

**AGENDA**  
**Cascade Charter Township Zoning Board of Appeals**  
**Tuesday, June 14, 2022**  
**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 of the May 10, 2022 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 #22-3709/Jipping**  
**Public Hearing**  
**Property Address: 2637 Buttrick Ave**  
**Requested Action:** The applicant is requesting a variance to allow for the home located on the property to be removed while an accessory building remains, resulting in the building being located in the front yard.
- ARTICLE 7. **Case #22-3710/Goehring**  
**Public Hearing**  
**Property Address: 6389 Burton St**  
**Requested Action:** The applicant is requesting an extension of a previous variance for the use of a temporary building during the construction of a detached garage and interior remodel work.
- 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 May 10, 2022  
5:30 P.M.  
2870 Jacksmith Ave SE

**ARTICLE 1.** Chair Mead called the meeting to order at 5:30 P.M.  
Members Present: Tom McDonald, Ralph Moxley, Aaron Mead, Lou Berra, Valerie Milliken  
Members Absent: None  
Others Present: Planning Director Hilbrands and those listed on the sign-in sheet

**ARTICLE 2.** **Pledge of Allegiance**

**ARTICLE 3.** **Approve the current Agenda**

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

**ARTICLE 4.** **Approve the minutes of the February 8, 2022 meeting**

**Motion was made by Member McDonald to approve the February 8, 2022 meeting minutes as written. Supported by Member Milliken. Motion carried 5 to 0.**

The Board congratulated Planning Director Hilbrands for his promotion to Planning Director.

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

There were not any visitors that wished to speak to non-agenda items.

**ARTICLE 6.** **Case #22-3704/Albright**

**Property Address:** 2970 Thorncrest

**Requested Action:** The applicant is requesting a variance to allow for a pool to be located in the front yard and within the front yard building setback.

Planning Director Hilbrands presented the case. The applicant is requesting a variance to install a 24' above ground pool in their front yard and front yard setback. Their lot is technically a through lot because it borders Cascade Road and a service drive by which the property is accessed, making both the yard that faces the service drive and the yard that faces Cascade Road both considered front yards. The zoning ordinance requires a pool to be in the side or rear yard, not the front. There would be a setback of 16' to the front property line and 18' to the side property line. They can't put it on the south side of the home because the driveway is located there and they can't put it on the north side of the home because that is where their septic system is located. The majority of the houses along the service drive have their back yard adjacent this house's front yard area. Planning Director Hilbrands had not seen any cases since 2001 that included a

pool in the front yard but there were cases where a shed was allowed to be placed in the front yard and they are both considered accessory structures. Staff recommend approval of this variance with the condition that the pool is at least 25ft from the front property line.

Andrew and Kate Albright (2970 Thorncrest), the applicants, came forward and shared pictures that showed the desired pool location and why other areas wouldn't work; they explained that they need to have a direct line of sight to their kids in the pool. They also provided letters of approval from the neighbors to the south and east of their yard. They will also be installing a six-foot privacy fence but will need approval from the Planning Commission. Kate Albright thanked Planning Director Hilbrands for his help in making this project a reality.

The Zoning Board received letters of approval from a neighbor at 7000 Cascade Rd and from Veronica Rumschlag in support of this application.

**Motion to open public hearing by Member McDonald. Supported by Member Moxley. Motion carried.**

There was no one who wished to make a comment.

**Motion to close public hearing by Member McDonald. Supported by Member Berra. Motion carried.**

Member McDonald thanked the applicants for getting letters of support from the neighbors because that is something the Zoning Board highly considers when voting on a case.

**Motion was made by Member McDonald to approve case #22-3704 with the staff condition that the pool be at least 25 ft from the front property line. Supported by Member Berra. Motion carried 5 to 0.**

**ARTICLE 7. Case #22-3705/D. Carpenter Homes LLC**

**Property Address:** 4826 Sequoia

**Requested Action:** The applicant is requesting a variance to allow for an attached car port to be constructed with a smaller total side yard building setback than what is permitted.

Planning Director Hilbrands presented the case. The applicant was looking to replace a carport that had previously been attached to the house but was removed during major renovations a few years ago, with the intention of eventually replacing it. For a house, the minimum side yard setback is 10 ft on each side, with both sides totaling at least 25 ft. This house is currently legal non-conforming as it has less than a 5' setback from the northern property line. The car port would result in a 13.6' setback. The car port requires a variance since even though it complies with the minimum 10-foot setback, it does not comply with the total 25-foot setbacks that are required between the two sides. The total setback between the two sides would be approximately 18.2'. The lot

width for the parcel is only 70', while the current minimum width requirement is 110'. There have been other variances granted for side yard setback exceptions related to building additions in recent years due to the lots being older and non-conforming with setback requirements. Staff recommends approval of the variance as requested.

Dustin Carpenter, the builder for the project, explained to the Zoning Board that the carport is to be the same size as the original carport and the reason the original was removed was because they were performing major renovations on the house that greatly improved its aesthetic.

**Motion to open public hearing by Member McDonald. Supported by Member Milliken. Motion carried.**

There was no one who wished to make a comment.

**Motion to close public hearing by Member Berra. Supported by Member Milliken. Motion carried.**

Member McDonald shared that he believes this parcel has multiple exceptional circumstances and is the right type of case to be considered by the Zoning Board.

**Motion was made by Member McDonald to approve case #22-3705 with Staff recommendations. Supported by Member Berra. Motion carried 5 to 0.**

**ARTICLE 8. Case #22-3706/Cascade Charter Township**

**Property Address:** 2865 Thornhills Ave

**Requested Action:** The applicant is requesting approval from the Zoning Board of Appeals to allow for the construction of a new fire station as an essential public service.

Planning Director Hilbrands presented the case. Section 4.25 of the Zoning Ordinance considers fire stations an essential public service and grants the Zoning Board of Appeals the power to permit such a building to be constructed in any zoning district. The existing building that housed Fire Station 1 and the old Township offices will be removed and a new 17,300 sq ft building with 24 parking spaces will be erected.

There won't be a sidewalk on the south side of the building as there is not an existing sidewalk, in that direction, to connect it to and the topography would make it difficult to construct one. The building will have a brick façade and will conform with the local architecture. The building meets all setback and zoning requirements except for the height requirement of 35'. This is because a tower on the building is designed to be used for training exercises and that needs to be 47'.

The two driveways for the new building will not be changed from their current location; the driveways are required to be spaced 300' apart according to the Zoning Ordinance but they are only 157' apart. Due to the unique use of the building, two driveways are required for access and the Kent County Road Commission has signed off on the

preliminary driveway locations. The applicant will need to receive a driveway permit and must comply with any changes required regarding drainage within the right-of-way.

There is a cell tower in the northwest corner of the property and plans show a 5' retaining wall separating the cell tower and the parking lot, but the applicant will need to determine what kind of access the company who owns it will require before the wall is put up.

Staff recommends approval of the new fire station with conditions that the applicant must comply with the Township Engineer letter dated May 4, 2022, all necessary permits are obtained before construction begins, a stormwater maintenance agreement is recorded, a driveway permit and approval are received from the Kent County Road Commission, and access for the cell tower located on the property is determined.

Township Manager Ben Swayze (5920 Tahoe Dr SE), the applicant on behalf of Cascade Township, came forward to answer questions. He said that this project is the culmination of four years of hard work and fifteen to twenty years of work behind the scenes to get to that point. They worked to minimize variances as much as possible and will meet the township's new stormwater ordinance guidelines.

Member Mead asked where Fire Station 1 will be relocated to until the new building is complete and Chief Adam Mangers (of the Cascade Township Fire Department) said they would be leasing a building down the road in the interim and staging trucks in various areas of the township to keep up their response time.

Engineer John VerPlank with Prein & Newhof (3355 Evergreen Dr) came forward and explained that the steep grade of the parcel makes it so that the driveway to the north can be straightened but the driveway to the south can't, creating the need for the driveways to be closer together than is allowed by the Zoning Ordinance. This is also the reason it would be difficult to add a sidewalk on that side.

