

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, September 13, 2016
7:00 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 August 9, 2016 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 #16:3328 Steven Wessell
Public Hearing
Property Address: 3150 Thornapple River Dr.
Requested Action: The applicant is requesting approval from the Zoning Board of Appeals to demolish the existing home at 3150 Thornapple River Dr. and leave the accessory buildings on the property, before a new home is constructed.**
- Case #16-3325 Ron McCullum**
Public Hearing
Property Address: 3010 Thornapple River Dr.
Requested Action: The applicant is requesting an appeal of an administrative action. This appeal involves allowing an accessory building on a lot without a home.
- ARTICLE 7. Any other business**
- ARTICLE 8. Adjournment**

Meeting format

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| <p>1. Staff Presentation</p> <p>2. Project presentation-</p> <p style="padding-left: 20px;">a. PUBLIC HEARINGS</p> <p style="padding-left: 40px;">i. <i>Open Public Hearing. Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants</i></p> <p style="padding-left: 40px;">ii. <i>Close public hearing</i></p> <p>3. Commission discussion –</p> <p>4. Commission decision - Options</p> <p style="padding-left: 20px;">a. <i>Table the decision</i></p> <p style="padding-left: 20px;">b. <i>Deny</i></p> <p style="padding-left: 20px;">c. <i>Approve</i></p> <p style="padding-left: 20px;">d. <i>Approve with conditions</i></p> <p style="padding-left: 20px;">e. <i>Recommendation to Township Board</i></p> | <p><i>Staff report and recommendation</i></p> <p><i>Applicant presentation and explanation of project</i></p> <p><i>May ask for clarification from applicant, staff or public</i></p> |
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MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, August 9, 2016
7:00 P.M.

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

ARTICLE 2. Chairman Berra led the Pledge of Allegiance to the flag.

ARTICLE 3. Approve the Agenda.

Motion was made by Member Pennington to approve the Agenda. Support by Member McDonald. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the June 14, 2016 Meeting.

Motion was made by Member Casey to approve the Minutes as presented. Support by Member McDonald. Motion carried 5 to 0.

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

No visitors who were present wished to speak about non-agenda items.

ARTICLE 6. Case #16:3319 Bob Verburg

Public Hearing

Property Address: 6915 Cascade Road

Requested Action: The applicant is requesting approval from the Zoning Board of Appeals to construct a new service bay that does not comply with the front setbacks, style of roof and use of chain link fence.

Director Peterson stated the Applicant is requesting to construct a new addition on to the building to be used for additional storage. As part of the project, Mr. Verburg will take down a small building that is just north of the shop. There are three variances Mr. Verburg is seeking:

1. Front Setback. Applicant is requesting 16 feet. The zoning requirements allow for 20 feet minimum and 30 feet maximum. The building is setback from Cascade Road ROW at 16 feet. They would simply like to maintain the existing setbacks.
2. Roof Style. Applicant is requesting a Mansard style roof. Under the zoning requirement this type of roof would be considered inappropriate. The ordinance, however, is vague on this topic. The Applicant is requesting this type of roof only to match what is currently existing.

3. Chain Link Fence. The Applicant is requesting to continue the use of chain link fencing surrounding the property. The zoning requirement prohibits chain link fencing. In order to come into compliance, they would either have to remove the current chain link fence or choose another material, such as wood, vinyl, wrought iron, etc.

Director Peterson recommendation was that the Board grant the variances for the front setback and the mansard style roof. However, he recommended denial of the variance for the chain link fence.

Member McDonald made a Motion to open the Public Hearing. Supported by Member Casey. Motion carried 4 to 0.

Chairman Berra asked if anyone would like to come forward to speak on this issue.

Mr. Verburg and Mr. Troy Wolfiss of Wolfiss Construction came forward to put forth their reasoning to keep the chain link fencing around the property. They feel a chain link fence would be mainly for security purposes. To protect the cars they work on and would allow for more visibility for law enforcement. They would like to put up black vinyl link fencing. This fencing is less visible, nicer looking and still gives visibility for law enforcement.

Discussion followed between the Applicant and the Board mostly concerning the chain link fence. What would be best for aesthetic and security purposes.

Member Berra made a Motion to close the Public Hearing. Supported by Member Pennington. Motion carried 4 to 0.

Member McDonald made a Motion to approve the variances for the front setback and the mansard style roof, but to deny the variance to keep all of the chain link fence. However, to approve the allowance of a vinyl coated chain link fence in the back because it is not highly visible at that location but require a wrought iron along Cascade Rd.

Supported by Member Casey.

Motion was carried as stated 4 to 0.

ARTICLE 7. Any other business

There was no other business.

ARTICLE 8. Adjournment

Motion was made by Member Casey to adjourn. Support by Member McDonald. Motion carried 4 to 0. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,
Tom McDonald, Secretary

STAFF REPORT: Case # 16-3328
 REPORT DATE: August 29, 2016
 PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
 MEETING DATE: September 13, 2016
 PREPARED BY: Steve Peterson, Planning Director

APPLICANT:
 Steven Wessell
 2640 Mizpah Park Dr
 Benton Harbor MI 49022

STATUS

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance that would allow the property owner at 3150 Thornapple River Dr to remove the home and leave the accessory buildings on the property.

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

GENERAL LOCATION: The property is located on the South side of Thornapple River Dr just east of Burger Dr.

PARCEL SIZE: 1.5 Acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: Residential

ZONING ON ADJOINING PARCELS: R2

STAFF COMMENTS

1. The applicant is requesting 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 are 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 variance request is the result of the applicant wanting to remove the home in order to construct a new home and leave the accessory building. Unless the applicant builds a new home that does not include an attached garage they would only be permitted one accessory building since they are under three acres. The lot currently has two accessory buildings and the township only has record of the larger building being permitted.
3. The Zoning ordinance actually requires that the home be at least 50% complete before an accessory building can be built.
4. We have had some similar cases in the past and those variances were given with the condition that a performance bond be provided to allow the township to remove the accessory building if the property was not come into compliance.
5. 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:

<i>Findings of Fact</i>	
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 removal of the home is not a unique circumstance. The purpose of the regulation is to avoid an accessory building on a vacant lot. The quick resolution of building the home will address the matter.
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 remove the home 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 quicker the new home 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.
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 build an accessory building after the new home is constructed.

STAFF RECOMMENDATION

Approve the variance under the following conditions:

1. The home is at least 50% complete (rough -in) within 1 year.
2. Provide a performance bond for the removal of the accessory buildings if the home is not at least 50% complete within one year. The amount of the bond will be at a minimum \$10,000.
3. Bond will be released when the property is in compliance.
4. If the home includes an attached garage one of the accessory buildings must be removed.

Attachments: Application
 Site Plan

Chairman Lewis removed the motion from the table and requested a different motion be made.

Member Beahan motioned to deny the Applicant's request for a variance to allow a wall sign as requested with the reason that if this were allowed what is to prevent others from making the same request, setting a precedent. Member Casey supported the motion.

Vice-Chairman Lewis called the motion to question. Three (3) members in favor of the motion to deny the Applicant's request with one (1) opposed. Motion carried.

ARTICLE 6.

Case # 08-2936: Albert Sears

Property Address: 6625 Burger Street

(PUBLIC HEARING)

Requested Action: The Applicant is requesting a Variance to construct a detached building before the home is more than fifty-percent (50%) completed.

Assistant to the Manager Otey said the Applicant is currently constructing a new home on this property.

The Township's Variance is needed due to the timing of the construction of the garage. The Ordinance limits the start of a detached building until after the home is fifty percent (50%) completed. The intent of this section of the Ordinance is to avoid having an accessory building on a parcel with no principal structure.

The Building Department has indicated that fifty percent (50%) would be when the home is being framed. The Building Department has also indicated that at the time of the Applicant's Variance Hearing, the home will be approximately thirty-five percent (35%) complete.

Staff researched previous cases and found a couple of similar requests in 1995. One case was tabled and the other case was denied because the applicants had no plans to build a home and the ZBA did not want the accessory building on the property for an indefinite period.

Staff has discussed with the Applicant the idea of providing a Performance Bond that would allow the Township to remove the accessory building if the home is not completed. Staff believes this could be used to help satisfy the intent of this regulation.

Before the ZBA can grant a Variance, they must review the Findings of Fact:

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 districts. The intent of this section is to avoid having an accessory building with no principal structure. The Applicant has pulled the building permit for the home and have already begun construction.

This is the result of the action by the Applicant but unlike a setback variance, the issue is timing and not dimensional.

The Applicant is allowed to have the accessory building without the variance it would be started later, when the home is fifty percent (50%) completed. The Planning Commission has approved the size of the accessory building; the Zoning Board is to determine the construction time of the accessory building.

Staff does not believe the variance would be harmful since the Applicant has already started building the home.

The Township has received only a couple of these requests over the past thirteen years. This does not seem to be a common occurrence and with the home already being built and the Applicant's willingness to provide a Performance Bond the concern should be addressed.

Staff recommends approval of the Variance with the following conditions:

1. The Applicant provides a Performance Bond in the amount of \$5,000.
2. This bond will be released once the home is completed.
3. The Planning Director will report to the ZBA and the Applicant if he believes the bond will need to be used.

Vice-Chairman Lewis opened the meeting for questions of Staff by the ZBA.

Member Casey how the Township arrived at the \$5,000 bond and Assistant to the Manager Otey said it would be used to cover the expenses of tearing down the accessory building if needed.

Applicant Albert Sears said he is building a detached garage because he did not believe it would look attractive if attached to the house.

