

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, October 9, 2018
7:00 pm
Cascade Library Wisner Center
2870 Jacksmith Ave. SE

- 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 July 10, 2018 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 #18:3487 Thomas DeMeester
Public Hearing
Property Address: 9478 Grand River Dr
Requested Action: The applicant is requesting a variance that would allow the property owner to construct an accessory building on the property before a new home is built.**
- ARTICLE 7. Case #18:3488 Stephan VanLente
Public Hearing
Property Address: 7667 Cascade Rd.
Requested Action: The applicant is requesting a variance to place an accessory building in the front yard and to allow the building to be placed closer to the side property line than the required 10 ft.**
- ARTICLE 8. Any other business.**
- ARTICLE 9. 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, July 10, 2018
7:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 7:00 P.M.
Members Present: Berra, McDonald, Mead, Pennington
Members Absent: Milliken
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Berra led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member McDonald to approve the Agenda. Supported by Member Mead. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the June 12, 2018 Meeting.

Motion was made by Member McDonald to approve the Minutes of June 12, 2018. Supported by Member Mead. Motion carried 4 to 0.

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

No visitors came forward.

ARTICLE 6. Case #18:3468 Town Center Inn & Suites

Public Hearing

Property Address: 4834 Town Center Dr. SE

Requested Action: The Applicant is requesting a variance to allow a property split that would reduce the required bufferyard.

Director Peterson stated that Applicant is requesting approval from the ZBA to allow the property to be split, which would result in a bufferyard less than required. The allowed buffer for a sideyard would be 10 feet. Applicant is requesting approximately 3.5 feet of bufferyard.

This project was approved in 2017. This property is located in Meadowbrooke and will consist of two hotels, one of which has already started construction. The variance is necessary to go ahead with the other. Peterson explained that this is a unique situation since the Meadowbrooke PUD allows for two buildings on one parcel and allows for reduction of setbacks due to wetlands. However, since they received approval for the project with two hotels on one parcel the banks are requiring the hotels have their own parcel. Even with the allowed reduction in setbacks due to wetlands, which are on site they still need a variance.

Director Peterson stated that if the variance is approved the site would be developed exactly as originally approved. Peterson recommends approval of the requested variance.

Chairman Berra invited the Applicant to come forward.

Mr. Piromari came forward to clarify that the property split is necessary because there are two loans and the bank would like each to have a parcel number. He also stated that the hotels would be franchises of Town Place by Marriott and Holiday Inn Express by IAG.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Mead. Motion carried 4 to 0.

No one came forward.

Motion was made by Member Mead to close Public Hearing. Supported by Member McDonald. Motion carried 4 to 0.

Motion was made by Member McDonald to approve the variance to allow the property split with a reduced bufferyard. Supported by Member Mead. Motion carried 4 to 0.

ARTICLE 7. Case #18:3465 Star Truck Rental

Public Hearing

Property Address: 5260 36th Street

Requested Action: The Applicant is requesting a variance to allow a sign closer to the road than permitted.

Director Peterson stated Applicant is requesting a variance to install a new ground sign along 36th Street. The ordinance for sign placement would require 25 feet setback from the road and no closer than 5 feet to the road row. The new sign would be 19 feet from the road and 8 feet from the road row.

Chairman Berra invited the Applicant to come forward.

Mr. Bylenga came forward to explain that the new sign is important for the business. Currently, truckers coming in cannot find them and the new sign would help keep traffic running smoothly.

Motion was made by Member Mead to open Public Hearing. Supported by Member McDonald. Motion carried 4 to 0.

No one came forward.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Pennington. Motion carried 4 to 0.

Motion was made by Member Mead to approve the variance to allow a sign closer to the road than permitted. Supported by Member Mead. Motion carried 4 to 0.

ARTICLE 8. Any other business.

ARTICLE 9. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Pennington. Motion carried 6 to 0. Meeting adjourned at 7:20 p.m.

Respectfully submitted,
Valerie Milliken, Secretary

STAFF REPORT: Case # 18-3487
 REPORT DATE: September 19, 2018
 PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
 MEETING DATE: October 9, 2018
 PREPARED BY: Steve Peterson, Planning Director

APPLICANT:
 Thomas DeMeester
 5915 Lookout Ridge Apt 203
 Grand Rapids MI 49546

STATUS
 OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance that would allow the property owner at 9478 Grand River Dr to construct an accessory building on the property before a new home is built.

EXISTING ZONING OF
 SUBJECT PARCEL(S): ARC

GENERAL LOCATION: The property is located on the South side of Grand River Dr between Bolt and Buttrick Ave.