Chief Mangers explained the need for the tower being taller than is required by the Zoning Ordinance as part of the station's training program. He said that the tower will contain the mechanism for the hose and allow firefighters to train on buildings with three or more floors. They currently don't have anywhere they can throw a ladder taller than 28' to practice with so much of their training for these situations is hypothetical. This tower would allow them to have training that is more consistent and of a higher quality than what they currently have.

Member McDonald asked Chief Mangers if he had any problems with the conditions laid out in the staff report and Chief Mangers stated that he did not.

Member Mead asked if the yard waste program was going to be relocated or changed due to this and Manager Swayze said that it would most likely be relocated back to Cascade Rec Park or they may potentially partner with a local entity.

Member Berra asked what the timeline for the project looked like and Chief Mangers said that they would be able to see studs in the ground this August and their move-in date would be fall of 2023.

Member Mead asked how much they intended to change the elevation of the property and Engineer John VerPlank said that they would only be taking the site down 1% or 1' but that will translate to a lot more dirt being removed.

Member Mead asked about the cell tower in the corner of the property and Engineer John VerPlank said that he hadn't gotten a response from them yet, but Manager Swayze said they had an agreement with them for 24x7 access but that what that access entailed wasn't ever defined. Manager Swayze said they will continue to work on contacting the company who owns it.

**Motion to open public hearing by Member McDonald. Supported by Member Moxley. Motion carried.**

There wasn't anyone who wished to comment.

**Motion to close public hearing by Member Moxley. Supported by Member McDonald. Motion carried.**

Member McDonald said that they could approve this case based on it being a public service alone but the reason the zoning requirements on building height exist is to avoid blocking a view or natural light for other residences and that isn't a problem with this parcel.

Manager Swayze came forward and explained that they would be changing some of the shrubs and perennials that are on the design because plants on the current plan total over \$100,000 and they would like to decrease the price while still meeting the ordinance.

**Motion was made by Member McDonald to approve case #22-3706 with Staff conditions. Supported by Member Milliken. Motion carried 5 to 0.**

**ARTICLE 9. Any Other Business**

There wasn't any other business to discuss.

**ARTICLE 10. Adjournment**

**Motion to adjourn was made by Member Berra. Supported by Member Milliken. Motion carried 5 to 0. The meeting was adjourned at 6:06 P.M.**

Respectfully submitted,

Ralph Moxley, Secretary

**STAFF REPORT**

STAFF REPORT: Case #22-3709/Jipping  
REPORT DATE: June 9, 2022  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: June 14, 2022  
PREPARED BY: Brian Hilbrands, Planning Director

APPLICANT:  
Jon and Lisa Jipping  
7779 Silverthorn Dr SE  
Ada, MI 49301

STATUS OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to allow for the home located on the property to be removed while an accessory building remains, resulting in the building being located in the front yard.

EXISTING ZONING OF SUBJECT PARCEL(S): R1

PROPERTY ADDRESS: 2637 Buttrick Ave

GENERAL LOCATION: West side of Buttrick Ave, north of 28<sup>th</sup> Street.

PARCEL SIZE: Approximately 8.5 acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: All Residential

ZONING ON ADJOINING PARCELS: N,W,S – R1  
E – ARC

**STAFF COMMENTS:**

1. The applicant has the purchased the property at 2637 Buttrick Ave and owns and lives at the adjacent proeprty to the west, 7779 Silverthorn. Currently there is an old farm house located on 2637 Buttrick, along with a detached garage and two barns.

2. The applicant would like to remove the home, detached garage, and smaller barn from 2637 Buttrick, but leave the larger barn in place. Section 4.08.2 of the zoning ordinance requires a home on the property in order to have an accessory building. If a home is removed, all accessory buildings on the property are also required to be removed.
3. In the past we have granted variances to allow for an accessory building to remain when a home is removed, but this is when a new home was planned to be built within a year. The applicant has indicated that at this time they have no plans to construct a new home.
4. The options available to the applicant include the following:
  1. Leave the existing home on the property so that no variance is needed.
  2. If the home is removed, also remove all accessory buildings so that the property remains in compliance.
  3. If the home is removed, construct a new home so that the property is brought back into compliance.
  4. If the home is removed, receive a variance to allow for the large barn to be located on a vacant parcel.
  5. If the home is removed, combine 2637 Buttrick and 7779 Silverthorn and receive a variance to allow for the large barn to be located in what is now the front yard area.
5. Review cases since 2001 I have not found any variances granted to allow for a home to be removed which results in an accessory building being located on a vacant parcel. The Zoning Board has granted variances to allow for an accessory building in the front yard area.
6. After speaking with the applicant about various options, they have decided to move forward with combining the two properties and applying for a variance to allow the barn to remain in what will now be the front yard area. Since the combined property will now have frontage on Buttrick Ave, the entire area between the home (located on 7779 Silverthorn) and Buttrick is considered front yard.
7. The barn is approximately 30'x 42' for a total size of 1,260 square feet. It has setbacks of approximately 81' to the side property line and approximately 190' to the front property line. It does appear that the barn may exceed the maximum height allowed for accessory buildings, but it would be considered a legal non-conforming building.
8. We do have some allowance for building an accessory building in the front yard provided they meet the following standards:
  1. A lot in which the topography of the property makes it impossible to construct the building in the rear or side yard, or extensive grading and tree removal is required which would significantly change the landscape and views of the neighborhood if required to locate the building in the rear or side yard.
  2. A lot in which the property owner would have to drive over a drain or septic field in order to access the garage.

3. A lot in which the accessory building is setback a minimum of two-hundred (200') feet from the Right-of-Way.
9. Since the barn does not meet all of those standards a variance is required.
  10. The barn is not located closer to Buttrick Ave then the home on the property immediately to the south, so it would not appear to be in the front yard to that neighbor.
  11. We have granted some other variances for buildings in the front yard where it has been demonstrated that a hardship exists and no other alternative is possible.
  12. The property is over 6 acres in size, so they are permitted three accessory buildings. The applicant has stated that the smaller barn and the detached garage will be removed, so that the larger barn will be the only accessory building located in the front yard. Any new accessory building will be expected to meet zoning standards, or a variance would be required.
  13. There does not appear to be any other homes on the street with an accessory building in the front yard.
  14. There are a few trees and shrubs that partially screen the barn from Buttrick Ave during the summer months.
  15. It should be noted that the Zoning Ordinance prohibits an accessory building to be used for living space or to run a business.
- A. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all the findings of fact listed in the table below:

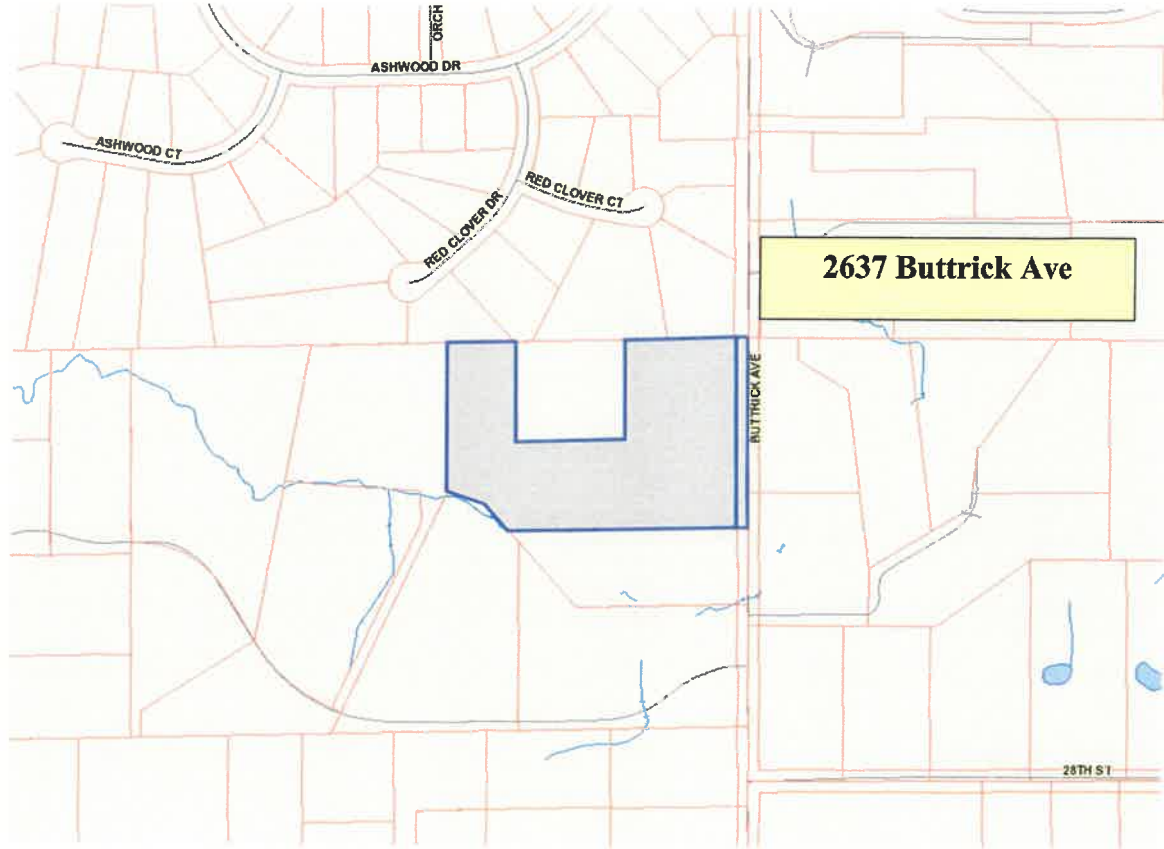
Findings of Fact	Comment
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The applicant's home is located in the back corner of what would be the combined lot, which would make it difficult to locate the building outside of the front yard area. The barn is an existing building that is very old and would most likely be extremely difficult or impossible to move.
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 is not responsible for the location and age of the barn. The desire to remove the existing home from 2637 Buttrick is the result of actions of the applicant.