The lumber for the house was delivered this afternoon said the construction crew would be putting in the steel beams for the basement, start with the frame in the morning. He believes the home would be fifty percent (50%) completed in approximately two (2) weeks. He would like to pour the garage footings now so the framing crew, once having the roof completed, could begin construction on the garage.

Both the house and the garage are being constructed with sip-walls that are manufactured off-site with the window frames already in place, making less waste at the site, and also allows for the home and garage to be constructed faster.

It is a matter of economics to hold onto the framing crew on site by having the garage ready to go for them next, therefore, Applicant Sears is asking for the variance by two (2) weeks ahead of fifty percent (50%) completion of the home.

Mr. Sears also said that according to Staff's recommendations, he would be willing to provide a Performance Bond in the amount of \$5,000 but wondered if this could be waived since he is only looking at two (2) weeks until the home is fifty percent (50%) complete. He is willing to do whatever the Board recommends to keep the construction crew working on his property.

Vice-Chairman Lewis opened the meeting for questions of the Applicant of the ZBA.

Member Beahan asked the Applicant if he has been held up a bit with this project and Applicant Sear said he has been since he is doing the general contracting and he thought he could do the basement and the garage at the same time and this slowed him down.

He would like to keep the crew onsite and not have to wait for them to return if he cannot start on the garage.

Member Beahan motioned to open the Public Hearing, supported by Member Wilson. All in favor with none opposed, the Public Hearing was opened.

Vice-Chairman Lewis invited members of the public to address the case.

There were no public members and Vice-Chairman Lewis asked Staff if any letters or phone calls were received at the Township regarding the case. Assistant to the Manager Otey said none were received.

Member Beahan motioned to close the Public Hearing, supported by Member Casey. All in favor with none opposed, the Public Hearing was opened.

Vice-Chairman Lewis noted that it appears to him that this is a difficult situation, when the ZBA provides a variance it weakens the variance as written and sets precedence for future requests allowing for more leniencies such as three weeks or four weeks. He believes that if the variance is approved the chances of the bond being waived are slim.

Vice-Chairman Lewis recognizes the potential of financial hardship if the Applicant needs to wait two (2) weeks and the Ordinance speaks clearly that financial reasons are not a determining factor in changing an ordinance.

Member Beahan said he appreciates the fact that the Applicant realized that he could not build both at the same time and has worked well with the Planning and Building Departments instead of proceeding with the construction.

Member Beahan also noted that the Applicant is seeking the variance for two (2) weeks and is having the home and building constructed in quality materials quickly and is comfortable granting the variance.

Member Beahan motioned for approval of granting the Applicant's request for a variance to construct a detached building prior to the home being more than fifty percent (50%) completed with Staff's three (3) recommendations, supported by Member Casey.

Member Casey asked if the workshop included with the accessory building asked if the building would be used in conjunction with a business. Vice-Chairman Lewis noted that at last night's Planning Commission meeting, the Applicant did state that the workshop would not be used in conjunction with a business and he is

constructing the walls with a thicker insulation to help muffle the noise.

All in favor with none opposed, motion carried.

ARTICLE 7.

**Case # 08-2938: Mark and Mary Mochel
Property Address: 1919 Watermark Drive
(PUBLIC HEARING)**

Requested Action: The Applicant is requesting a Variance to allow a roof structure on an existing deck that is inside the required setback.

Assistant to the Manager Otey said the home was built in 2001, the deck was added after the home was built.

The Building Department has no record of when the deck was built. A deck of this size and type would have required a building permit.

The Variance is needed because the deck was built inside the required 25-foot rear setback.

Two explanations for the deck inside the setback are:

- a) The deck did not need a permit because it was a low profile, under 30-inches high, and was treated as a patio
- b) It was built without the proper permits.

The deck is 36-inches high and cannot be treated as a patio.

Even if it was a patio, adding a permanent roof to the deck would change it to part of the structure and would require that the entire structure (deck and roof) meet the 25-foot rear yard setback. However, the patio deck was installed only 23-feet from the rear property line, so it is impossible to simply enclose the existing deck without a variance.

The Township did have one (1) other similar case in the neighborhood in 2001 and the Township denied the owner a 2-foot variance for an addition to the home. The case was resolved when Watermark agreed to sell a small portion of property to the owner.

The Township also had a deck removed from a home in Watermark when it was discovered that it was located in the rear setback.

Because the Township is now aware of the deck, a decision should also be made on the location of the existing deck as well as adding

November 16, 2007

James White
3254 Buttrick Ave
Ada MI 49301

Re: Variance

Dear Mr. White:

This is your notice of the Zoning Board decision to approve your request for a variance at their November 13, 2007 meeting. This variance allows you to keep up to 6 accessory buildings and the detached garage on your property at 3254 Buttrick Ave under the following conditions:

1. The buildings do not increase in size
2. The large barn is removed before the Township approves the lot split.

You will also need to provide me with a copy of the Kent County Health Department vacant land evaluation of the new parcel before the split can be approved. If you have any questions, please call me at 949-0224.

Sincerely
Cascade Charter Township

Steve Peterson
Planning Director



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

October 13, 2004

Duane Nachbar
6290 Burton St SE
Grand Rapids MI 49546

Dear Duane:

This is your notice that the Cascade Charter Township Zoning Board of Appeals at their regular meeting on October 12, 2004 **approved** your request that will allow you to split your property at 6290 Burton and leave the barn on the new vacant piece of property. This variance was approved with the following conditions:

1. Apply for and receive approval of the lot split.
2. Supply the Township with a check in the amount of \$5,000.00 as a performance guarantee.
3. The barn will be removed within one year from the time that the split is approved.
4. Once you start the removal of the barn you will have 90 days to complete the removal of the barn.

I have attached a lot split form for your use as well. If you have any questions please don't hesitate to call me at 949-0224.

Sincerely
Cascade Charter Township

Steve Peterson
Planning Director

Enclosure: Lot Split application

Board of Appeals minutes May 3rd, con't...

Appeals finds problems with reasons for granting of the variance, and questions what is special about this application which is hardship. Only hardship is ordinance restriction as to size. Paul Sorenson, attorney, spoke as to practical difficulties in this matter. Dave Dutcher, attorney for land owner Dr. Burton, then spoke as to unique circumstances concerning client's property. Jim Johnson, representative for Gannett Outdoor Advertising, spoke against granting of variances, stating that this would set precedent for other sign companies to be granted size variances. Discussion from the Board: VandePlasse stated this is not proper place to, in effect, change the ordinance. Member Burlingham stated that public did not speak in opposition to the request, except for competitor, and that billboard signs have a good purpose to freeway traveler. Member Burlingham expressed concerns that planning commission opted not to take a look at ordinance restrictions. Burlingham then moved to grant the variances as requested for the 3M Company. Peterson supported. Discussion: Member Garrett stated he agreed with the ordinance as written. VandePlasse stated that he had no problem with proposed signs, but was concerned that ordinance, in effect, is being amended. Chairman DeJong stated that hardship has not been demonstrated, and approving variances is similar to approving spot zoning. Vote on motion indicated 2 yeas, 3 nays, the motion fails.

Article 5. Case #171: Public Hearing: Klingman's Furniture requesting land use variance for furniture warehouse/retail outlet in the Industrial zone. Property located at 3637 Sysco Ct. (existing building). Planner gave brief report on discussion at planning commission level, who recommended approval, with conditions. Planner also reported that a Mr. Arv Klien, with Sysco Frost-Pack called and stated concerns over adequacy of parking on the site, and that potential exists for customers to park on the side of the road on Sysco Ct., which is a concern due to large trucks which use this road. Currently, 44 parking spaces exist on the site. The public hearing was then opened on motion by VandePlasse, supported by Garrett. Motion Carried. There were no comments from the public. The hearing was then closed on motion by VandePlasse, supported by Garrett, motion Carried. Spencer Rubin, representing Klingman's, restated that principal use of the building would be for warehousing, and that peak business hours during sales times, would not coincide with normal business hours of surrounding businesses. If parking becomes a problem, additional space is available to the front of the building. Chairman DeJong suggested temporary variance, due to possible problems with traffic and parking. Mr. Rubin was agreeable to this suggestion, and would provide additional parking, if it becomes needed. VandePlasse then moved to grant the land use variance to allow retail distribution center in the Industrial zone for Klingman's, with the condition that the variance be reviewed in 2 years, The variance would lapse after 2 years unless extended by the Board of Appeals. Planning Commission's recommendations concerning number of sales and length of sales to be included in the conditions for variance. No Discussion. Motion Carried.

Article 6. Case #173 Public Hearing: Fred Thomas requesting variance to place accessory building in the frontyard. Property located at 3150 Thornapple River Dr. Planning Commission recommended approval, subject to variance being granted. The public hearing was opened on motion by Burlingham, supported by VandePlasse. Motion Carried. Mr. Fred Thomas was in attendance, and explained that due to severe drop off to the rear of the property, accessory building could not be built there. Also that due to river lot, it is difficult to find suitable location. Building would be 36 x 40, and be used to store motor home, and garden equipment. There were no neighbors present. The hearing was then closed on motion by Burlingham, supported by Peterson. Motion Carried. Peterson moved to grant the variance for the accessory building in the frontyard, due to topography conditions, which make it impossible to place building in the rear yard. Garrett supported/ Motion Carried.

