

**AGENDA**  
**Cascade Charter Township Zoning Board of Appeals**  
**Tuesday, November 12, 2019**  
**5:30 pm**  
**Cascade Library Wisner Center**  
**2870 Jacksmith Ave. SE**

- ARTICLE 1. Call the meeting to order  
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the Minutes of the October 8, 2019 meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.  
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case #19-3560 James Horman  
**Public Hearing**  
**Property Address: 3579 Burger Drive**  
**Requested Action:** The applicant is requesting a variance to allow an addition to the Northeast corner of the home. The addition would allow for the nonconforming setback to continue. This would allow for the existing setback of 9'8" to remain, and the total sideyard setback of 15'8" to remain.**
- ARTICLE 7. Any other business.**
- ARTICLE 8. Adjournment.**

**Meeting format**

1. **Staff Presentation** *Staff report and recommendation*
2. **Project presentation-** *Applicant presentation and explanation of project*
  - a. **PUBLIC HEARINGS**
    - i. *Open Public Hearing. Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
    - ii. *Close public hearing*
3. **Commission discussion –** *May ask for clarification from applicant, staff or public*
4. **Commission decision - Options**
  - a. *Table the decision*
  - b. *Deny*
  - c. *Approve*
  - d. *Approve with conditions*
  - e. *Recommendation to Township Board*

MINUTES  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, October 8, 2019  
5:30 P.M.

**ARTICLE 1.** Chairman Berra called the meeting to order at 5:30 P.M.  
Members Present: Puplava, Mead, McDonald, Moxley, and Milliken  
Members Absent:  
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

**ARTICLE 2.** Chairman Milliken led the Pledge of Allegiance.

**ARTICLE 3.** Approve the Agenda.

Motion was made by Member McDonald to approve the Agenda. Supported by Member McDonald. Motion carried 5 to 0.

**ARTICLE 4.** Approve the Minutes of the September 10, 2019 Meeting.

Motion was made by Member McDonald to approve the Minutes of September 10, 2019. Supported by Member Moxley. Motion carried 5 to 0.

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

Local Boy Scouts are in attendance to earn badge and rank advancement requirements by attending a local government meeting. Chairman Milliken welcomed and thanked them for being in attendance tonight.

**ARTICLE 6.** Case #19-3552 Kimberly Lohr

**Public Hearing**

**Property Address: 4615 Whitneyville Ave SE**

**Requested Action:** The Applicant is requesting a variance to construct an addition to the house that does not meet the minimum 43-foot front setback.

As Director Peterson started to present the case, the Applicant interrupted to state that she would like to withdraw the request once again. Ms. Lohr stated that the house will be torn down and rebuilt.

**Motion was made by Member Mead to open Public Hearing. Supported by Member Moxley. Motion carried 5 to 0.**

No member of the public came forward with comment.

**Motion was made by Member Moxley to close Public Hearing. Supported by Member Puplava. Motion carried 5 to 0.**

**ARTICLE 7. Case #19-3556 David Teppo**

**Public Hearing**

**Property Address: 3777 Cherry Lane Ave SE**

**Requested Action:** The Applicant is requesting a variance that would allow him to sell some of his property to the neighbor which would result in an accessory building in the front yard.

Director Peterson stated that parcel A on 3777 would be spilt off and added to the property of 3779 Cherry Lane. Director Peterson stated that this is not an unusual request, however there is a building on that property that would end up being in front of the house at 3779. In order to complete the property split, the Applicant does need a variance to allow that building to stay in front of the house at 3779. Director Peterson stated that the Township does allow for buildings in the front yard if certain criteria is met. That criteria includes being at least 200 feet back from the road, being a property in which you have to drive over the drain field or septic in order to access the garage, or being a lot in which the topography of the lot makes it impossible to construct a building in the rear or side yard. Director Peterson stated that it is his decision that the Applicant did not meet the last criteria ("A", in the ordinance), so they do need the variance. Director Peterson stated that they are 800 feet off the road, the septic system is located in front of the house, and there is a low pond/wet space that does limit where a new building can be built. Director Peterson stated that it is his opinion that although the Applicant does not meet ordinance requirements, they do meet the requirements for an exception in this particular case. Director Peterson noted that he did receive a letter response from one neighbor (Pam Stanley – Shaggy Pines Dog Park [[the neighboring property]]) who is in support of the requested variance.

Director Peterson stated that he does recommend approval of the Applicants variance.

Member Mead asked Director Peterson what the size of the building in question is, Director Peterson stated that he did not recall the exact size, and although it is a large building, he would not consider it excessive or out of character for the size of property.