That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.	The applicant is removing the other two accessory buildings that would have been located in the front yard area.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	Given the fact that the barn is an existing, historic building and is not located any closer to the road than the home of the closest neighboring property, it would not appear to be injurious to the neighborhood.
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.	It would not be practical to amend the Zoning Ordinance.
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.	Given that the barn is an existing, historic building, that the other two accessory buildings will be removed, and the fact that it would appear to be in the side yard of the neighboring property, the variance appears to be justified.

**STAFF RECOMMENDATION:**

Staff recommends that you approve the variance as requested to allow for the home located on the property to be removed while the large barn remains and the adjacent properties are combined, resulting in the building being located in the front yard.

Attachments: Application package  
Site plan



2637 Buttrick Ave

28TH ST

TITLE



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# CASCADE CHARTER TOWNSHIP

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

## PLANNING & ZONING APPLICATION

**APPLICANT:**

Name: Jon and Lisa Jipping

Address: 7779 Silverthorn Dr SE

City & Zip Code Ada, MI 49301

Telephone: \_\_\_\_\_

Email Address: Sestey@dykema.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 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:\*\***

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

**LEGAL DESCRIPTION OF PROPERTY\*\*:**

see attached Deed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(\*\*Use Attachments if Necessary)

**PERMANENT PARCEL (TAX) NUMBER:** 41-19 10-476-020

**ADDRESS OF PROPERTY:** 2637 Buttrick Ave SE, Ada, MI 49301

**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)
_____	_____
_____	_____

**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)

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

Jon Jipping

\_\_\_\_\_  
Applicant – Print or Type Name

DocuSigned by:  
*Jon Jipping* 5/12/2022  
09A2C88DCA884A8...  
Applicant’s Signature & Date

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



**Dykema Gossett PLLC**  
39577 Woodward Avenue  
Suite 300  
Bloomfield Hills, MI 48304  
WWW.DYKEMA.COM  
Tel: (248) 203-0700  
Fax: (248) 203-0763

**Stephen R. Estey**  
Direct Dial: (248) 203-0538  
Direct Fax: (855) 232-1793  
Email: SEstey@dykema.com

May 12, 2022

**Via FedEx**

Cascade Charter Township  
Zoning Board of Appeals  
5920 Tahoe Dr. SE,  
Grand Rapids, MI 49546,

**Re: *Jon and Lisa Jipping Application for Dimensional Variance– Section 23.07(2).***

Dear Members of the Zoning Board of Appeals:

We represent Jon and Lisa Jipping (collectively, the “Applicant” or “Client”), with regard to the above-referenced Application. This letter and its accompanying materials, including the application (attached as **Exhibit A**), the aerial photographs (attached as **Exhibit B**), and setback photos (attached as **Exhibit C**) (the “Application”), are presented to Cascade Charter Township (“Township”) Zoning Board of Appeals (“ZBA”) in furtherance of Applicant’s request for a nonuse variance of the Township’s Zoning Ordinance (“Ordinance”) to allow the existing longstanding historical barn to remain in the front yard of property located at 2637 Buttrick Ave SE, Ada, MI 49301 (the “Subject Property”).

Applicant owns and resides on the neighboring adjacent parcel located at 7779 Silverthorn Drive SE, Ada, MI 49301 (“Property”). Applicant also owns the Subject Property. The Subject Property contains a residential home and 2 historical barns that date back to 1906. Applicant is in the process of combining the Subject Property and Property and plans on demolishing the house on the Property and the southern accessory barn as shown on **Exhibit B** and plans to leave the larger historical barn in place. The barn to remain is located approximately 80 feet from the side yard boundary line and approximately 210 feet from Buttrick Avenue, as shown on Exhibit C. The proposed combined parcel will have frontage onto Buttsrick Ave and therefore the existing barn will technically be located in the “front yard” of the newly combined parcel. Pursuant to Section 4.08 of the Ordinance, accessory structures are only permitted in side and rear yards. Applicant has discussed this matter with Township staff and a variance is required to permit an accessory structure in the front yard (“Variance”). The Variance approval is a precondition to the lot combination approval of the Subject Property and Property. Therefore, Applicant is requesting a variance from Section 4.08 to allow the existing barn to remain in its current location.

Based on our review of the Cascade Township Zoning Ordinance (the “Ordinance”) and the information provided below, the Application meets all of the requirements for a variance and Applicant respectfully requests approval from the ZBA of the Variance. To that end, we ask that Applicant’s Application be considered by the ZBA at the first available date.

**I. VARIANCE ANALYSIS**

**i. Accessory Structures Prohibited in Front Yards**

Under Section 4.08 of the Ordinance,

Accessory structures other than attached porches and garages shall not be located in the front yard area of any lot except as allowed in Chapter 17, Section 17.03(b) or for a lot having water frontage where a customary detached private garage is permitted if it is located behind the applicable required front yard setback line for the district.

**ii. The Requirements Justifying a Variance are Met.**

MCL 125.3604 gives a zoning board of appeals the authority to grant nonuse variances if there are “practical difficulties,” relating to the “construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse related standard in the ordinance.” Likewise, Section 23.07(2), of the Ordinance provides that the ZBA may grant nonuse variances where there is a practical difficulty. This is consistent with Michigan law, which provides that there need only be a reasonable showing of “practical difficulty” to warrant a nonuse variance. *Heritage Hill Ass’n, Inc v City of Grand Rapids*, 48 Mich App 765; 211 NW2d 77 (1973).

As shown in greater detail below, practical difficulties exist in this case and all of the specific standards of review pursuant to Section 23.07(1)(b) of the Ordinance have been met:

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

1) 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;

**RESPONSE: This standard is met. The Applicant is combining the Subject Property and Property and is required under the Ordinance to demolish the residence on the Subject Property. This will result in the barn being located in the front yard of the**

**newly-formed parcel. The variance approval is necessary to maintain the existence of the historical barn. If not, a historical barn will be demolished to bring the Property into compliance with the Ordinance. The barn has been on the Subject property for over 100 years and its history dates back to 1906. Applicant would like to preserve this historical barn and is asking to leave the barn in its current location on the Subject Property. The barn has been well maintained and is not dilapidated.**

2) That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance;

**RESPONSE: This standard is met. Applicant did not construct the barn and it has been located on the Subject Property for over 100 years. The existence of the barn on the Subject Property predates the zoning ordinance. Applicant is seeking the variance to leave the historical barn in its current location on the Subject Property. Historical barns are vanishing from the rural landscape and it is critical to maintain and retain them.**

3) That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

**RESPONSE: This standard is met. The barn cannot be moved to another location, therefore, the variance approval is necessary to maintain the existence of the historical barn. If denied, this longstanding historical barn would need to be demolished to bring the Property into compliance with the Ordinance.**

4) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

**RESPONSE: This standard is met. The historical barn has been on the Subject property for over 100 years and is harmonious to the open space, and rural surrounding residential area. Allowing the barn to remain in its location will keep a 100-year-old structure standing and will not be detrimental to the public welfare. Indeed it will enhance the area by enabling a historical barn to remain in the community.**

5) That the condition or situation of the specific piece of 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 Ordinance; and

**RESPONSE: This standard is met. This situation is very unique as Applicant is unaware of any other property in the immediate surrounding area having a historical**

**100 year old barn. Therefore, this request is unique to the Subject Property.**

6) That complying with the Ordinance presents practical difficulty.