Article 7. Case #174: Public Hearing: Thomas Heukels requesting variance to expand residence which is non-conforming due to setback from Quiggle Se. Property is located at 3516 Quiggle. The public hearing was opened on motion by Garrett, supported by Peterson. Motion Carried. Applicant explained that residence sets back 27 feet from Quiggle, and ordinance requires 35 feet. Hardship involved, is that home cannot be moved back to meet these restrictions. There were no neighbors present. The hearing was then closed on motion by Burlingham, supported by Garrett.

CASCADE TOWNSHIP BOARD OF APPEALS MINUTES

TUESDAY, MAY 3, 1983

7:30 P.M.

Article 1. The meeting was called to order by the Chairman at 7:30 P.M.

Present: Burlingham, DeJong, Garrett, Peterson, VandePlasse.

Absent: None

Others: Cathy VanderMeulen, Gerald Roark, Marc Daneman, and those who registered on supplement #1.

Chairman DeJong at this time, formally introduced new member, Bill Peterson, Chairman of the Planning Commission, who will be representing planning commission on this Board.

Article 2. Minutes of the April 12th, 1983 meeting were approved as submitted on motion by Vandeplasse, supported by Burlingham. Motion Carried. Minutes of the special meeting held April 15th, were approved as submitted on motion by Burlingham, supported by Garrett. Motion Carried.

OLD BUSINESS

*See collection
to minutes
June 7*

Article 3. From the table of March 1st: Elias Brothers requesting variances for construction of a Big Boy Restuarant, on southwest corner of Kraft and 28th. Burlingham moved to bring this item from the table, Peterson supported. Motion Carried. Planner VanderMeulen explained requested variances. Board discussed issue of easement through property, and whether or not the easement could be abandoned, thus moving building back farther from 28th Street. John Hodgson, owner of adjacent property, stated there has been no formal conformation from Howard Johnson's concerning this issue. Member Peterson reiterated pianning commissions' discussions and recommendations concerning the site plan. Lengthy discussion continued over easement. It was discussed that if building were moved back farther from 28th Street, that parking would be eliminated. After short discussion, Burlingham moved to grant the variances for Elias Brother as shown on site plan #5, and to adopt the recommendations of the planning commission, as the applicants have made good use of the limited parcel. Peterson supported. Discussion: Board addressed possibilities that easement relocation could be made part of the motion, however this might not be practible due to uncertainty of Howard Johnsons plans. Peterson suggested that if building were moved back, parking would have to be provided ~~at~~ the frontyard, and that Planning commission was discouraging this. Applicant stated that even if easement were ~~located~~, this is still the only entrance proposed for the parcel. There were no other comments from the public. Vote was then taken on the motion, to grant the variances for Elias Brothers, motion passed unanimously.

Article 4. From the table of March 1st: 3M Company requesting billboard sign variances in various locations along the I-96 expressway. Garrett moved to bring this item from the table. VandePlasse supported. Motion Carried. Planning Commission, at Board of Appeals request, reviewed issue concerning whether the ordinance should be amended to provide for larger signs, or whether these requests shpuld be handled through variance request procedure. Planning commission felt ordinance should not be changed at this time. Applicant submitted letter (supplement #2), indicating reasons why variances should be granted. Member Burlingham suggested that if variances were approved for this applicant, other sign companies could possibly have same right to incrfease sizes of billboards along the interstate. Burlingham suggested that the ordinance could be inadequate in this area, and that if applications were handled consistently, the Board of Appeals is, in effect, amending the ordinance without planning input from the planning commission. Member VandePlasse expressed same concerns. Chairman DeJong questioned whether public had any additional input. Ed Hinkson, representative for 3M, spoke briefly as to Board of Appeals power in this issue. Chairman DeJong suggested that Board of

CASCADE TOWNSHIP PLANNING COMMISSION MINUTES

Monday April 18, 1983

7:30 P.M.

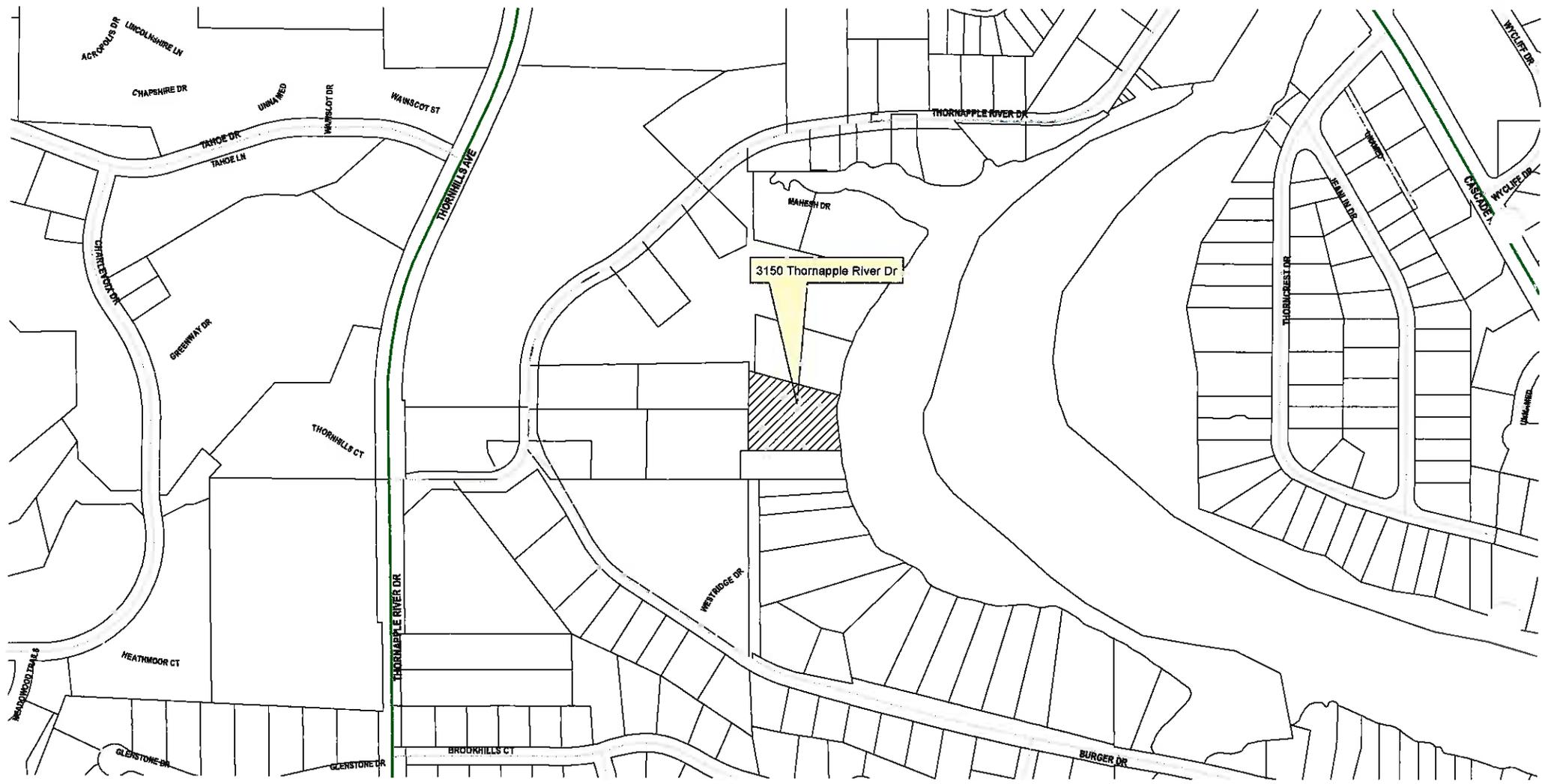
- Article 1. The meeting was called to order by the Vice-Chairman at 7:50 P.M. (Due to lack of quorum until this time).
Present: Buckley, Grier, Lewis, Price, VanderWerp
Absent: Boverhof, Kerekes, Peterson
Others: Manager Daneman, VanderMeulen, Roark, and those who registered on Supplement #1.
- Article 2. Minutes of the April 4, 1983 meeting were approved as submitted on motion by Lewis supported by VanderWerp.
- Article 3. Election of new Chairman: The floor was opened to nominations by the Vice Chairman. Buckley offered member Peterson for consideration. VanderWerp supported. Motion Carried. There being no other names offered, the floor was closed to nominations on motion by Lewis, supported by Buckley. Motion Carried. Vote was called for to elect Member Peterson as Chairman. Vote indicated 5 years - 0 nays. Motion carried. Vice Chairman will be chosen at next meeting.
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- Article 4. Case #231. Public Hearing: Fred Thomas requesting special use permit for 36' x 40' accessory building, proposed at 3150 Thornapple River Dr. Mr. Thomas was in attendance and stated building would be architecturally compatible with home (cedar siding) and be used to store motor-home and garden equipment. Lewis moved to open the public hearing. VanderWerp supported. Motion Carried. There were no comments from the public. VanderWerp moved to close the public hearing Lewis supported. Motion Carried. Lewis questioned whether or not building could be seen from road. Due to very long, steep driveway, it would not be visible from road. The lot is approximately two acres in size. Member Lewis cited possibilities that later on, building this size could be used for other uses, such as commercial; however, due to size of lot, and because of drop off in back of property, and building cannot be seen from the road, this request be recommended for approval of the variance for placement, and that also building be approved subject to the condition that structure be used for storage only. Buckley supported. Discussion. None. Motion Carried.
- Article 5. Case #227. Public Hearing: Ivan Marsman requesting amendment to PUD to include additional building (40' x 100'), on property located at 6161 - 28th Street SE. (Cascade Country Square Building). Don Rink was present to answer questions. Proposal calls for additional building (as shown on site plan). Approximately 4,000 square feet. Actual dimensions have not been finalized, as discussions indicated building may be 50 x 80. Don Fredericks would be constructing new building. It was moved by VanderWerp to open the public hearing. Grier supported. Motion Carried. There were no comments from the public. Comments from Planner: pointed out that with additional building, approximately (40 x 100) parking ratio would be reduced from 2.5:1 to 2:42:1. Planner pointed out that new site plan does

