

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

- 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 from the February 13, 2024 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 #24-3831 Amy Dowling
Public Hearing
Property Address: 2646 Kraft Avenue SE
Requested Action: The applicant is requesting a variance for a change in use where a nonconformity exists.**
- ARTICLE 7. Case #24-3840 Jeff Asfour
Public Hearing
Property Address: 1325 Thornapple River Drive SE
Requested Action: The applicant is requesting a variance to maintain a nonconforming front yard setback.**
- ARTICLE 8. Any Other Business**
- ARTICLE 9. Adjourn**

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*

**CASCADE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

**TUESDAY, JUNE 11, 2024
5:30PM**

ARTICLE 4.

Approve the Minutes of the
February 13, 2024 Meeting

Minutes
Cascade Charter Township
Zoning Board of Appeals
Tuesday, February 13, 2024
5:30 pm
2870 Jacksmith Ave SE

ARTICLE 1. Chair Moxley called the meeting to order at 7:00 pm.
Members Present: McDonald, Mead, Moxley, Berra, Milliken
Members Absent: None
Others Present: Zoning Administrator (ZA) Madison Smith-Jacoby 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 November 14, 2023 Meeting

Motion was made by Member Berra to approve the November 14, 2023 meeting minutes as written. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak

There was no one wishing to speak.

ARTICLE 6. Case #23-3808 Kramer Jr.

Property Address: 3590 Meadowood Trails

Requested Action: The applicant is requesting to split a platted lot.

ZA Smith-Jacoby presented the case explaining that the applicant was seeking a variance to allow a split to a platted lot in the PUD 45 Meadowbrook Trails. The parcel has a unique history since the previous owners did not properly file a lot combination to amend the Master Deed for Meadow Brook Trails. The association recognized lots 8 and 9 as being separate while Kent County recognized them as combined. She did not believe this request would impact neighbors negatively but wanted to note there was an addition to the house on lot 9 that encroaches onto lot 8; this would make lot 9 nonconforming.

Member Mead said they are referring to a Site Condominium with different legal requirements than just a platted lot. He questioned if they had the authority for the combination of these lots or the split to make lot 9 nonconforming. He was not sure of the legality of the initial combination and believed the State of Michigan had the ultimate authority as opposed to the county or township. Member McDonald suggested making a condition that legal counsel review this case.

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

Robert Kramer (3590 Meadowood Trails) stated this has been an ongoing situation since he purchased the property. He explained that when the development first went in, there was a need to establish an access easement through Lot 8 to access the maintenance barn. Kramer provided the proposal document for the easement with signatures of approval from Cascade Township.

Member Mead asked if the applicant intended to remove the garage's 4ft overhang or 14ft off the garage to eliminate encumbrance on the common element and neighboring property. Kramer said he was hoping to obtain a variance to eliminate removing a portion of his garage.

Member McDonald suggested completing a lot line adjustment to enlarge Lot 9 to bring the structure into compliance. Member Mead added that an amendment to the site condominium master deed and lot line reconfiguration could help resolve this issue within the association.

Motion was made by Member Mead to close public hearing. Supported by Member Berra. Motion carried 5 to 0.

Motion was made by Member Mead to approve a reconfiguration of Lot 8 and 9 as long as they are conforming to Cascade Township's zoning standards, file an addendum to the condominium association's master deed, and have legal counsel review. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #24-3812 Haveman

Property Address: 8960 28th Street

Requested Action: The applicant is requesting a variance to allow an accessory building in the front yard.

ZA Smith-Jacoby presented the case and explained that the applicant is seeking variance in the ARC district for a lot reconfiguration that would result in an accessory building being in the front yard. The accessory building is currently located on the northern parcel and would become a part of the southern parcel upon approval. In 2021, these lots were reconfigured so this variance would be reverting the land back to how it previously was.

Member Mead commented that the accessory building would be roughly 470ft from the road. ZA Smith-Jacoby confirmed that the building would be far from the road and appears to be in the side yard.

Jeffery Vanstrein (9050 28th St) is the owner of the northern parcel and his parents used to own the southern parcel. The property line was initially adjusted to allow the owner of 9050 28th Street to have the accessory building on their property. With the new ownership of 8960 28th Street, Vanstrein believed that the barn should now be owned by them.

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

There was no one wishing to speak.

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

Member McDonald said this case has many exceptions including the unique configuration of the lot, the building has minimal visibility from the road, and neighbors will not be negatively impacted.

Motion was made by Member McDonald to approve the variance allowing an accessory building in the front yard, subject to Staff conditions. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 8. Election of Officers

Motion was made by Member McDonald to keep Chair Moxley and Vice Chair Milliken in their positions. Supported by Member Berra. Motion carried 5 to 0.

Motion was made by Member McDonald to keep Member Mead as Secretary. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 9. Any Other Business

ZA Smith-Jacoby noted that a previous applicant off Burton Street removed their shipping container, the business located on Spaulding that is not permitted has received a letter, and there are other properties with shipping containers that are being addressed. She also mentioned that Staff is looking into training opportunities for ZBA members.

ARTICLE 10. Adjourn

Motion was made by Member Mead to adjourn the meeting. Supported by Member McDonald. Motion carried 5 to 0. The meeting adjourned at 6:24 PM.

Respectfully submitted,
Aaron Mead, Secretary

**CASCADE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

**TUESDAY, JUNE 11, 2024
5:30PM**

ARTICLE 6.

