

**MINUTES**

Cascade Charter Township Planning Commission  
Monday, May 14, 2007  
7:00 p.m.

**ARTICLE 1.** Chairman McDonald called the meeting to order at 7:00 p.m.  
Members Present: Koessel, Lewis, MacAllister, McDonald,  
Postma, Richards, Robinson, Waalkes  
Members Absent: Logue (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  
14<sup>th</sup> 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.** Chairman McDonald requested motion for approval or if there  
were any corrections to the April 16, 2007 Planning Commission  
Meeting Minutes.

**Member Lewis motioned for approval of the April 16, 2007  
Minutes as presented, supported by Member MacAllister.  
Chairman McDonald called to question. All in favor with none  
opposed, the motion carried. April 16, 2007 Minutes approved  
as corrected.**

**ARTICLE 5.** **Case #07-2871: Art & Pat Johnson**  
**Address of Property: 7855 Thornapple Way SE**  
**(PUBLIC HEARING)**  
Requested Action: The Applicant is requesting a Type I Special  
Use Permit to construct a 1,008-square foot accessory building.

Chairman McDonald noted this case is scheduled for Public  
Hearing and invited Staff to present their report.

Planning Director Peterson said the Applicant is requesting a Type  
I Special Use Permit to construct a 1,008-square foot accessory  
building.

The property is located on a private drive, Thornapple Way, off  
from Buttrick Avenue.

The parcel is approximately 1.5 acres and the residents are allowed to have one (1) accessory building on the property.

The proposed building is being put into the rear of the property and meets the Township's required setbacks.

The building measures an average grade of less than 14-feet to the midpoint. The building is being put into a side of a hill on the property and there is a retaining wall. The front of the building is a little taller than 14-feet..

The building's use will be for personal storage. Planning Director Peterson also noted that there are not a lot of accessory buildings in the area and is composed of a few homes on a small street.

Planning Director Peterson said that when he went to the property, he noticed a small accessory building already on the site and this building will be removed.

Staff recommends approval of the accessory building with the following conditions:

1. The building will not be involved, directly or indirectly, with any business, trade or occupation or profession.
2. Any outdoor lighting for the building will be shielded or downcast.
3. Remove the existing accessory building.

Ben Brinks of Distinctive Homes Ltd. represented the Johnson's and said that the accessory building will be Art Johnson's hobby building.

Mr. Brinks said the Applicants plan to use matching stone and shingles on the building along with wood-stained siding.

Member Koessel asked if the existing accessory building would be removed and Mr. Brinks said it would be. Mr. Brinks also noted that the Applicant would not be adding any lighting to the building.

Planning Director Peterson said that the Applicant did telephone him and said that he did not have any problems with the conditions listed.

**Member MacAllister motioned to open the Public Hearing, supported by Member Robinson.** Chairman McDonald called

the motion to question; **all in favor with none opposed, Public Hearing opened.**

Being there no public comments regarding this case, Chairman McDonald asked Staff if any letters or phone calls were received at the Township Office. Planning Director Peterson said that one (1) neighbor, from the subdivision to the north of the property, did visit the Township's Offices for a better understanding of the project. She asked where the building would be located and Staff provided copies of the site plan and have not heard anything further.

**Member Robinson motioned to close the Public Hearing with support from Member MacAllister. All in favor with none opposed, the Public Hearing was closed.**

Chairman McDonald opened the meeting for discussion or a motion by the Commission.

**Member Robinson motioned for approval of a Type I Special Use Permit to construct a 1,008-square foot accessory building at 7855 Thornapple Way; Member Richards supported the motion.**

Chairman McDonald called the motion to question. **All were in favor with none opposed. Motion carried.**

Member Lewis said he would like to compliment the Applicant on the completeness of the drawings and plans presented this evening.

#### **ARTICLE 6.**

**Case # 07-2872: Brenda Lynema  
Address of Property: 9555 60<sup>th</sup> Street SE  
(PUBLIC HEARING)**

Requested Action: The Applicant is requesting a Type I Special Use Permit for the construction of an accessory building larger than 832-square feet.

