

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, December 14, 2021
5:30 pm
2870 Jacksmith Ave

- 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 November 9, 2021 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 #21-3686/BDR Inc.
Public Hearing
Property Address: 6921 Burger Dr
Requested Action: The applicant is requesting an extension of a previous
variance to keep an accessory building on the property while the existing
house is demolished, and a new house is built.**
- ARTICLE 7. Case #21-3683/Warren
Public Hearing
Property Address: 5650 McCords Ave
Requested Action: The applicant is requesting a variance to allow them to keep
one more accessory building on the property than what is permitted.**
- ARTICLE 8. Any other business**
- 12/21/21 Special Meeting
- ARTICLE 9. 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 November 9, 2021
5:30 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chairperson Mead called the meeting to order at 5:30 P.M.
Members Present: Tom McDonald, Ralph Moxley, Aaron Mead, Lou Berra, Valerie Milliken
Members Absent: None
Others Present: Interim Planning Director Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

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

ARTICLE 4. Approve the minutes of the October 12, 2021 meeting

Motion was made by Member McDonald to approve the October 12, 2021 meeting minutes as written. Supported by Member Moxley. Motion carried 5 to 0.

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

There were not any visitors that wished to speak to non-agenda items.

ARTICLE 6. Case #21-3672/Goehring

Property Address: 6389 Burton St.

Requested Action: The applicant is requesting an extension of a previous variance for the use of a temporary building during the construction of a detached garage.

Interim Planning Director Hilbrands presented the request for a six-month extension on a previous variance for a temporary building during the construction of a detached garage. The temporary building is an approximately 8' x 20' and 9' tall shipping container. The structure was originally alerted to the township by a neighbor and the applicant was required to submit a variance for a temporary building. The applicant was granted the variance for six months with a \$500 performance bond that he has submitted. The applicant believed they would have the project completed and the building removed within six months but problems with the supply chain have prevented that from happening.

Considering the pandemic supply chain problems and that the original variance was only for six months when they are often a year, staff recommend approval of this extension

for an additional six months with the condition that it follows all of the conditions from its' previous variance.

Goehring spoke to the committee about the issues that have plagued his home improvement attempts. He intended to add a bathroom to the basement and a detached garage but the project ended up going much further. It took six months to get the shipping container out of Chicago and then he wanted to build his garage first but Lacks was going to put in a sewer and he didn't want a well, and that ended up being delayed until the spring. He also noticed that when his washer went into spin cycle, his whole house would shake and he wanted to insulate the house while they were at it. The house had been moved from another location and, when they moved it, they sistered the tresses together and built the back end on with scrap wood so when the builder noticed this, they had to replace all of the tresses. The shipping container is currently full of windows and when they get that complete, they'll be able to start working on the garage he is building. The sprinkler system is in and the landscaping will be going back up in the spring. He hoped the garage would already be done by now.

Motion to open public hearing by Member McDonald. Supported by Member Miliken. Motion carried.

There was no one who wished to make a comment.

Motion to close public hearing Member McDonald. Supported by Member Moxley. Motion carried.

Motion was made by Member McDonald to approve case #21-3672 with any staff conditions. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #21-3674/Keeler

Property Address: 7385 Kilmer St.

Requested Action: The applicant is requesting a variance to construct an addition to the north side of the home that is closer to the side property line than permitted.

Interim Planning Director Hilbrands presented the case requesting a variance from zoning ordinance section 18.05. The applicant is looking to put an addition on the home that is approximately 9 ft from the property line while the ordinance says that there needs to be a setback on each side of at least 10 ft each with the total between the sides not less than 25 ft to the property line. One side of the building has a setback of 9 ft from the property line and the other side has a setback of 9 ft 8 in, for a total of 18 ft 8 in, being less than the required 25 ft. The proposed addition would not extend any further towards the property line than the current building. The applicant was already granted this variance in 2009 and 2019 however they did not construct the addition so the variance expired and he is now applying again. There are a few other homes in the neighborhood that seem to have similar non-conforming setbacks.

Given that the addition will not be coming any closer to the property line and that the variance appears to be the minimum necessary, staff recommends approval of the variance as requested.

Nick Keeler, applicant, spoke about how he has been working to get the existing house ready for the addition.

Motion to open public hearing by Member McDonald. Supported by Member Berra. Motion carried.

There was no one who wished to make a comment.

Motion to close public hearing by Member McDonald. Supported by Member Berra. Motion carried.

Motion was made by Member McDonald to approve case #21-3674 as written. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 8. Old Business

2022 Meeting Schedule: Interim Planning Director Hilbrands said they are working on developing a meeting schedule for the different boards and intend to continue having Zoning Board of Appeals meetings every second Tuesday of the month with the exception of November as that one looks like it may need to be moved for elections. There is a case on the schedule for next month so the next meeting will be December 14, 2021.

ARTICLE 9. Adjournment

Motion to adjourn was made by Member Moxley. Supported by Member Berra. Motion carried 5 to 0. The meeting was adjourned at 5:46 P.M.

Respectfully submitted,
Ralph Moxley, Secretary

STAFF REPORT

STAFF REPORT: Case #21-3686/ BDR Inc
REPORT DATE: December 8, 2021
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: December 14, 2021
PREPARED BY: Brian Hilbrands, Interim Planning Director

APPLICANT:
BDR Inc
6921 Burger Dr SE
Grand Rapids, MI 49546

STATUS OF APPLICANT: Property Owner/Developer

REQUESTED ACTION: The applicant is requesting an extension of a previous variance to keep an accessory building on the property while the existing house is demolished, and a new house is built.

EXISTING ZONING OF SUBJECT PARCEL(S): R-2

GENERAL LOCATION: The property is located on the northside of Burger Dr near the intersection with Tuscany Dr.

PARCEL SIZE: Approximately 0.8 acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: All Residential

ZONING ON ADJOINING PARCELS: All R-2

STAFF COMMENTS:

1. The applicant originally requested a variance of Section 4.09 of the Zoning Ordinance. This section requires a principal structure (home) on the property before an accessory building. The number of accessory buildings is then limited based on the size of the property.

Acreage	Number of Buildings Allowed*
Up to three (3) acres	1
3-6 acres	2
6+ acres	3

2. The property is less than 3 acres, so this is the only accessory building they are allowed.
3. The variance request is the result of the applicant wanting to remove the house in order to construct a new house and leave the accessory building.
4. The Zoning ordinance actually requires that the house be at least 50% complete before an accessory building can be built.
5. We have had some similar cases in the past and those variances were given with the condition that a performance bond is provided to allow the township to remove the accessory building if the property does not come into compliance.
6. The ZBA met on this matter and approved the variance at their 12/8/20 meeting with the following conditions:
 - a. The house is at least 50% complete (rough-in) within 1 year.
 - b. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of the bond will be at a minimum \$10,000.
 - c. The bond will be released when the property is in compliance.
7. The applicant indicated that they thought they would have the new home built in a year. They also provided the required \$10,000 bond to guarantee that the house will be built.
8. The applicant will not be able to have the new home built by December 2021. Rather than tear down the accessory building they are asking for an extension to build the home. They should provide assurance that the home will be built within a year.
9. Denial of the extension will require that the accessory building is removed.
10. Given the pandemic and the logistical issues it has created it seems reasonable to give them a little more time.
11. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all the findings of fact listed in the table below:

Findings of Fact	Comment
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not	The pandemic has created a variety of exceptional circumstances.

apply generally to the other nearby properties in the same zoning district.	
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)	Although they could have started sooner, the circumstances created by the pandemic are not the result of actions taken by the applicant.
That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.	The quicker the new house is built will reduce the “amount” of the variance.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The variance would not be detrimental to others if the situation is quickly addressed.
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.	I did find a couple of similar variances that we have approved provided that the house is built quickly and a bond is submitted.
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.	If denied the applicant could remove the accessory building, build a house and then build a new accessory building.