**RESPONSE: This standard is met. As stated above, the request comes as a result of the Ordinance's requirement to demolish the residence on the Subject Property as part of the lot combination. Applicant would like to preserve the history of the barn structure, which dates back to 1906. This situation presents a practical difficulty and a variance is warranted to protect and preserve the historical barn in its existing location.**

#### **IV. CONCLUSION**

In conclusion, the Applicant respectfully requests that the foregoing materials be considered by the ZBA at its next regularly scheduled meeting and that the Variance be approved. On behalf of the Applicant, we thank you in advance for your timely attention to this Application and look forward to working with the Township throughout the variance approval process.

Regards,

**Dykema Gossett PLLC**



Stephen R. Estey

Enclosures

Cc: Client

# **EXHIBIT A**

California | Illinois | Michigan | Minnesota | Texas | Washington, D.C. | Wisconsin

# **EXHIBIT B**



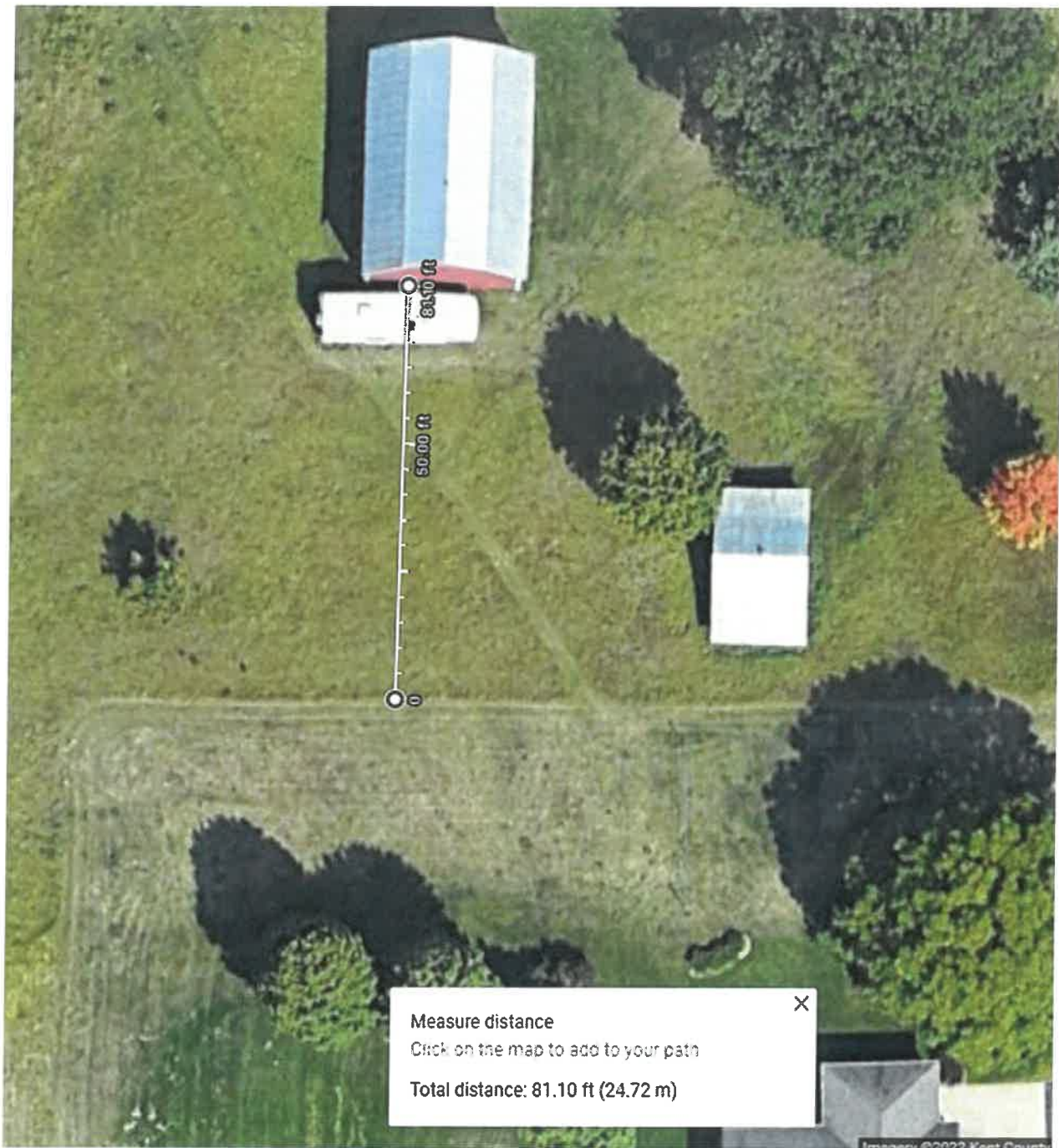
PROPERTY: RED

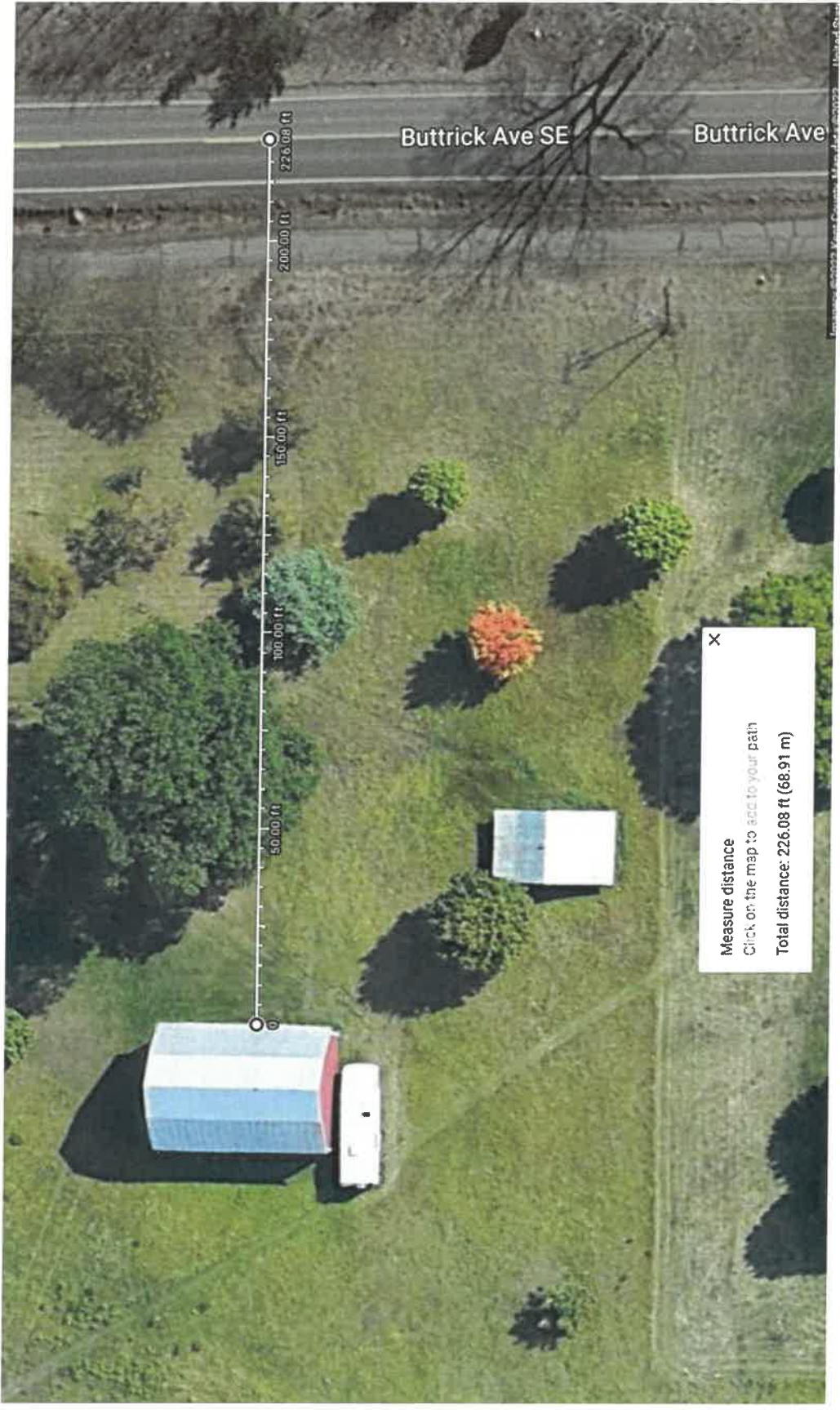
SUBJECT PROPERTY: PURPLE



**House and second barn to be demolished. Barn circled in green to remain.**

# **EXHIBIT C**





I HEREBY CERTIFY that there are No Tax Liens or Titles held by the State or any Individual against the within description, and all Taxes on same are paid for five years previous to the date of the instrument, as appears by the records in my office. This certificate does not apply to current Taxes, if any, now in process of collection.

Date: 7/16/2020 By: jb

Kenneth D. Parrish

Kent County Treasurer, Grand Rapids, Michigan

*Kenneth D. Parrish*

202007170062375 Total Pages: 3

07/17/2020 11:27 AM Fees: \$30.00

Lisa Posthumus Lyons, County Clerk/Register

Kent County, MI

SEAL

**Warranty Deed - Statutory Form**

C.L. 1948, 565.151 M.S.A. 26571

KNOW ALL MEN BY THESE PRESENTS: That Donald Vandenberghe and Carol Vandenberghe, husband and wife, whose street number and post office address is 2637 Buttrick Ave SE, Ada, MI 49301, convey(s) and warrant(s) to Jon E Jipping and Lisa M Jipping, husband and wife, whose street number and post office address is 8507 Newbury Ct. North, Canton, MI 48187 the following described premises:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Commonly known as: 2637 Buttrick Ave SE, Ada, MI 49301

for the full consideration of One Dollar (\$1.00). This transfer is exempt from state and county real estate transfer taxes pursuant to MCL 207.526(a) and MCL 207.505(a).

Subject to easements, reservations, restrictions and limitations of record, if any, and further subject to:

NONE

This premises may be located within the vicinity of farmland or a farm operation. Generally accepted agriculture and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make all division(s) under section 108 of the division act, Act No. 288 of the Public Acts of 1967.

This Correcting Deed is being recorded to correct the Warranty Deed recorded as Instrument No. 201911190091245, Kent County Records, recorded on November 19, 2019, whereby Donald Vandenberghe and Carol Vandenberghe, husband and wife, as grantors, whose street address is 2637 Buttrick Ave SE, Ada, MI 49301 convey(s) and warrant(s) to Jon E. Jipping and Lisa M. Jipping, husband and wife, whose street address is 2637 Buttrick Ave SE, Ada, MI 49301, to confirm and verify a life lease reserved by grantors in the subject property.

The sale of this property does not constitute a "transfer of ownership" under MCL 211.27a(7)(c).

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: July 7, 2020

*Donald Vandenberghe*  
Donald Vandenberghe

PPN# 41-19-10-476-020

Verified by PDM Id '05

*Carol Vandenberghe*  
Carol Vandenberghe

State of Michigan  
County of Kent

I, Amy N. Hamilton, a Notary Public of the County and the State first above written, do hereby certify that Donald Vandenberg and Carol Vandenberg personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 7<sup>th</sup> day of July, 2020.



Name:  
Notary Public - State of Michigan  
Ottawa County  
My Commission Expires:  
Acting in the County of Kent