Article 5.
(Cont.)

not indicate that previously approved parking for PUD to north will be constructed. Also that rear landscaping is not shown on new plan, which was part of original PUD approval. Mr. Rink explained that new building will have basement level walkout (due to topography in rear), for a total of 8,000 square feet. The lower portion of building could be used as offices in the future, but would be used as storage area at this time. Mr. Rink explained that access to basement of new building will be by garage door to the east end of the building. The north end of the building at this time would not be excavated. Lewis stated that when such time comes to excavate rear of building, parking should be required in this area. Due to proposed use, at this time parking would be adequate to serve Mr. Rink's business. Long discussion ensued on lack of landscaping on entire PUD site, as site plan approved originally indicated that landscaping around buildings would be provided. Member Price stated this requirement should not be placed upon Mr. Rink, but Mr. Marsman, who owns property, and that building inspector should enforce landscaping requirements. As there were no comments from the audience, VanderWerp moved to close the public hearing. Buckley supported. Motion Carried. After additional discussion, Buckley moved to recommend approval of the amendment of the existing PUD for additional building at 8,000 square feet on two floors (40 x 100 or 50 x 80), and that at such time the basement level is finished parking to the rear of the building be constructed as shown on original plan, the opening to the basement or lower level shall be on the east side of the building, and upper level to open to the south. VanderWerp supported. Discussion: Lewis again mentioned landscaping, and that Township Board should be made aware that Planning Commission was concerned over this issue. Vote on motion - 5 yeas, 0 nays. Motion carried. Additional observations by Planning Commission to Township Board: That Planning Commission recommends that Ivan Marsman be contacted by Building Inspector that in as much as 75% of the building is occupied, that landscaping should be completed. In addition, Lewis moved to recommend that at the time 75% of a building is ready for occupancy, that landscaping that is originally presented with site plan be completed. VanderWerp supported. Motion Carried.

Article 6.

Case #230. Klingman's Furniture requesting review and recommendations for proposed furniture warehouse/retail outlet in the Industrial Zone. Property is located at 3637 Sysco Ct, SE, Spencer Rubin, Sales Manager, explained operation: That the ^{building will be used mainly for} warehouse, with the exception of holding four sales per year, each running between 10 and 14 days. Klingman's is in need of additional warehouse space, as customer base is in this area. During non-sale periods there would be 4 employees working to handle warehouse operations. Total area of building is 25,000 square feet. Parking on site would be adequate. Lewis mentioned concern of introducing retail venture part of the time in the I-1 Zone, as Board of Appeals had discussed this issue previously. Buckley pointed out that heaviest traffic would occur after other businesses in the area have closed. Mr. Rubin stated peak times are from between 7-9 P.M. Discussion ensued over language in ordinance, which is not clear over allowing furniture warehousing. Lewis made mention that this area of ordinance is grey area. (Section C).



3150 Thornapple River Dr

ACROPOUS DR
LINCOLNSHIRE LN

CHAPSHIRE DR

UNWIND

TARHOE DR
TARHOE LN

WAINSCOT DR

WAINSCOT ST

THORNHILLS AVE

CHERRYBLOSSOM DR

GREENWAY DR

THORNHILLS CT

MAHESH DR

3150 Thornapple River Dr

WESTRIDGE DR

THORNAPPLE RIVER DR

THORNAPPLE RIVER DR

EMERALD DR

CASCADE

WOLF DR

WOLF DR

WOLF DR

MEADOWS LN

HEATHMOOR CT

THORNAPPLE RIVER DR

GLENSTONE DR

GLENSTONE DR

BROOKHILLS CT

BURGER DR



Sept '13

CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Steven J. Wessell
 Address: 2640 Mizpah Park Drive
 City & Zip Code Benton Harbor, MI 49022
 Telephone: 574-274-9729
 Email Address: wessell2640@comcast.net

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:**

Please see attached

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

LEGAL DESCRIPTION OF PROPERTY:**

Please see attached description on survey

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-16-176-012

ADDRESS OF PROPERTY: 3150 Thornapple River Dr S.E. Grand Rapids, MI

PRESENT USE OF THE PROPERTY: personal 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)
<u>Steven J. & Tana M. Wessell</u>	<u>2640 Mizpah Park Drive</u> <u>Benton Harbor MI 49022</u>

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.)

Tana M. Wessell
Steven J. Wessell

STEVEN J. WESSELL
Applicant – Print or Type Name

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

*  8/22/16
Owner's Signature & Date Tana M Wessell
(*If different from Applicant)

 8/22/16
Applicant's Signature & Date

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

Rev. 7/24/14

ZONING REQUEST FOR: 3150 Thornapple River Drive, S.E.

BRIEFLY DESCRIBE YOUR REQUEST: We are requesting a variance which would allow us to remove an existing residence in order to construct a new home. The variance is required because there will a period of time during which the residential site has an outbuilding without a dwelling. We expect demolition to occur within 15 days from approval of the variance with construction to begin immediately thereafter.

FURTHER EXPLANATION OF PLAN: We acquired the property in August 2016 with the plan to either remodel the existing structure (first choice) or replace it if remodeling was not feasible. After inspections and review by our builder, Tim Verstrate, it was determined it would be in our best long term interests to replace the structure.

There are several major issues with remodeling the existing structure. The home is a ranch with approximately 2,200 square feet on the main level and a finished recreation room on the lower level. The lower level is accessed by an inconveniently placed stairway down to the lower level. Because the house was built in the 1960s, the three main floor bedrooms were very small. In order to make the house more livable by today's standards, we wanted to combine two of the bedroom into a single bedroom with walk-in closet and bath and convert the space occupied by one of the bedrooms to install a stairway to the lower level. On the lower level, we considered adding two bedrooms, replacing the net loss of two bedrooms on the main level.

The lower level has a ceiling height of 7' 4" at its highest point. It drops to 6' 6" where ductwork and plumbing runs across the middle of the lower level almost the entire length of the house. This makes it less desirable to construct modern up-to-date space in the lower level.

In addition to these problems, there are a number of electrical situations that present a safety issue. For example, according to the electrical inspection, the ground and the neutral are combined. Parts of the house do not included grounded outlets.

After a complete review and discussions with the builder, we decided it was best to remove the existing structure and replace it with a new structure without the problems or limitations that would be involved in a remodel. The result would be positive for us and the neighborhood. In addition to landscaping around the new dwelling, we would be removing significant areas of concrete and asphalt that now make the site look like a former business location (see survey – version 2).

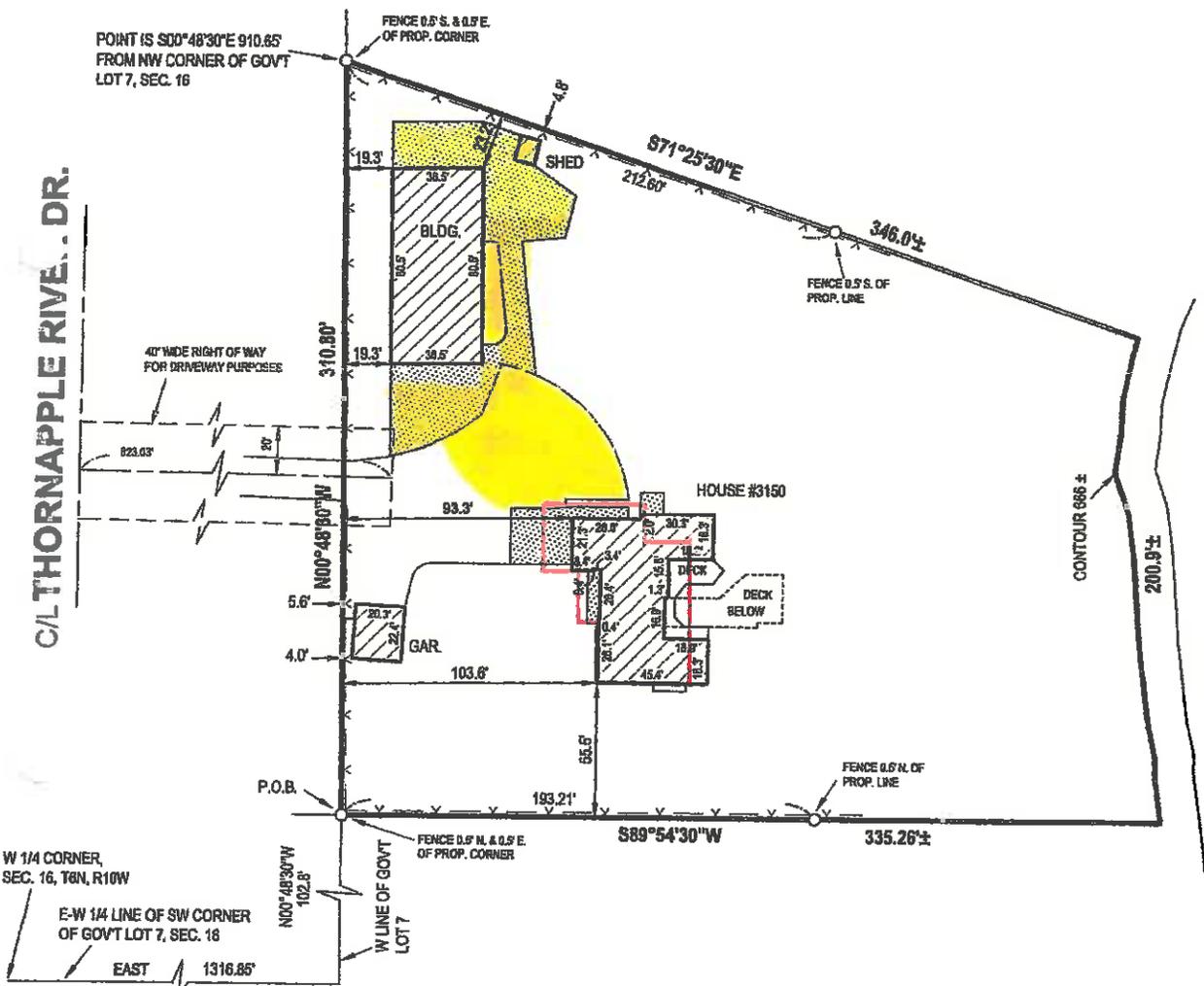
The structure we plan to build would be approximately the same size on the first level (2,200 square feet) with approximately 1,500 finished space on the lower level. The structure would sit on almost the same location on the site. Attached to the application are two copies of the property survey: one the site as surveyed. The second shows an outline in RED of the outer walls of the proposed structure super-imposed over the existing structure and YELLOW indicating where existing concrete and asphalt would be removed, improving the appearance of the property.