STAFF RECOMMENDATION:

Staff recommends that you approve the variance as requested with the following condition:

1. Grant a one-year extension (December, 2022) to the original conditions

Attachments: Application package
Site plan
Minutes from 12/8/20 ZBA Meeting





CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT:

Name: BDR Inc.
 Address: 50 Crahen Ave NE, Suite 200
 City & Zip Code: Grand Rapids, MI 49525
 Telephone: 616-458-8505
 Email Address: dcontant@bdrinc.com.

OWNER: * (If different from Applicant)

Name: BDR Holdings, LLC.
 Address: 50 Crahen Ave, NE, Suite 200.
 City & Zip Code: Grand Rapids MI
 Telephone: 616-458-8505
 Email Address: dcontant@bdrinc.com.

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 Subdivision |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> 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:**

Please see attached.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

Please see attached

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: *41-19 - 16-404-002*

ADDRESS OF PROPERTY: *6921- Burger Drive, SE, Grand Rapids, MI 49546.*

PRESENT USE OF THE PROPERTY: *Vacant Residential lot.*

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

Name(s)

Address(es)

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.)

*BDR Holdings, LLC.
Kevin Einfeld. - Manager.*

Owner - Print or Type Name
(*If different from Applicant)

[Signature] 11/15/21

Owner's Signature & Date
(*If different from Applicant)

*BDR Inc.
Kevin Einfeld. Authorized Signer.*

Applicant - Print or Type Name

[Signature] 11/15/21.

Applicant's Signature & Date

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

Cascade Charter Township
Planning & Zoning Application

Applicant: BDR Holdings, LLC

Property: 6921 Burger Drive, SE, Grand Rapids, MI 49546

BRIEFLY DESCRIBE YOUR REQUEST:

BDR Holdings, LLC acquired the property at 6921 Burger Drive, SE, Grand Rapids, MI 49546 for the purpose of removing the existing residence, retaining the boathouse (auxiliary building), marketing the property for sale, and/or building a new custom home on the lot. Currently the existing home has been removed, lot cleared, and significant debris removed from the property. An existing boathouse was retained per the initial ZBA variance as this structure is in good condition and will have value for a future home/property owner.

Currently there is an existing utility easement with Consumers Energy for an overhead powerline that impacts the intended building envelope for a new custom home. BDR is working with Consumers Energy to have this easement modified, a necessary step before future construction could begin.

BDR Holdings, LLC is requesting a 1-year extension to our zoning variance application while easement modifications, adjacent home electric connection, and construction details are finalized.

Property Search

Tax Description

Parcel Number: 41-19-16-404-002

Property Address: 6921 BURGER DR SE

Description

PART GOVT LOT 5 COM 534.64 FT NWLY ALONG N LINE OF BURGER DR /66 FT WIDE/ FROM E 1/8 LINE TH NWLY ALONG SD N LINE 100 FT TH N 10D E 199.5 FT TH N 76D 35M W 73.3 FT M/L TO LT BANK OF THORNAPPLE RIVER TH ELY ALONG SD BANK TO A LINE BEARING N 0D 34M E FROM A PT WHICH IS 170.7 FT N 9D 43M E FROM BEG TH S 0D 34M W 153 FT M/L TO SD PT TH S 9D 43M W 170.7 FT TO BEG * SEC 16 T6N R10W 0.83 A.



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: BDR, Inc.
 Address: 5510 Cascade Road, SE, Suite 200,
 City & Zip Code: Grand Rapids, MI 49546.
 Telephone: 616-458-8505
 Email Address: dcontant@bdrinc.com.

OWNER: * (If different from Applicant)
 Name: BDR Holdings, LLC.
 Address: 5510 Cascade Road, SE, Suite 200
 City & Zip Code: Grand Rapids, MI 49546.
 Telephone: 616-458-8505
 Email Address: dcontant@bdrinc.com.

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:**

BDR Inc. is requesting a Zoning Variance to remove the existing home at 6921 Burger. BDR intends to construct a new custom home on the property within the next 12 months. Existing axillary structure to remain.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY**:

See Attached.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 -16 -404-002

ADDRESS OF PROPERTY: 6921 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)

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.)

BDR Holdings, LLC.
Kevin Einfeld - Manager.

Owner - Print or Type Name
(*If different from Applicant)

* [Signature] 11/9/20

Owner's Signature & Date
(*If different from Applicant)

BDR Inc. Authorized.
Kevin Einfeld - Signer.

Applicant - Print or Type Name

[Signature] 11/9/20

Applicant's Signature & Date

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

Property Search

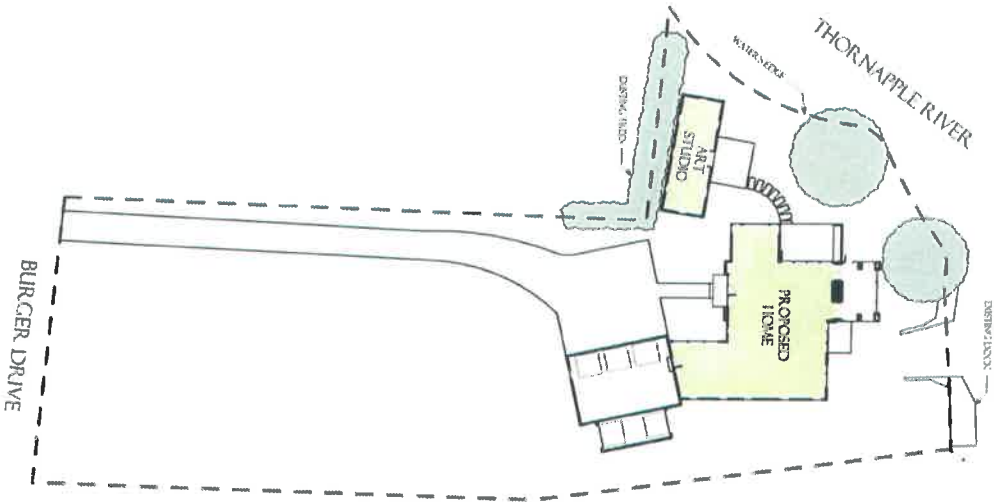
Tax Description

Parcel Number: 41-19-16-404-002

Property Address: 6921 BURGER DR SE

Description

PART GOVT LOT 5 COM 534.64 FT NWLY ALONG N LINE OF BURGER DR /66 FT WIDE/ FROM E 1/8 LINE TH NWLY ALONG SD N LINE 100 FT TH N 10D E 199.5 FT TH N 76D 35M W 73.3 FT M/L TO LT BANK OF THORNAPPLE RIVER TH ELY ALONG SD BANK TO A LINE BEARING N 0D 34M E FROM A PT WHICH IS 170.7 FT N 9D 43M E FROM BEG TH S 0D 34M W 153 FT M/L TO SD PT TH S 9D 43M W 170.7 FT TO BEG * SEC 16 T6N R10W 0.83 A.