Case #24-3831

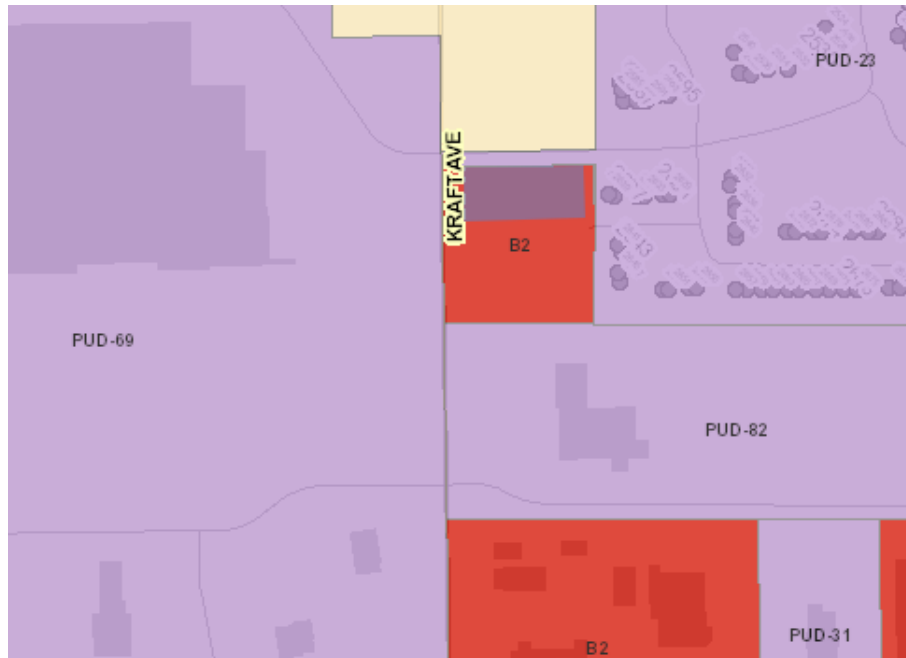
Applicant: Amy Dowling

Property Address: 2646 Kraft Avenue SE

Parcel Number: 41-19-08-351-002

Requested Action: Variance for change in use

ZONING MAP



STAFF REPORT

STAFF REPORT: Case # 24-3831
REPORT DATE: June 5, 2024
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: June 11, 2024
PREPARED BY: Madison Smith-Jacoby

APPLICANT

Amy Dowling
Lakeshore Financial Group, LLC
625 Kenmoor Avenue SE, Suite 108
Grand Rapids, MI 49546

PROPERTY ADDRESS: **2646 Kraft Avenue SE Grand Rapids, MI 49546**

PARCEL NUMBER: 41-19-08-351-002

STATUS
OF APPLICANT: Tenant of Willie Friend (Owner),

REQUESTED ACTION: Seeking a variance for a change in use from residential to B-2 (General Business) commercial with nonconformities.

EXISTING ZONING OF
SUBJECT PARCEL: B2

GENERAL LOCATION: Kraft Avenue, just west of Meijer and just north of 28th Street.

PARCEL SIZE: Approximately 0.5 acres

EXISTING LAND USE
ON THE PARCEL: Residential

ADJACENT AREA
LAND USES: N: Residential
E: Residential
S: Residential & Commercial
W: Commercial

ZONING ON
ADJOINING PARCELS: N: R1
E: PUD-23 Chatham Woods Neighborhood
S: B2
W: PUD – 69 Meijer

OVERVIEW:

The subject property has been used as residential since the home was built in 1960. The Zoning Ordinance rezoned some properties along Kraft to B-2, General Business in the early 90s which resulted in this house being considered a legal nonconforming use. The properties appear to have been rezoned between 1982-1985 from residential to B-2. The earliest map showing B-2 zoning is 1985. Willie Friend owns both 2646 Kraft Ave. and 2660 Kraft Ave. He is permitting the change in use at 2646 Kraft Ave. for the home and has signed the application form.

In 1999 a variance was granted to 2674 Kraft Avenue for this same reason (Case #99-2245). The variance was granted to allow for commercial use in a building (prior residence) considered nonconforming for the zoning district it was in.

Section 22.05 – Change in Use of Property Where a Nonconforming Situation Exists, in Cascade Township’s Zoning Ordinance, outlines standards for considering approval for these circumstances. The staff review uses these standards to consider approval.

SUMMARY:

The subject property has had interior renovations as of early 2024. The applicant came to the Township seeking verification for the change in use. Both the Building Department and Planning Department worked with the applicant to provide options for changing the building to commercial, in compliance with the building code and zoning standards. The property has not had any exterior changes besides the digging up of the driveway. The applicant has taken staff advice to pause this work pending review by the Zoning Board of Appeals, and to obtain the necessary building permits or driveway permits from the Kent County Road Commission (KCRC). The Building Department is working with the applicant to obtain permits for code compliance regarding a commercial space. If the variance is granted, any site plan modifications are subject to Administrative Site Plan Review, or if necessary, Planning Commission review.

The subject property is approximately 0.5 acres and 100 feet wide, and the B2 Zoning District requires 3 acres with 300 ft. width minimum. This property is considered a legal nonconforming lot.

The required front yard setback for the B2 Zoning District is 100 feet and the house proposed to be an office building that has a setback of approximately 63 feet. The building would be considered legal nonconforming with this setback.

The request is for a variance from Section 22.05(3), to allow a change in use on a nonconforming parcel at 2646 Kraft Avenue SE.

1. The applicant is the tenant and is intending to use the space as offices for a financial advising business, Lakeshore Financial Group, LLC. In the B-2 zoning district, the Zoning Ordinance (*Section 8.03 and 10.03*) permits a general business establishment as a use permitted by right. The owner is aware and has approved this application to be submitted. The proposed use meets the standard of the zoning district.

2. The existing home is approximately 1,196 square feet with a detached garage measuring 528 square feet. The applicant is not requesting any exterior changes to the subject property's building, but the site will be subject to the parking standards of Chapter 19 of the Zoning Ordinance.
3. Board members of Chatham Woods Condos and Chatwick Hills Condos inquired about the application, and after learning more details, both members had no issues with the proposed change in use.

Section 22 – Nonconforming Uses & Structures:

22.03 Extension or Enlargement of Nonconforming Situations:

Except as specifically provided in this Chapter, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- a. An increase in the total amount of space devoted to a nonconforming use, or*
- b. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking.*

2. A nonconforming use may be extended throughout any portion of a completed building that was manifestly designed or arranged to accommodate such use when the use was made nonconforming by this Ordinance. However, subject to Section 22.07 (Authorizing the Completion of Nonconforming Projects in Certain Circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special use permit may not be made except in accordance with Subsections 22.05(2) through 22.05(4) below.