PARCEL SIZE: 23 Acres

EXISTING LAND USE
 ON THE PROPERTY: Residential

ADJACENT AREA
 LAND USES: Residential

ZONING ON
 ADJOINING PARCELS: ARC

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 are 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 variance request is the result of the applicant wanting to develop the property into three home sites. Before the splits are done they would like to build a home on the existing parcel. The resulting parcels would place this new home and accessory building on a lot of about 12 acres.
3. The Zoning ordinance actually requires that the new home be at least 50% complete before an accessory building can be built.
4. We have had some similar cases in the past and those variances were given with the condition that a performance bond be provided to allow the township to remove the accessory building if the property was not in compliance.
5. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

<i>Findings of Fact</i>	
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 development of the property will require some additional approvals but the construction of the home at the same time of the garage is something we have permitted before with the proper oversight.
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 build the garage and home at the same time 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 home 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.
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.	I did find a couple of similar variances that we have approved provide the home is built quickly and a bond is submitted.
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.	If denied the applicant could build an accessory building after the new home is constructed.

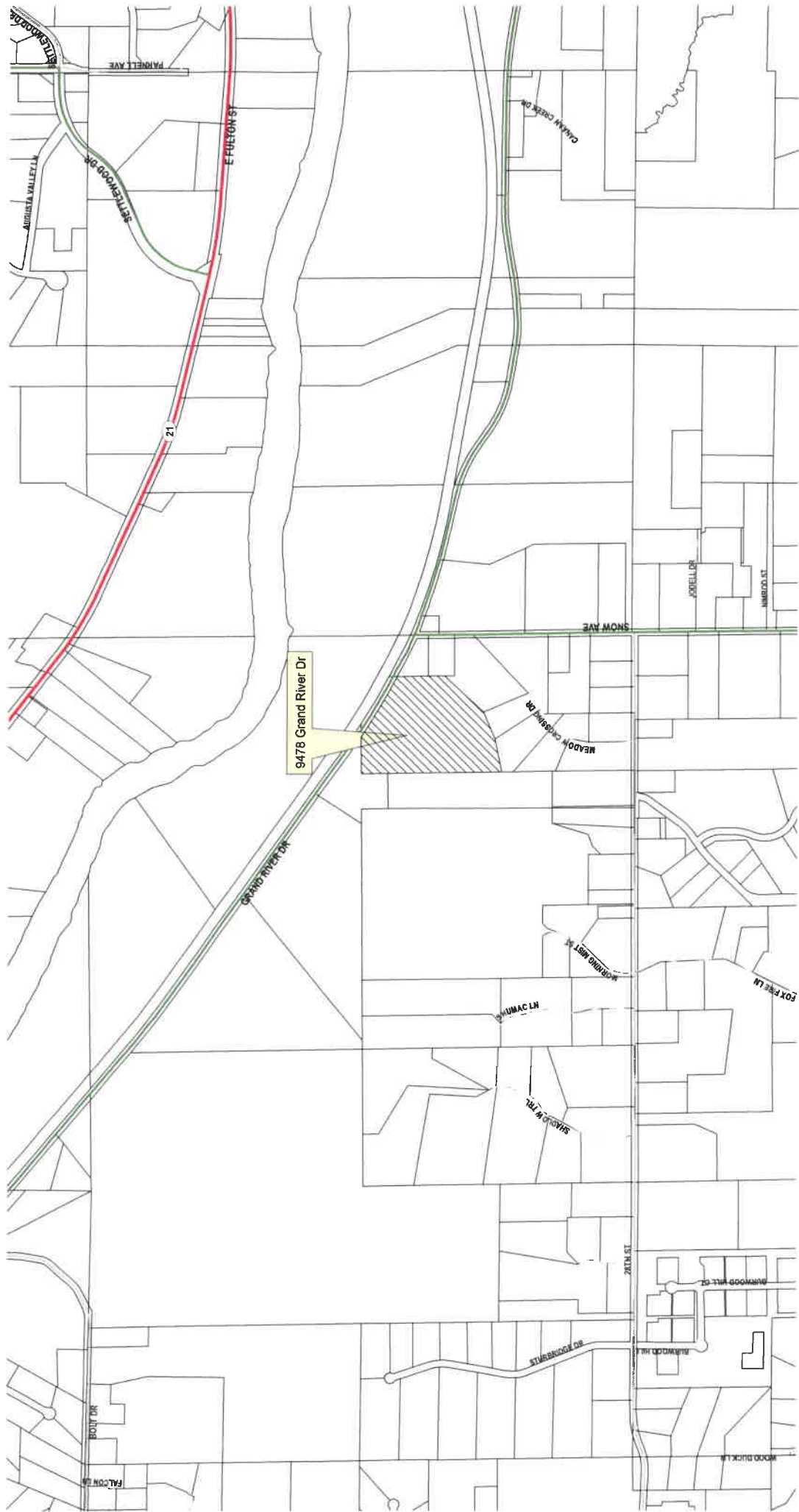
STAFF RECOMMENDATION

Approve the variance under the following conditions:

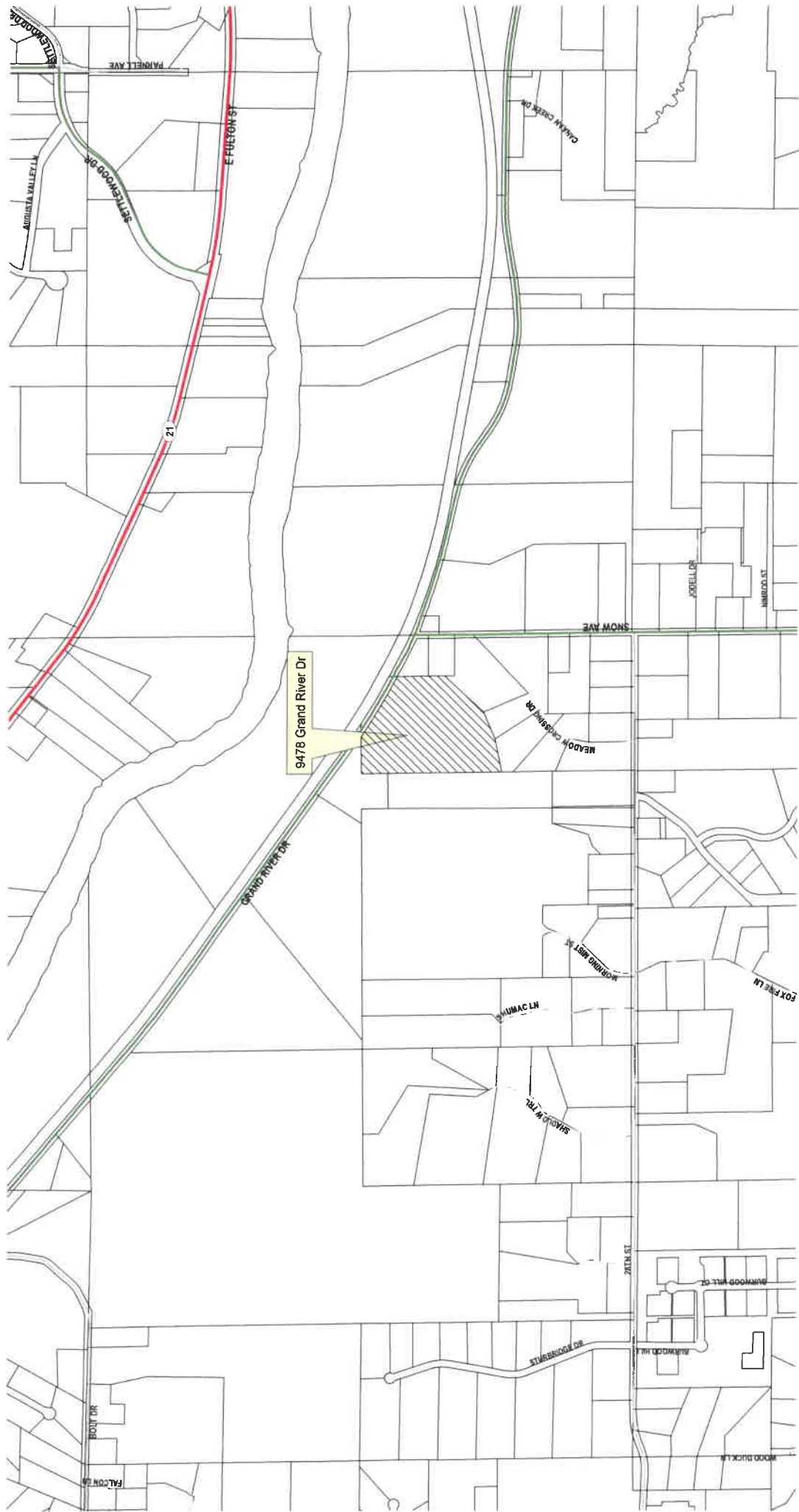
1. The home is at least 50% complete (rough -in) within 1 year.

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. Bond will be released when the property complies.

Attachments: Application
 Site Plan



9478 Grand River Dr



9478 Grand River Dr



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Thomas DeMeester

Address: 5915 Lookout Ridge, Apt 203

City & Zip Code Grand Rapids, MI 49546

Telephone: (616) 706-6968

Email Address: tdemeester@greenleaftrust.com

OWNER: * (If different from Applicant)

Name: Same as applicant

Address: _____

City & Zip Code: _____

Telephone: _____

Email Address: _____

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:**

(**Use Attachments if Necessary)
-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

See attached

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 12-400-043

ADDRESS OF PROPERTY: 9478 Grand River Dr SE

PRESENT USE OF THE PROPERTY: Vacant (Three (3) Single Family Residential Lots Proposed)

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR
EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
<hr/>	<hr/>
<hr/>	<hr/>

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.)

