

MINUTES  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, September 10, 2019  
5:30 P.M.

**ARTICLE 1.** Chairman Milliken called the meeting to order at 5:30 P.M.  
Members Present: Berra, McDonald, Mead, Moxley, Milliken  
Members Absent: None  
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

**ARTICLE 2. Chairman Milliken led the Pledge of Allegiance.**

**ARTICLE 3. Approve the Agenda.**

**Motion was made by Member Mead to approve the Agenda. Supported by Member McDonald. Motion carried 5 to 0.**

**ARTICLE 4. Approve the Minutes of the August 13, 2019 Meeting.**

**Motion was made by Member McDonald to approve the Minutes of August 13, 2019. Supported by Member Mead. Motion carried 5 to 0.**

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

No visitors came forward.

**ARTICLE 6. Case #19-3549 Rolf Ludge  
Public Hearing**

**Property Address: 4879 Buttrick Ave**

**Requested Action:** The Applicant is requesting a variance that would allow the property owner at 4879 Buttrick Ave to remove the home and leave the accessory buildings on the property.

Director Peterson stated that the variance is to leave an accessory building on the piece of property without a home, which the Township does not permit. It is required that a home be 50% complete before an accessory building is able to be constructed. Director Peterson stated that these variances have been given before when they are assured that a home will be built in a short period of time (typically one year has been the Zoning Board of Appeals standard), and a performance bond is provided to the Township for that guarantee.

The existing home is about 25 feet from the Buttrick ROW; this is non-conforming. Director Peterson stated that when the new home is built, it will have to meet the minimum setback of 35-feet.

Director Peterson recommends approval of the requested 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 bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance

Chairman Berra invited the Applicant to come forward.

Mr. Rolf Ludge came forward with comment that he believes they will have the new home built within one year, and that he is willing to obtain a \$10,000 bond to guarantee that the house will be built.

**Motion was made by Member McDonald to open Public Hearing. Supported by Member Mead. Motion carried 5 to 0.**

No one came forward.

**Motion was made by Member Mead to close Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.**

**Motion was made by Member McDonald to approve the variance under the following conditions. Supported by Member Mead. Motion carried 6 to 0.**

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 bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance

**ARTICLE 7. Case #19-3551 Nick Keeler**

**Public Hearing**

**Property Address: 7385 Kilmer SE**

**Requested Action:** The Applicant is requesting a variance to allow an addition to the front of the home. This addition maintains the existing non-conforming setbacks of the house. A variance is needed for an exception to the minimum 10-foot setback and for not meeting the total side yard setback of 25 feet.

Director Peterson stated the Applicant has previously applied for and received this variance in 2009, however they did not construct the addition so the variance has expired. Director Peterson stated that the addition will be no closer to that property line than where the home exists today (9'8"), and that other reduced sideyard setback variances have been approved in this neighborhood.

Director Peterson recommends approval of the variance request as written.

Chairman Berra invited the Applicant to come forward.

Mr. Keeler did not come forward with comment.

**Motion was made by Member Mead to open Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.**

No one came forward.

**Motion was made by Member McDonald to close Public Hearing. Supported by Member Mead. Motion carried 5 to 0.**

**Motion was made by Member McDonald to approve the variance as requested. Supported by Member Berra. Motion carried 5 to 0.**

**ARTICLE 8. Case #19-3550 Brad Harmon**

**Public Hearing**

**Property Address: 4910 Kraft Ave SE**

**Requested Action:** The Applicant is requesting variances to allow for the redevelopment of a non-conforming property.

Director Peterson stated this property is on the north end of Kraft as it nears the airport. The Applicant would like to utilize this property for an electrical contractors' business, Director Peterson stated. The property involves a few non-conforming situations, such as the property is 147 feet wide and the Township requires a width of 200 feet, and there are some parking spaces that are close (or up to) the property line, and that does not meet the Township landscaping requirements, Director Peterson stated. Director Peterson stated that there are a couple of variances that the Applicant is requesting to be able to utilize this property. There is proposed parking and a turnaround for their equipment vehicles that are closer to the property line than what the Township requires. Director Peterson stated that a 20-foot bufferyard is required, these are proposed to be 10 and 15 feet. The Applicant has a proposed crushed concrete surface to the east, Director Peterson stated that a paved concrete or asphalt surface be provided rather than the loose gravel. Inside the reduced bufferyards, Director Peterson stated that the Applicant is asking to not provide the plantings that are required inside of the landscape bufferard.