3. Subject to Section 22.07 (Authorizing the Completion of Nonconforming Projects in Certain Circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

22.05 Change in Use of Property

If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot be reasonably complied with, then the change is permissible if the Zoning Board of Appeals issues a variance authorizing the change. This variance may be issued if the Zoning Board of Appeals finds that:

- a. The intended change will not result in a violation of Section 22.03**

As described above, Section 22.03 prohibits the expansion of a nonconforming situation – including physical alteration of structures, total space devoted to the use, or increasing a nonconforming setback. The property's structure is not proposed to be altered or expanded. This application does not result in a violation of this section.

- b. All of the applicable requirements of this Ordinance that can reasonably be complied with, will be complied with. Financial hardship caused by the cost of meeting such requirements does not constitute grounds for finding that compliance is not reasonably possible. In no case shall an applicant be given permission pursuant to this Subsection to construct a building or add to an existing building if additional nonconformities thereby be created.**

No greater nonconformities are being created by utilizing the existing building as it is. There are no proposed changes to the site besides parking requirements which will bring the property more into compliance. All applicable requirements that can be reasonably complied with will be implemented on site. Staff will review the site plan for compliance with the standards of the B2 district and its site requirements.

Section 23.07(2) Functions, Considerations – Decisions and Authority of the Zoning Board of Appeals – Variance

Before granting any variance, the Zoning Board of Appeals must find that all of the following standards are met:

<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.	This property was historically used as a primary residence. The rezoning of the property is a condition set forth by the Township, making the building itself nonconforming, in accordance with the B2 Zoning property standards. This property has exceptional and extraordinary circumstances because of the unique rezoning of a previously residential building. The Zoning Ordinance sets standards for exceptional circumstances such as this. This nonconforming use will only apply to one other property in this zoning district.
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 applicant has brought this property towards compliance with the zoning district by requesting a variance for the change in use. The applicant’s actions are to use the property as it is zoned, and the existing building is not considered a self-created circumstance due to the previous finding.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The change of use, in any form, would require a variance unless the existing building was demolished, and the property was redeveloped in accordance with the existing standards.

<p>That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p>Nothing about the site itself would be changing. The proposed business is not open to the public, and is appointment based, which will not greatly increase the traffic coming and going to the property. The granting of the variance is not considered injurious to the neighborhood. The applicant has indicated the Kent County Road Commission has no issues with this being a commercial driveway.</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>The ordinance has been written to accommodate these scenarios and this specific zoning change is only unique to a few properties so amending the zoning ordinance would not be recommended or practical.</p>
<p>That complying with the Ordinance presents practical difficulty.</p>	<p>In order for the building to be utilized for commercial, a variance is needed. Complying with the ordinance would require a complete demolition of the property. The applicant faces practical difficulty with the building itself. Staff does not believe it is reasonable to require the demolition of a legal nonconforming structure in order to comply.</p>

RECOMMENDATION

Staff recommends that a variance be granted by the Zoning Board of Appeals to allow for a change in use from residential to commercial at 2646 Kraft Avenue, a legal nonconforming property, pending the following items as conditions for approval:

1. The full site plan is submitted to Township staff for review and approval.

Attachments:

- a. Application
- b. Site plan



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Amy Dowling
 Address: 20410 Kraft Avenue SE
 City & Zip Code: Grand Rapids, MI 49540
 Telephone: 616-304-4209
 Email Address: amy@lakeshorefg.com

OWNER: * (if different from Applicant)
 Name: Willie Friend
 Address: 20410 Kraft Avenue SE
 City & Zip Code: Grand Rapids, MI 49540
 Telephone: 616-700-2044
 Email Address: Friend52friends52@gmail.com

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 checked="" type="checkbox"/> Site Plan Review *	<input type="checkbox"/> Sign Variance Subdivision
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> 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:**

change use to Business
20410 Kraft Avenue

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

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY: 21110 Kraft Avenue SE

PRESENT USE OF THE PROPERTY: Residential → Commercial

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

Name(s)	Address(es)
<u>Amy Dowling Financial Inc</u>	_____
<u>Lakeshore Financial Group</u>	_____

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.)

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

*Willie E Friend
Owner's Signature & Date
(*If different from Applicant)

Amy Dowling
Applicant – Print or Type Name

Amy Dowling
Applicant's Signature & Date

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

__ Scale not more than (1"=200')	__ Location of existing wetlands
__ A vicinity map	__ Location & type of significant existing county drains and/or manmade surface drainage properties
__ Date site plan was prepared	__ Zoning on adjacent properties
__ Name, address, & professional seal of preparer	__ Address as assigned by Kent County Road Commission
__ North Arrow	__ Location of all storage sheds
__ Legend	__ Location of all proposed accessory structures
__ Legal description based on most current survey	__ Location of all dumpsters or trash removal areas or devices. Include provisions for screening.
__ Property lines and dimensions	__ Locations and type of all exterior lighting
__ Building setback distances	→ __ Location of all signs <i>wall sign picture of house</i>
__ All structures and lot lines within 50 feet of site (including fire hydrants)	__ Location and size of any walls, fences or other screening provision <i>Box for location setback Ground sign - Box for location size</i>
<i>AW</i> __ Existing and proposed topographic elevations at 2 ft. intervals on the site. (All data needs to be shown based on USGS datum).	__ Fire Lanes
__ Existing & proposed topographic elevations shown as dotted and solid lines respectively,	__ Acceleration/Deceleration lanes
__ Location of existing building	__ Location of proposed parking areas & access drives
__ Location of proposed building	__ Number of parking spaces & aisles
__ Intended use of proposed building.	__ Dimensions of spaces & aisles
__ Length, Width, & Height of proposed building.	__ Location of parking blocks, landscape timbers, etc
<i>Pictures</i> → __ Building facade and elevations. Including window and wall signs.	__ Location of loading areas
__ Use group for all building(s)	__ Location of handicapped spaces and access ramps
__ Construction type for all building(s)	__ Type of parking lot surface
__ Bridges	__ First floor area of each building
__ Location of abutting streets. (Label Public or Private)	→ __ Square footage of proposed building(s)
__ Location of curb cuts	→ __ Floor plan of proposed building(s)
__ Location of Rights-of-Way	__ Location of all sidewalks
__ Location of service drives	__ Location of bike paths
__ Locations of curbs	__ Location of other walkways
__ Location of access easements serving the site	__ Location of all existing & proposed utility poles
__ Location of driveways opposite the site 100 feet	__ Tree line of wooded area
__ Location & size of all water lines*	__ Individual trees larger than 18 inches in diameter
__ Location & size of sanitary sewer line*	__ Area left intended to be usable open space. Label Public or private
__ Location & size of storm drainage lines* Include location of hook up to building if applicable	__ Designated buffer yard areas
__ Direction of storm water drainage & how storm water runoff will be handled	Location of all proposed landscape materials, including size and type of planting in accordance with the Cascade Township Zoning Ordinance Chapter XX
__ Location of catch basins	__ Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable material or hazardous material



