

MINUTES

Cascade Charter Township Planning Commission
Monday, September 16, 2013
7:00 P.M.

ARTICLE 1. Chairman Sperla called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, McCarthy, Mead, Pennington, Robinson, Sperla, Williams.
Members Absent: Waalkes
Others Present: Planning Director Steve Peterson,

ARTICLE 2. Pledge of Allegiance to the flag

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Pennington to approve the Agenda. Support by Member Mead. Motion carried 8-0.

ARTICLE 4. Approve the Minutes of the August 19, 2013 meeting.

Motion was made by Member Lewis to approve the Minutes. Support by Member Robinson. Motion carried by vote 8-0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items

There was no one wishing to speak on non-agenda items.

ARTICLE 6. Case #13-3148 – Goltz Family Trust

Public Hearing

Property Address: 7083 Windcrest Street SE

Requested Action: Special Use Permit to install an addition to existing chain link fence allowing a fence in the side and rear yard of about 7 feet high.

Planner Peterson stated that this is the Public Hearing that was not heard at the last Planning Meeting. The Applicant was able to present amendments to their plans. Ms. Goltz will keep the fence the way it is, the double stacked fence, with the explanation that they will move the vertical posts inside, they will paint the bottom chain link green to match the upper fence, and plant vegetation around it to treat it as a trellis. Planner Peterson did not receive any feedback from the notices sent out on this project.

Chairman Sperla requested comments from the Applicant.

Applicant stated that the post will be moved into the interior of the fence. The posts on the bottom will be painted to match the chain link fence and the post

on the top will be painted green to match the vegetation. The upper fence will be used as a trellis and I will plant vegetation to cover the fence.

Chairman Sperla asked how tall the vegetation would be.

Applicant stated that Clematis would be planted and is relatively fast growing and will spread along the fence.

Chairman Sperla asked if they were all warm weather plants and if they would shed their leaves in the winter. Applicant stated that there would be a variety of plants and that some would lose their leaves and some would not.

Member McCarthy asked if the plants would be inside or outside the fence.

Applicant stated that the plants would be planted in her yard but would weave inside and outside of the fence.

Chairman Sperla asked if her property was next to the Penninga's and if the adjoining neighbor on the other side had any issues with the fence.

Applicant stated that she specifically asked the neighbor and he had no issues with the fence.

Member Lewis made a motion to open the Public Hearing. Support by Member Hammond. Motion carried 8-0.

Chairman Sperla requested anyone wishing to speak on the Public Hearing to come forward.

There was no one wishing to speak on the Public Hearing.

Member Lewis made a motion to close the public hearing. Support by Member Hammond. Motioned passed 8-0.

Member Lewis stated that the Township Ordinance is specific that the vertical posts must be on the inside of the fence. Number two: we can tell where you are going to put the fence; on your own property or on the property line. Number three: you can't use barbed wire or electrify the fence. Anything else is not our issue.

Chairman Sperla stated that one of the criteria is what is the effect on the property owners? The effect on the adjoining property owners? We need to go through the steps that we have, making it aesthetically pleasing to the neighbors.

Planner Peterson wants to make sure that we use the standards defined in the Ordinance in order to make a decision. The standard is to what extent does impact of additional height have on adjoining neighbors. The other standards are how it affects light or air flow, whether it creates a traffic hazard, whether it creates a fire hazard or whether it violates any deed restrictions. Those are the standards.

Member Mead stated that he was concerned about whether the fence was four feet or eight feet—was it safe? Is the fence structurally safe? Will the fence keep out the animals that the home owner is trying to keep out? Is the top part of the fence sufficiently connected and strong enough to keep the animals out?

Member Pennington stated that if the Board refers back to the standards; that is not part of their standard to deal with.

Member Mead stated that it may not be part of the standard but this Board is obligated for the health, safety, and well-being of this community.

Planner Peterson reiterated that the Board needs to follow the standards for their decision making. Right or wrong the fence has been up there since December and there do not seem to be any structural issues with it.

Chairman Sperla asked if there were any other comments.

Member McCarthy stated that as she thinks about what the other commissioners have said; looks at the pictures that were provided, and thinks about the standards the Board has to adhere to she believes the Board is limited in what they can do. As she looks at the pictures the fence seems unobtrusive to her and if it is unobtrusive to the neighbors, then that says it all.

Chairman Sperla states that Mrs. Schneider finds the fence to be obtrusive on her side and aesthetics do come into play.

Member Hammond stated that the Applicant understands where the Chairman is coming from, but at the same time the applicant has followed procedure and notified adjoining residents of the Public Hearing where they could come forth and speak on the issue and, obviously no one did.

Chairman Sperla stated that Mrs. Schneider had sent a letter to the Board because she was on vacation during this time and wanted representation at this meeting.

Member McCarthy asked Steve what height this fence could be without Township approval. Planner Peterson stated that would be six feet. The applicant's fence is seven and one-half feet. Eight feet is the maximum the Township allows under the Special Use Permit.

Member Lewis stated that if he is looking at the map correctly Mrs. Schneider is not next door to the fence even though she has voiced difficulty with it. The only complaint the Township has received is from 7115 Windcrest and that yard is not next to the applicant's on either side. 7115 Windcrest is three houses down from the applicant. How far is the Township going to go with this? It has been pointed out that no one has come forward to voice a complaint at the meeting. The Penninga's have not spoken against it.