Planning Director Peterson said the building is 1,200-square feet and approximately 14-feet to the midpoint.

This case was before the Zoning Board of Appeals (ZBA) on May 1, 2007. A variance was needed because the Applicant is locating the building in the front yard and they do not meet the minimum 200-foot setback.

The Applicant originally had a similar plan approved by the Planning Commission in 1994 but never built the building. Therefore, that approval has expired and the Applicant is repeating the process.

At the May 1<sup>st</sup> Meeting, the variance was approved by the ZBA with the following conditions:

1. The building is rotated in an east west direction to obtain a minimum setback of 98-feet from the right-of-way.
2. The building not be involved, directly or indirectly, with any business, trade, occupation or profession.
3. Any lighting for the building will be shielded or downcast.
4. The Applicant provides proof of the septic and drain field locations.
5. Applicant is to submit a drawing of the building.

Planning Director Peterson noted that the site plan submitted this evening does not reflect the building being rotated in the east west direction. The building is 30-feet by 40-feet and the intent is if the building were rotated away from 60<sup>th</sup> Street, it would bring the building closer to compliance and less visible for the neighbor. The current site plan does not show the building's rotation in an east west direction and is the same site plan the ZBA approved.

The building is not involved with any business and the Applicant does not show any lighting. If the Applicant adds lighting, it will be downcast.

Two (2) items the ZBA addressed were the exact locations of the septic tanks and drain fields. Included in the Planning Commissions' packets is a report from the Health Department showing the exact locations of the septic tanks and drain fields. The Applicant has to meet the Health Department's setbacks from the septic system along with the Township's setback requirements from the property lines.

Planning Director Peterson said there are also some drawings of the building and it will be vinyl sided with asphalt shingles.

The building seems to be the same size and type of accessory building for the area.

Staff recommends approval of the accessory building provided the Applicant addresses the conditions from the May 1, 2007 ZBA Meeting.

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

Member MacAllister asked for a clarification regarding the building's rotation and that the site plan that Staff described, the Planning Commission does not have before them? Planning Director Peterson said the site plan is there but does not show the building's rotation yet.

Member Lewis noted that he is a member of the ZBA and clarified that at the May 1<sup>st</sup> Meeting. In this particular case, the determining factor is the location of the drain field and that was requested by the ZBA. Member Lewis thanked the Applicant for providing the Health Department's survey of the locations of the septic tank and drain field. With that in mind, dictated that the minimum amount of the granted variance would be achievable if the Applicant rotated the building in the east west direction as Staff reported. Normally, the Zoning Board does not get involved with site plans, but in this case, it was necessary so a minimum variance could be established. Member Lewis noted that the reason for turning the building was to achieve a minimum setback from the road.

Planning Director Peterson further explained that Staff made the recommendation of rotating the building to achieve a greater setback from 60<sup>th</sup> Street and the rotation of the building would also help lessen the view of the building by one of the neighbors. He noted that by turning the building, the site does not change dramatically.

Applicant Lynema said that there is 150-feet from the edge of his house to the road and he hopes the Planning Commission will allow him to keep the building as it is shown on the drawings. If it is not acceptable, he agreed to rotate the building as recommended by the Zoning Board.

Applicant Brenda Lynema asked how many feet from the drain field and septic tank do they have to be? Planning Director Peterson said he believes the Kent County Health Department's requirement is a 10-foot setback.

Member Koessel asked if the Zoning Board granted approval of the building based on it being turned, is that correct? Planning Director Peterson said it is. Member Koessel clarified that the ZBA recommended turning the building so the 40-feet is east west and the 30-feet is north south and Planning Director Peterson said that is correct. Member Koessel asked the Applicants if the

driveway would have to be reconfigured if the building were rotated and Mr. Lynema said that is correct. Member Lewis asked if the driveway is finished and Mr. Lynema said it is.

Member Koessel said the Township would gain 10-feet off 60<sup>th</sup> Street if the building were rotated and Planning Director Peterson said that is correct.