TIMING: Upon approval of the variance, work would begin immediately to remove the existing structure and construct the new dwelling which would be used as our primary residence. Depending upon the weather and normal construction issues, we would expect it would be ready for occupancy during the second quarter of 2017.

SITE LOCATION: The property is at the end of a private drive serving several homes from Thornapple River Drive SE. There is 200 feet of frontage on the Thornapple River at the bottom of a high bluff. The property is surrounded by trees and other dwellings served by the private drive are barely visible from the subject property.

VERSION 2

RED represents the outline and placement of the proposed residence
 YELLOW represents the area of concrete and asphalt that will be removed



DESCRIPTION

That part of Government Lot 7, Section 16, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the West 1/4 corner of said section; thence East 1316.85 feet along the East and West 1/4 line of the Southwest corner of Government Lot 7, of said section; thence North $0^{\circ}48'30''$ West 102.8 feet along the West line of Government Lot 7, to a point which is 100 feet North of the North line of Cascade Riverview Park Number 1; extended West and to the place of beginning of this description; thence North $0^{\circ}48'30''$ West 310.8 feet to a point which is 910.65 feet South $0^{\circ}48'30''$ East (formerly described as: 913.85 feet South) from the Northwest corner of said government lot 7; thence South $71^{\circ}25'30''$ East 346.0 feet more or less, (formerly described as: South $70^{\circ}37'$ East) to contour 666 on the left bank of Thornapple River; thence Southerly along said contour 200.9 feet more or less to a line bearing North $89^{\circ}54'30''$ East from the place of beginning; thence South $89^{\circ}54'30''$ West 335.28 feet more or less to the place of beginning. Together with and subject to a right of way for driveway purposes, over a 40.0 foot wide strip the center line of which is described as: Commencing at a point which is 139.06 feet North $0^{\circ}48'30''$ West 20.0 feet South $89^{\circ}08'$ East from the place of beginning of the above description; thence North $89^{\circ}08'$ West 823.03 feet to the centerline of Thornapple Drive and the point of ending. (Quit Claim Deed)

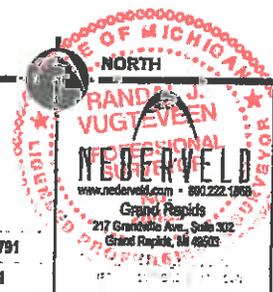
LEGEND

- Iron - Found
- X - X - Fence
- Asphalt
- ▨ Concrete
- ▩ Building

SCALE: 1" = 60' 0' 30' 60'

Greenridge Realty (Cascade - Orchard Vista Drive SE)
 Beau Otis
 3115 Orchard Vista Drive SE
 Grand Rapids, MI 49546
 3150 Thornapple River Drive SE

DRAWN BY: M.J. DATE: 07.27.16 PRJ #: 16400791
 REV. BY: REV. DATE: 1 OF 1



We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

By: *Randal J. Vugteveen*
 Randal J. Vugteveen Licensed Professional Surveyor No. 28429

CHAPTER 4 General Provisions

Section 4.01 Title:

General Provisions

Section 4.02 Extent of Regulations:

These general provisions shall apply to all zoning districts except as otherwise noted.

Section 4.03 Effect of Zoning:

No building, structure, premises, lot or parcel and parcel of land in the township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

Section 4.04 Unlawful Use Not Authorized:

Nothing in the Ordinance or any amendment shall be interpreted as authorization for or approval of the continuance of the unlawful use of a structure, land or premises on the effective date of this Ordinance or any amendment.

Section 4.05 Continuation of Existing Lawful Land Uses:

Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as provided in "Chapter 22, Nonconforming Uses.

Section 4.06 Ascribed Principal Use of Property:

No more than one principal building with the customary accessory buildings and structures shall be erected on any individual lot or parcel of land.

Section 4.07 Registration of Property:

The description of and the deed for every parcel of land shall be required to be on record with the Kent County Register of Deeds, prior to the authorization of any use of the lot or parcel of land by the Township.

Section 4.08 Accessory Buildings and Structures - General:

For the purposes of maintaining orderliness, aesthetics and property values, especially in the residential areas, the following provisions are intended to regulate the location and character of accessory structures normally incidental to permitted principal uses. The following regulations are therefore intended to pertain to all accessory buildings and all accessory structures other than buildings, including but not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas and similar structures. Sidewalks, driveways, fences, light posts, utility poles and signs are excluded from these regulations unless specifically stated. In any zoning district an accessory building or structure may be erected from the permitted principal building or an integral part of the permitted principal building. Unless specifically regulated by other provisions of this Ordinance, accessory buildings and structures erected as an integral part of the principal building shall comply in all respects with the requirements of this Ordinance applicable to the principal building. In addition, the following general standards shall apply to all accessory structures.

1. The architectural character of all accessory buildings in excess of 200 square feet shall be compatible and similar to the principal building.
2. No accessory building or structure shall be constructed on any parcel on which there is no principal building. If an accessory structure and principal building are to be erected concurrently, a building permit for the accessory structure shall not be issued until such time that construction of the principal building has been at least fifty (50) percent completed.
3. Accessory structures other than attached porches and garages shall not be located in the front yard area of any lot except as allowed in Chapter 17, Section 17.03(b) or for a lot having water frontage where a customary detached private garage is permitted if it is located behind the applicable required front yard setback line for the district.
4. Accessory buildings and structures may be located in the side or rear yard under the following provisions:
 - a. They shall not be located closer to any side or rear lot line than the principal building is



STAFF REPORT

TO: Cascade Township Zoning Board of Appeals
FROM: Steve Peterson, Community Development Director
REPORT DATE: August 29, 2016
MEETING DATE: September 13, 2016
CASE: #16-3325

GENERAL INFORMATION

**Ronald McCollum
1400 Dewberry Place #7
Grand Rapids MI 49505**

STATUS
OF APPLICANT: Owner/Developer

REQUESTED ACTION: The applicant is requesting an appeal of an administrative action. This appeal involves allowing an accessory building on a lot without a home.

EXISTING ZONING OF
SUBJECT PARCEL: R2, residential

GENERAL LOCATION: South side of Thornapple River Drive between Thornhills and Cascade Rd.

PARCEL SIZE: Approximately 42,000 sq ft

EXISTING LAND USE
ON THE PARCEL: Vacant

ADJACENT AREA
LAND USES: Residential

ZONING ON ADJOINING
PARCELS: R2, residential

STAFF COMMENTS:

- A. The request is necessary due to the removal of the home at 3010 thornapple River Dr. as a result of removing the home the owner left the garage.
- B. Our code enforcement person has been pursuing this matter to no avail. (report attached)
- C. Rather than apply for a variance to have the question answered the applicant has chosen to apply for an appeal to an administrative decision, essentially he argues that the ordinance does apply to him because they are not building a new building but rather simply removing the existing home and leaving the accessory building.

- D. The applicant also states that others in the township have done the same and no enforcement action was taken. This seems to apply that the ordinance does apply in this case but that we should not enforce it. I have researched the last 10 years of demolition permits, including the property that he indicated, and have not found anything to substantiate his claims.
- E. Even if there was an enforcement issue, or lack thereof, with the cases that would not justify ignoring this case.
- F. If we follow the logic of the applicant, anytime someone demolished or split property they could leave a building on a vacant property. This is contrary to the purpose of the rule to have a principal building on the property. As a matter of fact we also require that the home is built at least 50% (rough in) before you can start an accessory building.
- G. The very fact that the a detached garage is classified as an accessory structure indicates that they have to have a principal building on the property. With no home you violate the very definition of the building.
- H. We have had similar variances requests that we have approved. In these cases, the home was either being built along with the accessory building and we had a performance bond to ensure that we could remove a building if no principal structure was built.
- I. This not a variance application. You need to use the following standards for an appeal from an administrative action.

1) In reaching its decision, the Zoning Board of Appeals shall consider the following criteria as well as any other issues which are pertinent and reasonable:

(a) Whether or not the appeal is of a nature properly brought to them for decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or Special Use, etc.).