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

THOMAS A DEMEESTER
Applicant – Print or Type Name

*

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



Applicant’s Signature & Date

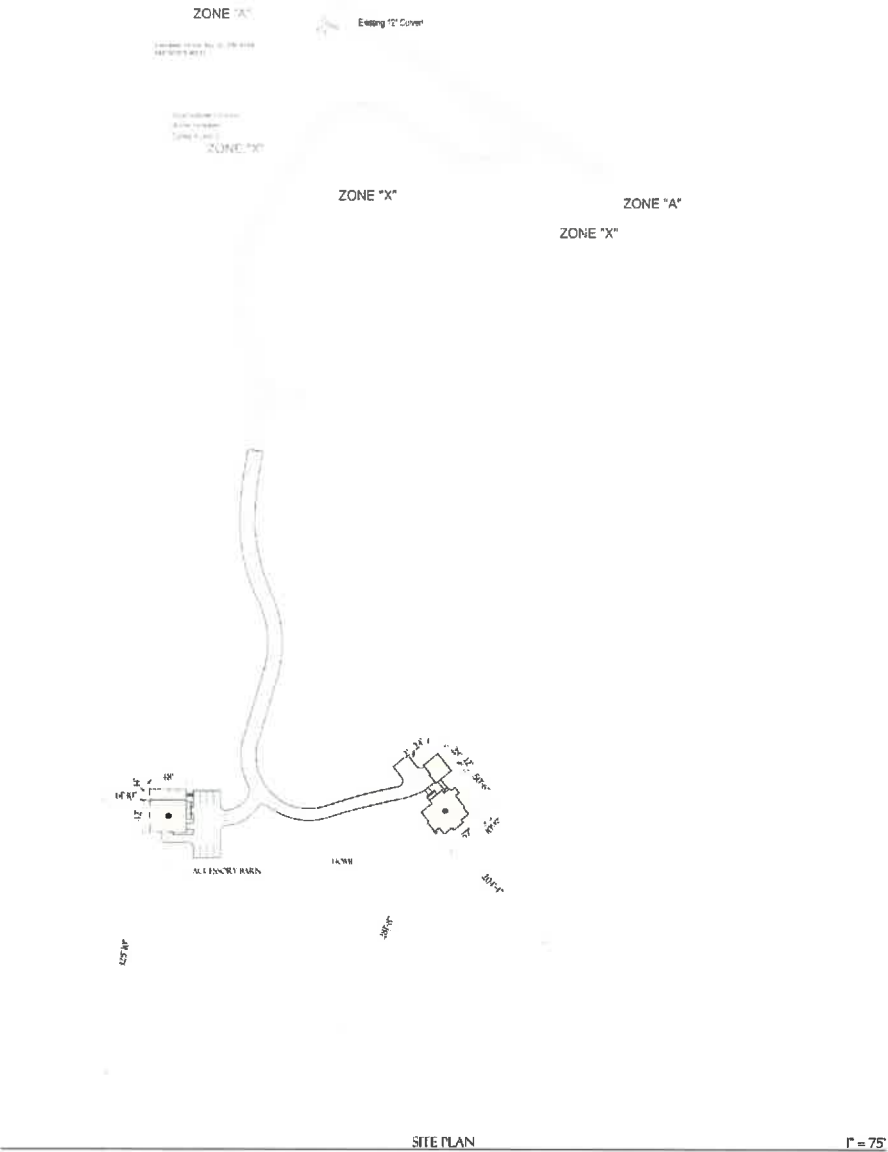
PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

REQUESTED VARIANCE
9478 Grand River Drive SE

A variance is being requested from Section 4.08.2. which requires the principal building to be at least fifty (50) percent completed for a building permit for the accessory structure to be issued.

The applicant is requesting a building permit for both the principal building and the accessory structure to be granted concurrently in order to create efficiencies in construction. In addition, there is a concurrent request for a special land use for the accessory structure to exceed 832 square feet in overall size and due to the size of the accessory structure, there is significant construction that must occur (more so than a typical backyard shed). The ability to maintain a similar construction schedule (pour the foundations at the same time, frame at the same time, etc.) on each building will provide great efficiencies in time and cost to the contractor and future homeowner. It is important to note the accessory building will not be utilized for any short or long term residential occupation (during construction or subsequently).

NOT FOR CONSTRUCTION
 THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. IT IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS ALL RESPONSIBILITY FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.



DATE	DESCRIPTION	BY	APP'D
1/27/08	PRELIMINARY		

© J. VISSER DESIGN 2008

DEMEESTER RESIDENCE

ALCA, MI

SITE PLAN

A-2

ZONE "A"

East-West 1/4 Line, Sec. 12 T8N, R10W
N89°36'33" E 403.74'

Ditch
CL
Existing 12" Culvert

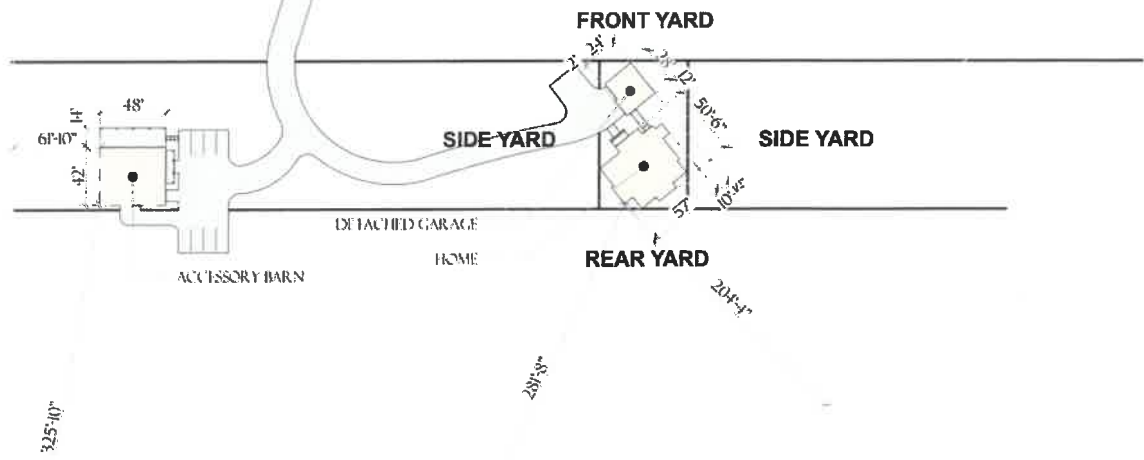
Approximate location
of line between
Zones A and X