SITE PLAN

1" = 40'

J. VISSER

J. VISSER DESIGN

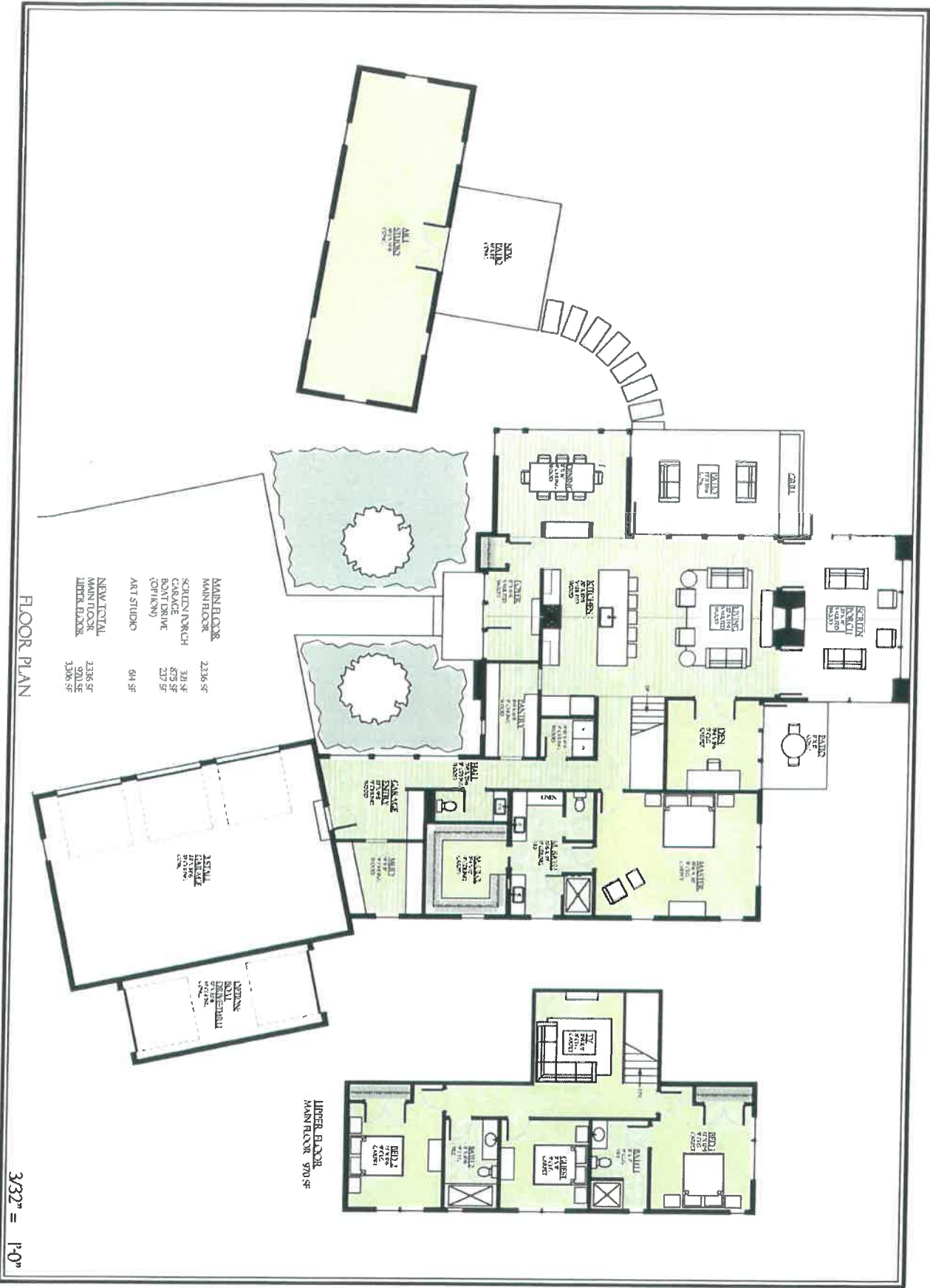
3500 OLIVE RIDGE ST. #200
 CLACKAMAS, OR 97015
 503-645-4209
 JVISSER@JVD.COM

DATE	DESCRIPTION	DRAWN BY	IN CHARGE
08/11/11	CONCEPT	J. VISSER	J. VISSER

6921
 BURGER
 THORNAPPLE
 RIVER

SITE

P-0

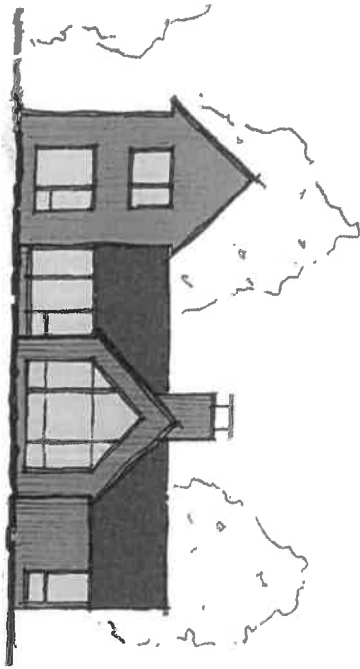


J. VISSER
 J. VISSER DESIGN

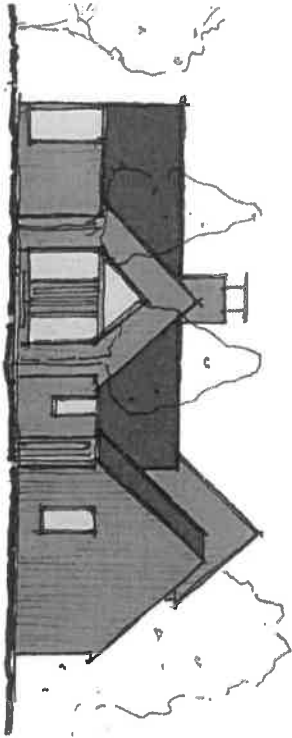
3300 CALVERT RD SE STE 201
 CRYSTAL RIVER, WA, WA 98546
 (360) 417-1200
 (360) 417-1200
 JVISSER@GMAIL.COM

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

6921
 BURGER
 THURSNAPLE
 RIVER
 MAIN AND UPPER
 P-1



REAR ELEVATION



FRONT ELEVATION

J. VISSER

J. VISSER DESIGN

5801 SANDSTONE EAST SECTION
 CANTON, KENTON, WA, 98001-4936
 360-884-1079
 J.VI@JVD.COM

NO.	DATE	DESCRIPTION
1	10/10/10	ISSUED FOR PERMITS

6921
 BURGER
 THORNTONVILLE
 MOBILE

ELEVATIONS

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, November December 8, 2020
5:30 P.M.
Virtual Meeting

ARTICLE 1. Chairman Milliken called the meeting to order at 5:30 P.M.
Members Present: Berra, McDonald, Milliken, and Mead
Members Absent: Moxley (excused, meeting link would not connect)
Others Present: Community Development Director, Steve Peterson, and Planner Brian Hilbrands

ARTICLE 2. Chairman Milliken led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member Mead to approve the Agenda. Supported by Member McDonald. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the October 13, 2020 Meeting.

Motion was made by Member McDonald to approve the Minutes of October 13, 2020. Supported by Member Berra. Motion carried 4 to 0.

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

Mr. and Mrs. Klammer (6891 Berger Dr.) wished to voice their support for the applicants request.