(b) The intent of the Ordinance.

(c) The effect the ruling will have when applied generally to this Ordinance.

2) The Zoning Board of Appeals shall consider Staff recommendations, the testimony of the applicant and testimony of the general public.

STAFF RECOMMENDATIONS

An appeal of an administrative action is not unheard of but it's important to remember that it's not a variance hearing so your decision should be simply to apply the above standards. The impact of a decision to agree with the applicant would have a detrimental impact on the ordinance. A decision to agree with the applicant would permit anyone to avoid the rule of having a principal structure simply because they were not building it. This would impact demolish permits as well as splits. A ruling to avoid the removal of the accessory building on a vacant lot would be to negate this portion of the ordinance.

Given that we have been without compliance for some time and a lot of that time the applicant was aware of the non-compliance. I would suggest that you make a condition of your approval to uphold the staff interpretation of the ordinance the applicant have the accessory building removed within the next 30 days.

Attachments: Application
 Location Map
 Code enforcement report

CHAPTER 4 General Provisions

Section 4.01 Title:

General Provisions

Section 4.02 Extent of Regulations:

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 - a. They shall not be located closer to any side or rear lot line than the principal building is





CASCADÉ CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Ronald W. McCallum member
Address: 1400 Dewberry Place #7
City & Zip Code: Grand Rapid, Mi. 49505
Telephone: 616-437-2780
Email Address: thinksize@gmail.com.

OWNER: * (if different from Applicant)
Name: ~~3010~~ 3010 Waterfront L.L.C
Address: 978 Bradford Hollow N.E.
City & Zip Code: Grand Rapids Mi. 49525
Telephone: 616-437-2780
Email Address: thinksize@gmail.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 checked="" type="checkbox"/> Other: <u>legal review of ordinance by township attorney.</u>

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

BRIEFLY DESCRIBE YOUR REQUEST:**
see attachment #1
see attachments 5, 6, 7 aerial photos of site & garage
see attached 8 - old house & garage

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

Page 2

LEGAL DESCRIPTION OF PROPERTY**:

See attached #2

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-16-176-008

ADDRESS OF PROPERTY: 3010 Thornapple River Dr, GR, Mich

PRESENT USE OF THE PROPERTY: building site

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

Name(s)

Address(es)

Lou Dykstra member 978 Bradford Hollow NE GR Mich

Ron Dykstra member 1314 Burke St. Grand Rapids Mich 49505

Joseph M. Frierweiler 10567 Marsalle Rd, Portland Mich 48078

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.)

3010 Waterfront LLC

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

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

Ronald W. McCollum

Applicant - Print or Type Name

[Signature]
Applicant's Signature & Date

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

Rev. 7/24/14

July 19, 2016

Stephanie Fast
Community Standards Officer
Cascade Charter Township
2865 Thornhills SE
Grand Rapids, MI 49546-7140

Re: Accessory Building

Dear Stephanie,

I am responding to your letter from July 11, 2016 in writing and in an email regarding Section 4.08-2.

Upon reading the ordinance, my partners and I don't think it applies to our situation for the following reasons:

- 1) The words shall be constructed do not apply to 3010 Thornapple River Drive. We are not constructing the garage. It was built probably in the 60's or 70's along with the principle building that we tore down recently. This garage was built before your current ordinance went into effect, therefore, doesn't apply. Therefore, in conclusion, the ordinance applies only to new construction, not to an existing garage that has been in place before this ordinance went into effect.
- 2) Since this ordinance has been in existence, there have been several other garages in the Township left standing after the principle building was demolished. No enforcement action was taken against the property owners.

See attachments 3 & 4

The above reasons, I previously mentioned to you and Steve Peterson in our last phone conversation. I would like to suggest that we set up a meeting, when it is convenient for you, to discuss this situation.

Please let me know when we can meet.

Thank you.

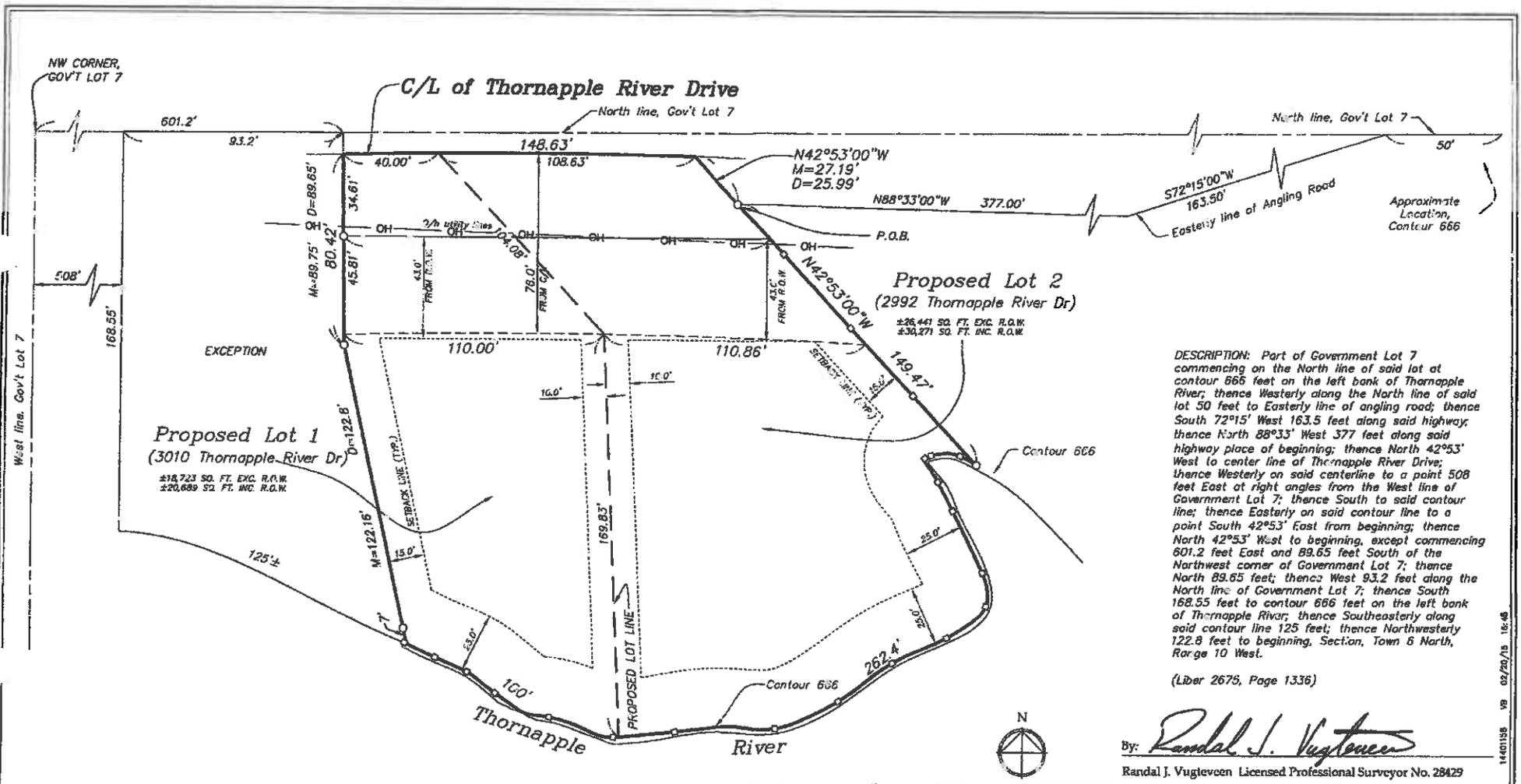
Sincerely,

Ronald W. McCollum
General Partner
3010 Waterfront LLC

P.S. By apply for variance I am doing it with reservation of all our rights. We stated above, this ordinance doesn't apply

to our lot. I mentioned to Steve Peterson & Stephanie Fast that I wanted a written opinion by the township attorney & they denied my request. I still am asking for that written opinion. RWM ELL

Attached # 2



DESCRIPTION: Part of Government Lot 7 commencing on the North line of said lot at contour 666 feet on the left bank of Thornapple River; thence Westerly along the North line of said lot 50 feet to Easterly line of angling road; thence South 72°15' West 163.5 feet along said highway; thence North 88°33' West 377 feet along said highway place of beginning; thence North 42°53' West to center line of Thornapple River Drive; thence Westerly on said centerline to a point 508 feet East of right angles from the West line of Government Lot 7; thence South to said contour line; thence Easterly on said contour line to a point South 42°53' East from beginning; thence North 42°53' West to beginning, except commencing 601.2 feet East and 89.65 feet South of the Northwest corner of Government Lot 7; thence North 89.65 feet; thence West 93.2 feet along the North line of Government Lot 7; thence South 168.55 feet to contour 666 feet on the left bank of Thornapple River; thence Southeastery along said contour line 125 feet; thence Northwesterly 122.8 feet to beginning, Section, Town 6 North, Range 10 West.

