

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday, June 11, 2024
5:30 pm
2870 Jacksmith Ave SE

- ARTICLE 1.** Chair Moxley called the meeting to order at 5:30 pm.
Members Present: McDonald, Mead, Moxley, Berra, Milliken
Members Absent:
Others Present: Zoning Administrator (ZA) Madison Smith-Jacoby, Community and Planning Director Andrea Hendrick and others listed on the sign-in sheet.
- ARTICLE 2. Pledge of Allegiance**
- ARTICLE 3. Approve the current Agenda**
Motion was made by Member Mead to approve the current agenda. Supported by Member Berra. Motion carried 5 to 0.
- ARTICLE 4. Approve the Minutes of the February 13, 2024 Meeting**
Motion was made by Member Mead to approve the February 13, 2024 meeting minutes with a correction to the start time of the meeting from 7:00 pm to 5:30 pm. Supported by Member Berra. Motion carried 5 to 0.
- ARTICLE 5. Acknowledge visitors and those wishing to speak**
There was no one wishing to speak.
- ARTICLE 6. Case #24-3831 Amy Dowling**
Property Address: 2646 Kraft Avenue SE
Requested Action: The applicant is requesting a variance for a change in use where a nonconformity exists.
Zoning Administrator Smith-Jacoby presented the case application from Amy Dowling, a new tenant at 2646 Kraft Avenue, who is seeking a variance to change on behalf of the owner Willie Friend. The variance would change the use of the 0.5-acre property from residential to commercial (B2 zoning district) despite some existing non-conformities. The lot, located just east of Meijer and north of 28th Street, is surrounded by residential properties to the north and east, and B2 zoning to the south. It was rezoned from residential to B2 (General Business District) in the early 1990s. The two non-conformities are the lot size (0.5 acres instead of the required 3 acres for B2) and the setback of the house (less than the required 100 feet for a commercial building in B2). The proposed use as a financial office is allowed by right in the B2 district and meets the standards. No exterior changes are proposed to the 1,196 sq. ft. home or the 528 sq. ft. detached garage. The building department requires the interior to be brought up to

code for commercial use, which would be an added condition of approval. Public comments from nearby condos and the owner to the south expressed initial concerns but were satisfied after speaking with the ZA Smith-Jacoby, citing the minor change in use and lack of exterior modifications. She recommended granting the variance to allow the change from residential to commercial use, on the condition that the site plan, including parking lot and driveway, must meet all property standards and receive building and planning department approval.

Amy Dowling (2646 Kraft Ave SE), the applicant, gave background on the property and explained that she had approached Willie, the owner of the house, about renting it to use as an office. Amy described her experience with her attorney that led her to working with the Township to get proper approval for the work being done. Amy indicated the driveway would not be completed until she got approval.

Motion was made by Trustee McDonald to open public hearing.

Supported by Member Mead.

Motion carried 5 to 0.

Brent (2671 Chatham Woods Drive SE), voiced concerns on behalf of his neighbors regarding the proposed business at 2646 Kraft Avenue. His primary concern is related to drainage and runoff. He inquired about whether this issue is being addressed as part of the proposed changes to the property.

Member Mead clarified that the neighbor's concerns to the application would be addressed by staff during the review for the approval process of the plans to meet the township standards.

Trustee McDonald asked for clarification from ZA Smith-Jacoby on the water issue.

ZA Smith-Jacoby clarified that drainage plans are approved during the permitting process, alongside the Township Engineer and Township Building Department.

Motion was made by Member Mead to close public hearing.

Supported by Vice Chair Milliken.

Motion carried 5 to 0.

Motion was made by Member Mead to approve the variance allowing non-conforming use with the conditions of staff.

Supported by Trustee McDonald.

Motion carried 5 to 0.

Planning Director Hendrick addressed the process of handling non-conforming uses and dimensional variances, stating that the current zoning ordinance led them to follow this procedure, even though it may not be the most appropriate approach. She mentioned that future amendments to the zoning ordinance will likely change this process, allowing non-conforming uses to either conform to the zoning district if redeveloped or be rezoned to a more suitable designation without requiring a variance for a change of use.