Member Koessel asked if the area is wooded and Mr. Lynema said it is heavily wooded.

Member Koessel recalled a Type 1 Special Use Permit the Planning Commission granted for property on Buttrick Avenue near Grand River and believes their accessory building is closer to the road than this request would be. Member Koessel believes that the way that they built their building, less of it is showing and does not make it look like a large structure. With this parcel and the heavily wooded area, it may make more sense to keep the building as shown on the site plan instead of rotating it to expose more building. He believes the Planning Commission back then granted the Type 1 Special Use because the building would be surrounded by trees and visually blocked. Member Koessel asked if the ZBA's approval was contingent upon the building being setback 98 feet? Planning Director Peterson said that is correct.

Member Lewis noted that the ZBA's hands are tied when the ordinance states they are to grant the minimum variance possible and in this particular instance, they needed to length the distance between the building and the right-of-way to the road.

Chairman McDonald asked if the drawing submitted by the Applicant is to scale and Mrs. Lynema said it is not. Chairman McDonald noted that Member Koessel does make a good point but since the drawing is not to scale, he believes the building is out of proportion.

Member Koessel asked regarding the drain field to the north and how far back could the Applicant move the building with the drain field. Mrs. Lynema said there is 36-feet between the drain field and the other one and the drain field is 12-feet wide. Mr. Lynema believes the drain field is approximately 15-feet back from the edge of the house.

Planning Director Peterson referred to the Health Department's sketch showing the house and the southern drain field that lines up with the front of the house. Member Koessel noted that the

Applicant could not go to the north any further because of the drain field and stay in this configuration and have the distance the Health Department.

Member Koessel noted that when the Zoning Board and the Planning Commission are reviewing cases, having good drawings makes their jobs a lot easier as they have spent time trying to figure out if the building could be pushed back or should be rotated.

**Member MacAllister motioned to open the Public Hearing, supported by Member Lewis.** Chairman McDonald called the motion to question, **all in favor with none opposed. Public Hearing opened.**

Chairman McDonald asked Staff if any phone calls or letters were received regarding the project and Staff said none.

**Member MacAllister motioned to close the Public Hearing, supported by Member Lewis.** Chairman McDonald called the motion to question, **all in favor with none opposed. Public Hearing closed.**

Chairman McDonald asked the Applicant if he would consider a 30-foot by 30-foot accessory building and Mr. Lynema said that his plans are not finalized yet.

Chairman McDonald noted the Planning Commissions' sensitivity to the ZBA in their recommendation of the building being rotated as they have reviewed the plan in greater detail. He also noted that the Planning Commission is reading more into the drawings that are not accurate.

Mrs. Lynema showed the Planning Commission a draft of the property that was done by the high school's drafting teacher. Member Waalkes noted there is no dimension shown between the drain field and the garage but the drawing does reflect the 10-foot setback off the property line. He said it does appear they could go further north on the property.

Planning Director Peterson suggested the Planning Commission let the Applicants have the building the way it is with the requirement that they move the building as far north as allowed by the Health Department. Member Koessel said he is not sure if that would work because this is an accessory building that the Planning Commission is trying to grant a Type 1 Special Use Permit for

because it is 1,200-square feet and the Applicant has stated the building is not cast in stone, so what is the Planning Commission approving?

Member MacAllister noted that the Planning Commission has a meeting on Monday, May 21<sup>st</sup> and asked if this case could be tabled until that meeting so the Applicant can clarify the Health Department's setback requirements and other issues so the Planning Commission could review a clear site plan?

Member MacAllister requested the Health Department's setback requirements from the septic tanks and drain fields along with the maximum setback the Township can provide from 60<sup>th</sup> Street.

Chairman McDonald asked if the Planning Commission could also approve the request tonight with the condition that the Applicant move the building as far north as possible and Planning Director Peterson said the Commission could do that as well.