Member Hammond's only concern is that the Township is setting a precedent by allowing a Special Use Permit for this one situation. Planner Peterson again stated that the Township can only allow an eight foot fence with a Special Use Permit. We have already granted S.U.P. for taller fences. The Zoning Board has allowed that in the past for a 10 foot fence.

Planner Peterson stated that Ms. Goltz did listen to the comments made at the last meeting and did take the time to consider an eight foot chain link fence and a board fence, but dismissed it as something she did not want.

Member Pennington stated that this would have been much more favorably received if there was a more continuous system rather than adding on to an existing system. He feels that would have been easier to work with. He does not object to the fence but feels a better system for the neighboring property owner would have been easier and the applicant been more accommodating.

Member Pennington made a motion to approve the Special Use Permit for the change in additional fence height as proposed in staff report. Support by Member Hammond. Motion passed 7-1.

Chairman Sperla stated that Ms. Goltz has obtained her Special Use Permit.

ARTICLE 7. Case #13-3147 – David & Carol Penninga

Public Hearing - From the Table

Property Address: 7101 Windcrest Street SE

Requested Action: Special Use Permit to install an addition to existing chain link fence allowing a fence in the side and rear yard of about 7 feet high.

Chairman Sperla asked if there were any comments.

Planner Peterson explained that the Penninga's plan is to keep the fence at a height of four feet on the property line that is shared with the Schneider's. They are requesting the SUP for the remaining sides of the fence to be permitted at 7 ½ feet. They would remove the additional fence along the Schneider's property line and install a second three foot fence within their own property line as a deterrent to deer. The Penninga's are proposing a double layer fence on the inside but that does not require a Special Use Permit because it's under the six foot requirement.

Member Hammond motioned that this be moved from the table where it was moved at the last meeting. Support by Member McCarthy. Motion passed 8-0.

Chairman Sperla asked the Applicant to come forward with comments.

First, Mrs. Penninga wanted to apologize for putting the fence up and offending their neighbor. That was not their intent. They just wanted to get the deer out of their yard. Right now they feel the right thing to do would be to remove the additional fence by that neighbor's yard. There are 8 – 9 foot shrubs already there and they have bought other shrubbery to plant there as well and they feel that will probably do as good a job as a fence to keep the deer out. On the property line they share with Schneider's, they would like to remove the additional fence and put up a three foot fence inside their fence so that if deer jump in they'll come up to another fence and hopefully, jump right back out. They are not sure that will work, but it will be better for them than not having anything in that area.

Chairman Sperla asked for any questions.

Member Hammond asked Mrs. Penninga if the neighbors had heeded the Planning Board's suggestion for all of them to sit down and come to some conclusion together regarding the fence. Mrs. Penninga stated that they tried but did not sit down with the neighbors. Mrs. Penninga indicated that they came up with this proposal on their own.

Member McCarthy stated the she thought the Penninga's were very accommodating to what Mrs. Schneider's objection was in taking three feet off the fence.

Mrs. Penninga stated that in time they will be planting lilac bushes which the deer do not like and if they can't see what's on the other side, hopefully; they will not jump into their yard at all. The deer usually come from the back but have come from the front at times. In the back there is a path through some of their myrtle that is now just a dirt path which the deer use.

Mr. Penninga stated that since he put the fence up not a single deer has come into their back yard. They have arborvitae bushes on one side of the yard that are so high and thick the deer do not come through them. On another side they have a pussy willow bush and the deer do not come through there. There was a six foot gap by the arborvitae and that's where the deer came in. Mr. Penninga had to put fence around the entire yard before the deer would stop coming into their yard. The fence on the south side of their lot meets fence guidelines.

Chairman Sperla appreciated that Mr. and Mrs. Penninga were willing to make some changes and to attempt to talk to Mrs. Schneider.

Member Lewis made a motion to approve the request from the Penninga's for a Special Use Permit based on the new drawing submitted by the applicant.

Support by Member Robinson. Motion passed. 7- 1.

ARTICLE 8. Any other business

28th Street West video and discussion.

Planner Peterson played a video of what other cities and townships are doing to go forward in the planning of their properties along 28th Street. Member Pennington stated that he feels nervous when ease, speed, and development are mentioned as a means of planning.

Chairman Sperla stated he found the video intriguing because of the area where two major intersections come together. This is what Cascade Township is dealing with also.

Member Lewis stated that Ada has a map with two roundabouts and signs. Planner Peterson stated that this was an updated plan of their DDA.

Chairman Sperla stated that Old 28th Street offers us that dimension and the streetscape plan offers some innovative ideas as well and some middle intersection cross paths and crossways. He feels we need to remain creative in the challenges of these types of roadways.

Member Mead stated that Cascade's plan is a good beginning but that we need to be bolder with what we're doing.

Chairman Sperla is excited about making changes along the river and making those changes attractive enough for businesses that do not fit the plan to relocate.

Article 9. Adjournment

Member Lewis made motion to adjourn. Member Hammond supported. Motion carried unanimously 8-0. The meeting was adjourned at 9:05 pm.

Respectfully submitted,

Karen McCarthy, Secretary
Ann T Seykora, Planning Administrative Assistant