

**MINUTES**  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, March 10, 2009  
7:00 p.m.

**ARTICLE 1.** Chairwoman Wilson called the meeting to order at 7:00 p.m.  
Members Present: Casey, Trustee Goldberg, James, McDonald  
Members Absent: 1<sup>st</sup> Alternate Neal (excused).  
Others Present: Planning Director Peterson, Recording Secretary  
Hern, and Members of the Public.

**ARTICLE 2. Pledge of Allegiance**

**ARTICLE 3.** Chairwoman Wilson requested a motion for approval of the  
February 10, 2009 Agenda.

**Motion was made by Member James and supported by  
Member Casey to approve the Agenda as presented. Motion  
carried unanimously.**

**ARTICLE 4.** Chairwoman Wilson requested a motion for approval or  
corrections of the February 10, 2009 Meeting Minutes.

**Motion was made by Trustee Goldberg and supported by  
Member Casey to approve the February 10, 2009 Minutes as  
presented. Motion carried unanimously.**

**ARTICLE 5. Case # 09-2963: Nick Keeler  
(PUBLIC HEARING)**

**Property Address: 7385 Kilmer SE**

**Requested Action:** The Applicants are requesting a Variance in  
order to construct an addition to the north side of the home that is  
closer to the side setback than permitted.

Planning Director Peterson referred to the property's site plan and  
noted that the Ordinance requires homes to have a minimum  
setback of 10-feet on the sides with the total of both side being not  
less than 25-feet. The Applicant currently has a setback of 9-feet  
8-inches on the North side of the home and 9-feet on the south  
side. As it is, the current house is legal nonconforming because it  
does not meet the Township's current setback requirements.

The Applicant is seeking to put two (2) additions on the north side  
of the home. The additions would maintain the current setback  
along the north side of the home. The additions require a Variance  
since they would not comply with the minimum 10-foot setback or  
the total of 25-foot setbacks.

The Township's records indicate the home was built in 1964 and that the minimum side yard setback was 10-feet. At the time, the Township did not require the two (2) sides to total 25-feet.

As a nonconforming situation, the additions are required to be placed on the home meeting the current Township requirements.

Staff has reviewed other permits in the neighborhood and found a couple of homes that have similar nonconforming side yard setbacks. Without having survey work done on all of the other properties, Staff suspects the others would also be nonconforming as well.

Staff also reviewed the history of the ZBA (Zoning Board of Appeals) cases through 2000 and the Township has had three (3) similar cases for the side yard setbacks. Two (2) were denied and one (1) was approved. The case that was approved was because they still meet the minimum of 10-foot setbacks and the area it was coming closer to was property owned by Cascade Township, the access property to the Cascade Dam. The cases that were denied were coming closer to the side yard setback. In one (1) case the request was for a 3-foot side yard setback and had a 13-foot side yard setback on the other side. The other case they were coming as close as 1.6-feet to the property line.

Staff has included the minutes from these cases for the Board's review within their packets.

Planning Director Peterson noted the unique circumstance is the fact the Applicant is not increasing the current setback and separately the setback is only off by 4-inches. Collectively, because the home's other setback is also nonconforming, they require a greater Variance.

The situation was created when the home was built and the Applicant is not coming any closer to the property line than what already exists today.

It also appears from reviewing other properties, that the reduced side yard setbacks may be more common in this neighborhood.

The Township has only had a few side yard variance requests in the past eight (8) years. None others are exactly like this and this is not a re-current situation.

Staff recommends approval of the Variance.

Member Casey inquired about the shed that is next door to the property and if the shed is located on the property line. Planning Director Peterson said he is not sure of the shed's location.

Trustee Goldberg asked if the Public Hearing notices were distributed and Planning Director Peterson said yes, to homes within 300-feet of the property, twenty-five notices were sent in total.

Applicant Nick Keeler said the reason for the addition is to add a master bedroom suite to the house and move the third bedroom upstairs and out of the home's basement.

He wants the addition to blend in with the neighborhood and the house. He has put time and thought into the project and does not want the addition to look like an addition and are improving the house.

Member McDonald asked the Applicant if he has spoken to his neighbors regarding their plans. Applicant Keeler said they have spoken to their neighbors. The neighbors to the south said they have appreciated the Keelers' upkeep of the yard and the home and do not have any issues with the addition. The neighbors to the north also did not have any issues with the addition and have reviewed the plans.

Member McDonald asked the Applicant how long they have lived in the home and the Applicant said five (5) years.

Trustee Goldberg referred to Member Casey's comment regarding the shed that is near the property line and Applicant Keeler said that is his neighbor's shed and was there when his neighbor's purchased their house. It is utilized for his neighbor's pool it is not their shed.

Member Casey asked how close the new addition would come to the shed and Applicant Keeler said 9-feet, 8-inches.

Member Casey asked Applicant Keeler if they would have to remove the trees in the front corner of the lot for the addition and the Applicant said they are leaving the trees.

Member Casey asked if the new addition would be masonry and Applicant Keeler said the foundation would be, they are not sure what the front facade would be since they are doing the work

themselves. They do plan to have some stonework on the front but are not sure how much at this time.

Chairwoman Wilson requested a motion to open the Public Hearing.

**Motion was made by Member Casey and supported by Member McDonald to open the Public Hearing. Motion carried unanimously.**

Staff reported no letters or phone calls were received regarding the case and no members of the public wished to address the Board.

**Motion was made by Member McDonald and supported by Member Casey to close the Public Hearing. Motion carried unanimously.**

Member McDonald believes the Applicant's request is a reasonable one and Staff did a thorough job at past cases regarding side yard setbacks and the neighborhood of this home. This house was grandfathered into the Township Ordinances and the Applicant is not encroaching the setbacks any further and is legally nonconforming. Member McDonald supports Staff's recommendation for approval of the Variance.

Trustee Goldberg agrees with Member McDonald's comments. He believes the property owner is doing everything possible to make improvements to the property and to blend the addition in with the rest of the house.

Chairwoman Wilson also agrees with the other members of the board regarding the case. She noted that by allowing the Variance, the Township is not adding to the nonconformity of the property, it is already there. The property owner has not created this situation, the house was built prior to the Township's Ordinances for side yards and she supports Staff's recommendation.

**1) Motion was made by Member McDonald and supported by Member James to approve the Applicant's request for a Variance in order to construct an addition to the north side of the home, located at 7385 Kilmer SE, that is closer to the side setback than permitted; the motion was supported by Member James. The motion carried unanimously.**

#### **ARTICLE 6.**

##### **Any Other Business**

Chairwoman Wilson opened the meeting for any other business. There was no other business.

**ARTICLE 7.           Adjournment**  
**Motion was made by Trustee Goldberg and supported by**  
**Member Casey to adjourn. Motion carried unanimously and**  
**the meeting was adjourned at 7:31 p.m.**

Respectfully submitted,

Mel Casey, Vice-Chairman/Secretary

Lisa Hern, Recording Secretary