



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## NOTICE OF PUBLIC MEETING VIA VIDEO CONFERENCE

In accordance with Executive Order 2020-75, which declares that public bodies subject to the Open Meetings Act can use telephone and/or video conferencing technology to meet and conduct business during the ongoing COVID-19 pandemic, the Cascade Charter Township Planning Commission will conduct a regular meeting on Monday, July 20, 2020 at 7pm utilizing the Zoom video conferencing platform, for the purpose of conducting official business while complying with Executive Order 2020-77 and the Michigan Department of Health and Human Services recommendations designed to help prevent the spread of COVID-19. For up-to-date information regarding the ongoing public health crisis, please visit:

<http://www.Michigan.gov/coronavirus> or <http://www.CDC.gov/coronavirus>

## INSTRUCTIONS FOR ACCESS AND PARTICIPATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89038570911>

Or iPhone one-tap :

US: +13017158592,,89038570911# or +13126266799,,89038570911#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or  
+1 346 248 7799 or +1 669 900 6833

Webinar ID: 890 3857 0911

International numbers available: <https://us02web.zoom.us/j/89038570911>

*\*\*Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Deputy Clerk, Padley Gallagher, at [pgallagher@cascadetwp.com](mailto:pgallagher@cascadetwp.com) or 616-949-1500 at least 24 hours prior to the meeting\*\**

## PUBLIC PARTICIPATION

Members of the public will be able to listen to and view all discussion by the Planning Commission and all official materials for this meeting prepared for the Township Board will be

included in the meeting packet and available to the public on the Township website

[www.cascadetwp.com](http://www.cascadetwp.com)

Individuals will be permitted to speak during public comment periods in accordance with the Township Remote Public Meeting Procedure Policy.

If you would like to contact the Township about any matter, on the agenda or otherwise, please do so via email at the addresses below a minimum of 8 hours prior to the meeting. If you wish comments to be read into the public record during the public comment period, you must indicate so and draft communication that can be read in the allotted 3-minute timeframe.

Clerk Sue Slater: [sslater@cascadetwp.com](mailto:sslater@cascadetwp.com)

Manager Ben Swayze: [bswayze@cascadetwp.com](mailto:bswayze@cascadetwp.com)

Community Dev. Director: [speterson@cascadetwp.com](mailto:speterson@cascadetwp.com)

**AGENDA**  
**Cascade Charter Township Planning Commission**  
**Monday, July 20, 2020**  
**7:00 pm**  
**Virtual Zoom Meeting**

- 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. Acknowledge visitors and those wishing to speak to non-agenda items.  
(Comments are limited to five minutes per speaker.)**
- ARTICLE 5. Case #20-3588/Casto  
Public Hearing  
Property Address: 7365 Treeline Drive SE  
Requested Action: The applicant is requesting a Type I special use permit to allow a 6-foot-tall fence in the front yard.**
- ARTICLE 6. Any other business**
- ARTICLE 7. Adjournment**

**Meeting format**

- |   |   |
|---|---|
| <b>1. Staff Presentation</b>  | <i>Staff report and recommendation</i>  |
| <b>2. Project presentation-</b>   | <i>Applicant presentation and explanation of project</i>  |
| <b>a. PUBLIC HEARINGS</b>   |   |
| <b>i. Open Public Hearing.</b>  | <i>Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants</i> |
| <b>ii. Close public hearing</b>   |   |
| <b>3. Commission discussion – May ask for clarification from applicant, staff or public</b> |   |
| <b>4. Commission decision - Options</b>   |   |
| <b>a. Table the decision</b>  | <i>d. Approve with conditions</i>   |
| <b>b. Deny</b>  | <i>e. Recommendation to Township Board</i>  |
| <b>c. Approve</b>   |   |

## STAFF REPORT

STAFF REPORT: Case #20-3588/Casto  
REPORT DATE: July 9, 2020  
PREPARED FOR: Cascade Charter Township Planning Commission  
MEETING DATE: July 20, 2020  
PREPARED BY: Brian Hilbrands, Planner

### APPLICANT:

Matthew and Katherine Casto  
7365 Treeline Drive SE  
Grand Rapids, MI 49546

### STATUS

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a Type I special use permit to allow a 6-foot-tall fence in the front yard.

EXISTING ZONING OF  
SUBJECT PARCEL(S): R-2, Residential

GENERAL LOCATION: Corner of Treeline Dr and Lime Hollow Dr.