ARTICLE 6. Case #20-3613/BDR Inc.
Public Hearing

Property Address: 6921 Burger Dr SE

Requested Action: The Applicant is requesting a variance to keep an accessory building on the property while the existing house is demolished and a new house is built.

Planner Hilbrands states that the Township ordinance states that a house to be 50% complete before an accessory building is constructed, however there have been similar variances granted when the house is built in a timely manner and a performance bond is provided to the Township. Mr. Hilbrands states that the applicant has indicated that they believe the house will be built within a year, and is willing to obtain a \$10,000 bond to ensure the house is built, and allow the Township to remove the building if the property does not come into compliance.

Mr. Hilbrands states that Staff is recommending approval of the variance with the following three conditions:

1. The house is at least 50% complete within one year.
2. The applicant provides a performance bond of a minimum of \$10,000 for removal of the accessory building if the home is not at least 50% complete within one year.
3. The bond will be released when the property comes into compliance.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Berra. Motion carried 4 to 0.

Member McDonald stated that he believes it to be helpful when comment and information is received from neighbors regarding cases.

Mr. Hilbrands stated that he received an email earlier in the day from a neighbor on the other side of the applicant that is also in support of the applicants request.

Mr. Klammer again voiced support for the applicant, and stated that they are very comfortable with the applicants building being close to their property line.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Mead. Motion carried 4 to 0.

Motion was made by Member McDonald to approve the applicant's variance as presented with Staff conditions. Supported by Member Berra. Motion carried 4 to 0.

ARTICLE 7. Any other business.

There was no other business.

ARTICLE 8. Adjournment

Motion was made by Member Mead to adjourn. Supported by Member McDonald. Motion carried 4 to 0. Meeting adjourned at 5:38p.m.

Respectfully submitted,
Aaron Mead, Secretary

STAFF REPORT

STAFF REPORT: Case #21-3683/Warren
REPORT DATE: December 9, 2021
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: December 14, 2021
PREPARED BY: Brian Hilbrands, Interim Planning Director

APPLICANT:
Justin Warren
5650 McCords Ave SE
Alto, MI 49302

STATUS OF APPLICANT: Property owner

REQUESTED ACTION: The applicant is requesting a variance to allow them to keep one more accessory building on their property than what is permitted.

EXISTING ZONING OF SUBJECT PARCEL(S): ARC

GENERAL LOCATION: East side of McCords Ave, between 52nd St and 60th St

PARCEL SIZE: Approximately 2.9 acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: All agricultural

ZONING ON ADJOINING PARCELS: N,S,E – ARC
W – PUD 70

STAFF COMMENTS:

1. The applicant is requesting a variance to allow them to keep one more accessory building on their property than what is permitted. There is currently an 8' x 10' shed on the property, and they have applied for and received a special use permit from the planning commission for a new accessory building that is over 832 sq ft. They are requesting a variance to be able to keep the shed as they construct the new accessory building.

2. They are in need of a variance since only one accessory building is permitted on properties under three acres. The size of the property when the right-of-way is excluded is just under 3 acres. If right-of-way is included, the size of the parcel is 3.06 acres.
3. Section 4.09 of the zoning ordinance determines the number of accessory buildings as follows:

Acreage	Number of Buildings Allowed*
Up to three (3) acres	1
3-6 acres	2
6+ acres	3

4. We have had the accessory building limit based on parcel size since the late 1980's.
5. The proposed accessory building is roughly 49' x 34' and would have a total size of 1,561 square feet.
6. In order to be in compliance, the applicant has the following options:
 - Remove the existing 8' x 10' shed.
 - Receive a variance.
 - Purchase additional property to allow for the second accessory building.
7. In researching old variances (through 2001) I did find a couple of cases that I felt were most similar. In those cases, we did grant some relief for the number of accessory buildings. However, all the circumstances are not the same.
 - 07-2911. We allowed a lot split that resulted in a 2.29-acre lot having 5 accessory buildings. The applicant did remove the largest existing buildings. The number of buildings was due to the original property that was over 80 acres.
 - 11-3020. We allowed an additional building to accommodate a small (560 sq ft) building to be used as a pool shed. The building included some architectural elements that had openings in the roof and therefore it could be argued that it did not meet our definition of a building.
 - 12-3072. We allowed a 4th accessory building on a property that was over 6 acres. The owner had over 45 acres and owned an additional 45 of the surrounding property.
 - 14-3209. We allowed a 2nd accessory building on 2.5 acres. The applicant removed one building and combined two others that had been built in the early 1980's.
 - 21-3665. We allowed two accessory buildings to be kept on 1.9 acres as a new home with a detached garage is built. The ZBA viewed the boathouse on the property as a unique occurrence.

8. If the variance request is denied the applicant would be required to remove the shed before they could begin constructing the new accessory building.
9. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all the findings of fact listed in the table below:

Findings of Fact	Comment
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 just under the threshold for having two accessory buildings when not including ROW, and the existing building is very small. However, these circumstances could potentially apply to nearby properties.
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)	The request to keep the shed is the result of actions of the owner.
That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.	The property is about 4,530 square feet short of being allowed a second accessory building, and the shed is very small (80 square feet).
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The variance may seem detrimental to some neighbors who are not allowed additional buildings. However, the shed is very small and the property is almost large enough to allow for a second building.
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.	I did find a number of similar variances. In most cases the applicant provided some action to bring the property closer to compliance.
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.	Given the unique circumstances that the property is almost large enough to accommodate a second building (2.9 acres), and the existing shed is very small (less than 100 sq ft), the variance request does not seem unreasonable.

STAFF RECOMMENDATION:

Staff recommend approval of the variance with the following condition:

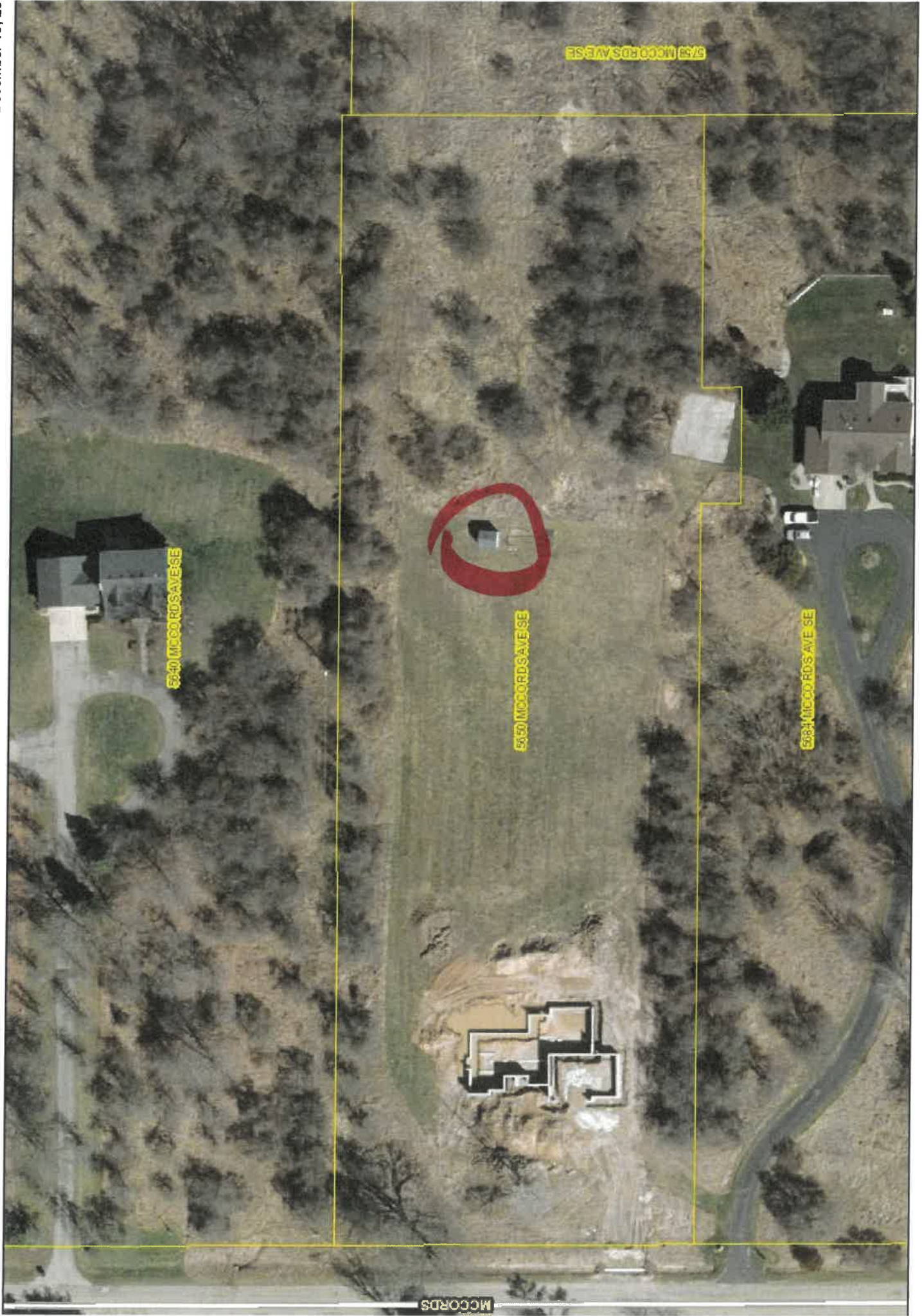
1. If the building is removed or damaged beyond repair, the applicant cannot rebuild it.

Attachments: application package, site plan



Kent County Web Map

December 10, 20



MCCORDS



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids,
Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Justin Warren
Address: 5650 McCords Ave. SE
City & Zip Code Alto 49302
Telephone: 616-240-1762
Email Address: justinwarren77@gmail.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 Subdivision
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> 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 have filed a special request to build a barn on our property and this variance is filed to keep our existing 8x10 shed on our property. We are just under the 3 acre limit for two accessory buildings and would like to keep the shed as it has significant sentimental value. The shed was my parent's who lived on 5684 McCords who passed away. We inherited and would like to keep it in the family.

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

411936326007 PART OF SW 1/4 COM 1323.38 FT N 89D 48M 12S E ALONG S
SEC LINE & 2127.56 FT N 0D 18M 18S W ALONG E LINE OF W 1/2 W 1/2 OF
SW 1/4 FROM SW COR OF SEC TH N ALONG SD E LINE TO N LINE OF S
400.0 FT OF N 730.0 FT OF NE 1/4 SW 1/4 TH N 89D 59M 32S E 660.0 FT TO E
LINE OF W 660.0 FT OF NE 1/4 SW 1/4 TH S 0D 18M 18S E 200.0 FT TH S 89D
59M 40S W 150.85 FT TH S 0D 00M 20S E 22.0 FT TH S 89D 59M 40S W 63.50
FT TH N 0D 00M 20S W 22.0 FT TH S 89D 59M 40S W 445.50 FT TO BEG *

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-19-36-326-007

ADDRESS OF PROPERTY: 5650 McCords Ave. Alto, MI 49302

PRESENT USE OF THE PROPERTY: Primary Residence

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

Name(s)

Address(es)

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.)

Owner – Print or Type Name
(*If different from Applicant)

Justin Warren
Applicant – Print or Type Name

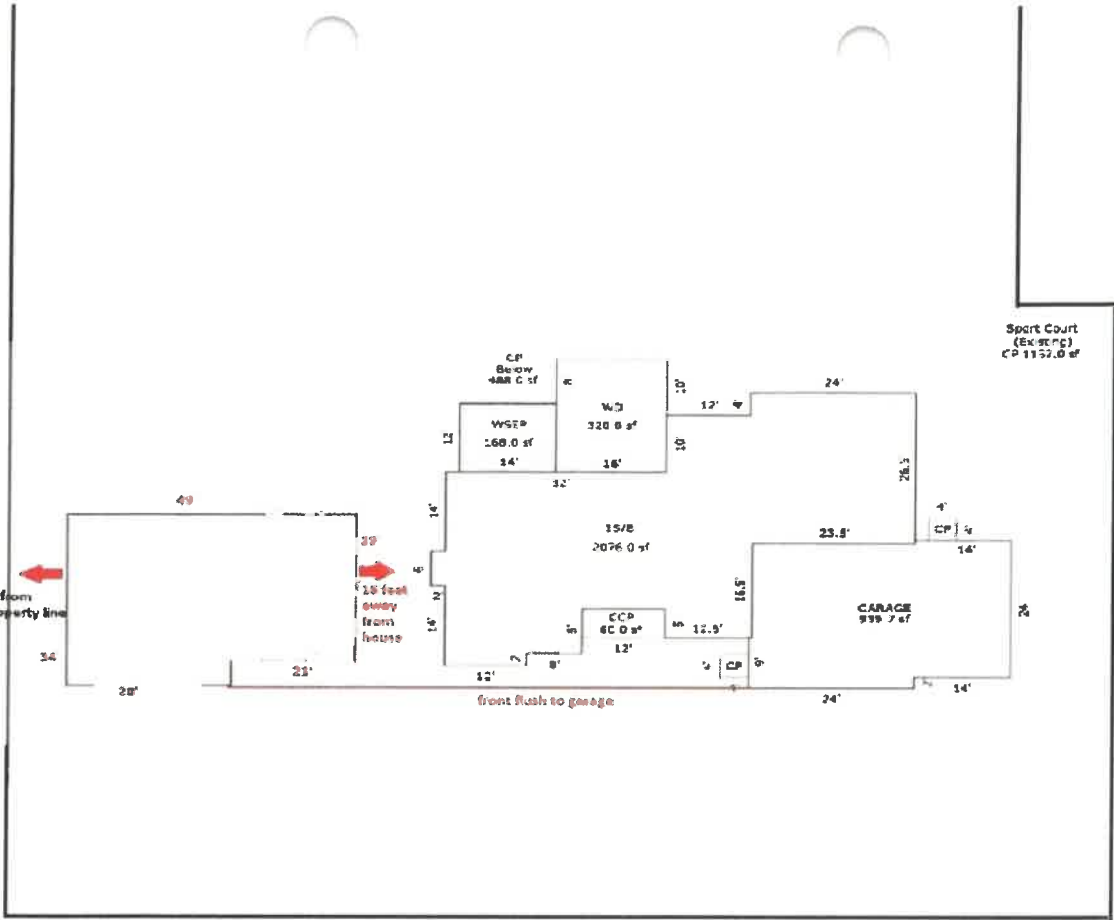
* _____
Owner’s Signature & Date
(*If different from Applicant)

 10/18/2021
Applicant’s Signature & Date

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

660 feet

11 feet away from neighbors property line



200 feet



THE PLANNING STAGE

PHONE: 616-666-1469
www.thepanningstage.net

Scott Monahan
smp@panningstage.com

DRAWN BY:
A.V.
CHECKED BY:
P.K.