ZONE "X"

ZONE "X"

ZONE "A"

ZONE "X"



STAFF REPORT

STAFF REPORT: Case #18-3488
REPORT DATE: September 19, 2018
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: October 9, 2018
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:

Stephan VanLente
7667 Cascade Rd
Cascade MI 49546

STATUS

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to place an accessory building in the front yard and to allow the building to be placed closer to the side property line than the required 10 feet.

EXISTING ZONING OF
SUBJECT PARCEL(S): R1

GENERAL LOCATION: East side of Cascade Rd just south of Kenrob.

PARCEL SIZE: Approximately 1.8 acres.

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: Residential

ZONING ON
ADJOINING PARCELS: R1

STAFF COMMENTS:

- 1) The applicant is asking for two separate variances with the construction of the accessory building.
- 2) One variance would allow the accessory building in the front yard of his home.

- 3) The second variance would allow that same accessory building to be placed about 8 feet from the side property line rather than the 10 foot required.
- 4) The property was the subject of a similar variance in 1986. Unfortunately, they never acted on it and it expired after one year.
- 5) In the 1986 variance they were only asking for the building to be in the front yard and were going to comply with the side yard setback of 10 feet.
- 6) A review of the 1986 file indicated that the Zoning Board granted the front yard accessory building due to the topography difficulties in the back yard. These topographic challenges are still present today.
- 7) The applicant has indicated that they would like the sideyard setback exception because they have already poured the foundation for the building.
- 8) We have granted some other building in the front yard where it has been demonstrated that a hardship exist and no other alternative is possible.
- 9) For sideyard setbacks the most similar case recent case as a case where we denied a small shed to be closer to the lot line than permitted and the applicant was required to remove a portion of the building in order to comply.
- 10) We don't have a lot of history of the past 10 years about sideyard setbacks for accessory buildings. I did find three cases one denied and two approved. In each case they were seeking building that was taller and required a larger sideyard setback. In the cases that were approved they were still required to meet the minimum 10-foot sideyard setback.

A. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

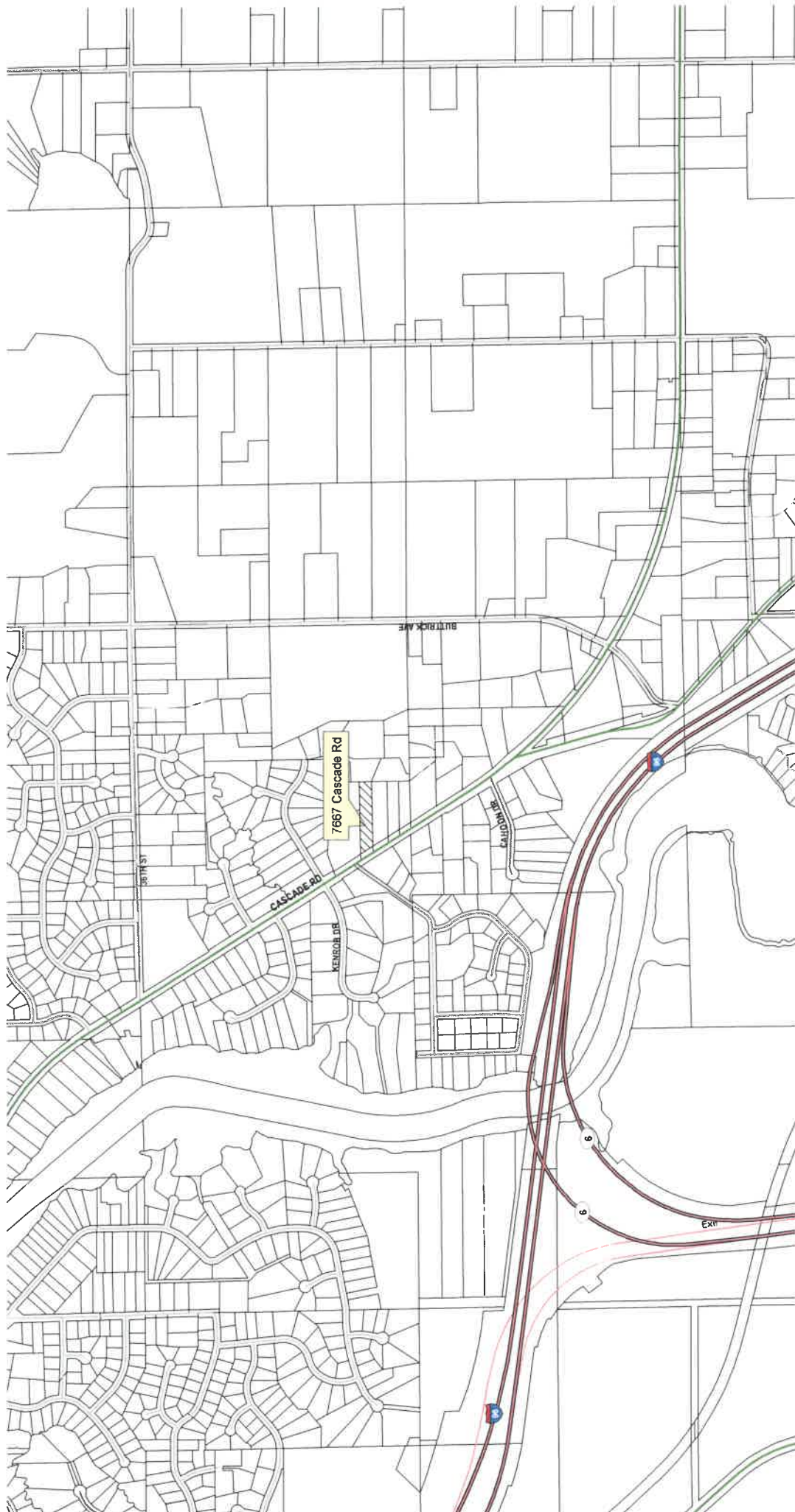
<i>Findings of Fact</i>	<i>Comment</i>
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The low area in the back justifies the location of the building in front but no such case can be made for the reduced sideyard setbacks. The fact that they poured a foundation is not relevant.
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of	Topography is not the action of the owner but the pouring of the foundation is.