(Liber 2675, Page 1336)

By: *Randal J. Vugtevoen*

Randal J. Vugtevoen Licensed Professional Surveyor No. 28429

PREPARED FOR: Ron McCollum
1400 Dewberry Place NE
Apt 7
Grand Rapids, MI 49505
RE: 3010 Thornapple River Drive

Scale 1" = 40'

- = Concrete
- D = Description Dimension
- M = Measured Dimension
- P = Platted Dimension
- ⊙ = Set Iron Stake
- = Found Iron Stake
- x— = Fence Line

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800.222.1868
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<p>ANN ARBOR 3025 Miller Road Ann Arbor, MI 48103 PHONE: 734.929.6963</p>	<p>COLUMBUS 6355 Old Avery Road, Suite A Dublin, OH 43016 PHONE: 614.859.1127</p>	<p>HOLLAND 347 Hoover Boulevard Holland, MI 49423 PHONE: 616.395.0449</p>
<p>CHICAGO 1062 National Parkway Schaumburg, IL 60173 PHONE: 312.878.3897</p>	<p>GRAND RAPIDS 217 Grandville Ave., Suite 302 Grand Rapids, MI 49503 PHONE: 616.375.5190</p>	<p>INDIANAPOLIS 8459 Castlewood Dr., Suite B Indianapolis, IN 46250 PHONE: 317.288.3762</p>

rev: Per client's comments	date: 02.20.15 --VB
project no.: 14401158.5	date: 10.17.14 --JAT

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, omissions and exceptions.

Page 4

Parcels

attachment 3

PPN 411915351033

PNUM 41-19-15-351-033

Owner Name FINELLI DONALD A

Owner Name 2

Property Address 7378 CASCADE RD SE

Property City GRAND RAPIDS

Property State Zip MI49546

Code

SEV 544200

Taxable Value 417748

House Number 7378

Page 5

Zoom to

7330-033

Viewer Map



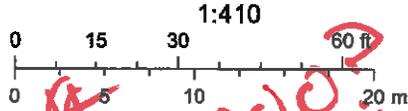
Page 6

August 12, 2016

↑
New House

garage

left 2000 Old House
↓
down



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Parcels

attachment # 4

PPN 411911300071

PNUM 41-19-11-300-071

Owner Name DAREHSHORI KASSRA F
TRUST

Owner Name 2

Property Address 8075 28TH ST SE

Property City ADA

Property State Zip MI49301
Code

SEV 353700

Taxable Value 333635

Page 7

Zoom to

3101

Old House tore down in 2000? was separate parcel before Kaz Bong J

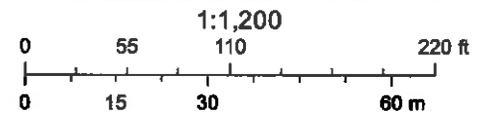
Viewer Map

Page 8



August 12, 2016

garage



Attachment 5

Aerial view at 90ft of Lots 1 & 2 showing approximate property lines.



Puzz-9

Garage

**-Surveys of Lot 1 and 2:
3010 Thornapple River Drive
Grand Rapids, MI 49546**

*garage
allotted 6*



Page 10

Flight Date:
April 2009

41-19-16-176-008
Cascade Township

November 05, 2014

garage attached



page 11

This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy and should be verified through other means.



Kent County Bureau of Equalization
Property Description & Mapping Division

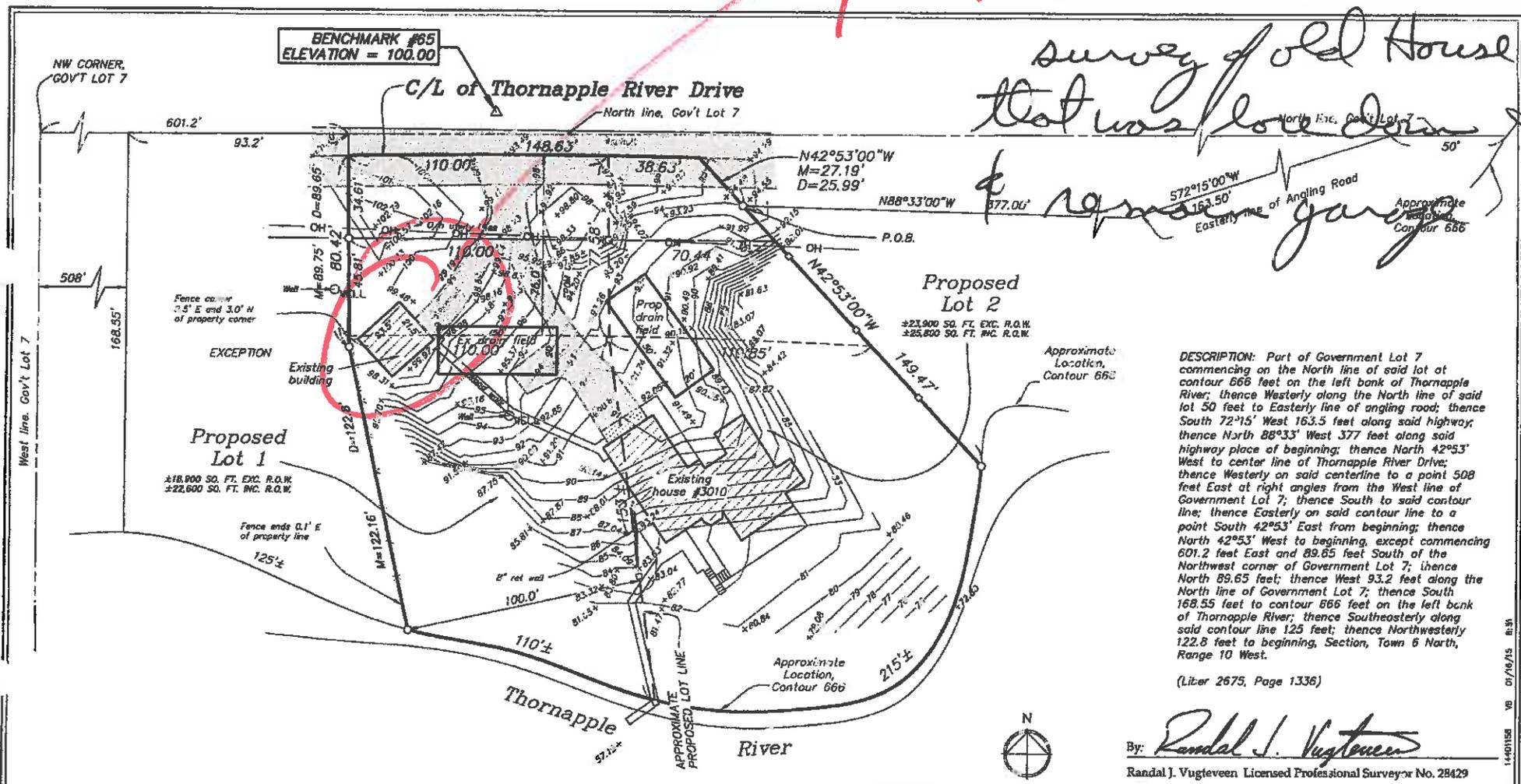
1:600



garage allocated

survey of old house that was here down & remain garage

Page 12



PREPARED FOR: Ron McCollum
1400 Dawberry Place NE
Apt 7
Grand Rapids, MI 49505
RE: 3010 Thornapple River Drive

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, omissions and exceptions.

- Scale 1" = 40'
- = Concrete
 - D = Description Dimension
 - M = Measured Dimension
 - P = Platted Dimension
 - = Set Iron Stake
 - = Found Iron Stake
 - x— = Fence Line

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ANN ARBOR
3025 Miller Road
Ann Arbor, MI 48103
PHONE: 734.929.6963

COLUMBUS
6355 Old Avery Road, Suite A
Dublin, OH 43016
PHONE: 614.859.1127

HOLLAND
347 Hoover Boulevard
Holland, MI 49423
PHONE: 616.393.0449

CHICAGO
1082 National Parkway
Schaumburg, IL 60173
PHONE: 312.878.3897

GRAND RAPIDS
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
PHONE: 616.575.5190

INDIANAPOLIS
8459 Castletown Dr., Suite B
Indianapolis, IN 46250
PHONE: 317.288.3762

rev.: Added contours date: 01.07.15 - VB
project no.: 14401158.3 date: 10.17.14 - JAT

14401158 VB 01/16/15 B-31

On April 11th, 2016 I responded to 3010 Thornapple River Dr SE reference a zoning complaint. Upon my arrival I observed a garage on the parcel with no principal building. The owner of the property was listed as "3010 Waterfront LLC", with the mailing address of 3010 Thornapple River Dr SE. I mailed a letter to the owner informing them of the violation. I checked with the building department and determined the principal building had been demolished in August of 2015.

On April 27th, 2016 the letter was returned to me as undeliverable. I was advised by my colleague, Sandra Korhorn, that Ron McCollum owned the property. Korhorn provided me with McCollum's email address. I then sent an email to McCollum trying to verify if he owned the property. I did not receive a response.

On May 13th, 2016 I sent a letter to Ken Grashuis, who was the realtor listed for the property. I advised Grashuis that there was a zoning violation on the property, and I needed the owner's contact information. I did not receive a response.

On May 23rd, 2016 I was advised by Sandra Korhorn that she had obtained a mailing address for McCollum. I sent the violation letter to the newly obtained address. I did not receive a response.

In June of 2016, I called Grashuis and left him a voicemail indicating that I needed to speak with his client. I then received a call from McCollum explaining that he planned on demolishing the garage after he built a new house on the property. McCollum indicated he planned to use the garage to store equipment and tools for the builders on the job site. I advised McCollum that he was in violation of Cascade Charter Township Zoning Ordinance Section 4.08-2. Community Development Director Steve Peterson then joined the conversation, at which time McCollum asked if he could wait to take down the garage until he brought in the large equipment to begin construction on the new house. Director Peterson advised McCollum not to wait, and to demolish the garage as soon as possible.