AMY N. HAMILTON  
Notary Public, State of Michigan  
County of Ottawa  
My Commission Expires May 28, 2022  
Acting in the County of Kent

(Seal)

**Assisted By:**  
Chicago Title of Michigan,  
Inc.  
4362 Cascade Road SE  
Grand Rapids, MI 49546

**Drafted by:**  
Donald Vandenberg and  
Carol Vandenberg  
2637 Buttrick Ave SE  
Ada, MI 49301

**Mail After Recording To:**  
Jon E Jipping and Lisa M  
Jipping  
8507 Newbury Ct. North  
Canton, MI 48187

**Send Subsequent  
Tax Bills To:**  
Donald Vandenberg and  
Carol Vandenberg  
2637 Buttrick Ave SE  
Ada, MI 49301

**Recording Fee:** \$35.00  
**Tax parcel no.:** 41-19-10-476-020

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 41-19-10-476-020**

Land Situated in the State of Michigan, County of Kent, Township of Cascade.

That part of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 10, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the Southeast corner of said Southeast  $\frac{1}{4}$ , thence North  $01^{\circ}12'$  East 529.2 feet along the East line of said Section 10 to the point of beginning, thence South  $89^{\circ}31'30''$  West 515.0 feet parallel with the South line of said Section 10, thence North  $41^{\circ}00'$  West 410.0 feet, thence North  $70^{\circ}28'$  West 121.77 feet to the West line of the East 900 feet of said South  $\frac{1}{2}$ , Southeast  $\frac{1}{4}$ , thence North  $0^{\circ}12'$  East 448.0 feet, thence North  $89^{\circ}28'30''$  East 900.0 feet along the North line of said South  $\frac{1}{2}$ , Southeast  $\frac{1}{4}$ , thence South  $0^{\circ}12'$  West 802.12 feet along the East line of said Section 10 to the point of beginning.

Together with an easement for drainage over a strip of land 50 feet wide, the centerline of which is described as beginning on the East line of said Section 10, at a point which is North  $0^{\circ}12'$  East 529.2 feet from the Southeast corner of said Section 10, thence South  $89^{\circ}31'30''$  West 515.0 feet parallel with the South line of Section 10, thence North  $41^{\circ}00'$  West 410.0 feet, thence North  $70^{\circ}28'$  West 121.77 feet to the West line of the East 900.00 feet of said South  $\frac{1}{2}$ , Southeast  $\frac{1}{4}$  and the point of ending thereof.

Except:

That part of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 10, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the Southeast corner of said Southeast  $\frac{1}{4}$ , thence North  $0^{\circ}12'$  East 529.2 feet along the East line of said Section 10 to the point of beginning, thence South  $89^{\circ}31'30''$  West 433.0 feet parallel with the South line of said Section 10, thence North  $0^{\circ}12'$  East 180.0 feet, thence North  $89^{\circ}31'30''$  East 433.0 feet parallel with said South line, thence South  $0^{\circ}12'$  West 180.0 feet along the East line of said Section 10 to the point of beginning.

Also except:

The North 300.00 feet of the West 325.0 feet of the East 695 feet of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 10, Town 6 North, Range 10 West, Cascade township, Kent county, Michigan.

Also except:

That part of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 10, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the Southeast corner of said Southeast  $\frac{1}{4}$ , thence North  $0^{\circ}12'$  East 709.2 feet along the East line of said Section 10, to the point of beginning, thence South  $89^{\circ}31'30''$  West 433.0 feet parallel with the South line of said Section 10, thence South  $0^{\circ}12'$  West 180.0 feet, thence South  $89^{\circ}31'30''$  West 82.0 feet, thence North  $41^{\circ}00'$  West 302.56 feet, thence North  $89^{\circ}31'30''$  East 714.31 feet, thence South  $0^{\circ}12'$  West 50.0 feet along the East line of said Section 10 to the point of beginning.

GU 18

I HEREBY CERTIFY that there are No Tax Liens or Titles held by the State or any Individual against the within description, and all Taxes on same are paid for five years previous to the date of the instrument, as appears by the records in my office. This certificate does not apply to current Taxes, if any, now in process of collection.

