

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday October 12, 2021
5:30 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Vice Chairman Moxley called the meeting to order at 5:30 P.M.
Members Present: Tom McDonald, Jennifer Puplava, Ralph Moxley, Lou Berra, Valerie Milliken
Members Absent: Aaron Mead
Others Present: Planner Brian 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 Puplava. Motion carried 5 to 0.

ARTICLE 4. Approve the minutes of the September 14, 2021 meeting

Motion was made by Member Puplava to approve the current Agenda. Supported by Member McDonald. 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 #21-3665/Daniel Stephan Builders

Property Address: 1721 River Oaks Dr

Requested Action: The applicant is requesting a variance to keep an accessory building on the property while the existing home is demolished, and a new home is built.

Planner Hilbrands presented the variance requested on section 4.19 of the zoning ordinance. It states that a house has to be 50% complete before accessory buildings can begin to be constructed. There was confusion as to what buildings the variance was being requested on as the site plan showed only two accessory buildings and there are three on the property: a large detached garage, a small detached garage, and a boathouse. If the applicant wants to keep more than one of the accessory buildings, it would be an additional variance to continue a non-conforming situation. The notice that was sent out only included the original variance for one accessory building so, if the applicant wants to keep more than one building, another notice would need to be sent out and another public hearing would need to be held 30 days after that. There was an option to combine two adjacent parcels owned by the property owner but it was unclear if the two parcels combined would be large enough to allow for a second

accessory building without a variance. The applicant had said that they intended to keep the large detached garage but not the smaller one. Variances like this have been granted in the past when the house was built in a timely manner and a performance bond was provided to the township. The applicant has indicated they believe the house will be built in a year and are willing to provide a \$10,000 bond to the township guaranteeing that the house will be built.

Staff recommend approval of the variance with four conditions:

1. The house is at least 50% complete within one year
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of the bond will be at a minimum \$10,000.
3. The bond will be released when the property is in compliance
4. If the property owner would like to also keep the boathouse building, they must combine their two adjoining parcels and the combined parcel must be at least 3 acres in size, exclusive of any right-of-way area. If the combined parcel is not at least 3 acres in size excluding any right-of-way, the boathouse must also be removed.

Dan Stephan of Dan Stephan Builders explained to the board that they would like to start demolition on the house and additional accessory building as soon as possible in order to complete the house within a year from starting the process. When they applied for the variance, they didn't realize that the boathouse would be considered an accessory building. The survey staff was provided was really just a site plan from the architect and nothing would be changed down on the boathouse building. The new house will be built on the space of the current house and an accessory building that is currently on that spot. When the house is completed, there will be one less building than there currently is. They didn't realize that the boathouse would be considered an accessory building until the site visit that took place the previous week. The owner has spoken with all surrounding neighbors and they are in favor of him keeping the boathouse and carriage house when building the new house.

Robert Buchanan, owner of the property, shared that he did not know that he needed a variance to keep the garage up while building a new house as that is somewhat unique to Cascade Township. He explained that he just repaired the carriage house a few years back and considers that his detached garage. He sees his boathouse as quite unique and well kept, having been there for many years. He did not see it as reasonable to be required to wait another month and go through the process of sending out notices and getting his case approved. He also showed a table in the ordinance that stated one attached or detached garage does not count as an accessory building so the only accessory building on his property would be the boathouse.

Member McDonald clarified that keeping an accessory building up while building a new residence is an often-granted variance that he does not see a problem with staff's conditions 1-3 but wondered if there would be enough acres to meet condition 4.

Buchanan shared that combining the two parcels would give him in excess of 3.2 acres, including the right-of-way that he believes should be included. Even with that being the case, he did not want to combine the two lots as they were each sizable on their own and he wanted to keep them separated so that his options with them were open in the future. He also does not want to wait another month for notices to be sent out and have another public hearing, but he would if that was what was required of him.

Member McDonald shared that he didn't see a problem approving the variance with staff's conditions of 1-3 and that the reason this was a case was that variances set precedents so what they're looking for are exceptional cases. Member McDonald believes that this is an exceptional case in that the boathouse is not a common occurrence and would not fall under the same rules as structures built today.

Motion to open public hearing by Member Berra. Supported by Member Puplava. Motion carried.

There was no one who wished to make a comment.

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

Motion was made by Member McDonald to approve case #21-3665 with staff conditions 1-3: The house is at least 50% complete within one year, a minimum \$10,000 performance bond for the removal of the accessory building if the home is not at least 50% complete within one year is provided, and the bond will be released when the property is in compliance. Staff condition 4 will be struck, allowing boathouse to stay. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 7. Case #21-3670/John Rabideau/Cascade Roadhouse

Property Address: 6817 Cascade Rd

Requested Action: The applicant is requesting a variance for an outdoor seating area closer to the side and front property lines than permitted and the addition of a covered structure closer to the front property line than permitted.

Planner Hilbrands presented the variance. The applicant is looking to expand their outdoor seating area within the front and side yard setback, and also add a covered structure within the front yard setback over the existing seating area. Seating would be located on the North side of the building and include a pergola approximately 1 ft from the side property line and 6 ft from the front property line. A 20' x 20' covered structure would be placed over the current West side patio and not extend beyond the front of the building which is approximately 10 ft from the property line. B1 ordinance requires a 7 ft side yard setback and total of both side yards equaling not less than 16 ft. It also requires a front yard setback between 20-30 ft when along an arterial road such as Cascade Rd. The property was granted a side yard setback in 1994 giving it a setback of zero to the south property line to accommodate an expanded kitchen area as required by the Kent County Health Department in 1994. This outdoor seating area

expansion would result in a total side yard setback of 1 ft. This isn't a frequent request and there was not a variance request involving an outdoor seating going back to at least 2000. The covered structure will not decrease the setback but will still need a variance as it would be within the required front yard setback. Outdoor seating contributes to the village atmosphere that the B1 zoning is meant to create so this request falls in line with what Cascade is trying to do but still requires a variance.

Staff recommend approval of the variance as requested with the following condition: The expanded outdoor seating area on the north side of the building remains an outdoor "café" seating area and does not become covered or enclosed.

John Rabideau, owner of Cascade Roadhouse, told the board that Planner Hilbrands had explained the request well. Member McDonald asked if Rabideau was comfortable with the one condition of "the expanded outdoor seating area on the North side of the building remaining an outdoor "café" seating area and not becoming covered or enclosed?" Rabideau said that he was comfortable with it.

Motion to open public hearing by Member McDonald. Supported by Member Puplava. Motion carried.

Planner Hilbrands said that he got a call from a neighbor of Cascade Roadhouse stating that they were comfortable with the proposed seating area.

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

Motion was made by Member McDonald to approve case #21-3670 with the condition staff recommended. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 8. Old Business

Planner Brian confirmed that the next Zoning Board of Appeals meeting will be November 9, 2021.

ARTICLE 9. Adjournment

Motion to adjourn was made by Member McDonald. Supported by Member Puplava. Motion carried 5 to 0. The meeting was adjourned at 5:52 P.M.

Respectfully submitted,
Ralph Moxley, Secretary