<p>this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this Ordinance will not be considered self-created)</p>	
<p>That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.</p>	<p>The building is located quite a distance from the road minimizing the amount of the front yard variance. The sideyard variance is a small variance but one that we have not granted in the past.</p>
<p>That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p>Allowing a variance where no unique circumstance is present could be seen as a detriment.</p>
<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>With no unique circumstances the granting of this variance could become a recurrent situation.</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>It appears the front yard variance is justifiable but not the sideways variance.</p>

STAFF RECOMMENDATION

Approve the variance to allow the building in the front yard but deny the sideyard setback variance.

Attachments: Application
 Site Plan
 1986 plan and minutes





CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: Stephan J. Van Lente
 Address: 7667 Cascade Rd. S. E.
 City & Zip Code: Grand Rapids 49546
 Telephone: 616-443-7971
 Email Address: steve.vanlente@gmail.com

OWNER: * (If different from Applicant)

Name: _____
 Address: _____
 City & Zip Code: _____
 Telephone: _____
 Email Address: _____

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:**

Requesting a variance to the side lot requirement
of 90' to a side lot distance of 8' 6".
Note: See attached current variance for background.

(Use Attachments if Necessary)**

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

See Attachment 1

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 - 22 - 251 - 004

ADDRESS OF PROPERTY: 7667 Cascade Rd. S.E.

PRESENT USE OF THE PROPERTY: Residence

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.)