PARCEL SIZE: 0.34 acres

EXISTING LAND USE  
ON THE PROPERTY: Residential

ADJACENT AREA  
LAND USES: All Residential

ZONING ON  
ADJOINING PARCELS: All R-2

### STAFF COMMENTS:

1. The applicant is requesting a Type I special use permit to allow for a taller fence in the front yard.
2. They would like to install a 6-foot-tall wooden fence in the front yard along Lime Hollow Dr, as well as in the front yard along Treeline Dr. This is a corner lot, and therefore both the yard facing Lime Hollow Dr and the yard facing Treeline Dr are considered front yards. Fences in the front yard are limited to 4 feet tall unless the Planning Commission approves a special use permit.

3. The property owner has stated that they have a number of small children, and would like to install the 6-foot-tall fence to allow for privacy and safety.
4. The fence is planned to be a solid wood fence. It would match the look and height of the existing fence in the back and side yard, as well as the fences on both neighboring lots.
5. The 6-foot-tall fence will be stopped about 45 feet short of the intersection of Treeline Dr and Lime Hollow Dr. This is in compliance with our clear vision corner requirements of a 20-foot radius clear of anything over 30 inches.
6. They have indicated that the fence along Lime Hollow Dr will be placed 22 feet from the road. It will be important for the owner to make sure that any fence is not placed in the road ROW. Measuring from the road is not always accurate.
7. Fences do not require a building permit but are required to comply with Section 4.30 of the Zoning Ordinance.
8. We have granted other permits for taller fences in the front yard before when it has not created a vision problem.
9. With a Type I special use permit the Planning Commission may allow the height of the fence to increase to 8 feet, however they are only asking to increase to 6 feet. I have copied for you the section from our ordinance that provides the criteria for you to evaluate the taller fence request.

**Conditions for Special Use Permit Approval**

Amended by Ord No 5 of 2012 (7/25/12)

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:

Standard	Comment
To what extent the impact of additional height has on adjoining neighbors.	Little if any for a 6-foot-tall fence.
Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.	I do not believe this would be an issue for a 6-foot-tall fence.
Whether the increased height creates a traffic hazard.	The additional height would not create a traffic hazard.
Whether the increased height creates a fire, safety hazard.	Chief Magers has indicated that the increase in height would not create a fire hazard.

Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.).

The Township is unaware of any deed restrictions that would prohibit this fence.

Staff recommends that the Planning Commission approve the 6-foot-tall fence in the front yard as proposed.

Attachments: application package, Section 4.30 of the zoning ordinance



# CASCADÉ CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan  
49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:**

Name: MATTHEW & KATHERINE CASTO  
Address: 7305 TreeLine Dr SE  
City & Zip Code: GR, MI 49546  
Telephone: 214.458.2301  
Email Address: mattcasto@me.com

**OWNER: \* (If different from Applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City & Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input type="checkbox"/> P.U.D. - Rezoning *
<input type="checkbox"/> P.U.D. - Site Condominium *	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review *	<input type="checkbox"/> Sign Variance
<input checked="" type="checkbox"/> <u>Special Use Permit</u>	<input type="checkbox"/> Subdivision Plat Review *
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: _____ *

\* Requires an initial submission of 5 copies of the completed site plan

**BRIEFLY DESCRIBE YOUR REQUEST:\*\***

6 FT FENCE ALONG PROPERTY LINE "SIDE & BACK OF HOUSE" THAT RUNS ALONG LIME HOLLOW WILL SIT 22ft off ROAD  
WE HAVE SEVERAL EXAMPLES OF OTHERS IN THE NEIGHBORHOOD.

*An 8ft fence is what's designed but will settle for 6ft*

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

*over*

LEGAL DESCRIPTION OF PROPERTY\*\*:

TAX PARCEL #41-19-10-380-006

Residential property

(\*\*Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 10-380-006

ADDRESS OF PROPERTY: 7365 TreeLine Dr SE

PRESENT USE OF THE PROPERTY: Residence

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

Name(s)

Address(es)

MATTHEW CASO

7365 TreeLine Dr SE

KATHERINE CASO

SP, MI 49546

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.)