Director Peterson stated that this property was built in the mid-70s and has been vacant for some time. There was a fire on the property recently that has been slowly getting cleaned up. The Applicant does plan to continue to clean-up process, and demolish some of the building on the property. Director Peterson stated that after the Zoning Board is done, at minimum the Applicants plan would go through a staff administrative site plan review, or possibly to the Planning Commission depending on what they decide to do. There is an existing septic system on the property, which is unusual for a commercial/industrial building. Director Peterson stated that he believes eliminating the septic drain field would address one problem of maneuvering around the property without having to maneuver around the drain field. The Health Department and City of Grand Rapids have provided comment, Director Peterson describes one comment and

says there is a sewer lateral on the property to the south that was developed with intention to provide access to this property. There is an easement that provides the ability to construct a pipe that would connect this property to that pipe. Director Peterson stated that he had a conversation with the Health department and they stated that they would not permit this drain field or septic system to be fixed, but they would allow some of the crushed concrete to be done provided it be a certain distance from the drain field area.

Director Peterson stated that the Township has allowed for some properties adjacent to the airport to forgo landscaping requirements in the past, and a crushed concrete surface for storage areas has also been allowed a couple of times before.

Director Peterson states that it would be reasonable to allow the Applicant to forgo landscaping along the north property line adjacent to the airport, and to also allow them to have the gravel storage area that they show on their plan. He does suggest they remove the non-conforming parking spaces on the south side of the property, and states that by connecting to sewer, the variances for the landscape bufferyards on the north and south sides of the property would not be needed. The south side will still need to be landscaped.

There has not been feedback from any adjacent property owners, including the airport.

**Motion was made by Member Mead to open Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.**

Chairman Milliken invited the Applicant to come forward with any comment.

Mr. Doug Stalsonburg (Excel Engineering) came forward to state they are asking for the bufferyard on the south side of the property be reduced from 20 to 15 feet wide so that semi-trucks can have better ease of access to the property. As it stands, larger trucks (with trailers) will not be able to turn into the parking lot and then into the building/garage. Mr. Stalsonburg stated that along the south side of the property, there is an extensive row of 20-25 ft tall trees on the neighboring property. He states that you can not see through the trees as they stand, and to put additional trees up against that row does not make sense to him.

Mr. Stalsonburg stated that they are very seriously looking into hooking up to the sewer since that would open up area that is currently drain field, and add to maneuverability of vehicles on the property.

Mr. Stalsonburg states that front setback of the existing building is 66 feet. That is part of the building that caught fire and burned down, but there is still an existing wall there. Mr. Stalsonburg states that they would like to discuss maintaining that 66-foot setback if Mr. Harmon decides to add onto the existing building in the future. Director Peterson says that if granted, a front setback of 66 feet would expire in a year if not acted upon. If this is indeed going to be a future project, maintaining that 66-foot setback may need to be reapplied for. Director Peterson states that the landscaping on the south side of the property is required because that's the way the bufferyards are supposed to work. Even

though there may be an existing “screen” of trees on the neighboring property, the requirement stands for the Applicants property.

Director Peterson states that that there was a court date requiring the front of the building that sustained fire damage to be demolished within 60 days of 9/10/19.

Mr. Brad Harmon states that the variance being requested on the south side of the building is needed because as it stands, he cannot turn a truck 90 degrees and get it into the building. Director Peterson states that he thinks that by eliminating the septic system, entrance to the building would be sufficient. Mr. Harmon stated that that is correct, but he would still need a reduction of the south bufferyard from 20 to 15 feet as he intends to add overhead doors to the end of the building with a building permit.