Figure 3 Driveway from Garage to House



Figure 2 Driveway from House to Garage

House from the South



Figure 1 Driveway from House to Garage with new laid concrete by owner Willie Friend

Driveway from Kraft to House – Follows current curb width - 32" wide at curb – 30 ft wide the rest of the way.



Sign will be here



2 Parking spots – 1 is handicapped. 20' Deep. Does it need to be 20' or 24' wide?



Back of property for the East



North side of House



West side – Front of house



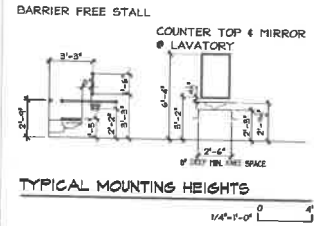
Drawn For:
 OWNER: MRS. DOWLING 04/09/2024
 PERMIT: 04/22/2024

REVISION DATE

AVINK DESIGN
 WWW.AVINKDESIGN.COM 616.504.8279
 640 West St. Rockford, MI 49081

PROJ. NAME: Dowling
 DRAWN BY: TLA
 REVIEWED BY: TLA
 DATE: 04/22/2024

A-102



APPLICABLE CODES:

BUILDING CODE: MICHIGAN BUILDING CODE 2008
 PLUMBING CODE: MICHIGAN PLUMBING CODE 2008
 MECHANICAL CODE: MICHIGAN MECHANICAL CODE 2008
 ELECTRICAL CODE: MICHIGAN ELECTRICAL CODE 2007
 FIRE CODE: INTERNATIONAL FIRE CODE 2009
 ACCESSIBILITY: ICC/ANSI A117.1 2001

MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS 2008

PROJECT SUBJECT TO ALTERATION - LEVEL 1

SECTION 407, CHANGE OF OCCUPANCY FROM II TO B.

SECTION 400, ACCESSIBILITY FOR EXISTING BUILDINGS, A BUILDING, FACILITY, OR EQUIPMENT THAT HAS A CHANGE OF USE GROUP SHALL COMPLY WITH THE MICHIGAN BUILDING CODE.

SECTION 404, CHANGE OF OCCUPANCY, BARRIERS TECHNICALLY FEASIBLE, SECTION 404.2 AND 404.3 SHALL BE APPLIED IN ACCORDANCE WITH THE UTILIZATION OF PUBLIC FACILITIES BY PHYSICALLY LIMITED.

SECTION 500, ALTERATION LEVEL 1, ALTERATIONS REMOVE, REPAIR, AND REPLACEMENT OF EXISTING MATERIALS, ELEMENTS, EQUIPMENT OR FIXTURES.

MICHIGAN BUILDING CODE 2008

PROJECT COMPLIANCE: EXISTING USE GROUP: CONSTRUCTION TYPE: 5B. ALLOWED: TWO STORY & 4,500 SQFT. ACTUAL: ONE STORY & 1,400 SQFT.

SECTION 504, OCCUPANT LOAD: 1,000 SQFT / 100 GROUP-B OCCUPANTS.

TABLE 506.2.2: ONE EXIT ALLOWED WITH LESS THAN 40 OCCUPANTS & MAX. CORRIDOR TRAVEL TO: ACTUAL: 3 EXITS AND MAX TRAVEL OF 40' (CORRIDOR).

SECTION 503, EXIT SIGNS, NEW EXITS SHALL BE PROVIDED.

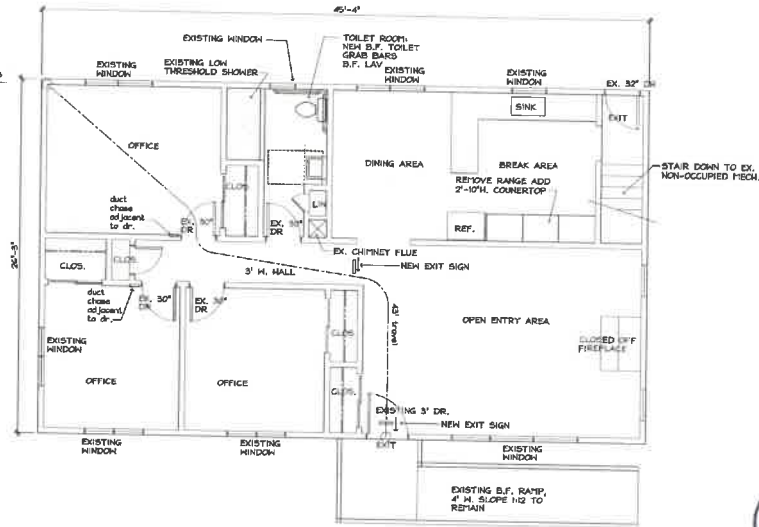
TABLE 506.2.2: 3' H. CORRIDOR ALLOW WITH LESS THAN 10 OCCUPANTS (CORRIDOR).