WARREN RESIDENCE

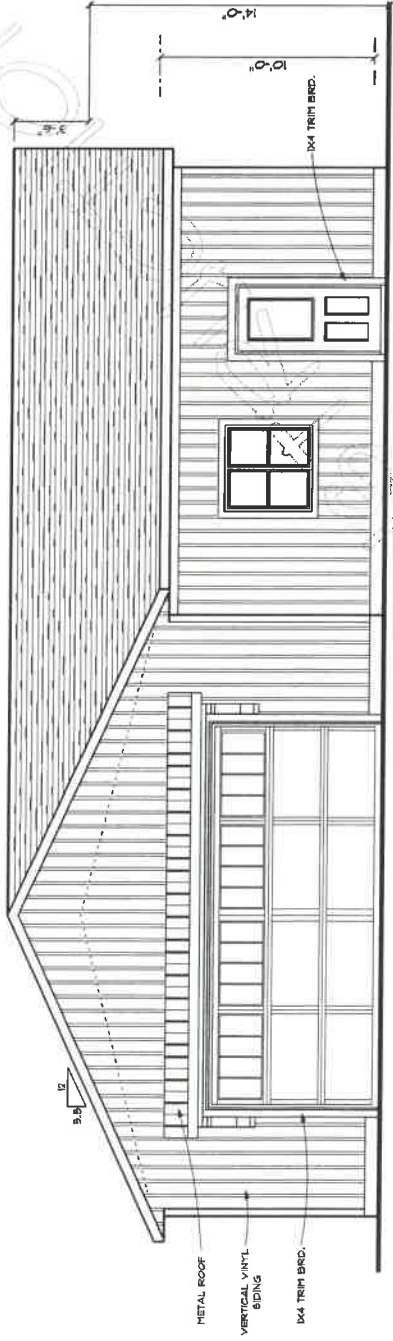
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THE PLANNING STAGE

CONCEPT DESIGN OCT. 14, 2021

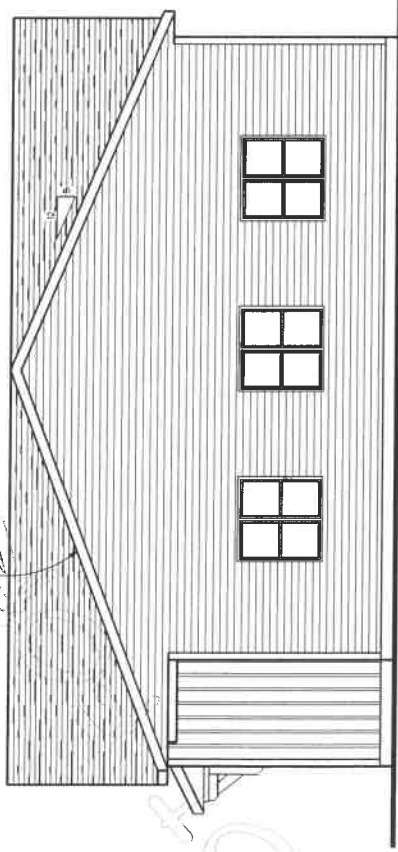
OWNER: THE CLIENT SHALL BE RESPONSIBLE FOR THE PREPARATION OF THESE PLANS AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE ARCHITECT SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE ARCHITECT SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE ARCHITECT SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

PROJECT #211013



FRONT ELEVATION

1/4" = 1'-0"



RIGHT ELEVATION

1/4" = 1'-0"



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 PHONE: 616-666-1469
 www.thepanningstage.com
 60311, 10000000
 thepanningstage.com

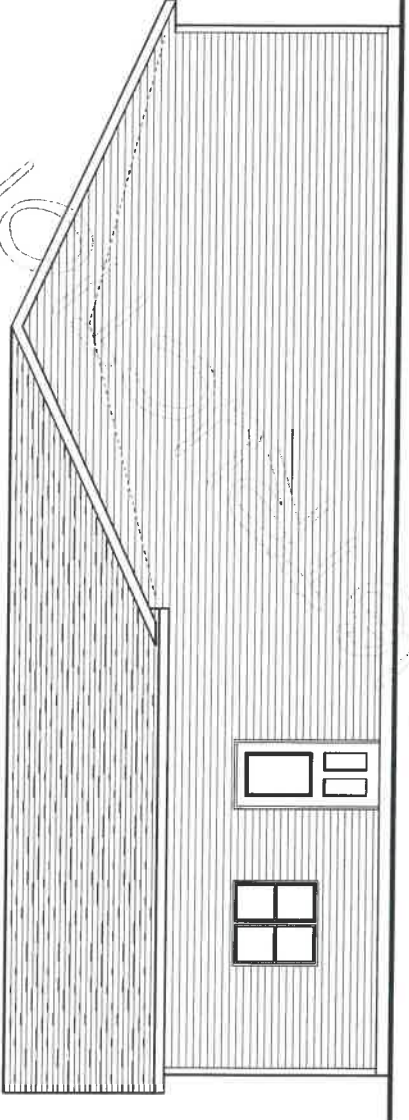
DRAWN BY:
 G.V.
CHECKED BY:
 P.K.

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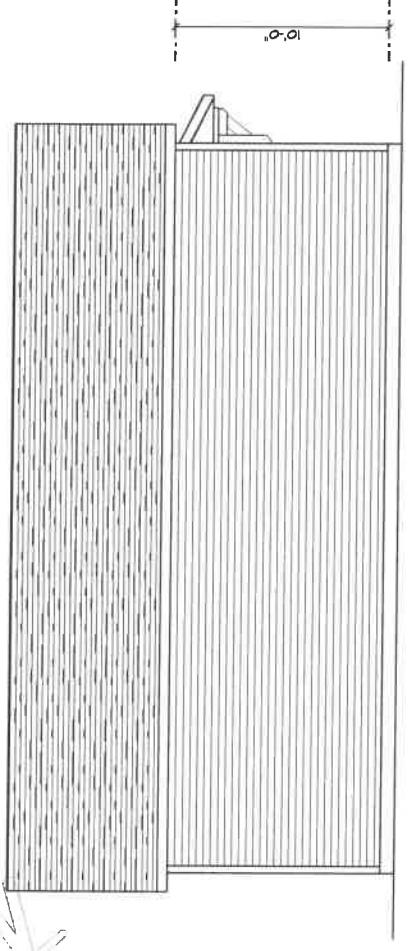
CONCEPT DESIGN OCT. 14, 2021

DESIGNER: THE PLANNING STAGE
 OWNER: THE PLANNING STAGE
 CONTRACT NO.: PS-2021-01013
 CONTRACT VALUE: \$100,000.00
 CONTRACT START DATE: 10/14/2021
 CONTRACT END DATE: 10/14/2021
 CONTRACT STATUS: IN PROGRESS
 CONTRACT TYPE: CONCEPT DESIGN
 CONTRACT LOCATION: WARREN, MI
 CONTRACT DESCRIPTION: CONCEPT DESIGN FOR CONSTRUCTION OF A 2,000 SQ. FT. RESIDENCE.
 CONTRACT OWNER: THE PLANNING STAGE
 CONTRACT ARCHITECT: THE PLANNING STAGE
 CONTRACT ENGINEER: THE PLANNING STAGE
 CONTRACT CONTRACTOR: THE PLANNING STAGE
 CONTRACT SUBCONTRACTOR: THE PLANNING STAGE
 CONTRACT SCHEDULE: 10/14/2021 - 10/14/2021
 CONTRACT CONTACT: THE PLANNING STAGE
 CONTRACT PHONE: 616-666-1469
 CONTRACT FAX: 616-666-1469
 CONTRACT EMAIL: THE PLANNING STAGE