Member McDonald listed conditions that he believed should be in place if the variance is approved. They are as follows:

1. Connect the property to sewer
2. Provide landscaping on the south property line, but not require landscaping on the north property line
3. Allow the reduction of the south property line bufferyard from 20 to 15 feet
4. Remove the non-conforming parking along the south property line
5. Allow for the change in use for the less than 200 ft lot width
6. Allow the gravel area for storage and materials

Director Peterson stated that is everything that is in the application, with exception of the new discussion of the front setback and the possibility of it being less than the required 100 feet. Director Peterson states that the plan does show a possible future addition with a 100-foot setback.

Member Berra asked Mr. Stalsonburg if there will be adequate designated parking if the non-conforming parking on the south property line is removed. Mr. Stalsonburg states that there will not be enough parking. Mr. Stalsonburg stated that there are 10 spaces on the plan, and there are currently 11 spaces on the property that include the non-conforming parking on the south property line. Director Peterson stated that that space would typically be created in the front of the building where the required 100-foot setback is.

**Motion was made by Member Mead to close Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.**

Member McDonald asked Director Peterson if landscaping on the south property line is being asked to be eliminated due to the height and density of the trees on the neighboring property line. Director Peterson replied yes. Member McDonald stated that it may be pointless to plant anything there if it can't grow in the shadows of the trees in place. Director Peterson stated that the landscaping is part of the bufferyard requirement, and the intent is to have it on both sides of a property line. Director Peterson stated that exceptions to width of a bufferyard have been made before, but exceptions to the required landscaping are extremely rare.

Mr. Harmon stated that he has not purchased this property yet, and is intending to close by the end of the month. Mr. Harmon states that it is a necessity he be allowed to extend the entrance area of the property (by reducing the south side bufferyard) for anyone to be able to access the building garage doors, especially larger trucks with trailers. Mr. Harmon states that he does not feel adding tress/landscaping on his property near the property line will be beneficial to the property at all. Mr. Harmon does state that he intends to remove an existing driveway and install a berm with pine trees on it in that area, and in an additional area on the property. Mr. Harmon states that he does intend to remove the fire damaged area and redo the front of the building, put in two new entryways, add windows and doors, and that it is his intention to have his property look nice. Mr. Harmon stated that now that he is aware there is an easement, he will hook up to the sewer because it is right for the piece of property.

Conversation followed between Mr. Harmon, Mr. Stalsonburg, Director Peterson, and Members about possible future additions, and the variances, bufferyards, conditions, and landscaping that would go along with an addition on this property. Member McDonald listed conditions for Mr. Harmon should the variance be approved. They are as follows:

1. Connect the property to sewer
2. Provide landscaping on the south property line based on Staff approval, but not require landscaping on the north property line
3. Allow a reduction of the south property line bufferyard from 20 to 15 feet.
4. Leave the non-conforming parking along the south property line
5. Allow for the change in use for the less than 200-foot lot width
6. Allow for the gravel area for storage and materials
7. The north property line bufferyard requirement is met

**Motion was made by Member McDonald to approve the variance with the following conditions. Supported by Member Mead. Motion carried 5 to 0.**

- 1. Connect the property to sewer**
- 2. Provide landscaping on the south property line based on Staff approval, but not require landscaping on the north property line**
- 3. Allow a reduction of the south property line bufferyard from 20 to 15 feet.**
- 4. Leave the non-conforming parking along the south property line**
- 5. Allow for the change in use for the less than 200-foot lot width**
- 6. Allow for the gravel area for storage and materials**
- 7. The north property line bufferyard requirement is met.**

**ARTICLE 9. Any other business.**

**ARTICLE 10. Adjournment.**

**Motion was made by Member McDonald to adjourn. Supported by Member Berra. Motion carried 5 to 0. Meeting adjourned at 7:05 p.m.**

Respectfully submitted,  
Aaron Mead, Secretary