Staff recommend approval of this case with the condition that, if the barn remains, their two adjacent properties are combined, resulting in the barn being located in the front yard of the combined parcel. Member Moxley inquired about a structure that appeared to be located to the south of the barn; Planning Director Hilbrands and Attorney Kilbert clarified that the 'building' was a camper that was parked on the property.

Attorney Sam Kilbert from Dykema (39577 Woodward Ave), represented applicants John and Linda Jipping. Attorney Kilbert noted that this is a variance to preserve the barn located on the property. The structures being removed are dilapidated, whereas the large barn dates back to 1906 and is considered a historic structure. The owners are seeking to combine properties and leave the barn in its current location to rehabilitate it. Upon reviewing the ordinance and based on the Cascade zoning ordinance, specifically section 23.07(2), this variance meets all the requirements for a practical hardship.

Motion made by Member McDonald to move to public hearing. Supported by Member Moxley. Motion carried 5 to 0.

No one wished to speak.

Motion made by Member McDonald to close public hearing. Supported by Member Moxley. Motion carried 5 to 0.

Member McDonald states that the number of unique circumstances explained by staff, including the historic nature of the building, the applicant's inability to control the age or location of the barn, and the removal of the other two buildings to bring the property more into compliance, were reason enough for the Zoning Board to approve the variance.

Motion made by Member McDonald to approve the variance with Staff recommendations. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #22-3710/Goehring

Property Address: 6389 Burton St

Requested Action: The applicant is requesting an extension of a previous variance for the use of a temporary building during the construction of a detached garage and interior remodel work.

Planning Director Hilbrands explained the applicant is requesting a 6-month extension to a previous variance for the use of a temporary building during the construction of a detached garage and interior remodel of their home (6389 Burton St). The property owner has an approximately 8ftx20ft shipping container in their yard that is being utilized for storage during construction. The shipping container was brought to Staff attention by a neighbor in March 2021, resulting in the applicant applying for a variance. Originally, the applicant was granted a 6-month variance in May 2021, then granted a 6-month extension in November 2022. The extension expired in May and the applicant is applying for a second extension since the interior and garage construction are not completed. Planning Director Hilbrands explained that the applicant has noted the shipping container is storing a variety of materials needed for the remodel that need to be kept out of the weather, and will hold items for the garage as well. The applicant stated that they have had delays in finding materials and contractors for the work and this has pushed everything back. They still have permits for work being done on the interior. Planning Director Hilbrands suggested having the applicant come forward to share a timeline for the projects. Member Berra inquired if there had been letters received from neighbors regarding the case and Planning Director Hilbrands said there had not been.

Applicant Herold Goehring (6389 Burton) reiterated the challenge of obtaining contractors. Currently, they are on the painting stage of the house. As mentioned in previous meetings, the original plan was to insulate the add-on but, due to the weakness of the addition, a large amount of the building had to be rebuilt with wood that was not rotted. Goehring stated that the project is probably another month or two out from completion. The contractor has been in contact with him about the design of the garage. The applicant expressed frustrations with living in a construction zone. Member Moxley commented on how he passes the applicant's house frequently and assured the board that the applicant is doing a nice job and the exterior of the house looks great. The applicant was asked when his best estimate on completion is and he said that estimate was very difficult to make but he estimates that it will take an

additional three to four months to complete the project. Since he does not know when the structures will be completed, he is requesting a six-month extension. Member Moxley comments that, when he drives past the house, the storage trailer is mostly hidden by trees.

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

No one wished to speak.

Motion made by Member Berra to close the public hearing. Supported by Member Milliken. Motion carried 5 to 0.

Member McDonald shared that he believed that the variance was justified as there were circumstances out of the applicant's hands that all members could easily identify.

Motion made by member McDonald to approve the variance as requested with staff's conditions. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 8. Any other business

Planning Director Hilbrands reminded the Board that they have a special meeting on June 28th, 2022.

ARTICLE 9. Motion to adjourn was made by Member Berra. Supported by Member Milliken. Motion carried 5 to 0. The meeting was adjourned at 5:45 P.M.

Respectfully submitted,

Ralph Moxley, Secretary