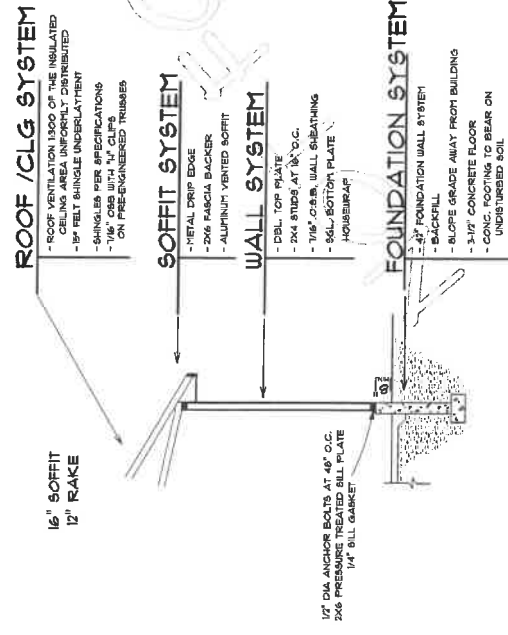
PROJECT #211013



REAR ELEVATION
 1/4" = 1'-0"



LEFT ELEVATION
 1/4" = 1'-0"



WALL SECTION
 N.T.S.



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 www.thepanningstage.com
 Scott V. Weaver
 thepanningstage.com

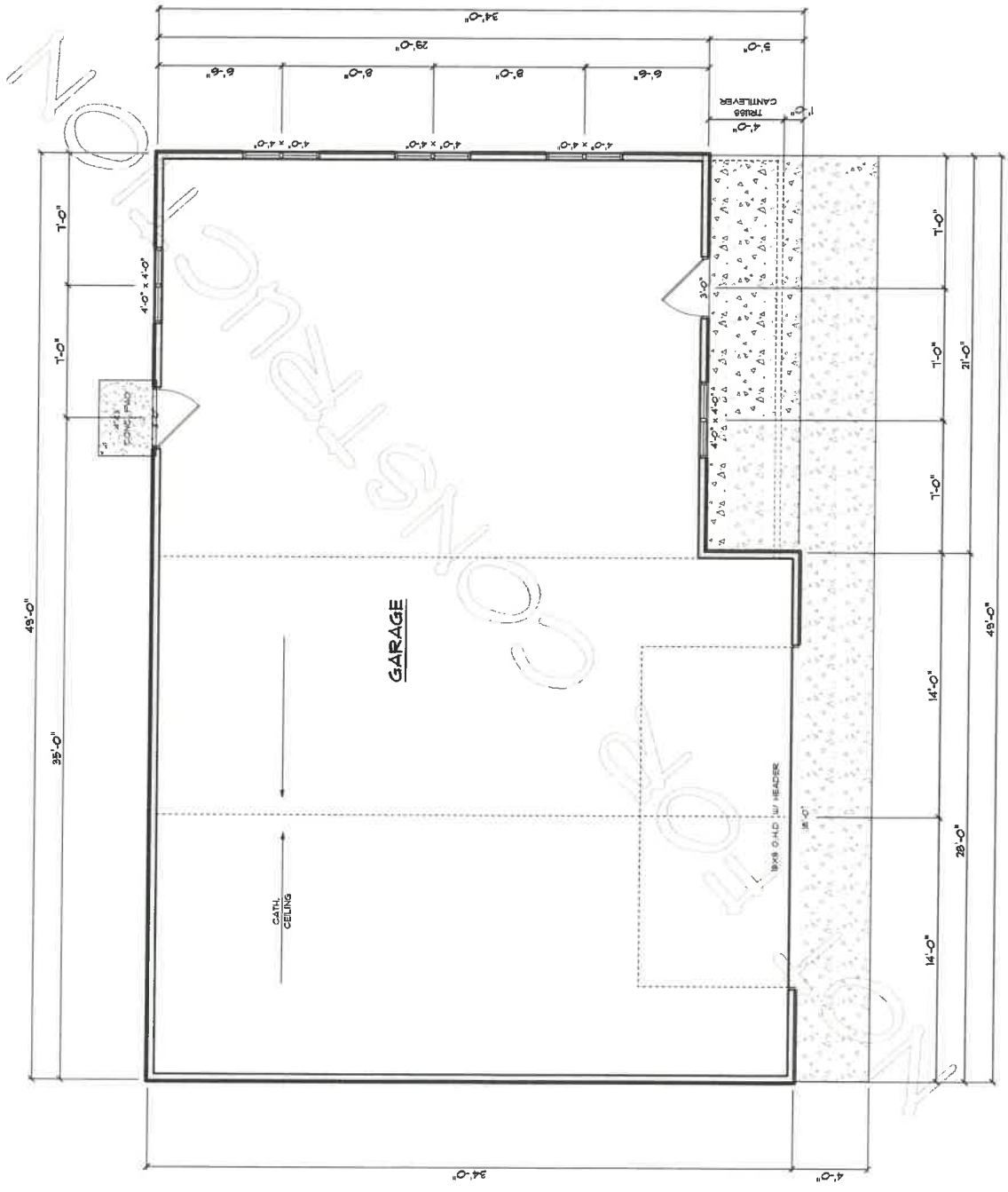
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PROJECT #211013



MAIN FLOOR PLAN

1/4" = 1'-0" 1561 SQ. FT.



THE PLANNING STAGE
 PHONE: 616-664-1469
 www.thepanningstage.com
 Scott Veenman
 thepanningstage.com