Date: 11/18/2019 By: jb

Kenneth D. Parrish

Kent County Treasurer, Grand Rapids, Michigan

*Kenneth D. Parrish*

RECEIVED  
REGISTER OF DEEDS  
KENT COUNTY, MI

2019 NOV 18 PM 4:11

201911190091245 Total Pages: 3  
11/19/2019 09:39 AM Fees: \$30.00  
Lisa Posthumus Lyons, County Clerk/Register  
Kent County, MI SEAL

County Tax: \$363.00 State Tax: \$2,475.00

**Warranty Deed - Statutory Form**  
C.L. 1948, 565.151 M.S.A. 26571

KNOW ALL MEN BY THESE PRESENTS: That Donald Vandenberg and Carol Vandenberg, husband and wife, whose street number and post office address is 2637 Buttrick Ave SE, Ada, MI 49301, convey(s) and warrant(s) to Jon E Jipping and Lisa M Jipping, husband and wife, whose street number and post office address is 2637 Buttrick Ave SE, Ada, MI 49301 the following described premises:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PPN# 41-19-10-476-020

Commonly known as: 2637 Buttrick Ave SE, Ada, MI 49301

Verified by PDM JH '05

for the full consideration of Three Hundred Thirty Thousand And No/100 Dollars (\$330,000.00).

Subject to easements, reservations, restrictions and limitations of record, if any, and further subject to:

NONE

This premises may be located within the vicinity of farmland or a farm operation. Generally accepted agriculture and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make All division(s) under section 108 of the division act, Act No. 288 of the Public Acts of 1967.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: October 25, 2019

Signed and Sealed:


  
Donald Vandenberg

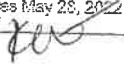
  
Carol Vandenberg

State of Michigan  
County of Kent

I, Amy N. Hamilton, a Notary Public of the County and the State first above written, do hereby certify that Donald Vandenberg and Carol Vandenberg personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 25th day of October, 2019.

  
Name: Amy N. Hamilton  
Notary Public - State of Michigan  
Ottawa County  
My Commission Expires: May 28, 2022  
Acting in the County of Kent

AMY N. HAMILTON  
Notary Public, State of Michigan  
County of Ottawa  
My Commission Expires May 28, 2022  
Acting in the County of 

(Seal)

**Assisted By:**  
Chicago Title of Michigan,  
Inc.  
4362 Cascade Road SE  
Grand Rapids, MI 49546

**Drafted by:**  
Donald Vandenberg and  
Carol Vandenberg  
2637 Buttrick Ave SE  
Ada, MI 49301

**Mail After Recording To:**  
Jon E Jipping and Lisa M  
Jipping  
2637 Buttrick Ave SE  
Ada, MI 49301

**Send Subsequent  
Tax Bills To:**  
Jon E Jipping and Lisa M  
Jipping  
2637 Buttrick Ave SE  
Ada, MI 49301

**Recording Fee:** \$35.00

**Real Estate Transfer Tax:** \$2,838.00

**Tax parcel no.:** 41-19-10-476-020

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 41-19-10-476-020**

Land Situated in the State of Michigan, County of Kent, Township of Cascade.

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## STAFF REPORT

STAFF REPORT: Case #22-3710/Harold Goehring  
REPORT DATE: June 9, 2022  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: June 14, 2022  
PREPARED BY: Brian Hilbrands, Planning Director

APPLICANT:  
Harold Goehring  
6389 Burton St SE  
Grand Rapids, MI 49546

STATUS  
OF APPLICANT:

Owner

REQUESTED ACTION:

The applicant is requesting a second extension of a previous variance for the use of a temporary building during the construction of a detached garage and interior remodel work.

EXISTING ZONING OF  
SUBJECT PARCEL(S):

R1

GENERAL LOCATION:

The property is located on the northwest corner of Burton Street and Cascade Pointe Drive.

PARCEL SIZE:

Approximately 0.45 acres

EXISTING LAND USE  
ON THE PROPERTY:

Residential

ADJACENT AREA  
LAND USES:

All residential

ZONING ON  
ADJOINING PARCELS:

N,W – R1  
E – PUD 75  
S – R2

### STAFF COMMENTS:

1. The applicant is requesting a 6-month extension of a previous variance to allow for a temporary building to be used for storage during the construction of a detached garage and interior remodel work of the home. The temporary building is a shipping container that is approximately 8'x 20' and 9' tall. This request was reviewed under section 4.18(4) of the Zoning Ordinance.

2. The building was originally brought to our attention when we received a complaint from a neighbor in March of 2021. We then made contact with the property owner and informed them that they would need to receive a variance in order to allow for the temporary building to remain until the garage is built and the remodel work is completed.
3. The applicant was granted a 6-month variance in May of 2021 and was then granted a 6-month extension in November of 2021. That 6-month extension has expired but the remodel and garage work has not been completed, so they are requesting a second 6-month extension.
4. Section 4.18(4) of the Zoning Ordinance requires that the Zoning Board of Appeals to determine: if indeed the structure is temporary and when its use will be terminated; if the structure will be served by a healthful water supply and toilet facilities, and if the temporary building will be injurious to the surrounding properties or neighborhood.
5. We have granted other temporary structure permits in the past. However, those have most often been located on commercial sites. In those cases, we have granted several variances allowing the temporary building or use provided that the end date was set when the temporary building or use would be terminated.
6. The Fire Department had reviewed the plan and stated that they do not have any concerns.
7. The Building Department had noted that since the container is under 200 square feet it does not require a building permit.
8. The applicant had indicated that they believed they would have the garage finished within 6 months. However, they have not been able to start construction on the garage. The applicant has noted that work on the garage and also some work on the home has been delayed due to the pandemic and the difficulty in finding materials and a contractor.
9. The applicant has stated that the storage container is being used to hold a variety of material that is needed for the interior remodel work that must be kept dry and out of the weather. Once the interior remodel work is completed the shipping container will then be needed to hold supplies for the detached garage that will be built. The applicant does still have open building permits for the interior remodel work. The applicant should speak to the estimated timeline for completion of the interior remodel work and construction of the detached garage.
10. The ZBA met on this matter and approved the variance at the 5/11/21 meeting with the following conditions:
  - a. The applicant removes the temporary building upon completion of the detached garage, or within 6 months. Whichever is sooner.
  - b. Provide a performance bond/security deposit for the removal of the temporary building if the building has not been removed and the property is not in

compliance in 6 months. The amount of the bond/security deposit will be at a minimum \$500.

11. The ZBA granted a 6-month extension to the original variance at the 11/9/21 meeting.
12. The applicant has provided the \$500 performance bond but has been unable to start work on the garage. Rather than remove the temporary building they are asking for another 6-month extension of the variance.
13. Denial of the variance would require that the temporary building be removed.
14. The applicant appears to be making progress on the interior remodel and they have open building permits for that project. Given the labor and supply chain difficulties that have been occurring, along with the fact that the initial variance was only for 6 months, it seems reasonable to give them a little more time.
15. Since this is not a variance request, the standards you should apply are those referred to above.

**STAFF RECOMMENDATION:**

Staff recommends that you approve the variance as requested with the following condition:

1. Grant a six-month extension (November 2022) to the previous conditions.

Attachments: Application package  
Site plan  
Section 4.18(4) of the Zoning Ordinance  
ZBA Minutes from the 5/11/21 Meeting  
ZBA Minutes from the 11/9/21 Meeting





Kent County, MI makes no warranty, expressed or implied, regarding the accuracy, completeness or usefulness of information presented. Users of this information assume all liability for its fitness for a particular use.