CHAPTER 9, ACCESSIBILITY

SECTION 903, ACCESSIBLE ENTRANCES: EXISTING WOOD HANDRAILS SHALL PROVIDE IN ACCORDANCE WITH 903.4.

ENTRANCE BARS AND HANDS ARE ACCESSIBLE HANDS: ITS TECHNICALLY FEASIBLE FOR SECTION 903.4 (MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS 2008).

EXISTING TOILET ROOM SHALL HAVE NEW B.F. TOILET, GRAB BARS, LAVATORY AND MIRROR IN COMPLIANCE, ACCESSIBILITY ROUTE: NON-COMPLIANT WHERE EXISTION 40.4: WHERE NOT TECHNICALLY FEASIBLE (MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS 2008).



MAIN FLOOR PLAN
 SCALE: 1/4"=1'-0"



**CASCADE CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

**TUESDAY, JUNE 11, 2024
5:30PM**

ARTICLE 7.

Case #24-3840

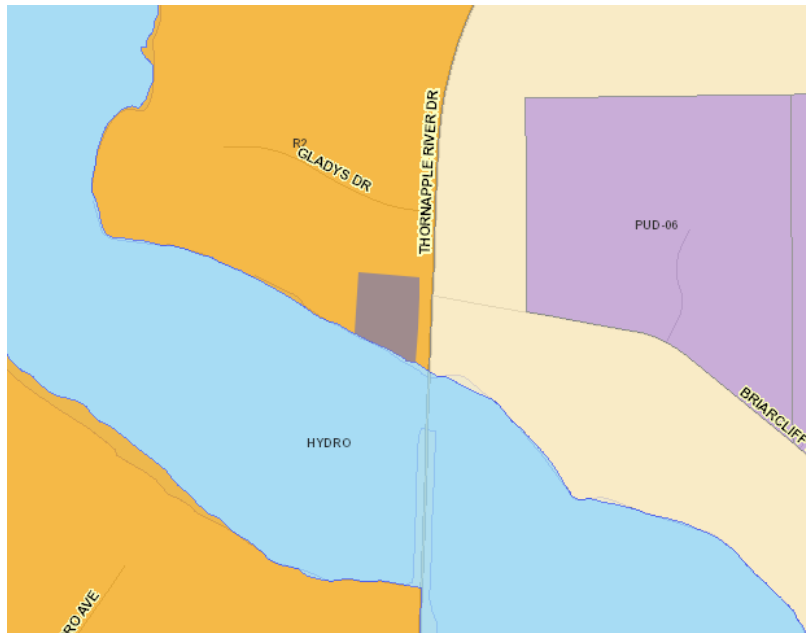
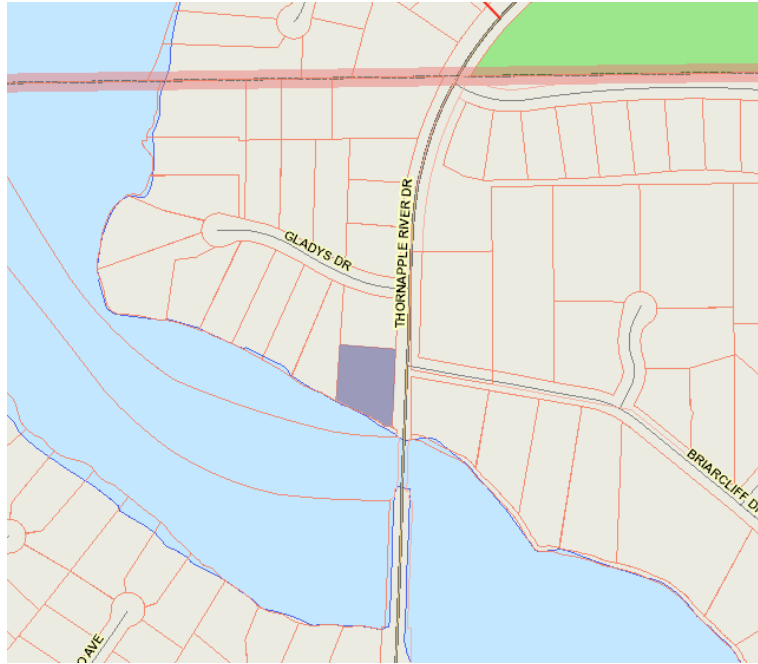
Applicant: Jeff Asfour

Property Address: 1325 Thornapple River Drive

Parcel Number: 41-19-04-226-017

Requested Action: Variance to maintain a nonconforming setback

ZONING MAP



STAFF REPORT

STAFF REPORT: Case # 24-3840
REPORT DATE: June 5, 2024
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: June 11, 2024
PREPARED BY: Madison Smith-Jacoby

APPLICANT

Jeff Asfour
2951 Burwood Hill Court
Ada, Michigan 49301

PROPERTY ADDRESS: **1325 Thornapple River Drive SE**

PARCEL NUMBER: 41-19-04-226-017

STATUS

OF APPLICANT: Jeff Asfour, Property Owner
Builder: Bruce Heys of Bruce Heys Builders

REQUESTED ACTION: Seeking a variance to maintain a nonconforming front yard setback.

EXISTING ZONING OF SUBJECT PARCEL: R2

GENERAL LOCATION: On Thornapple River Drive near the Township’s northern boundary, with frontage on the river’s north side. Adjacent to the ‘camel back bridge’.