**Motion was made by Member McDonald to open Public Hearing. Supported by Member Puplava. Motion carried 5 to 0.**

Mr. Jack Hulst (3717 Cherry Lane) came forward to state that he has a good view of the building from his property. He has no complaints, and is in favor of this variance.

Mr. David Teppo (Applicant) came forward to state that it is his intention to maintain the rural feel and ambiance of the area by not having to build another building.

**Motion was made by Member Moxley to close the Public Hearing. Supported by Member Mead. Motion carried 5 to 0.**

**Motion was made by Member McDonald to approve the variance to allow the building in the front yard based upon Staffs finding of facts. Supported by Member Mead. Motion carried 5-0.**

**ARTICLE 8. Case #19-3555 Jack Cramer**

**Public Hearing**

**Property Address: 3494 Goodwood Dr SE**

**Requested Action:** The Applicant is requesting a variance to allow an addition to the side of the home. The addition would result in a sideyard setback of 6 feet. A variance is needed for an exception to the minimum 10-foot setback, and for not meeting the total sideyard setback of 25 feet.

Director Peterson stated that this property is on the river, and the Applicant would like to put a 5-foot addition on the east side of the home. Director Peterson stated that they are in need of an exception because one side of the property is 14 feet back from the property line, the other side is 11 feet back. Township requirements are that you have minimum total of 25 feet, with no one side being less than 10. A 5-foot addition on the east side of the property would give them a 6-foot setback. Director Peterson stated that lots in the area are typically the same size and width. Looking back at previous case history for setbacks, Director Peterson stated that there have been a few sideyard setbacks granted, most were for existing non-conforming setbacks that would make a slight improvement, or that would follow an existing line. There has not been a history of granting exceptions for homes that meet the requirements, and then want to go under the requirement.

Director Peterson stated that the Applicants builder said they do have a backup plan to add an addition on to the rear of the home, which they can do as long as they maintain the existing setbacks.

Director Peterson is recommending denial of the Applicants relief of the sideyard setback.

**Motion was made by Member McDonald to open Public Hearing. Supported by Member Moxley. Motion carried 5 to 0.**

Ms. Margaret Vega and Mr. Tom Erdall (3500 Goodwood Dr SE) came forward to express their concern of the possible variance and state an addition to the neighboring home may impact their view since the properties are "pie shaped". They would like stakes to be in place to show where exactly the lot lines are. Ms. Vega then states that they are not necessarily against the variance, but have yet to see a plan and do not want to lose space or trees between theirs and the Applicants home.

Mr. Ken Kuiper (Applicants builder) came forward to state the plan to go upwards with the addition, and states they need the variance in order to build a rear staircase. Mr. Kuiper states the stairwell would go four feet to the east (they are asking for a five-foot variance), and six feet out to the north.

Member Puplava asks Mr. Kuiper what the Applicants plan is if the variance is denied. Mr. Kuiper stated the Applicant would then like to build a 24' x 24' garage up the hill.

**Motion was made by Member Moxley to close the Public Hearing. Supported by Member Puplava. Motion carried 5 to 0.**

**Motion was made by Member McDonald to deny the request based on Staffs finding of facts, and as to not set a precedence for variances going forward. Supported by Member Moxley. Motion carried 5-0.**

**ARTICLE 9. Any other business.**

Director Peterson reminds Members of the upcoming Joint Meeting with the Planning Commission and the Township Board on October 21<sup>st</sup> at 7pm.

**ARTICLE 10. Adjournment**

**Motion was made by Member McDonald to adjourn. Supported by Member Mead. Motion carried 5 to 0. Meeting adjourned at 5:55 p.m.**

Respectfully submitted,  
Aaron Mead, Secretary

STAFF REPORT: Case # 19-3560  
REPORT DATE: October 24, 2019  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: November 11, 2019  
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:  
James Horman  
6579 Burger Dr  
Cascade MI 49546

STATUS  
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to allow an addition to the Northeast corner of the home. The addition would allow for the nonconforming setback to continue. This would allow the existing setback of 9'8" to remain and the total sideyard setback to 15'8" to remain.

EXISTING ZONING OF  
SUBJECT PARCEL(S): R2

GENERAL LOCATION: The property is located on the East side of Burger Dr just south of Thwonspple River Dr.

PARCEL SIZE: .5 Acres (21,825 sq.ft)

EXISTING LAND USE  
ON THE PROPERTY: Residential

ADJACENT AREA  
LAND USES: All Residential

ZONING ON  
ADJOINING PARCELS: All R2

### **STAFF COMMENTS**

1. The applicant is requesting a variance of Section 18.05 of the Zoning Ordinance. This section requires homes to have a minimum setback of 10 feet on the sides with the total of both sides being not less than 25 feet.