MATTHEW CASO

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

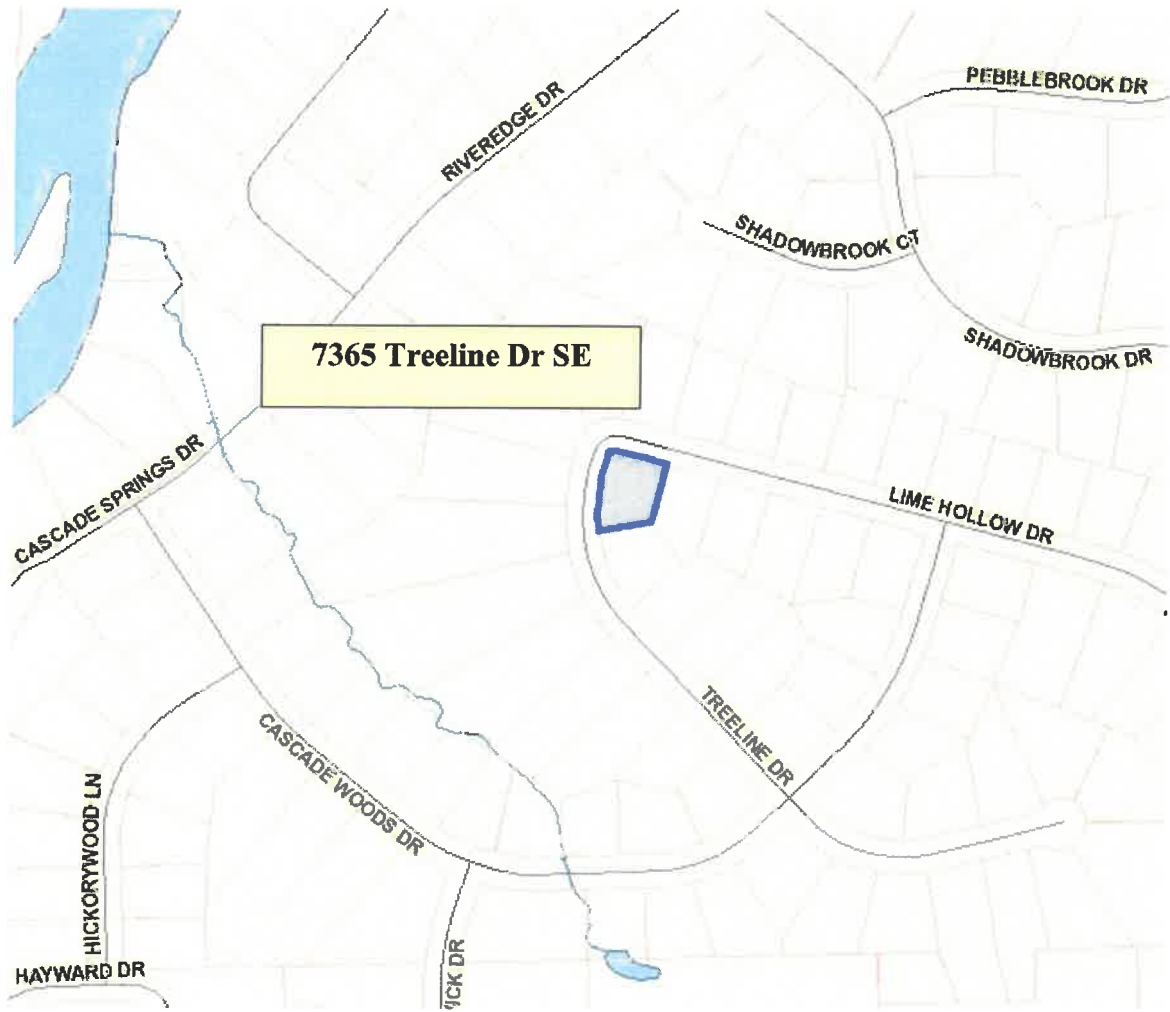
Applicant - Print or Type Name

\* [Signature] 06/05/20

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



7365 Treeline Dr SE





**nederveld and jonker land surveying co.**

3706 Chicago Drive, Hudsonville, Michigan 49426

Ph (616) 669-5190

File No.: 78171

Date: 2-28-78

**SURVEY FOR:**  
Mutual Home Federal Savings & Loan  
Attn: Steve Igleski  
220 28th St. S.W.  
Grand Rapids, Michigan 49508