PARCEL SIZE: Approximately 0.76 acres

EXISTING LAND USE ON THE PARCEL: Residential

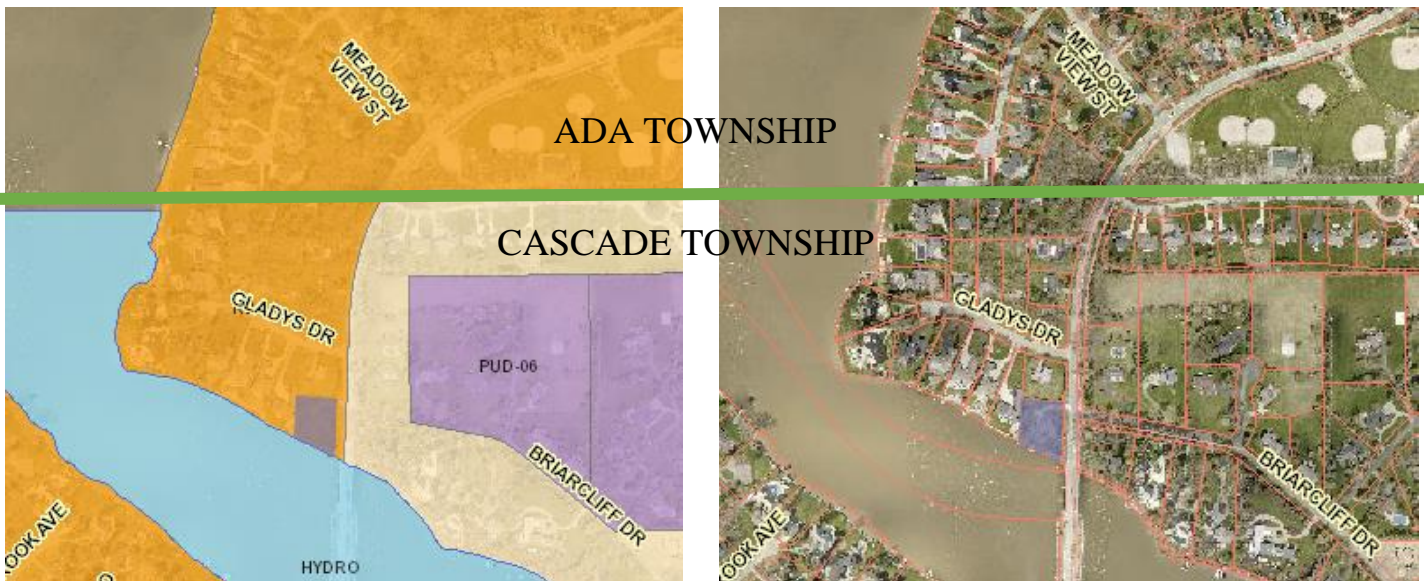
ADJACENT AREA LAND USES:
N: Residential
E: Residential
S: Thornapple River
W: Residential

ZONING ON ADJOINING PARCELS:
N: R2
E: R1
S: Water
W: R2

OVERVIEW:

The subject property currently has an angled home on it with a front yard setback of 30.4 feet at its closest point. The existing house is considered legally nonconforming because today's front yard setback requirement for Thornapple River Drive is 50 feet (classified as an arterial road). Generally, this area has a mix of compliant and legal nonconforming homes for this same reason. Other arterial roads are Cascade Road, 28th Street and Burton Street.

The applicant has recently purchased the property and is working with Bruce Heys Builders to expand the home to meet their living needs. The applicant is looking to utilize the existing home's foundation in their redevelopment of the subject house. The existing house's legal nonconforming status has complicated the project due to the standards set forth in Section 22 of the Zoning Ordinance, described below.



SUMMARY:

This application for a variance came about because the applicant applied for a demolition permit for the home. Upon further conversation with Bruce Heys, it became apparent that the front yard setback was legal nonconforming. According to Section 22.04(3) the property is not permitted to be rebuilt in its original location if the reconstruction exceeds 60% of the appraised replacement cost of the use of the entire building or structure. For this reason, the applicant and builder have held off on demolishing the home pending permission to use the existing foundation and setback.

The request is for a variance to maintain the existing (angled) setback of 30.4 feet, and an exception to the standards set forth in Section 22.04(3).

1. The proposed home will use the existing foundation and then add onto it for a garage on the northwest side.
2. The remaining setback requirements are all in compliance with the setback standards and the approximate proposed height is 20 feet. The home will have the following setbacks:
 - Front yard: 30.4 feet
 - North Side: 41 feet
 - West Side: 15.7 feet
 - Waterfront/South Side: 64.6 feet
3. Essentially, the home will appear the same besides an increase in height and a garage addition off the northwest wing of the house. There is no proposal to bring the home closer to Thornapple River Drive, nor will the home be expanded along this nonconforming setback. There is no increase in the total amount of space dedicated to the nonconforming setback. The deck shown on the site plan that encroaches in that front yard setback will be removed, bringing part of the house more into compliance with the setback standards.
4. Cascade Township Zoning Board of Appeals has granted variances along Thornapple River Drive for front yard setbacks in the past:
 - #17-3384: an addition to a house expanding a nonconforming setback.
 - #19-3540: A new home built 27 feet from the front yard property line (maintaining a nonconforming setback after demolition).
 - #21-3662: Addition to a home within the front yard setback.
 - #22-3724: Addition to a home maintaining a nonconforming setback.

Granting this variance would not set a precedent as there have been variances granted for circumstances that increase nonconformity. This applicant is not requesting to extend or increase a nonconformity but rather maintain an existing one.

APPLICABLE STANDARDS:

Section 22.04 – Repair and Maintenance of Nonconforming Property

1. On any building or structure devoted in whole or in part to any nonconforming use, repair and maintenance work may be made provided that the cubic content of the building or structure as it existed at the time of adoption of this Ordinance is not increased.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
3. Nonconforming uses or structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming use or structure if the estimated expense of reconstruction exceeds sixty (60%) percent of the appraised replacement cost of the use or entire building or structure, with an


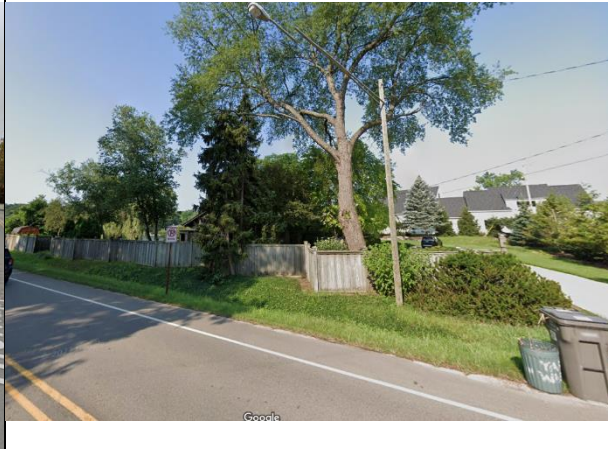
exception for existing Automobile Service Stations and Mini-Food- Mart Stations with related automotive parts repair shops, garages and vehicle wash facilities in the B-1 district.