Trustee McDonald clarified for the applicant that the variance is the current process to be followed until the zoning ordinance is changed in the future.

ARTICLE 7. Case #24-3840 Jeff Asfour

Property Address: 1325 Thornapple River Drive SE

Requested Action: The applicant is requesting a variance to maintain a nonconforming front yard setback.

ZA Smith-Jacoby presented a variance request for 1325 Thornapple River Drive, a 0.76-acre lot in the residential R-2 district. The applicant, Mr. Asfour, seeks to maintain a non-conforming front yard setback while renovating the home. The closest point of the existing home to Thornapple River Drive is 30.4 feet, which doesn't meet the 50-foot setback requirement for arterial roads. The applicant plans to use the existing foundation and remove the nonconforming deck. ZA also noted that while Thornapple River Drive is classified as an arterial road, the area in question is entirely residential, and the closer setback may not feel unsafe. Additionally, the Zoning Board has granted variances for similar cases in the past. It was added that the applicant did not build the home in its current location, but choosing to demolish part of the house does require a variance. The variance requested is the minimum possible, as the applicant wants to use the existing foundation. The Zoning Administrator received letters from neighbors supporting the project and noted that there is an existing fence and significant vegetation between the street and the home to act as a buffer. Based on these findings, the ZA recommended approving the variance to allow the continued use of the existing non-conforming setback for the house renovation.

Chair Moxley asked Zoning Administrator Smith-Jacoby about Ada township's setback as the property is close to that border.

Zoning Administrator Smith-Jacoby state that in her staff report that Ada townships R-3 Zone District has a front yard setback of 30 feet. Reiterating that it would not feel completely out of character for the area.

Trustee McDonald, who has lived in the area for 31 years, provided historical context for the variance request at 1325 Thornapple River Drive. He noted that the exceptional conditions of the property were caused by the road commission replacing the Camelback bridge and widening Thornapple River Drive in 2004, which reduced the setback and put the property out of compliance. McDonald pointed out that the township has granted variances for other properties in similar situations, as the road widening minimized their original setbacks. He believes this historical context should be considered when evaluating the current variance request.

Jeff Asfour (1325 Thornapple River Drive), the applicant, expressed his appreciation for the zoning administrator's understanding of the unique aspects of the property. He mentioned that he has driven by the property many times over the years and has always admired it. Asfour also noted that he received three letters of support from his new

neighbors and others down the street who are in favor of his plans. His goal is to create something beautiful while maintaining the special character of the property. Initially, he had considered not tearing down the existing structure, which dates back to the late 1950s, but he quickly realized that it would not be feasible. Instead, he plans to demolish the current building and construct a new ranch-style home on the foundation with a slightly larger footprint and an added garage, all while keeping the setback as is.

Trustee McDonald mentioned that he appreciated getting the letters of support from neighbors as it helps the board with its decisions when reviewing cases.

Bruce Heys, the applicant's builder, thanked Madison for her patience and assistance throughout the process of understanding and applying the non-conforming regulations. He mentioned that Jeff and his wife Gretchen worked closely with an architect to design a home that would fit on the existing foundation. However, if during the demolition process, they discover that the foundation is not structurally sound, they would like to remove it and pour a new one in the exact same position.

Motion was made by Member Mead to open public hearing.

Supported by Member Berra.

Motion carried 5 to 0.

No public comment.

Motion was made by Member Mead to close public hearing.

Supported by Vice Chair Milliken.

Motion carried 5 to 0.

Motion was made by Trustee McDonald to approve the variance with staff conditions.

Supported by Member Mead.

Motion carried 5 to 0.

ARTICLE 8. Any Other Business

No other business.

ARTICLE 9. Adjourn

Motion was made by Member Mead to adjourn. Supported by Trustee McDonald.

Motion carried 5 to 0. The meeting adjourned at 5:59PM.