

MINUTES

Cascade Charter Township Planning Commission

Monday, May 21, 2007

7:00 p.m.

ARTICLE 1. Chairman McDonald called the meeting to order at 7:00 p.m.
Members Present: Koessel, Lewis, Logue, MacAllister, McDonald, Richards, Robinson
Members Absent: Postma (excused), Waalkes (excused)
Others Present: Planning Director Peterson, Admin. Assistant Hern, and Members of the Public.

ARTICLE 2. Chairman McDonald led the Pledge of Allegiance to the Flag.

ARTICLE 3. Chairman McDonald requested motion for approval of the May 21st Agenda.

Member Robinson motioned for approval of the agenda as presented, supported by Member MacAllister. All in favor with none opposed, the motion carried.

ARTICLE 4. **Case # 07-2872: Brenda Lynema**
Address of Property: 9555 60th Street SE
(TABLED AT THE LAST MEETING)
Requested Action: The Applicant is requesting a Special Use Permit for the construction of an accessory building larger than 832-square feet.

Chairman McDonald noted this item was tabled at the May 14, 2007 Planning Commission Meeting and requested a motion to remove the case from the table.

Member Lewis motioned to remove Case # 07-2872 from the table, supported by Member Robinson. Chairman McDonald called the motion to question. All in favor with none opposed, Case # 07-2872: Brenda Lynema was removed from the table.

Planning Director Peterson noted this item was tabled at the last Planning Commission Meeting until the Applicant could provide a new drawing showing the proposed building moved as close to the septic system as allowed by the Kent County Health Department (KCHD). The new drawing needed to be scaled with dimensions showing the distance to the 60th Street right-of-way, the nearest property line and the distance to the septic systems.

KCHD did review and approved the revised site plan for the location of the proposed accessory building. They also noted that they would require a minimum of five feet from the drain field to the proposed driveway.

Staff recommends approval of the Applicant's request for the building as shown on the updated plan with the following conditions:

- 1) The building not be involved, directly or indirectly, with any business, trade, occupation or profession.
- 2) Any lighting for the building will be shielded or downcast.

Chairman McDonald opened the meeting to questions from the Planning Commission of Staff.

Member Lewis noted that the Ordinance does have a few exceptions in allowing an accessory building in the front yard and one of the exceptions is if you have to drive over a drain field or septic system to get around to the back of the house, is that correct? Planning Director Peterson said that the Township does not allow buildings in the front of the house unless you can meet the three conditions being:

- 1) Removal of trees
- 2) Septic system is in the way
- 3) The building is at least 200-feet back from the road right-of-way.

Planning Director Peterson noted that in this particular case, the Applicant meets two (2) of the three (3) conditions and they are not 200-feet back from the road and the reason for the variance from the Zoning Board of Appeals (ZBA). The Township will allow for a building in the front of the property if someone were to meet all three (3) of these conditions.

Member Lewis noted that what the Township really wants is that if someone were to be able to put the building behind the house that is preferred. Planning Director Peterson agreed and noted that the ordinance was changed several years ago to allow for buildings in the front yards based on the reasons why previous variances that have been granted.

Member Lewis noted that the updated site plans now show that the west side of the drain field, going around to the back of the house, is that wide enough to access by car? Planning Director Peterson said the Applicant probably could access the area by car.

Member Logue thought there were trees in the way to allow for a rear drive and the Applicant said the area has a lot of trees in the rear and he would have to remove them for a rear drive.

Member Lewis noted that the revised site plans show the possibility of being able to place the building in the rear of the property. He acknowledged that the ZBA granted a variance in allowing the building be placed in the front yard with a minimum setback from 60th Street of 98-feet. The variance the ZBA granted was given based on very poor site plans that did not show the Applicant could get around to the back.

Planning Director Peterson noted that the factors for the variance are typical of exceptions with one (1) of the things being the concern of where the septic tanks and drain fields are as people often forget the location of these underground systems. He further noted that the exceptions in this case are pretty typical for other variance. He also noted that the applicants original site plan also indicated the same space between the property line and the septic system. Member Lewis said he agrees but had the ZBA seen the site plan being submitted this evening, they would have discussed the possibility of a rear building at that meeting but the information was not presented.