4. The estimated expense of reconstruction shall be determined by the Township Building Inspector, upon advice from the Township Assessor. Persons aggrieved by the determination of estimated replacement cost by the Building Inspector may appeal such determination to the Zoning Board of Appeals.

Section 23.07(2) Functions, Considerations – Decisions and Authority of the Zoning Board of Appeals – Variance

Before granting any variance, the Zoning Board of Appeals must find that all of the following standards are met:

<i>Findings of Fact</i>	<i>Comment</i>
<p>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.</p>	<p>The subject property’s house is legally nonconforming on a road that was reclassified to require additional setbacks. Other homes in the area would have the same nonconforming situation if they were to renovate or modify the homes. The nonconforming status creates a unique condition on the property. The lot size with the setback standards creates an exceptional circumstance for the existing house.</p>
<p>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)</p>	<p>The applicant did not build the home where it is located so this is not the result of actions taken by the applicant. The applicant has elected to demolish part of the house, and this could be considered self-created.</p> <p>The classification of Thornapple River Drive (TRD) as an arterial road was done so because of the speeds on the street. Though the speeds vary along different parts of TRD, this portion of the road is clearly residential and not similar to that of Cascade Road or 28th Street. Additionally, the speed limit decreases as you move north into Ada Township. Further, to note, Ada Township’s setback requirements in this same neighborhood (just north of this property) only require a 30-foot setback for their R-3 zoning district.</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 applicant is requesting to use the existing foundation with the closest part of the home 30.4 feet from the front yard property line. This is considered the minimum variance because the house already exists.</p>
<p>That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p>Staff have not received any comments opposing the proposed variance after mailing notice was sent out. The applicant has indicated that neighbors have submitted letters of support for the project, including the neighbors directly west. Because they are not creating a nonconformance, but rather maintaining a nonconformance, granting this variance would not be considered injurious to the neighborhood nor public welfare.</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>The orientation of the house is such that direct access to the front of the house does not face TRD, but rather faces north. The driveway to the house curves south after moving west (see site plan). The proposed front yard setback is then treated more like a side yard. Additionally, the subject property has a privacy fence and landscaping along TRD that acts as screening and a safety buffer.</p>
	

RECOMMENDATION

Staff recommends that a variance be granted by the Zoning Board of Appeals to allow the continued use of an existing nonconforming setback for a house renovation at 1325 Thornapple River Drive. This approval can be granted based on the findings disclosed above.

- Attachments: a. application
b. site plan
c. public comment

\$500.00 cash or check.



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Jeff Asfour
 Address: 2951 Burwood Hill Ct.
 City & Zip Code: Ada 49301
 Telephone: 616 340 4968
 Email Address: asfour005@gmail.com

OWNER: * (If different from Applicant)
 Name: Same
 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 Subdivision
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> 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:**

See attached request & surveys
(3 pages)

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

LEGAL DESCRIPTION OF PROPERTY:**

LOT 17 * RIVERBEND HOMESITES

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 04 - 226 - 017

ADDRESS OF PROPERTY: 1325 Thornapple River Dr. SE

PRESENT USE OF THE PROPERTY

Residential

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

Name(s)

Address(es)

N/A

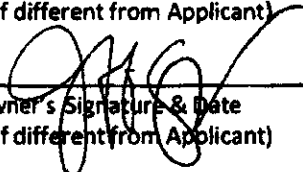
SIGNATURES

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.)

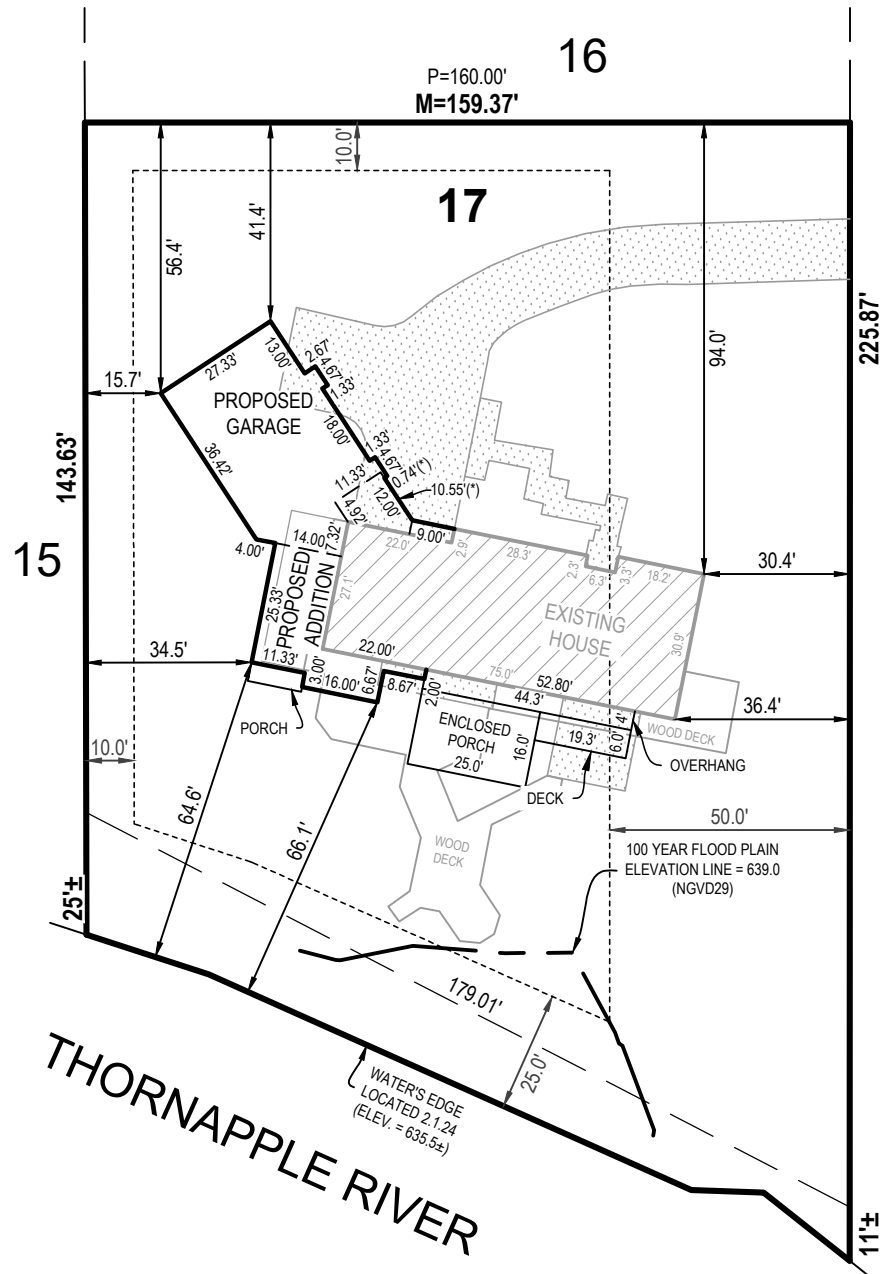
Jeff Astour
Owner – Print or Type Name
(*If different from Applicant)