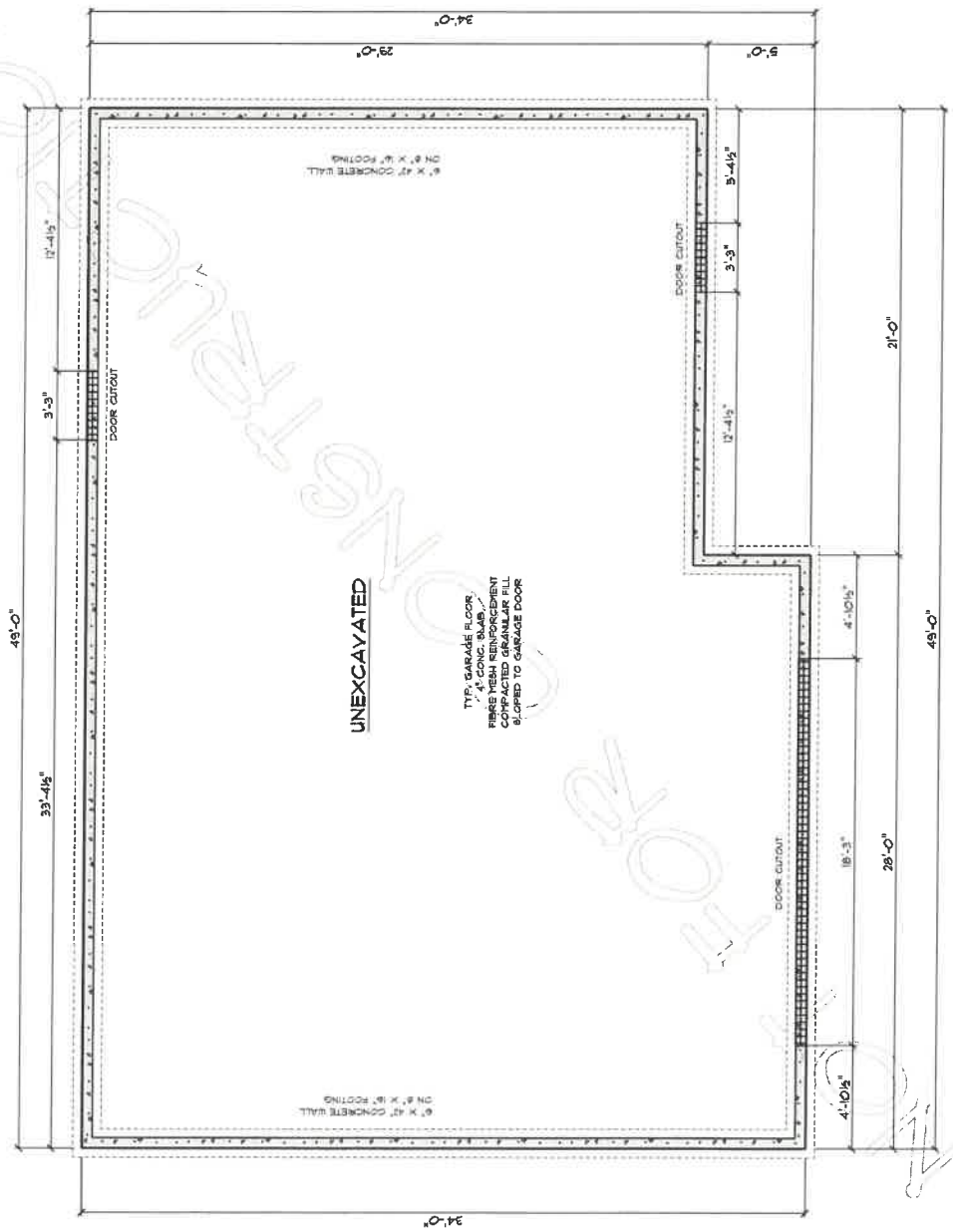
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PROJECT
 #211013



FOUNDATION PLAN

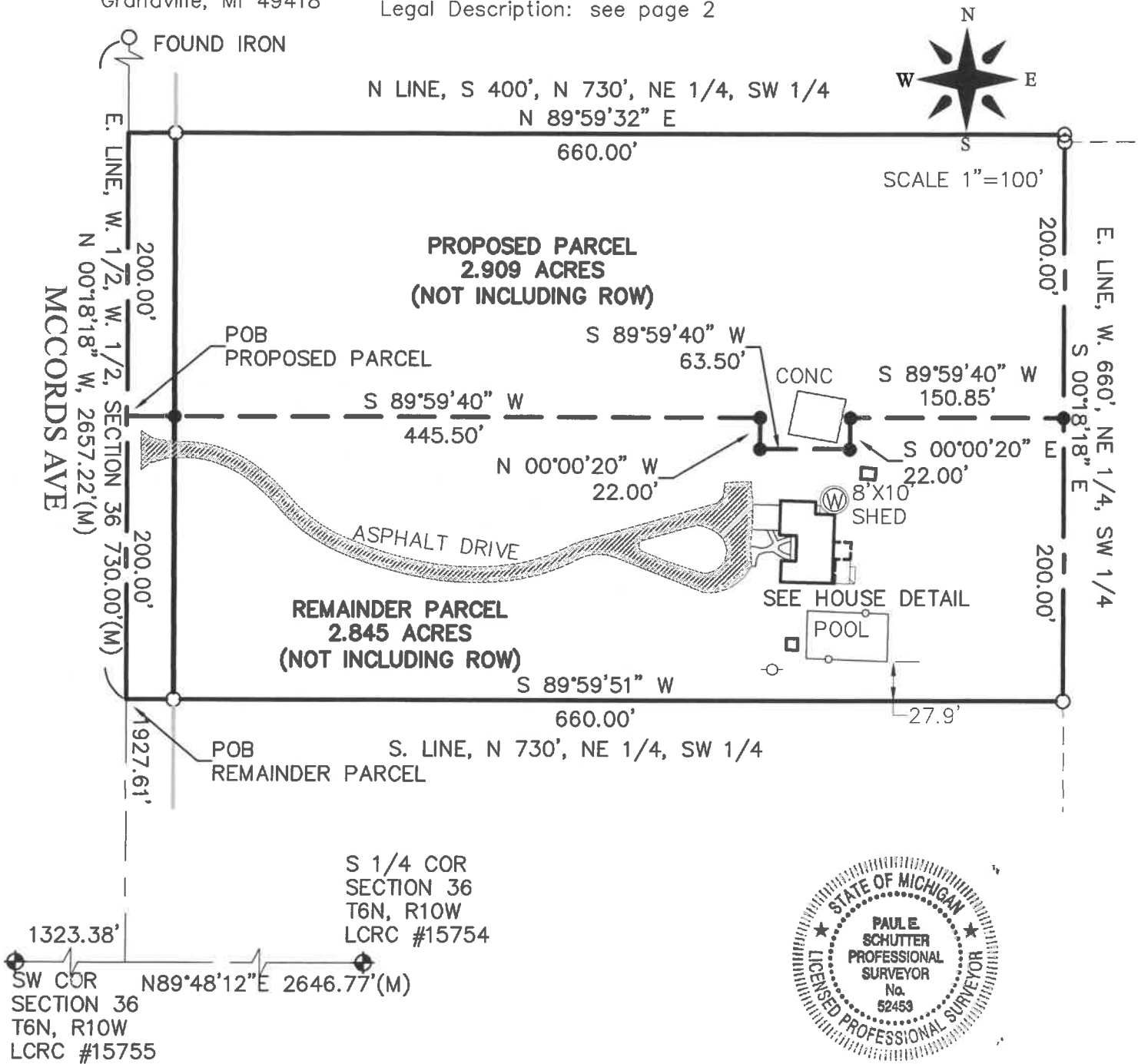
1/4" = 1'-0"

BOUNDARY SURVEY

CLIENT: Justin Warren
3820 30th St SW
Grandville, MI 49418

SITE: 5684 McCords Ave
Alto, Mi

Legal Description: see page 2



I, Paul E. Schutter, a Professional Surveyor in the State of Michigan, hereby certify that I have surveyed the land described and that said land is a true representation of the survey performed showing all visible improvements.. The survey was performed with a field closure of 1' in 5000' or greater. All dimensions are in feet and decimals thereof. Bearings are assumed.

Paul E. Schutter

Paul E. Schutter P.S.
License # 52453

SCHUTTER SURVEYING PLLC
7081 CHERRY VALLEY AVE. SE
CALEDONIA MI, 49316
616-570-4443
SchutterSurveying.com ©

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- LEGEND**
- FENCE
 - FOUND CORNER
 - SET CORNER

PROJECT NO: 19125
DATE: November 14, 2019