

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, February 13, 2018
7:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 7:00 P.M.
Members Present: Berra, McDonald, Mead, Milliken and Pennington
Members Absent:
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Berra led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

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

ARTICLE 4. Approve the Minutes of the December 12, 2017 Meeting.

Motion was made by Member McDonald to approve the Minutes of December 12, 2017. Supported by Member Milliken. Motion carried 5 to 0.

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

Mr. Ken Carey came forward to speak about the potential of Cascade.

ARTICLE 6. Case #17:3430 Randy Carpenter
Public Hearing

Property Address: 8650 36th Street

Requested Action: The Applicant is requesting a variance to place an accessory building in the front yard.

Director Peterson stated that Applicant would like to construct an accessory building in the front yard of his home. The home has been permitted and is under construction.

The home is located almost in the middle of the lot about 360 feet from 36th Street. The barn is being proposed at 330 feet from 36th Street. Because the front yard is everything between the road and the home, the location of the home determines how much front yard there is.

The Township does have some allowance for building in the front yard provided they meet certain standards. Applicant has indicated that they do not meet one of those standards, so a variance is required.

There is at least one other building on the street with an accessory building in the front yard. The home most directly impacted is to the East.

Neither the plans or a site visit revealed any reason why the barn could not be pushed back 30 feet in order to be located in the side yard and not the front.

Director Peterson recommends denial of the request for a variance to place an accessory building in the front yard.

Chairman Berra invited the Applicant to come forward.

Mr. Bill Makuski, Applicant's builder, came forward on behalf of Applicant, to state that he feels that the location for the building is better than the location 30 feet back. He pointed out that Director Peterson's location for the building (30 feet back from its current proposed location) would be problematic. It would require much more excavation due to it being a very wet area. Mr. Makuski stated that precedent has been set for having buildings in the front yard. Applicant has 15 acres of land and no other home in the area will be able to see the new building.

Mr. Randy Carpenter, Applicant, also came forward to express his frustration with the rigid township ordinances. He is a business owner in Cascade and had to jump through many hoops in order to make his business compliant with all ordinances. He is now asking to build an additional building on his property and feels that turning down the variance he seeks because of only 30 feet is ridiculous.

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

Mr. Ron McCullum came forward to state that he feels that the township is applying residential rules to a piece of agricultural property. It is inappropriate to do so. He feels that there should be no reason why this variance shouldn't be granted.

Mr. Ken Carey also came forward to voice his disagreement with Director Peterson's recommendation to deny this variance.

Motion was made by Member Pennington to close Public Hearing. Supported by Member McDonald. Motion carried 5 to 0.

Motion was made by Member Mead to approve the variance with three conditions:

- 1. That by moving the building back 30 feet to comply with township requirements, it would be encumbered by a potential wet area;**
- 2. It would not be a detriment to other neighbors; and**
- 3. The building would be at least 300 feet off of the right-of-way.**

Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 7. Case #3434 Jeff Dionne

Public Hearing

Property Address: 2984 Thornapple River Drive

Requested Action: The Applicant is requesting a variance to construct an addition to the house that does not meet the minimum 43 feet setback or the 10 feet side yard setback.

Director Peterson stated that Applicant is requesting a variance to allow an addition closer to the road right-of-way and closer to the side lot line than permitted. They are asking to build a two-story garage with three bedrooms behind and one on the lower level.

The Northeast corner of the home on the property is setback 16.7 feet from the right-of-way. The Northwest corner of the home, which would be adjacent to the proposed addition, is setback 25.3 feet from the right-of-way. The home is required to be set back 43 feet from the right-of-way. As it stands now, the current house is legal non-conforming because it does not meet current front setback requirements.

They are proposing an addition to the front of the home that would not allow 15.9 feet front setback. The side yard setback requirement is a minimum of 25 feet total with no one side being less than 10 feet. The home currently has setbacks of approximately 55 feet and 180 feet on the side. Applicant is asking to reduce the 55 feet side yard to 5.3 feet.

Director Peterson recommends denial of the requested variance. However, he would support a variance that maintained the existing front setback and did not exceed the minimum 10 feet setback.

Chairman Berra asked if the Applicant would like to come forward.

Mr. Jeff Dionne came forward and made an elaborate and extensive presentation with regards to this project, why it came to be, and why he is asking for these particular setbacks.

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

Mr. Ken Carey came forward to say he personally knows the Dionne family and that it was his opinion that this project needed to happen if not only because of the security factor involved with being on that portion of Thornapple River Drive.

Motion was made by Member McDonald to close the Public Hearing. Supported by Member Milliken. Motion carried 5 to 0.

Motion was made by Member McDonald to:

1. Deny the requested variance to construct an addition to the house because it does not meet the minimum 43 feet front setback or the 10 feet side yard setback;
2. Approve a variance that maintains the existing front setback and does not exceed the minimum 10 feet side setback.

Supported by Member Mead. Motion carried 5 to 0.

ARTICLE 8. Any other business.

- Election of Officers

Motion was made by Member McDonald to nominate Chairman Lou Berra as Chairman and Member Valerie Milliken as Secretary. Supported by Member Mead. Motion carried 5 to 0.

Motion was made by Member McDonald to nominate Member Mead to the Village Design Committee. Supported by Member Pennington. Motion carried 5 to 0.

- Rules of Conduct

ARTICLE 9. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Mead. Motion carried 5 to 0. Meeting adjourned at 8:30 p.m.

Respectfully submitted,
Valerie Milliken, Secretary