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

Stephan J. Van Lente
Applicant – Print or Type Name

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

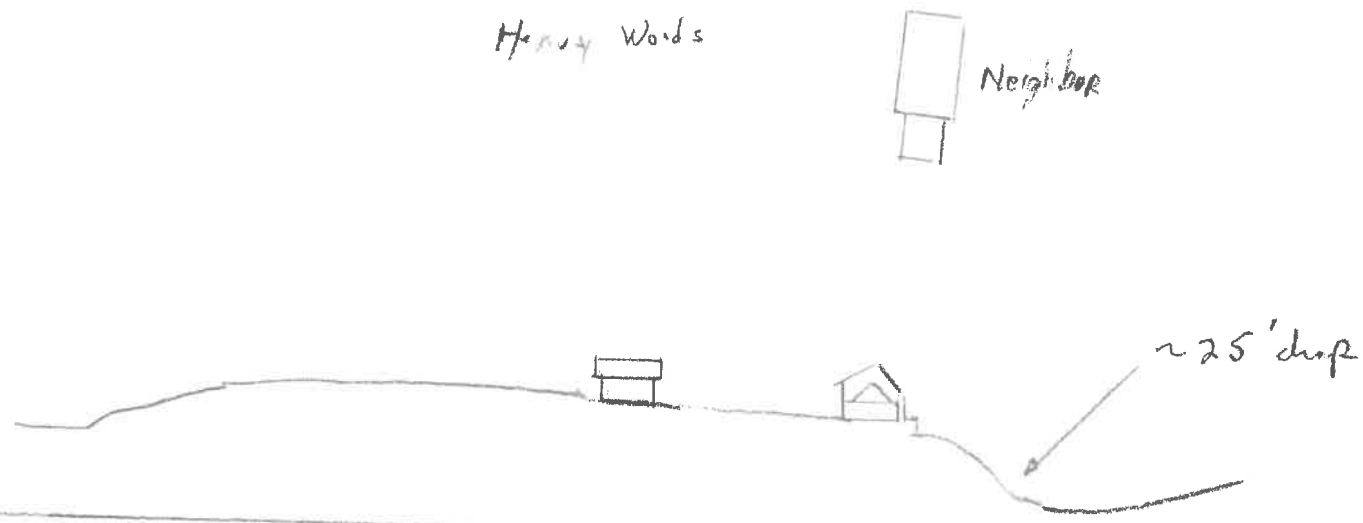
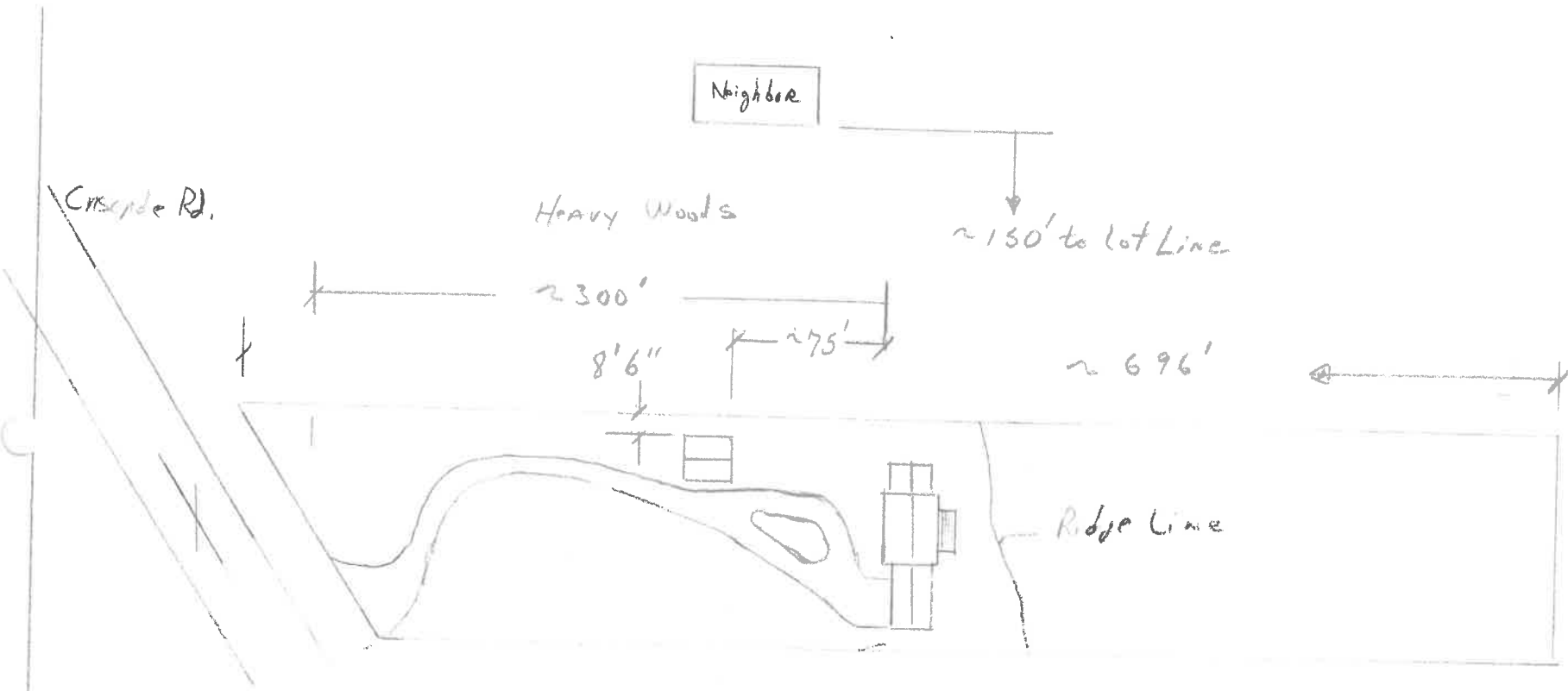
Stephan J. Van Lente
Applicant's Signature & Date

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

Rev. 7/24/14

By the time the variance in 1986 was approved (see attached copy which is on file in the Cascade office), the appropriate sub-contractors were finished with that portion of the house (framing etc.) and were no longer available so the project for this building was not completed.

With the plan re-started this year and after final survey of the placement of the house and the addition of a turn-around (not originally planned) the storage building will have to be placed closer to the lot line (8' 6") and reduced in size to 20' x 20' primarily driven by the final placement of the driveway.