# CASCADÉ CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: Harold Goehring  
 Address: 6389 Burton St SE  
 City & Zip Code: GR  
 Telephone: 616-443-8233  
 Email Address: harold@campgroundsgrow.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                   |
| <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:\*\***

law extension - because of merlot delays

**(\*\*Use Attachments if Necessary)**

**-SEE OTHER SIDE-**

Assessing  
949-6176

Building  
949-3765

Buildings & Grounds  
682-4836

Clerk  
949-1508

Fire  
949-1320

Manager  
949-1500

Planning  
949-0224

Treasurer  
949-6944

**LEGAL DESCRIPTION OF PROPERTY\*\*:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(\*\*Use Attachments if Necessary)

**PERMANENT PARCEL (TAX) NUMBER:** 41-19 \_\_\_\_\_

**ADDRESS OF PROPERTY:** 6389 Buckhorn St. SE.

**PRESENT USE OF THE PROPERTY:** \_\_\_\_\_

**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)

\* *[Signature]*  
\_\_\_\_\_  
Owner's Signature & Date  
(\*If different from Applicant)

\_\_\_\_\_  
Applicant – Print or Type Name

\_\_\_\_\_  
Applicant's Signature & Date

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

Rev. 7/24/14

Couldn't get the printer to work  
Cascadia Charter Twp

Harold Goehring  
6389 Burton St SE  
Grand Rapids, MI 49546

Requesting 6 MO  
EXTENSION  
that should  
Do IT?

Nature of Regent

☒ special use permit

Under construction still

Shipping container is holding construction

70% complete

materials

Delays in receiving construction materials

which shortages are received

For replacing 1/2 of the home because of poor construction in the 1900's this repair was unexpected

The garage is next. Just received the survey for gr. set backs, that took 8MO's waiting for Survey Drawing.

- PERMANT Parcel (TXX) Number 41-19
  - ADDRESS 6389 Burton St SE, GR 49546
  - RES.
  - Equitable Interest in Prop Harold Goehring  
SAME
- see Attached Cascadia Charter Twp Form  
for appropriate language

Harold Goehring

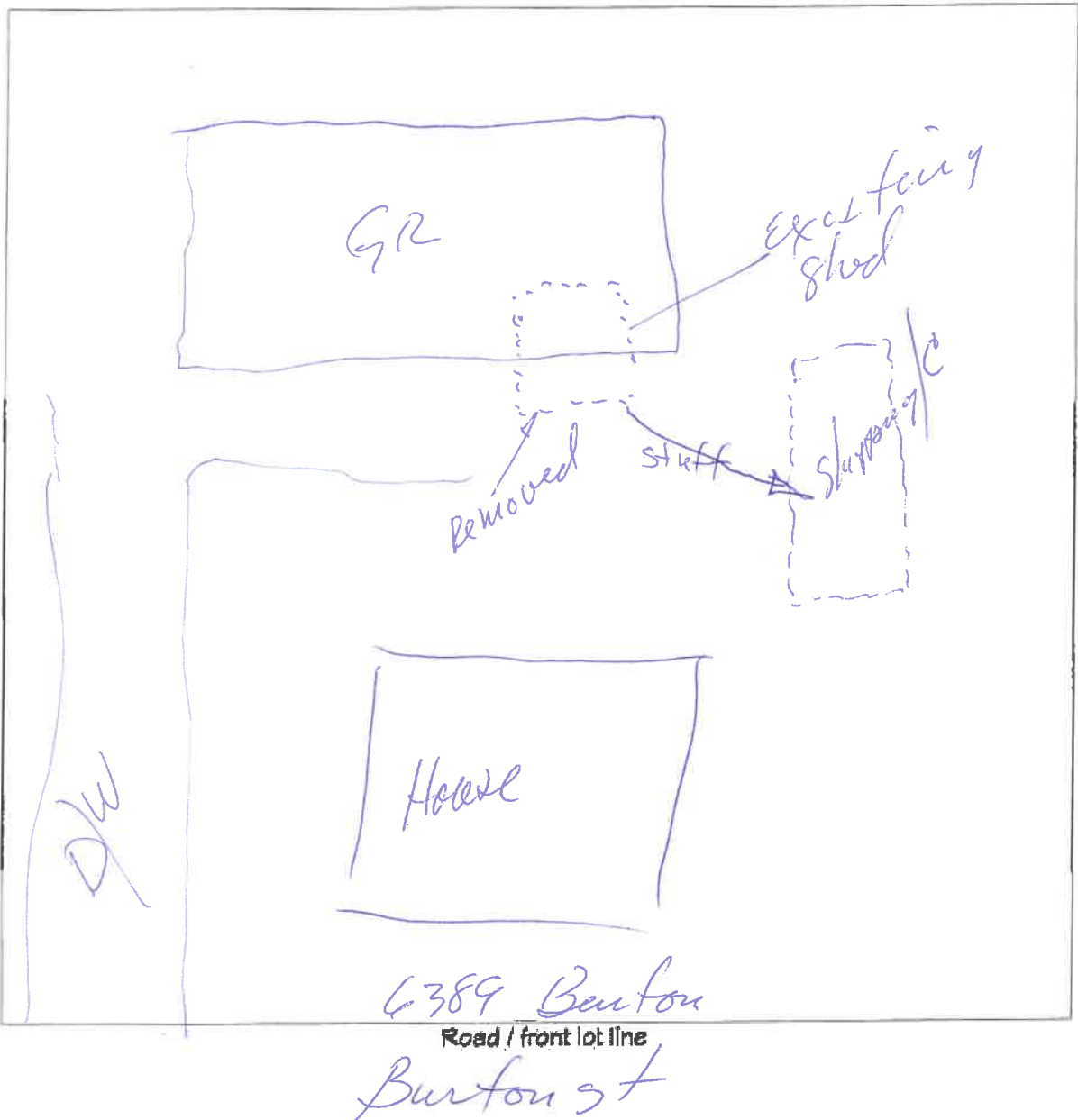
Harold Goehring 5/27/21 - same as above

\$100.00 in closed Application fee

# Site Plan

Address: \_\_\_\_\_

Contact name/number: \_\_\_\_\_



**\*\*Please note existing building locations and distances from lot lines for any additions or decks.**

**\*\*For swimming pools - include the required barrier location**

# CHAPTER 4 General Provisions

- d. The structure will be in place for less than 72 hours.
  - e. Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the temporary liquor license permit for the event prior to the Township signing off on the event. (amended by Ord #10 of 2018)
  - f. The event is a public service event or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.
3. Permits for the temporary placement of mobile homes for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Inspector upon approval by the Planning Director according to the following criteria:
- a. Sufficient domestic water supply and toilet facilities are provided.
  - b. All construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CRF 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.
  - c. The mobile home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zoning district except that it may be placed in the front yard.
  - d. The permit shall specify that the mobile home is temporary and that the permit shall expire after a reasonable specific time.
  - e. An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary mobile home for occupancy shall not be issued until it has been removed or an approved performance

guarantee for its removal is deposited with the Township Clerk.

## 4. Other Temporary Structures:

Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set forth the purposes of the construction. The Zoning Board of Appeals shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.

## Section 4.19 Dwellings - Single-Family:

Single-family dwelling erected or placed on a lot or parcel of property in the Township shall meet the following minimum criteria:

1. It shall have a minimum width across any front, side or rear elevation of twenty (20) feet.
2. There shall be a minimum habitable floor to ceiling height of 7.5 feet.
3. The dwelling must be aesthetically compatible in design and appearance with other dwellings in the district, and conform to the minimum floor area requirements for the district in which it is located.
4. The dwelling shall be connected to a public sewer and water supply, or to such private facilities approved by the Kent County Health Department.
5. All construction and all plumbing, electrical apparatus and insulation within the dwelling shall be of a type and quality conforming to the Township Building Code (BOCA) or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. The dwelling shall meet or exceed all applicable roof snow



Definitions

General Provisions

Development Review

Zoning Districts

Special Uses

Planned Unit Development

Height, Area, & Placement

Parking & Access

Landscaping

MINUTES  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, May 11, 2021  
5:30 P.M.  
Virtual Zoom Meeting

**ARTICLE 1.** Chairman Mead called the meeting to order at 5:30 P.M.  
Members Present: Berra, McDonald, Mead, Milliken, Moxley  
Members Absent: None  
Others Present: Planner Brian Hilbrands

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

**ARTICLE 3.** Approve the Agenda.

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

**ARTICLE 4.** Approve the Minutes of the April 13, 2021 Meeting.

**Motion was made by Member McDonald to approve the Minutes of April 13, 2021. Supported by Member Milliken. 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 #21-3628 / Goehring, Harold**

**Public Hearing**

**Property Address: 6389 Burton St SE**

**Requested Action:** The applicant is requesting a variance for the use of a temporary building during the construction of a detached garage.

