

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday, October 8, 2024
5:30 pm
2870 Jacksmith Ave SE

ARTICLE 1. Chair Moxley called the meeting to order at 5:30 pm.
Members Present: McDonald, Mead, Moxley, Berra, Milliken
Members Absent: None
Others Present: Community Development and Planning Director Andrea Hendrick,
Planning Administrative Assistant Nick Govan and others listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Community Planning & Development Director Hendrick requested noting that Case 24-3856 (1800 Watermark Drive SE) would require tabling for modifications. She suggested having the public hearing still in case anyone that wanted to comment could do so.

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 August 13, 2024, Meeting

Motion was made by Member Berra to approve, the August 13, 2024, meeting minutes Supported by Memer Mead.

Motion carried 5 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak

There was no one wishing to speak.

ARTICLE 6. Case #24-3856 Robert and Maria Maleca

Property Address: 1800 Watermark Drive SE

Requested Action: The applicant is requesting a variance to build an addition to the existing residential structure within the rear setback.

Community Planning & Development Director Hendrick presented background on the application for a dimensional variance to the rear setback. The request involved expanding an approximately 4,000 square foot home by 1,100 square feet to accommodate aging parents. During review, staff identified a non-conforming structure without proper permits on the property. The applicant is exploring solutions, including potentially purchasing additional land from the golf course, though this presents challenges due to site condo development requirements.

Chair Moxley inquired about the building footprint versus overhang measurements, noting that the floor plan appeared to show the corner within setback restrictions. Planning Director Hendrick acknowledged this observation but noted the separate issue of the non-compliant structure requiring resolution.

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

There was no one wishing to speak.

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

**Motion was made by Member McDonald to TABLE case #24-3856.
Supported by Member Berra.
Motion carried 5 to 0.**

ARTICLE 7. Case #24-3860 Brian Esbaugh

Property Address: 5320 McCords Ave SE

Requested Action: The applicant is requesting a variance to build an accessory building in the front yard, on an existing concrete pad.

CP&D Director Hendrick presented the application for a variance to construct a 24' x 30' accessory building in the front yard of a 7.7-acre lot in the ARC district. The property contains extensive wetlands and a meandering stream, with the proposed building to be located on an existing pad from a historic structure. Staff reviewed the standards for approval and recommended approval with conditions.

The applicant, Brian Esbaugh, provided historical context about the existing slab, stating he had been at the property for 50 years and remembered the barn that was previously there before snow took it down. Mr. Esbaugh noted that part of the foundation wall remains, along with a large slab. He explained their intention to use about half of the existing slab for the new structure, positioning it to maintain distance from the roadway. When discussing setbacks, Mr. Esbaugh confirmed the structure would be 65 feet from the roadway and acknowledged the side setback measurement of 38 feet that was shown on the submitted plan.

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

Brian Logue (5350 McCords Ave SE) came forward to express support for his neighbor's request.

Ken Gration (5250 McCords Ave SE) enquired where the proposed structure would be built and agreed it was well away from his lot line and did not have any problems with it.

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

Motion was made by Trustee McDonald to approve the variance based on factors discussed including the property's challenging topography, extensive wetlands, existing historic footprint, and precedent for front yard garages in the area with the following conditions.

- 1. The application and plans submitted by the applicant and signed, dated, and stamped by the Planning Director, shall constitute the approved plans, except if plan elements are amended in this resolution, or do not meet the requirements of the Zoning Ordinance.**
- 2. The detached accessory structure shall be placed a minimum of:**
 - a. 10' setback from the side property line**
 - b. 35' setback from the front property line.**

Supported by Member Berra.

Motion carried 5 to 0.

ARTICLE 8. Any Other Business

No other business.

ARTICLE 9. Adjourn

**Motion was made by Trustee McDonald to adjourn. Supported by Member Berra.
Motion carried 5 to 0. The meeting adjourned at 5:46PM.**