**APPLICATION NO. - 40732**

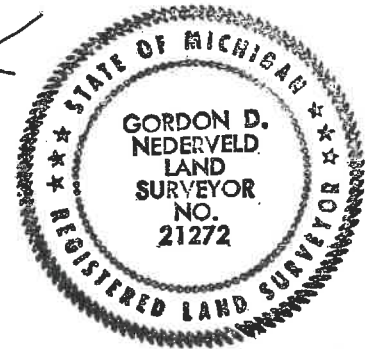
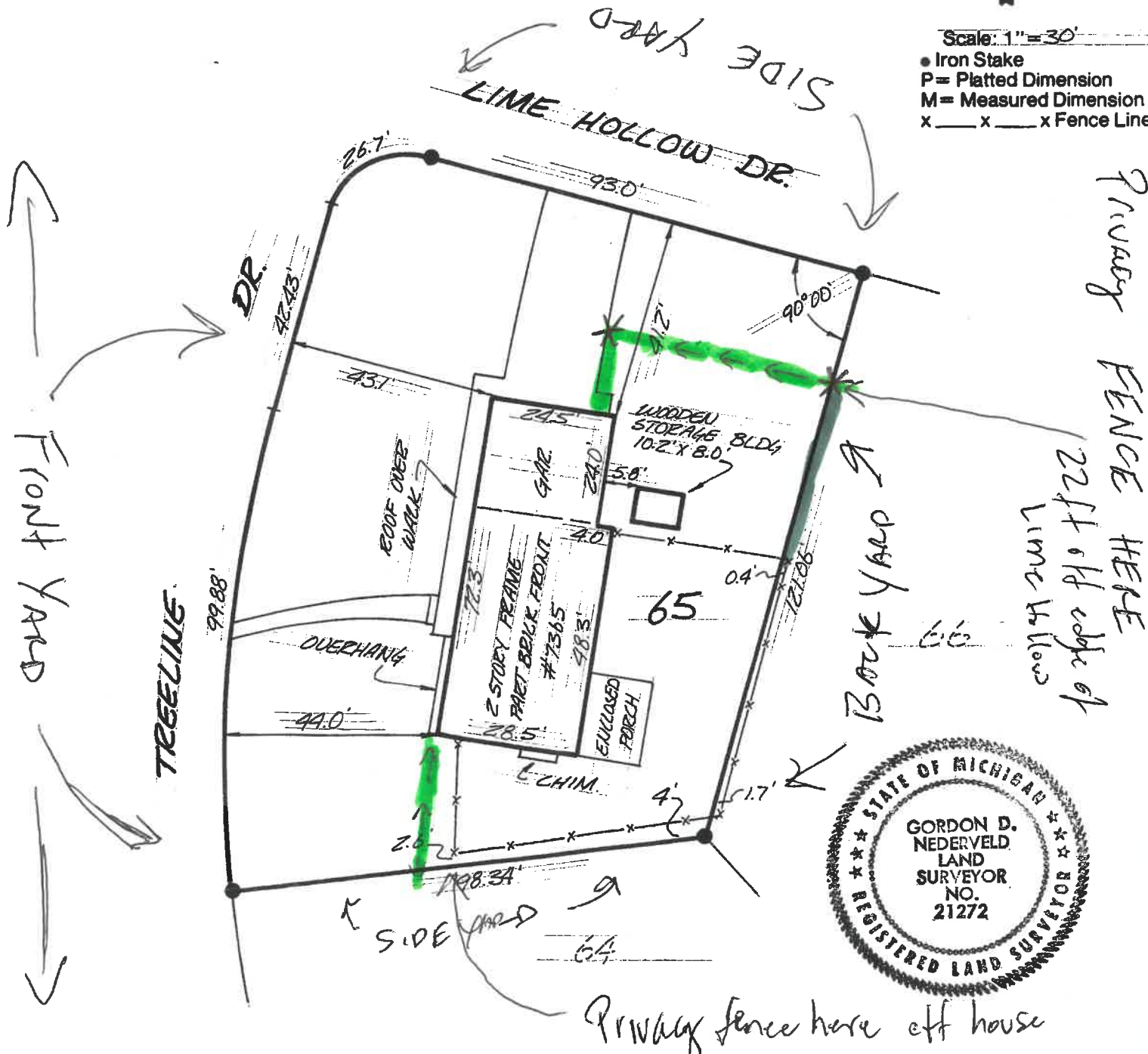
**RE: Harold McCarthy**

**DESCRIPTION:** Lot 65 Cascade Woods No. 3, as recorded in Liber 71 of plats, pages 35 and 36, Section 10, T6N, R10W, Cascade Township, Kent County, Michigan.



