

MINUTES
Cascade Charter Township Planning Commission
Tuesday, July 6, 2010
7:00 p.m.

ARTICLE 1. Vice-Chairman Sperla called the meeting to order at 7:00 p.m.
Members Present: Hammond, Logue, McCarthy, Sperla, Lewis and Williams
Members Absent: Robinson (excused), Waalkes (excused), Pennington (excused)
Others Present: Planning Director Peterson and members of the public

ARTICLE 2. Vice-Chairman Sperla led the Pledge of Allegiance to the Flag.

ARTICLE 3. Approve the Agenda for the July 6, 2010 Planning Commission Meeting.
Vice-Chairman Sperla requested a motion for the approval of the July 6, 2010 Agenda.

Motion was made by Member Logue and supported by Member Lewis to approve the Agenda as presented. Motion carried unanimously.

ARTICLE 4. Approve the Minutes of the June 7, 2010 Meeting.
Vice-Chairman Sperla requested if there were any correction to the June 7, 2010 minutes.

Planning Director Peterson noted that Vice-Chairman Sperla had one change regarding his comments on the bottom of page 2. Planning Director Peterson asked that he e-mail the changes to him.

Also noted, Member McCarthy suggested a few minor changes to the minutes.

Motion was made by Member Lewis and supported by Member McCarthy to approve the minutes as corrected. Motion carried unanimously.

**ARTICLE 5. Case #10-2996 – Derek Benedict
(PUBLIC HEARING)**
Property Address: 5095 Weeping Willow Dr., S.E.
Requested Action: The Applicant is requesting a Special Use Permit to construct a new accessory building larger than 832 sq. ft.

Planning Director Peterson reviewed the location of the property address. Director Peterson also reviewed the request being made by the applicant. It was stated that everybody can have 832 sq. ft., once you go over 832 sq. ft. it needs to go to the Planning Commission to have the public hearing to ask for permission.

The building itself 38 x 28 will be roughly 13 ft. high to the mid-point. We require a 10 ft. set back to the side property line. Survey drawings have been submitted and in the Board's packet. At this time, they do not propose any outdoor lights. The site is a little over 4 acres...that would actually allow for two accessory buildings. The size of the building itself would be very similar to others that we have approved elsewhere in the Township for these sort of characteristics. (i.e., lot size, house size)

Given this location, and the dynamics of it being at the end of the cul-de-sac I have expressed some concern about its location since it will certainly appear to be in the front of the neighboring house.

No comments were received from any residents regarding this request.

Planning Director Peterson's request is that the Special Use Permit not be granted. It doesn't mean that they can't have a building and that it can't be located right there. It would just mean that it wouldn't be allowing it to go over the 832 sq. ft.

Member Williams inquired if the applicant were to put the building behind their house. Director Peterson's reply was that his concern was that it was in front of the neighbors house, a different location on the property would be acceptable.

Derek Benedict the applicant was present to make the following comments:

- My acreage, 4.2 acres does allow for 2 out buildings of 832 sq. ft./per each.
- Trying to get larger/special use permit for a single building is because our private street by-laws only allow a single building per parcel. I will not be allowed to have two buildings per our by-laws. One building is acceptable. There are no sq. ft. requirements per the by-laws.
- The further you can tuck it into the woods the better for the overall aesthetics. The structure would be hidden behind all the low lying brush and essentially invisible.
- The size of the building is not out of line. It is marginally larger in a couple of directions than what would be permitted. I feel I need this extra couple of feet in each direction to allow me to have my area to work on the cars, plus car storage plus a boat along the back side.
- The neighbor does not have any problem with the property and the proposed layout of the out building.

Member Lewis asked the applicant if he had received the signatures required by the by-laws. Mr. Benedict stated that he had not; he was waiting to see if the Special Use Permit was approved prior to going to his neighbors. Member Lewis stated that it probably would be a condition of approval to have those signatures dropped off at the Township Offices.

Member McCarthy asked if there was any consideration to a different location for the building. Mr. Benedict stated that they had, but because of the lay of the land, some of the area is much lower and not easily accessed from what he would consider the main entrance to his home.

Vice-Chairman Sperla asked if their by-laws allowed them to cut down trees without approval of your neighbors. Mr. Benedict responded within 100 feet of the center turnaround we need permission from the neighbors to cut anything over 6 inches in diameter.

Motion was made by Member Lewis and supported by Member Hammond to open the Public Hearing. Motion carried unanimously. Public Hearing was opened.

Wilhelm Kliewer, 5090 Weeping Willow Dr., does not have anything against this request. There is a significant amount of woods between them and us and we would barely see the out-building.

No other public comments were heard.

Motion was made by Member Lewis and supported by Member Williams to close the Public Hearing. Motion carried unanimously. Public Hearing was closed.

Member Lewis stated that he was thinking along the line of an approval as presented with the conditions that before construction starts the applicant presents to the Township the approval that meets all the by-laws of their subdivision. Also, able to see your final plans on how you are going to replace your trees that have been talked about, new trees would be added to protect your neighbor behind you.

Discussion followed regarding whether or not the Board would allow the approval of the Special Use Permit prior to getting approval from the neighbors as required by the by-laws within his subdivision.

Motion by Member Logue and supported by Member Lewis to table Case #10-2996 pending the approval of the neighborhood association. Motion carried unanimously.

ARTICLE 6.

Any Other Business

Planning Director Peterson requested that a Planning Commission substitute representative to the Zoning Board of Appeals be appointed until Member Claude Robinson is back on his feet.

Motion was made by Member Lewis and supported by Member Hammond to appoint Brian Logue as a substitute Planning Commission representative to the Zoning Board of Appeals to fill the rest of Member Claude Robinson's term until the end of the year. Motion carried unanimously.

ARTICLE 7.

Adjournment

Vice-Chairman Sperla requested a motion for adjournment.

Motion was made by Member Hammond and supported by Member Logue to adjourn. Motion carried unanimously.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Al Pennington, Secretary

Enise M. Biegalle, Deputy Clerk