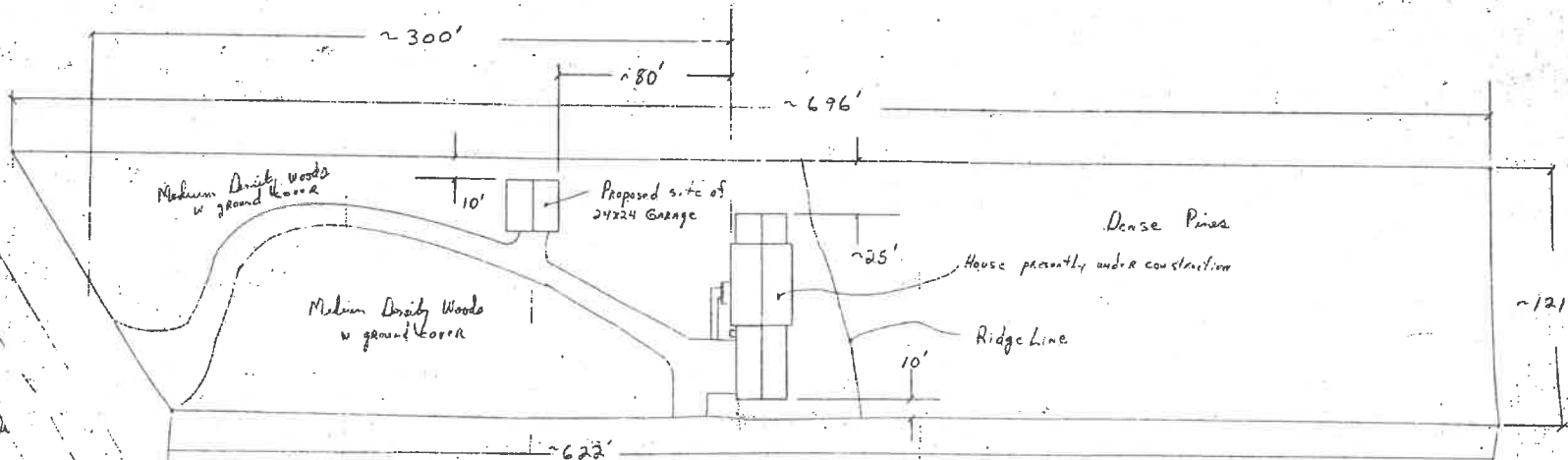
Site plan
8/29/18

Ref only
currently on file

Neighbor

Medium density woods

~150' to Line



CL Cascade Rd

Medium Density Woods w ground cover

Proposed site of 24x24 Garage

Dense Pines

House presently under construction

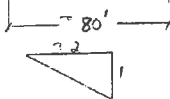
Ridge Line

Medium Density Woods w ground cover

Medium density Woods w ground cover

Neighbor

Approved and the
sent 6/2/88
plan to R.C.L.
v. Ch.
Approx. viewing angle
from Cascade Rd CL
Looking East



Cascade Rd
Prop. elevation

+15'

+13'

+20'

Building would be impractical
placed in this area. Accessibility
would be nearly impossible

Approved by
Cascade Township Board
with conditions of Zoning Board
of appeal regarding commercial use.
Sheddell Thompson 25 June 88
Supervisor

Elevation

Site plan
S. Van Lente
7667 Cascade Rd
May 12, 1988

Scale 1" = 40'



C B A A B C

*Refer to
current file*

ARTICLE 4. **Case #321:** Steve VanLente requesting a Placement Variance to allow erection of an accessory building in the frontyard of property located at 7667 Cascade Road in the R-1A Zone. The Planner presented Site Plans and explained that the applicant desires to erect the 24 x 24 foot structure in the front yard because of topographic limitations in the rear and side yard areas. The house is now under construction. He noted that the Planning Commission has reviewed the request under Special Use Provisions and has made a favorable recommendation on the buildings placement. The plans show and the Planning Commission has found that the building would not be visible from Cascade Road and that vegetation provides screening of properties to the north and south. The use of the building would be for ground maintenance and home workshop. Discussion ensued with respect to the home workshop aspects. The Planner explained that the applicant appears to have no intentions of starting a cottage industry. Member Lewis moved to open the Public Hearing. The motion was supported by Ellinger and carried. There being no comment the hearing was closed on motion by Lewis with support by Ellinger. Charrman Mohr reiterated the reasons for the Planning Commissions favorable recommendations as being based on topographic difficulties and that the building would not be easily viewed from off the site. Discussion ensued with Member Lewis expressing concern that the building might become used for a non-permitted activity in the future if the property were to be split. He suggested that as appropriate condition be applied to assure the use a now proposed. Based on the finding of topographic difficulty in locating the building in a manner otherwise in accordance with the ordinance and that the building would be well screened, Member Klynstra moved to approve the requested front yard Placement Variance as proposed and indicated on the Site Plan, subject to the use of the building being restricted to personnel storage and home workshop activity. Direct or indirict association with a business activity is expressly prohibited. The motion was supported by Lewis and carried.

ARTICLE 5. **Case #322:** DVK Construction/Jerry Baker requesting a Rear-yard Variance for a 21,000 square foot warehouse and office building of Lot 8 of the Cascade Industrial Park. The Planner presented Site Plans and noted because of a unique configuration of the lot which is located on a cul-de-sac the developer has had a great deal of difficulty is situating a reasonable size building on the lot which complies with dimensionable standards and at the same time accomodate truck turning movements. The applicant is therefore requesting a variance that would allow building placement 35 feet from the west property line instead of the required 50 ft. He noted that the rear yard would not be utilized for anything but green space. One half the adjoining area to the rear is