Member Koessel referred back to the other case on Buttrick and their building sits much closer to Buttrick than this project does on 60th Street. He does not recall why the Buttrick variance was granted but remembers there were no public comments received and trees shield the building. He appreciates Member Lewis' comments and said it is hard with the plans submitted to have clear definition of the property and the location of the drain fields. Member Koessel said it does appear the Applicant could drive around to the rear. He noted that the ZBA was shown plans where it did not appear that the Applicant could place the building in the rear and now the plans show there is a possibility. Member Koessel noted that the ZBA granted the variance with a minimum setback of 98-feet from 60th Street and now the Applicant has submitted a drawing that meets the setback granted by the ZBA. Member Koessel believes the Planning Commission could send the Applicant back before the ZBA for re-evaluation based on the site plan submitted tonight, but the Planning Commission, he believes, has led the Applicant to believe that if he meets the required setback and detailed drawings, the Planning Commission would comply with the ZBA. He understands Member Lewis' comments but is reluctant to send it back to the ZBA at this time. Member

Koessel also noted that other similar properties were granted front yard buildings.

Member Lewis suggested that the Ordinance be changed because others have been allowed to build in the front of their properties. Member Lewis is concerned of weakening the Ordinance.

Member Koessel requested the overhead that shows the topography of the property. He noted that the photo does not clearly show the trees in the rear and asked the Applicant if they could put a drive in the rear. Applicant David Lynema said he could put the driveway more west as Member Lewis noted but he would have to remove more large trees to do so. Member Koessel clarified that the Applicant would have to clear more trees and Applicant Lynema said that is correct.

Member Lewis asked what the white rectangular object is on the photo and Applicant Brenda Lynema said that is their travel trailer. Member Lewis noted they were able to get the travel trailer into the area without removing trees.

There were no further questions of Staff from the Planning Commission and Chairman McDonald invited the Applicant to provide their comments.

Applicant David Lynema, 9555 60th Street SE, summarized that what Member Lewis is proposing he do is take his existing drive way and run it west to the farthest end of his property and either remove approximately eighty (80) trees for the accessory building or install more drive way to reach the building that could be placed in the rear. A driveway in this configuration would not be visually attractive and the removal of trees would be tremendous to meet Member Lewis' idea.

Member Lewis clarified it is not his idea to do this it is the Ordinance he is trying to uphold that was passed by the people of the Township.

Applicant Lynema said he has made all the adjustments the Planning Commission has requested of him. He also referred to a house approximately ¼-of a mile from his that has the same pole barn, roughly 30 x 40-square feet that sits approximately 40 to 50-feet off the road. Member Logue asked if this is to the east or west of the Applicant's property and Mrs. Lynema said there is one to the east and one to the west of their property.

Member Robinson asked what are the two (2) 800-gallon tanks that are shown on the drawing and Mr. Lynema said they are two (2) 800-gallon septic tanks. Member Robinson questioned if the Applicant could run a driveway between the existing drain field and the garage instead of going by the lot line? Planning Director Peterson said that he would not advise to place a driveway over the drain field.

Member MacAllister noted that based on the dialogue held at last week's Planning Commission Meeting regarding this case, the drawings submitted this evening are what the Planning Commission asked for. She recognized upholding the Township's Ordinance and believes a lot of mature trees would have to be removed in order to place the building in the rear. Member MacAllister said she is ready to move forward with the proposal as shown today.

Chairman McDonald asked the Planning Commission if they had any more questions of the Applicant, they did not.

Chairman McDonald supports upholding the Ordinance and would rather see, however, the Applicant places the building in the front versus the rear to save from cutting multiple mature trees down.

Member Logue noted that he was not at last week's Planning Commission Meeting and asked if the building is too large for the site and if the possibility of the Applicant building a smaller accessory building is possible.

Chairman McDonald said the existing size of the building was approved by the ZBA and the Planning Commission did have discussion regarding the building being reduced to 30' x 30' but the main focus on the building was to have it setback 98-feet from the road right-of-way.