On July 11th, 2016 I observed the property was still in violation. I sent another letter to McCollum advising him that he had until July 22nd, 2016 to inform me of his demolition date. The letter also indicated that the demolition date should not be any later than August 12th, 2016.

On July 19th, 2016 McCollum came into the township office and gave me a letter indicating that he did not believe the zoning ordinance applied to his situation. McCollum stated that he felt the ordinance only applied to new construction. He also stated that there were other properties in violation. I advised McCollum that if he provided me with the locations of the other violations I would investigate them. McCollum insisted that I have the township attorney's review his case. I told McCollum I would speak with Director Peterson about the request and get back to him.

On July 25th, 2016 I mailed a letter to McCollum informing him that the township did not agree that the ordinance only applied to new construction. I also advised McCollum he could apply for a variance. I stated that McCollum was expected to be in compliance or to have filed for a variance by August 19th, 2016.

Chairman Lewis removed the motion from the table and requested a different motion be made.

Member Beahan motioned to deny the Applicant's request for a variance to allow a wall sign as requested with the reason that if this were allowed what is to prevent others from making the same request, setting a precedent. Member Casey supported the motion.

Vice-Chairman Lewis called the motion to question. Three (3) members in favor of the motion to deny the Applicant's request with one (1) opposed. Motion carried.

ARTICLE 6.

Case # 08-2936: Albert Sears

**Property Address: 6625 Burger Street
(PUBLIC HEARING)**

Requested Action: The Applicant is requesting a Variance to construct a detached building before the home is more than fifty-percent (50%) completed.

Assistant to the Manager Otey said the Applicant is currently constructing a new home on this property.

The Township's Variance is needed due to the timing of the construction of the garage. The Ordinance limits the start of a detached building until after the home is fifty percent (50%) completed. The intent of this section of the Ordinance is to avoid having an accessory building on a parcel with no principal structure.

The Building Department has indicated that fifty percent (50%) would be when the home is being framed. The Building Department has also indicated that at the time of the Applicant's Variance Hearing, the home will be approximately thirty-five percent (35%) complete.

Staff researched previous cases and found a couple of similar requests in 1995. One case was tabled and the other case was denied because the applicants had no plans to build a home and the ZBA did not want the accessory building on the property for an indefinite period.

Staff has discussed with the Applicant the idea of providing a Performance Bond that would allow the Township to remove the accessory building if the home is not completed. Staff believes this could be used to help satisfy the intent of this regulation.

Before the ZBA can grant a Variance, they must review the Findings of Fact:

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 districts. The intent of this section is to avoid having an accessory building with no principal structure. The Applicant has pulled the building permit for the home and have already begun construction.

This is the result of the action by the Applicant but unlike a setback variance, the issue is timing and not dimensional.

The Applicant is allowed to have the accessory building without the variance it would be started later, when the home is fifty percent (50%) completed. The Planning Commission has approved the size of the accessory building; the Zoning Board is to determine the construction time of the accessory building.

Staff does not believe the variance would be harmful since the Applicant has already started building the home.

The Township has received only a couple of these requests over the past thirteen years. This does not seem to be a common occurrence and with the home already being built and the Applicant's willingness to provide a Performance Bond the concern should be addressed.

Staff recommends approval of the Variance with the following conditions:

1. The Applicant provides a Performance Bond in the amount of \$5,000.
2. This bond will be released once the home is completed.
3. The Planning Director will report to the ZBA and the Applicant if he believes the bond will need to be used.

Vice-Chairman Lewis opened the meeting for questions of Staff by the ZBA.

Member Casey how the Township arrived at the \$5,000 bond and Assistant to the Manager Otey said it would be used to cover the expenses of tearing down the accessory building if needed.

Applicant Albert Sears said he is building a detached garage because he did not believe it would look attractive if attached to the house.

The lumber for the house was delivered this afternoon said the construction crew would be putting in the steel beams for the basement, start with the frame in the morning. He believes the home would be fifty percent (50%) completed in approximately two (2) weeks. He would like to pour the garage footings now so the framing crew, once having the roof completed, could begin construction on the garage.

Both the house and the garage are being constructed with sip-walls that are manufactured off-site with the window frames already in place, making less waste at the site, and also allows for the home and garage to be constructed faster.

It is a matter of economics to hold onto the framing crew on site by having the garage ready to go for them next, therefore, Applicant Sears is asking for the variance by two (2) weeks ahead of fifty percent (50%) completion of the home.

Mr. Sears also said that according to Staff's recommendations, he would be willing to provide a Performance Bond in the amount of \$5,000 but wondered if this could be waived since he is only looking at two (2) weeks until the home is fifty percent (50%) complete. He is willing to do whatever the Board recommends to keep the construction crew working on his property.

Vice-Chairman Lewis opened the meeting for questions of the Applicant of the ZBA.

Member Beahan asked the Applicant if he has been held up a bit with this project and Applicant Sear said he has been since he is doing the general contracting and he thought he could do the basement and the garage at the same time and this slowed him down.

He would like to keep the crew onsite and not have to wait for them to return if he cannot start on the garage.

Member Beahan motioned to open the Public Hearing, supported by Member Wilson. All in favor with none opposed, the Public Hearing was opened.

Vice-Chairman Lewis invited members of the public to address the case.

There were no public members and Vice-Chairman Lewis asked Staff if any letters or phone calls were received at the Township regarding the case. Assistant to the Manager Otey said none were received.

Member Beahan motioned to close the Public Hearing, supported by Member Casey. All in favor with none opposed, the Public Hearing was opened.

Vice-Chairman Lewis noted that it appears to him that this is a difficult situation, when the ZBA provides a variance it weakens the variance as written and sets precedence for future requests allowing for more leniencies such as three weeks or four weeks. He believes that if the variance is approved the chances of the bond being waived are slim.

Vice-Chairman Lewis recognizes the potential of financial hardship if the Applicant needs to wait two (2) weeks and the Ordinance speaks clearly that financial reasons are not a determining factor in changing an ordinance.

Member Beahan said he appreciates the fact that the Applicant realized that he could not build both at the same time and has worked well with the Planning and Building Departments instead of proceeding with the construction.

Member Beahan also noted that the Applicant is seeking the variance for two (2) weeks and is having the home and building constructed in quality materials quickly and is comfortable granting the variance.

Member Beahan motioned for approval of granting the Applicant's request for a variance to construct a detached building prior to the home being more than fifty percent (50%) completed with Staff's three (3) recommendations, supported by Member Casey.

Member Casey asked if the workshop included with the accessory building asked if the building would be used in conjunction with a business. Vice-Chairman Lewis noted that at last night's Planning Commission meeting, the Applicant did state that the workshop would not be used in conjunction with a business and he is

constructing the walls with a thicker insulation to help muffle the noise.

All in favor with none opposed, motion carried.

ARTICLE 7.

**Case # 08-2938: Mark and Mary Mochel
Property Address: 1919 Watermark Drive
(PUBLIC HEARING)**

Requested Action: The Applicant is requesting a Variance to allow a roof structure on an existing deck that is inside the required setback.

Assistant to the Manager Otey said the home was built in 2001, the deck was added after the home was built.

The Building Department has no record of when the deck was built. A deck of this size and type would have required a building permit.

The Variance is needed because the deck was built inside the required 25-foot rear setback.

Two explanations for the deck inside the setback are:

- a) The deck did not need a permit because it was a low profile, under 30-inches high, and was treated as a patio
- b) It was built without the proper permits.

The deck is 36-inches high and cannot be treated as a patio.

Even if it was a patio, adding a permanent roof to the deck would change it to part of the structure and would require that the entire structure (deck and roof) meet the 25-foot rear yard setback. However, the patio deck was installed only 23-feet from the rear property line, so it is impossible to simply enclose the existing deck without a variance.

The Township did have one (1) other similar case in the neighborhood in 2001 and the Township denied the owner a 2-foot variance for an addition to the home. The case was resolved when Watermark agreed to sell a small portion of property to the owner.

The Township also had a deck removed from a home in Watermark when it was discovered that it was located in the rear setback.

Because the Township is now aware of the deck, a decision should also be made on the location of the existing deck as well as adding

November 16, 2007

James White
3254 Buttrick Ave
Ada MI 49301

Re: Variance

Dear Mr. White:

This is your notice of the Zoning Board decision to approve your request for a variance at their November 13, 2007 meeting. This variance allows you to keep up to 6 accessory buildings and the detached garage on your property at 3254 Buttrick Ave under the following conditions:

1. The buildings do not increase in size
2. The large barn is removed before the Township approves the lot split.

You will also need to provide me with a copy of the Kent County Health Department vacant land evaluation of the new parcel before the split can be approved. If you have any questions, please call me at 949-0224.

Sincerely
Cascade Charter Township

Steve Peterson
Planning Director



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

October 13, 2004

Duane Nachbar
6290 Burton St SE
Grand Rapids MI 49546

Dear Duane:

This is your notice that the Cascade Charter Township Zoning Board of Appeals at their regular meeting on October 12, 2004 **approved** your request that will allow you to split your property at 6290 Burton and leave the barn on the new vacant piece of property. This variance was approved with the following conditions:

1. Apply for and receive approval of the lot split.
2. Supply the Township with a check in the amount of \$5,000.00 as a performance guarantee.
3. The barn will be removed within one year from the time that the split is approved.
4. Once you start the removal of the barn you will have 90 days to complete the removal of the barn.

I have attached a lot split form for your use as well. If you have any questions please don't hesitate to call me at 949-0224.

Sincerely
Cascade Charter Township

Steve Peterson
Planning Director

Enclosure: Lot Split application