Scale: 1" = 30'

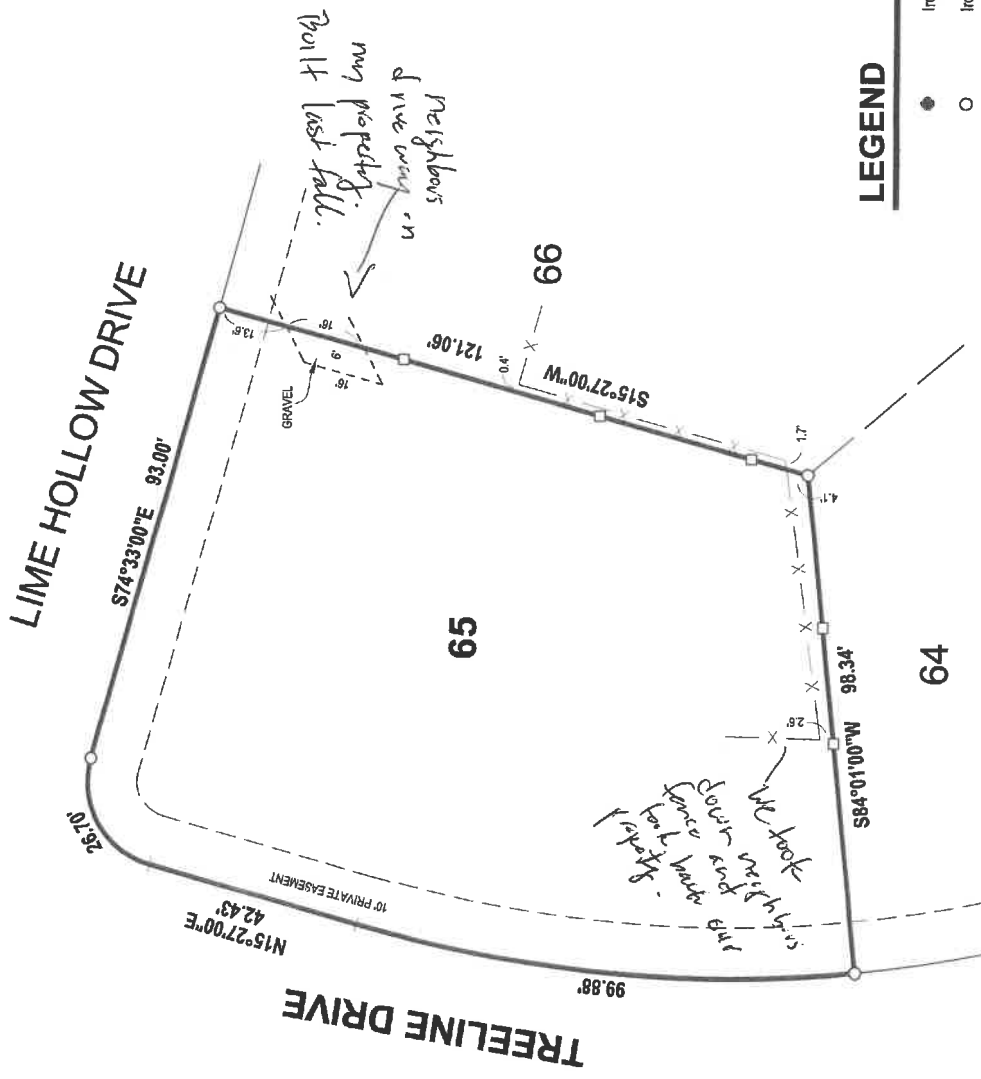
- Iron Stake
- P = Platted Dimension
- M = Measured Dimension
- x \_\_\_ x \_\_\_ x Fence Line



This survey 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.

# DESCRIPTION

Land situated in the Township of Cascade, Kent County, Michigan: Lot 65, Cascade Woods No. 3, according to the plat thereof, as recorded in Liber 71 of Plats on Page 35. (Warranty Deed, dated June 10, 2014, as recorded in Instrument No. 20140625-0049808, Kent County Register of Deeds)



By: Matthew G. Nederfeld Licensed Professional Surveyor No. 44300  
 SCALE: 1" = 30'



**NEDERVELD**  
 Grand Rapids  
 217 Grandville Ave., Suite 302  
 Grand Rapids, MI 49503  
 www.nederfeld.com • 800.222.1688

Matt Casto  
 7365 Treeline Drive SE  
 Grand Rapids, MI 49546  
 7365 Treeline Drive SE

DRAWN BY: M.J.L. DATE: 05/26/20 REV. DATE:  
 REV. BY: PRJ #: 20400442  
 REV.:

# LEGEND

- Iron - Set
- Iron - Found
- Set Wood Stake
- X — Fence

This survey 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.