Member Logue clarified then that the ZBA did not have the same information presented to them as the Planning Commission has received. Member Lewis said that is correct and at the ZBA Meeting they asked the Applicant to move the building back as far as possible based on the information they had at the time. The ZBA also suggested that the Applicant turn the building so it was running the length of the lot. At this meeting because of the new information being submitted, the Applicant has determined that they can still move the building back to meet the 98-foot setback and not turn the building. Member Logue asked if the Applicant were to turn the building now, how much more of a setback would

be achieved. Member Lewis noted that unfortunately, the ZBA asked the Applicant to meet the 98-foot setback and the Applicant has done so without turning the building.

Member MacAllister motioned to approve the Applicant's request for a Special Use Permit for the construction of an accessory building larger than 832-square feet for 9555 60th Street SE as presented in the drawing submitted with Staff's conditions:

- 1) The building not be involved, directly or indirectly, with any business, trade, occupation or profession.**
- 2) Any lighting for the building will be shielded or downcast.**

Member Koessel supported the motion.

Chairman McDonald called for discussion of the motion.

Member Lewis said that his major concern is representing the Zoning Board of Appeals and feels strongly about his comments this evening, he will be voting against the case. He noted that people cut trees down all the time to put a pool in the backyard or some other home improvement.

Chairman McDonald noted that the trees are not the only issue in this case. He also supports Member Lewis' comments regarding the information presented to the ZBA regarding the case and believes the Township needs to mandate complete drawings for projects.

Member Lewis agreed and said the issue at the ZBA was at that point, he could have tabled the case for specified drawings. This case is a good example of a variance being granted based on inaccurate drawings but the ZBA passed it with the condition that the Applicant provide completed drawings to the Planning Commission which they have provided. He apologized on behalf of the ZBA that they did not table this case for the complete drawings when the case was before them. Had he seen the drawings submitted this evening at the ZBA Meeting, he would have supported the driveway along the west side of the property for a rear building.

Chairman McDonald asked if there were any more questions or discussion regarding the motion. There were no more comments or questions Chairman McDonald requested a roll call vote:

Member Koessel: Yes

Member Richards: Yes

Member Robinson: No
Chairman McDonald: Yes
Member Lewis: No
Member MacAllister: Yes
Member Logue: Yes

The motion was approved by five to two votes. Planning Commission Peterson said the Applicant may apply for their building permit and they have one (1) year to construct the building before the variance expires.

ARTICLE 5.

Any Other Business: Chairman McDonald opened the meeting for any other business.

Chairman McDonald noted that one issue is for the Township to require precise drawings before going to the Zoning Board of Appeals or Planning Commission. Planning Director Peterson said it is not a requirement right now to request a survey drawing from an Applicant. He believes it is important to remember that these requests are for residential buildings and it is a matter of how we are going to treat our residents. Staff would suggest that we provide graph paper for someone to submit more scalable drawings of their project and make it easy for the Applicants when they submit their requests.

Member Koessel noted that the Applicants need to have definitive pictures and drawings of their projects and let the Applicants know the more details they can supply the better it is going before the ZBA or Planning Commission.

Member Richards asked how the Township would know that the building they proposed tonight, with the vinyl and asphalt roofing, would be built and Planning Director Peterson said the Township's Building Inspector ensures the building is built as submitted in the building permit.

Member Robinson referred to Sheldon Cleaners project that was before the Planning Commission a few months ago and requested clarification on the new building. The minutes reflect that the new location is not to serve as a dry cleaning plant and may only provide cleaning service to the new location's customers.

Member Lewis also noted that last Friday night, the micro-brewing company on Patterson that allows for sampling within the building. He noted that there were some gentlemen outside with a pitcher of beer enjoying the evening, bottom line, this is outside drinking and

you cannot do that. Planning Director Peterson said he would visit the establishment.

ARTICLE 8.

Adjournment

Chairman McDonald requested a motion for adjournment.

Member Robinson supported by Member Lewis moved to adjourn. The motion carried and the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Jack Lewis, Secretary

Lisa Hern, Recording Secretary