2. The applicant currently has a setback of 9'8" on the North side and 6 feet on the South side. Therefore, the home is non-conforming since it does not meet the minimum setbacks.
3. The owner would like to put on an addition in the rear of the home to accommodate a three-season room. The addition would essentially fill in the North east corner of the home and maintain the existing rear and side setbacks that the home already has.
4. Because the home is non-conforming they would not be able to do an addition because they would not be able to meet the total 25 foot setback requirement.
5. The lot is 67 feet wide which is a little narrow for this area. The home is located on the Thornapple River and was built in 1958.
6. In reviewing other zoning variances, we have granted a couple of sideyard exceptions for additions. In those cases, they were either maintaining an older non-conforming setback or they were making it closer to compliance with the addition.

Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

<b>Findings of Fact</b>	<b>Comment</b>
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The property is a little narrow for the area and already has non-conforming side setbacks.
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this Ordinance will not be considered self-created)	They are not looking to expand beyond the current setback and are expanding on the side with the largest existing setback.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	They are not coming closer than what already exists.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The cases when we have granted variances typically involve non-conforming situations.

<p>That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.</p>	<p>The narrow lot, the fact that it is not any worse than what they have, the fact that the addition is filling in a corner on the back of the house would be considered a unique circumstance.</p>
<p>The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.</p>	<p>met.</p>

**STAFF RECOMMENDATION**

Staff Recommends Approval of the variance.

Attachments:            Application  
                                  Site Plan





6579 Burger Dr

CASCADE RD

THORNCREST DR

THORNAPPLE RIVER DR

HAWTHORNE ST

THORNAPPLE RIVER DR

THORNAPPLE RIVER DR

THORNAPPLE RIVER DR

Ex 4



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan  
49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: James F. Horman  
Address: 6579 Burger Drive SE  
City & Zip Code Grand Rapids, MI 49546  
Telephone: (616) 340-9605  
Email Address: hormanj@progressiveae.com

**OWNER: \* (If different from Applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City & Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**NATURE OF THE REQUEST: (Please check the appropriate box or boxes)**

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative Appeal       | <input type="checkbox"/> Administrative Site Plan Review |
| <input type="checkbox"/> Deferred Parking            | <input type="checkbox"/> P.U.D. – Rezoning *             |
| <input type="checkbox"/> P.U.D. – Site Condominium * | <input type="checkbox"/> Rezoning                        |
| <input type="checkbox"/> Site Plan Review *          | <input type="checkbox"/> Sign Variance                   |
| <input type="checkbox"/> Special Use Permit          | <input type="checkbox"/> Subdivision Plat Review *       |
| <input checked="" type="checkbox"/> Zoning Variance  | <input type="checkbox"/> Other: _____ *                  |

**\* Requires an initial submission of 5 copies of the completed site plan**

**BRIEFLY DESCRIBE YOUR REQUEST:\*\***

We would like to add a three season room to our house in an interior corner on the north east corner per the attachment.

(\*\*Use Attachments if Necessary)  
-SEE OTHER SIDE-

**LEGAL DESCRIPTION OF PROPERTY\*\*:**

Lot 96 Cascade Riverview Park, Section 16 T6N, R10W Cascade Township, Kent County, MI

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(\*\*Use Attachments if Necessary)

**PERMANENT PARCEL (TAX) NUMBER:** 41-19-16-326-002

**ADDRESS OF PROPERTY:** 6579 Burger Drive SE, Grand Rapids, MI 49546

**PRESENT USE OF THE PROPERTY:** Residential

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
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**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.*

***I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)***

James F Horman  
Owner – Print or Type Name  
(\*If different from Applicant)

\*  10/14/2019  
Owner's Signature & Date  
(\*If different from Applicant)

\_\_\_\_\_  
Applicant – Print or Type Name

\_\_\_\_\_  
Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

EXISTING HOME OUTLINE

PROPOSED INFILL ADDITION

97

209.22'

96

DR.

67.00'

NOTE:  
LOT EXTENDS TO  
666 CENTER

THORNAPPLE RIVER

APPROXIMATE  
LOCATION OF  
666 CENTER

UPPER LEVEL  
FRAME DECK

60.00'

LOWER LEVEL  
FRAME DECK

UPPER LEVEL  
HOUSE

FRM  
DECK

22'-8"

9'-6"

13'-2"

13'-0"

6'-0"

5'-8"

10.4

47.8

41.5

10.0'

12.9'

17.0'

13.0'

17.0'

13.7'

18.0'

10.0'

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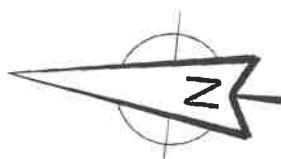
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JAMES F HORMAN

6579 BURGER DRIVE SE, GRAND RAPIDS, MI 49546

10/15/19

238.82'

230.48'