

Minutes
Cascade Charter Township
Zoning Board of Appeals
Tuesday, February 14, 2023
5:30 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chair Mead called the meeting to order at 5:31 P.M.
Members Present: Tom McDonald, Aaron Mead, Ralph Moxley, Valerie Milliken,
Jennifer Pupilava (Alternate)
Members Absent: Lou Berra

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member McDonald to approve the current agenda as written. Supported by Member Pupilava. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the November 15, 2022 Meeting

Motion was made by Member McDonald to approve the November 15, 2022 Meeting Minutes as written. Supported by Member Pupilava. Motion carried 5 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak

There was no one that wished to speak.

ARTICLE 6. Case #23-3749/Jim & Kim Stubbart

Property Address: 1749 River Oaks Dr. SE

Requested Action: The applicant is requesting a variance to approve a deck within the side yard setback.

Zoning Administrator (ZA) Smith-Jacoby presented the case and stated that there is a minimum required setback of 10 ft on the sides with the total not being less than 25 ft. The house currently has a deck 15.7 ft from the north side yard and 11 ft at the closest point from the south property line. This variance would approve a deck to be built 6.3 ft from the north side property line with a total setback of 17.3 ft. The minimum setback by-right is 14 ft and the requested variance is 7.7 ft. The lot is irregularly shaped and the house is placed on the narrowest part of the parcel. The variance would approach the neighbor's side yard but would not block their river view.

Staff recommended approval of the site plan with the condition that the new deck cannot become an enclosed/finished space in the future and proper building permits for the deck and family room are obtained prior to construction.

Staff received a formal letter of support from the neighboring property to the south of the home.

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

The applicant complimented ZA Smith-Jacoby on her responsiveness and helpfulness.

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

Motion was made by Member McDonald to approve the variance with Staff conditions. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 7. Case #23-3750/Lance Korhorn

Property Address: 8185 36th St

Requested Action: The applicant is requesting a variance to approve a sign larger than the permissible size.

ZA Smith-Jacoby explained that the property is residential and contains an old schoolhouse that the applicant is renovating. The applicant put up the sign before it was approved, and the sign is larger than is permitted.

Cascade Township's Sign Ordinance allows applicants to obtain a permit for an address sign not exceeding 5 sq ft, one nameplate not exceeding 8 sq ft, municipal signs up to 64 sq ft, temporary signs not requiring a permit, and one non-illuminated sign for a lawful home occupation not to exceed 5 sq ft. The current size of the sign is 62 inches wide by 45 inches tall, coming in a just under 20 sq ft. The face of the sign painted on the brick is 50 in by 38 in, about 13 sq ft.

The sign is painted on brick to make it look 'historical'. It is much larger than is allowed with current zoning and is considered to be in the right of way. They clarified that the application is for the sign size, not a variance for the sign's placement in the right of way. The road commission requires it to be moved. The surrounding properties are mixed use of residential and agriculture.

Staff recommended this variance be denied as similar sign variances have not been granted in Cascade Township, the Township does not have an ordinance for historical landmark signage, and the historical status of the property can still be signified with a complying sign.

Staff included conditions they would recommend if the Zoning Board decided to approve the ordinance. This included: a building permit be reopened to inspect the sign for code compliance, the property continues to be used in compliance for approved ARC use, and that the sign be moved out of the right of way in compliance with the Kent County Road Commission standards.

Korhorn stated that this sign highlights the historical significance of the schoolhouse and is surrounded by a golf course that was once his family's farm. There are not any known pictures of the original sign, but this is the style they believe it would have been

constructed in. He said that the sign is similar in size and distance to the road as the one at one of the golf course entrances.

Member Puplava was concerned with setting precedent for signage on residential property.

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

There was no one who wished to comment during public hearing.

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

Member McDonald stated that he agrees with Staff by ordinance, but he thinks that this sign enhances the property by making it more attractive and highlighting its importance. Member Puplava said she believed that there are extenuating circumstances in that this sign is on a rural piece of property without many other residences in the area. Chair Mead and Member McDonald said they see it more as an identifier of historic value than a sign.

Motion was made by Member McDonald to approve the Variance with Staff conditions. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 8. Election of Officers

Motion was made by Member McDonald to nominate Member Moxley as Chair and Member Milliken as Vice Chair and Secretary. Supported by Member Puplava. Motion carried 5 to 0.

ARTICLE 9. 2022 Annual Report

The 2022 Annual Report was included in the packet for member reference.

ARTICLE 10. 2022 May-December Enforcement Report

The 2022 May-December Enforcement Report was included in the packet for member reference.

ARTICLE 11. Rules of Conduct

The Rules of Conduct were included in the packet for member reference.

ARTICLE 12. Planning Principles

The Planning Commission Principals are included in the packet annually so that members can review them.

ARTICLE 13. 2023 Calendar

The full 2023 meeting calendar was included in the packet for member reference.

ARTICLE 14. Any Other Business

A flyer for Michigan Association of Planning trainings was included in the packet and members were encouraged to attend. The township sets aside money each year for members to attend to grow the Zoning Board's knowledge base.

Chair Mead stated that he had seen cargo containers showing up in business parking lots more frequently and would like the Planning Commission to take that up as an item of business. There are some in the hotel parking lots west of Meijer and more in the parking lot of the fieldhouse behind Meijer. ZA Smith-Jacoby said she would look into it.

Centennial Park median islands were also discussed. Chair Mead suggested the Township Board look into them as they are a hazard and people are frequently driving over them. Member Puplava explained that the DDA is currently looking into replacing the reflective markers that were in them and adding plantings that would make the islands more visible to drivers.

Member Moxley shared that the property at 6480 Cascade Rd has been vacated and cleaned up. The township had been working with this property on ordinance enforcement. Member Mead requested ZA Smith-Jacoby investigate the possibility that wetlands had been filled in on the rear portion of that property.

ARTICLE 15. Adjournment

Motion was made by Member Puplava to adjourn the meeting. Supported by Member Moxley. Motion carried 5 to 0. The meeting was adjourned at 6:08 P.M.

Respectfully submitted,

Valerie Milliken, Secretary