Member Koessel asked Member Lewis that since the Zoning Board has already reviewed this project, is their approval subject to the building having the 98-foot setback that was the variance the Zoning Board approved, correct? Member Lewis said that is correct. Member Koessel questioned that if the Planning Commission were to make a favorable recommendation for an accessory building up to 1,200-square feet on that site provided that the minimum setback is 98-feet from the right-of-way of 60<sup>th</sup> Street, the project met all other requirements would the Planning Commission be meeting the requirements of the ZBA? Member Lewis believes the variance the ZBA is concerned with is the setback from the road and 98-feet is the agreeable setback, how it is done is fine, they are not concerned with if the building is turned or pushed back but they granted a minimum amount of 98-feet from the 60<sup>th</sup> Street right-of-way.

Member Koessel suggested the Applicants bring a drawing to the Planning Commission that they would like approval for. Chairman McDonald noted that it appears the building must be 98-feet from 60<sup>th</sup> Street and there is a possibility that the Applicant may be able to go further north with the building and leave it as it is shown in the drawings provided it is 98-feet off of 60<sup>th</sup> Street and the Health Department says they can move the building further north. He said if the Applicant had a drawing showing this, it would be a lot easier for the Planning Commission to reach a decision.



Mr. Lynema asked that if the building's dimensions were 30-feet by 32-feet, would that be approved tonight? Member Waalkes noted that the Planning Commission still does not have the setback measurements of the two (2) drain fields and there is a possibility the Applicant could slide the building further north but nothing can be determined until the setback measurements of the drain fields are established by the Health Department. Member Waalkes encouraged the Applicants to measure the property from the house to the right-of-way and measure the distances between the fields and septic tanks and include the information on a drawing. Mr. Lynema asked where he would obtain a drawing noting all the measurements and Member Waalkes said he could revise one of the current drawings the Planning Commission has reviewed tonight. Member Waalkes said the missing measurements are from the edge of the garage to the two (2) drain fields and from the garage to the other drain field. Once those two (2) dimensions have been measured, the Applicant should measure from the bottom edge of the garage to the right-of-way of 60<sup>th</sup> Street and if it is 98-feet, then the Applicant can keep the garage at the dimensions being submitted.

Mr. Lynema clarified that he needs to obtain the measurements from the proposed garage to the septic tank and Member Waalkes said that is correct and to the east as well, that also needs to be 10-foot back. The right-of-way line needs to be measured at 98-foot back.

**Member MacAllister motioned to table Case # 07-2872: Brenda Lynema request for a Type 1 Special Use Permit for the construction of an accessory building larger than 832-square feet at 9555 60<sup>th</sup> Street SE, supported by Member Robinson.**

Chairman McDonald called the motion to question. **All in favor with none opposed, motion carried. Case #07-2872: Brenda Lynema tabled.**

#### **ARTICLE 7.**

**Any Other Business:** Chairman McDonald opened the meeting for any other business and introduced the newest Planning Commission member, Steve Waalkes.

Member Lewis noted the Planning Commission discussed at the last meeting Sheldon Cleaners that had come before the Commission and the question arose of when the old business would be closed. Member Lewis noted in the minutes of the meeting that Sheldon Cleaners case was reviewed, there are two

(2) references made by the Applicant that a commitment was made by the Applicant to close the Cascade and Thornapple River Drive location. He does not want to jump the gun in the closing of the old building but is providing a heads up to the Board now that the old building is still operating and the new location is close to opening. Member Lewis asked Staff if they have heard anything regarding the closing of the old location and Staff has not. Member Lewis asked if the Township could remind the Applicant of his commitment to close the old location based on the minutes of the meeting. Chairman McDonald asked Staff to send the Applicant a letter with the commitments he made and are recorded in the minutes to see if they will respond with a target date for closing the old location, Planning Director Peterson said he will send Sheldon Cleaners a letter to that affect.

**ARTICLE 8.**

**Adjournment**

Chairman McDonald requested a motion for adjournment.

**Member MacAllister supported by Member Postma moved to adjourn. The motion carried and the meeting was adjourned at 7:55 p.m.**

Respectfully submitted,

Jack Lewis, Secretary

Lisa Hern, Recording Secretary