

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday, August 13, 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 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**
Motion was made by Member McDonald to approve the current agenda. Supported by Member Mead.
Motion carried 5 to 0.
- ARTICLE 4. Approve the Minutes of the June 25, 2024 Meeting**
Motion was made by Member Berra to approve, the June 13, 2024 meeting minutes Supported by Vice Chair Milliken.
Motion carried 5 to 0.
- ARTICLE 5. Acknowledge visitors and those wishing to speak**
There was no one wishing to speak.
- ARTICLE 6. Case #24-3846 Kraft Avenue Partners LLC., Scott Geerlings**
Property Address: 5824 Kraft Ave SE
Requested Action: The applicant is requesting a variance for driveway spacing.
Planning Director Hendrick presented the case, explaining that the applicant was requesting a variance for driveway spacing less than 300 feet apart. She noted that this was part of a larger project that had previously come to the planning commission.
Hendrick explained that the property is part of an industrial campus, and the applicant

was recently approved to build a building to the north of this site. The current request is for an expansion with another building.

Hendrick detailed that the north and south buildings would work together with a U-shaped drive located on the subject property. Because the driveways are closer than 300 feet, they require a variance from the zoning ordinance. She emphasized that the applicant is asking for the minimal variance necessary and has worked well with staff to address concerns. Hendrick recommended approval, noting that the design is appropriate and consistent with the rest of the development on Kraft Drive.

Jack, representing Scott Geerlings, provided additional context about the request. He explained that there is an existing building just to the north of their property that was previously granted a variance for U-shaped driveways. Jack pointed out that the existing driveways to the north are closer together than what they are proposing.

Jack clarified that the existing use to the north was not developed by Mr. Geerlings, but it was approved for less than the 300 feet spacing requirement. He stated that they are requesting a spacing of 267 feet between driveways.

Jack then explained that Mr. Geerlings had purchased the existing home and parcel at 5844 Kraft Avenue in order to maximize the spacing they could achieve. He said that they pushed the drive as far as they could, and that the existing house would be demolished. The new driveway would come out close to where the existing driveway is, resulting in the 267-foot spacing.

Motion was made by Trustee McDonald to open public hearing.

Supported by Member Mead.

Motion carried 5 to 0.

John Kuiper, with Advantage CRE, spoke in support of the request on behalf of Trane. He emphasized that the drive is a key component for safety and flow, helping to keep truck and car traffic moving in a circular fashion to limit disruption.

Motion was made by Trustee McDonald to close public hearing.

Supported by Member Mead.

Motion carried 5 to 0.

Member Mead noted that staff had done a thorough job capturing everything and providing a strong recommendation.

Motion was made by Member Mead to approve the variance for a reduction in the minimum spacing requirement between a proposed driveway and all other driveways from 300 to 267 feet at 5824 Kraft Ave SE.

Supported by Member Berra.

Motion carried 5 to 0.

ARTICLE 7. Case #24-3847 Ed with Stedfast Construction Inc, Kingsland Ace Hardware

Property Address: 6579 28th Street SE

Requested Action: The applicant is requesting a variance to maintain an existing nonconforming setback for reconstruction.

Scott Kingsland, representing Ace Hardware, presented a request for a variance to rebuild an existing non-conforming storage facility. He explained that they wish to update the building to match their newer buildings while maximizing storage space. Scott noted that the existing west wall, which is on the property line in question, is currently metal with wood studs and wouldn't meet current code for a remodel. Their proposal is to rebuild with a block wall to bring it up to code and make it last longer.

Member McDonald asked Scott about the possibility of placing the building in a conforming location, noting that staff had inquired about this. Scott responded that due to limited indoor storage space, losing the extra footage would significantly impact their operations. He emphasized their desire to maximize the use of the land and storage space, noting that the property to the west is more of a culvert and drainage ditch, currently unusable.

Trustee McDonald also inquired about the potential to move some outdoor storage items inside. Scott confirmed this was part of their goal, aiming to clean up the site a bit as well.

Chair Moxley asked about the foundation plans. Scott confirmed they would redo the foundations to bring them up to code.

Member Mead asked if there were existing issues with water runoff from the current newer buildings. Scott addressed concerns about stormwater management explaining that there are drains in the front that are part of the existing new buildings, and all water that runs off flows to the east side and down the hill, completely off the east side of the property, not off the backside. He stated that this would be the same situation with the new building, tying all drains into the same system so that all water drains to the east.

Chair Moxley asked about the roof design to which Scott confirmed that it would run north and south, with no runoff going towards the west. He added that this would match the two existing newer constructed buildings that are currently there.

Planning Director Hendrick provided context and expressed staff's difficulty in recommending approval based on variance standards. She explained that when the building was originally approved in the 1970s, it appeared that the side yard setback for this zone district was zero lot line, so the original building met the requirements of the ordinance at that time. However, current standards expect non-conforming buildings to come into conformity when rebuilt.

Planning Director Hendrick highlighted concerns present by nearby residents about erosion, particularly related to a more recent addition on the northeast side of the property. She presented pictures showing erosion issues, including the use of tarps as a temporary solution that had remained in place for years. She noted that some trees that were removed were never replaced, leading to ongoing erosion and water problems.

Hendrick emphasized that one of the reasons for requiring side yard setbacks is to provide space for landscaping and vegetation needed to maintain the existing terrain. She explained that these issues were seen as problematic in not requiring the site to meet the setback requirement for the new build.

Member Mead questioned whether this would be classified as a complete tear-down and if there had been any discussion with the building department about renovation versus new construction classification. Planning Director Hendrick explained that based on the project's value relative to the non-conforming structure, it did not meet the

threshold to maintain non-conformity, making this variance the only option available to the applicant.

Motion was made by Trustee McDonald to open public hearing.

Supported by Vice Chair Milliken.

Motion carried 5 to 0.

Ed Holmes (6569 Waybridge Dr SE), expressed concerns about the building's appearance and potential impact on property values.

Marcia Dillard (Grenelefe Condo Association), raised concerns about runoff to the backside of the property towards the north and tree removal from previous construction. Scott addressed this by responded that they would keep as much of the trees as possible and that they are looking into solutions to correct the runoff.

Motion was made by Member Mead to close public hearing.

Supported by Vice Chair Milliken.

Motion carried 5 to 0.

Member Mead added that if the variance were granted, the applicant would need to bring everything up to current compliance standards, particularly regarding runoff issues, as part of the site plan review process. Planning Director Hendrick responded that they would be subject to site plan review that would make sure it complies with the stormwater issue.

Trustee McDonald led the final discussion, noting that while staff's recommendation to deny the variance was correct based on the ordinance, there were exceptional conditions to consider. He outlined those conditions discussed the property complying with the ordinance when originally constructed, the neighboring property to the west writing a letter of support, the design keeping stormwater on site, as well as allowing for moving the items stored outdoors would be moved indoors.

Motion was made by Trustee McDonald to approve the variance based on factors discussed with the following conditions.

- 1. No changes that affect ingress or egress to the property.**
- 2. The roof slope of the new structure is changed to pitch from north /south (currently east/west flow), to keep storm water runoff on the Kingsland property.**
- 3. The new building is in line with the main store building's setback.**

Supported by Member Mead.

Member Moxley abstained due to previously voting on the case at the Planning Commission.

Motion carried 4 to 0.

ARTICLE 8. Any Other Business

No other business.

ARTICLE 9. Adjourn

Motion was made by Member Mead to adjourn. Supported by Member Berra.

Motion carried 5 to 0. The meeting adjourned at 6:03PM.