# CHAPTER 4 General Provisions

of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.

- b. Complete extent of areas which will be backfilled and depth of backfill shown with spot elevations.
  - c. Areas and depth of areas to be restored with top soil and other overburden.
  - d. Areas which will contain either standing or runoff water and measures which will be taken to avoid stagnation and erosion.
  - e. Phasing diagram(s) for reclamation.
  - f. A complete landscape plan indicating location and type of proposed and existing landscape features.
  - g. Description of the proposed final use of the site, with discussion of how the proposed use relates to the General Development Plan and zoning districts within the vicinity of the property.
  - h. Estimated timetable clearly expressing the maximum time required for various phases of the reclamation plan.
9. **Financial Guarantee** The Township may require the posting of a financial guarantee consistent with Section 21.09 of this Ordinance.
10. **Existing Mineral Resource Extraction Sites-** Mineral Resource Extraction sites which are actively mined or which have been actively mined within 180 days of enactment of this Section shall be limited to the lot on which the activity exists at the date of enactment of this Section. Further, all existing mineral resource extraction sites which are currently being mined shall be required to submit a reclamation plan consistent with the requirements of this Section within one hundred eighty (180) days following the adoption of this Section. (New Section added by Ordinance #19 of 1990)

## Section 4.29 Traffic Visibility Across Corners:

In any residential, business, or industrial district on any corner, no fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

## Section 4.30 Walls and Fences:

This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

### 1. Construction

- a. All fences and walls shall be of sound construction.
- b. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residentially zoned district.
- c. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the ARC, Agricultural Rural Conservation zoning district.
- d. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.

### 2. Location and Height

- a. Agricultural, Office and Residential Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in the front yard shall be limited to a maximum height of four (4) feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six (6) feet in height as measured from average grade.
- b. All Other Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in these zoning districts shall be limited to a maximum heights of eight (8) feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.
- c. Architectural Features - Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height. Such features must be compatible with the project and abutting properties.



Definitions

General Provisions

Development Review

Zoning Districts

Special Uses

Planned Unit Development

Height, Area, & Placement

Parking & Access

Landscaping

# CHAPTER 4 General Provisions

3. **Location Requirements** - Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:
  - a. It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
  - b. No wall, fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty (20) foot radius of the corner property lines so as to interfere with traffic visibility across the corner.
4. **Additional Requirements for Commercial, Office and Industrial Areas** - All commercial, office and industrial uses shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use. Such screen shall be installed by the non-residential user and shall be maintained in a sightly manner.
  - a. An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:
    - 1) Not located on a public street or right-of-way; and
    - 2) Located a minimum of one hundred (100) feet back from any public right-of-way or easement; or
    - 3) Designed in such a manner that a minimum of three (3) vehicles can pull safely off the public street while waiting to enter; or
    - 4) The development provides a deceleration-turning lane adjacent to the existing pavement for a minimum distance of three hundred (300) feet leading into the access road, unless more stringent requirements are specified by the Kent County Road Commission.
  - b. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.

### 5. **Conditions for Special Use Permit Approval**

Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office

and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:

- a. To what extent the impact of additional height has on adjoining property owners.
- b. Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.
- c. Whether the increased height creates a traffic hazard.
- d. Whether the increased height creates a fire, safety hazard.
- e. Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.). (New Section added by Ordinance #5 of 2012).

### Section 4.31 Residential Front Yard Averaging:

In any ARC, R1 or R2 zoning district where the average front yard setback of two (2) or more buildings within two hundred (200) feet of the lot or parcel in question and on the same side of the street is less than, or greater than, the minimum front yard setback prescribed for the specific zoning district, then the required front yard setback of such lot or parcel shall not be less than the average existing front yard setback or such buildings. In any event, the front yard setback on any lot or parcel shall not be less than ten (10) feet. (New Section added by Ordinance #14 of 1989).

### Section 4.32 Resubmission of Applications

No application for a rezoning, planned unit development, special use permit, site plan approval, variance or other zoning approval or project shall be submitted to the Township or be formally considered by a Township board or official (i.e. Township Board, Zoning Board of Appeals, Planning Commission or Planning Director) where such application or project has been previously denied or turned down by the Township unless the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application or project was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination



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