Applicant – Print or Type Name

 5/13/24
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



THORNAPPLE RIVER DR

LEGEND

- Zoning Setback Line
- Existing Building
- Concrete

DESCRIPTION

The Land referred to in this commitment is described as follows:

Land situated in the Township of Cascade, Kent County, Michigan:

Lot 17, Riverbend Homesites, according to the Plat thereof, as recorded in Liber 45 of Plats, Page 16, Kent County Records.

(Adventus Title Agency, LLC, commitment No. 226591, dated November 3, 2023)

FOUNDATION PLAN NOTE: Dimensions marked with (*) indicate a missing and/or ambiguous dimension on the provided building plans. Verification required prior to construction.

Note: Improvements shown hereon are from previous Nederveld, Inc. project no. 24400021 dated 2-15-2024.

PRELIMINARY

By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 40' 0' 20' 40' NORTH

Bruce Heys Builders, Inc. Bruce Heys 5990 East Fulton, Ste C Ada, MI 49301		 NEDERVELD www.nederveld.com • 800.222.1868 Grand Rapids 217 Grandville Ave., Suite 302 Grand Rapids, MI 49503 Ann Arbor, Chicago, Columbus, Holland, Indianapolis
1325 Thornapple River Dr SE		
DRAWN BY: JH REV. BY: REV.:	DATE: 5.16.2024 REV. DATE:	PRJ #: 24400587 1 OF 1

NOTE: Care has been taken to meet proper setback requirements. However, municipal approval of the proposed location should be obtained prior to commencement of construction.

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

RIPARIAN DISCLAIMER: The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

May 21, 2024

To: Members of the Zoning Appeals Board
Fr: Mike Walters – Local Neighbor

Re: Jeff Asfour – Property Variance

As a local neighbor, both by-road and by-river, I am writing in full support of the requested variance by Jeff Asfour in his attempt to improve not only his property, but the surrounding neighborhood, community, and Thornapple River as a whole.

The plans for improvement far exceed that of the existing structure in every way. His proposed variance represents a significant investment and dramatic improvement of the current property and aesthetics. I believe that granting this variance will result in an overall improvement to the surrounding area and benefit the entire community. Further, given the genuine uniqueness of Thornapple River Drive and notoriety of the “camelback bridge”, granting the Asfour variance will undoubtedly visually enhance the area significantly.

As a local property owner and neighbor, I wholeheartedly urge the Zoning Appeals Board to give great consideration to the requested Asfour variance. The resulting improvement will benefit not just the Asfour’s, but the overall community.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "M. Walters", is written over a faint, illegible printed name.

Michael & Bonnie Walters
7101 Gladys Drive SE
Grand Rapids, MI 49546
616.443.1605 (mobile)

Cascade Township Planning Commission
5920 Tahoe Drive SE
Grand Rapids, MI 49546

Dear Commission:

We are writing in support of the requested variances for Jeff and Gretchen Asfour at 1325 Thornapple River Drive. As neighbors to the parcel we are excited to see someone willing to take the time and resources to improve residential property in our community. The existing structure has outlived its' useful life and the parcel it sits on is quite unique in access and orientation. Allowing for a new structure on the existing footprint fits well within the standards of our area and will only enhance upon the character and desirability of living in Cascade Township.

Thank you for considering the Asfour's request and supporting residents in maintaining the attractiveness of our community.

Sincerely –

Devin and Dawn Norman
7115 Gladys Drive SE

Dear Members of the Zoning Appeals Board,


I am writing to express my strong support for the variance request submitted by my neighbor, Jeff Asfour. I have observed firsthand the circumstances surround their request and believe that granting the variance would enhance the property and be in the best interest of the neighborhood and the community as a whole.

I believe Jeff Asfour has been intentional to improve their property in a thoughtful and tasteful manner. The proposed variance acknowledges the zoning regulations while addressing the unique needs and constraints of their property.

Furthermore, I believe that granting the variance would not result in any adverse effects on the surrounding properties or the neighborhood as a whole. On the contrary, it presents an opportunity for the Asfour's to enhance the property thus improving the overall aesthetics and beauty of the area.

In conclusion, I would urge the Zoning Appeals Board to carefully consider the Asfour's variance request and to grant it based on the principles of fairness and benefit to the community. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'John and Ann Renucci', with a stylized, cursive script.

John and Ann Renucci
7150 Gladys Drive SE
Grand Rapids, MI 49546
616-915-3636