Planner Hilbrands stated that this case was brought to the attention of Township Staff in March, and that the temporary building was already in place at that time. Planner Hilbrands stated that the applicant was told he would need to apply for and receive a variance in order to keep the temporary building on the property, and stated that since applying for the variance, the applicant has been very cooperative.

Planner Hilbrands stated that the temporary building is an approximately 8x20 shipping container, and is approximately 9 feet tall. Planner Hilbrands stated that although this is not a zoning variance, it is something the Zoning Board of Appeals needs to grant permission for. Both the Fire Department and Building Department have reviewed the request, and stated that no additional permits are needed.

Planner Hilbrands stated that as the building is currently placed, it is approximately 8 feet in front of the house on the side facing Cascade Pointe Drive, so it is technically in

the front yard since the home sits on a corner and has two front yards. Planner Hilbrands stated that there is room for the applicant to shift the building back to the west 8 feet if the Zoning Board would like that done. Planner Hilbrands stated that since this is just a temporary permit, he does not find it necessary to have the building moved. The applicant has stated that he is using the building as temporary storage until the garage is built, and has bids out to start work on the foundation of the garage.

Planner Hilbrands stated that variances for temporary structures have been issued in the past, however most often for commercial, school, or church sites. These variances have been given when an end date was set for when the use of the temporary building would be terminated.

Planner Hilbrands stated that Staff is recommending approval of the variance request with the two following conditions:

1. The applicant removes the temporary building upon completion of the detached garage or within six months, whichever is sooner.
2. The applicant provides a performance bond or security deposit for the removal of the temporary building if it is not removed and the property is not in compliance within six months. The amount of the bond or deposit will be a minimum of \$500.

Chairman Mead invited the applicant to comment.

Planner Hilbrands stated that the applicant reached out and said he had to travel for work, and was unsure if he would have internet access.

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

Member McDonald asked Planner Hilbrands if there was any additional public comment made besides the initial complaint alerting the Township Office to the building, Planner Hilbrands stated there was none.

Mr. Tom Stolz (6399 Cascade Pointe Drive) asked if a permit is needed for the permanent structure (garage) being built, and if one has been applied for. Planner Hilbrands stated that he did not believe a permit is needed yet for the building that will be constructed, and that a temporary building only needs a permit if it is over 200 square feet. The temporary building on the property in question is not over 200 square feet, however the six-month timeline is given to assure that a permit will be pulled when needed, and that the project will be completed within six months.

There was no further comment.

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

Member Moxley asked what the current building to the north of the temporary building is, Planner Hilbrands stated that it is an existing shed that the applicant plans to take down after the garage is built.

Member Moxley asked where the new building is going to be located on the property. Planner Hilbrands stated it will be near where the current shed is, and will need to meet all Zoning requirements.

Member Moxley asked if the contents of the existing shed have been moved in to the temporary building, Planner Hilbrands stated that he believes so, but would need to verify that with the applicant.

Member Moxley asked if the temporary building can be moved once it's loaded. Planner Hilbrands stated that he would need to check with the applicant, Chairman Mead stated that he believes it can be moved.

Member Moxley commented that the temporary building is hid well by large spruce trees and another flowering tree on the property.

**Motion was made by Member McDonald to approve the variance with the conditions listed above by Staff. Supported by Member Berra. Motion carried 5 to 0.**

**ARTICLE 7. Case #21-3633 / Daniel Verkaik**

**Public Hearing**

**Property Address: 8934 52nd St SE**

**Requested Action:** The applicant is requesting a variance to construct an accessory building concurrently with a home.

Planner Hilbrands Planner Hilbrands stated that the Township does not typically permit an accessory building being built at the same time as a home, and that the Township Ordinance states that a house has to be 50% complete before an accessory building is able to be constructed. Planner Hilbrands stated that the applicant has said that building both the home and accessory building concurrently will help with construction efficiencies. Planner Hilbrands stated that there have been similar variances granted in the past (accessory building built concurrently with a house), and that a performance bond is provided to the Township to ensure the building can be removed if the property does not come into compliance.

Planner Hilbrands stated that the applicant has been made aware of these requirements, and that this is the only approval the applicant needs to receive before he can apply for building permits for both buildings.

Planner Hilbrands stated that Staff is recommending approval of the variance as requested with the following three conditions:

1. The house is at least 50% complete within one year.
2. The applicant provides a performance bond (minimum of \$10,000) for the removal of the accessory building if the home is not 50% complete within one year.

**Minutes**  
Cascade Charter Township  
Zoning Board of Appeals  
Tuesday November 9, 2021  
5:30 P.M.  
2870 Jacksmith Ave SE

**ARTICLE 1.** Chairperson Mead called the meeting to order at 5:30 P.M.  
Members Present: Tom McDonald, Ralph Moxley, Aaron Mead, Lou Berra, Valerie Milliken  
Members Absent: None  
Others Present: Interim Planning Director Hilbrands and those listed on the sign-in sheet

**ARTICLE 2.** Pledge of Allegiance

**ARTICLE 3.** Approve the current Agenda

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

**ARTICLE 4.** Approve the minutes of the October 12, 2021 meeting

**Motion was made by Member McDonald to approve the October 12, 2021 meeting minutes as written. Supported by Member Moxley. Motion carried 5 to 0.**

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

There were not any visitors that wished to speak to non-agenda items.

**ARTICLE 6.** Case #21-3672/Goehring

**Property Address:** 6389 Burton St.

**Requested Action:** The applicant is requesting an extension of a previous variance for the use of a temporary building during the construction of a detached garage.

Interim Planning Director Hilbrands presented the request for a six-month extension on a previous variance for a temporary building during the construction of a detached garage. The temporary building is an approximately 8' x 20' and 9' tall shipping container. The structure was originally alerted to the township by a neighbor and the applicant was required to submit a variance for a temporary building. The applicant was granted the variance for six months with a \$500 performance bond that he has submitted. The applicant believed they would have the project completed and the building removed within six months but problems with the supply chain have prevented that from happening.

Considering the pandemic supply chain problems and that the original variance was only for six months when they are often a year, staff recommend approval of this extension

for an additional six months with the condition that it follows all of the conditions from its' previous variance.

Goehring spoke to the committee about the issues that have plagued his home improvement attempts. He intended to add a bathroom to the basement and a detached garage but the project ended up going much further. It took six months to get the shipping container out of Chicago and then he wanted to build his garage first but Lacks was going to put in a sewer and he didn't want a well, and that ended up being delayed until the spring. He also noticed that when his washer went into spin cycle, his whole house would shake and he wanted to insulate the house while they were at it. The house had been moved from another location and, when they moved it, they sistered the tresses together and built the back end on with scrap wood so when the builder noticed this, they had to replace all of the tresses. The shipping container is currently full of windows and when they get that complete, they'll be able to start working on the garage he is building. The sprinkler system is in and the landscaping will be going back up in the spring. He hoped the garage would already be done by now.

**Motion to open public hearing by Member McDonald. Supported by Member Miliken. Motion carried.**

There was no one who wished to make a comment.

**Motion to close public hearing Member McDonald. Supported by Member Moxley. Motion carried.**

**Motion was made by Member McDonald to approve case #21-3672 with any staff conditions. Supported by Member Berra. Motion carried 5 to 0.**

**ARTICLE 7. Case #21-3674/Keeler**

**Property Address:** 7385 Kilmer St.

**Requested Action:** The applicant is requesting a variance to construct an addition to the north side of the home that is closer to the side property line than permitted.

Interim Planning Director Hilbrands presented the case requesting a variance from zoning ordinance section 18.05. The applicant is looking to put an addition on the home that is approximately 9 ft from the property line while the ordinance says that there needs to be a setback on each side of at least 10 ft each with the total between the sides not less than 25 ft to the property line. One side of the building has a setback of 9 ft from the property line and the other side has a setback of 9 ft 8 in, for a total of 18 ft 8 in, being less than the required 25 ft. The proposed addition would not extend any further towards the property line than the current building. The applicant was already granted this variance in 2009 and 2019 however they did not construct the addition so the variance expired and he is now applying again. There are a few other homes in the neighborhood that seem to have similar non-conforming setbacks.