

**ZONING MINUTES**  
**Cascade Charter Township**  
**Zoning Board of Appeals**  
**Tuesday, November 10, 2015**  
**7:00 P.M.**  
**Cascade Library Wisner Center**  
**2870 Jackson Avenue SE**

**ARTICLE 1.** Chairman Casey called the meeting to order at 7:00 P.M.  
**Members Present:** Berra, Casey, McDonald, Milliken, Neal, Waalkes  
**Members Absent:** All were present  
**Others Present:** Community Development Director Steve Peterson and those listed on the sign in sheet.

**ARTICLE 2.** Chairman Casey led the Pledge of Allegiance to the flag.

**ARTICLE 3.** Approve the current Agenda.

Motion made to approve the Agenda as printed by Member McDonald. Support by Member Berra. Motion carried 6-0.

**ARTICLE 4.** Approve the Minutes of the October 13, 2015 Meeting.

Motion made by Member McDonald to approve the Minutes of the October 13, 2015 Meeting as written. Support by Member Berra. Motion carried 6-0.

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

No visitors present wished to speak to non-agenda items.

**ARTICLE 6.** Case #15:3278 Mark Bennett

**Public Hearing**

**Property Address:** 7690 Cascade Road

**Requested Action:** The Applicant is requesting a variance to construct an addition to the house that does not meet the minimum 50 foot front yard setbacks. They also are seeking a variance to have one additional accessory structure.

Community Development Director Peterson introduced the case. The reason for the variance is that there is a 50' front yard setback requirement on Cascade Road. The existing building does not meet the setback requirement and they would like to add an attached garage. The way we deal with non-conforming buildings is that we require that any additions meet the current setback requirements or they require a variance. Also included in the variance request is a proposed accessory building. A parcel this size is permitted one detached building. We define any structure as having a roof that is impervious to weather as a building.

In regards to the setbacks, the neighboring property to the north is closer to the right of way than the Applicant. A home across the street is also within the 50' front yard setback. The right of way has expanded since these homes were built in the 1930's. I don't feel that what they are proposing is out of line in terms of the setback variance as

the structure is behind the front of the house. There are others in the neighborhood that have the same set up.

I am recommending approval of the setback variance but not recommending approval of the additional building. There was an identical case on Briarcliff, a few years ago, and how we dealt with it was they made the area around the pool as a "trellis." They had some openings on the roof, so they could have shade and cover from the weather, but it didn't meet our definition of a building. It would cause a problem in other areas if we allowed for the garage building on the site. Recommending approval for the variance for the building addition for the garage and deny request for the additional building, although I think the building can be accommodated if it was made to be like a "trellis" with some openings in the roof.

Member McDonald asked if the building in front of the pool, the existing lean-to will be renovated. Director Peterson stated that is the case and they get one detached building, we define a structure, even if it doesn't have walls enclosing it but has a roof impervious to weather, is considered a building.

Chairman Casey asked the applicant to come forward with comments.

Mark Bennett 7690 Cascade Rd, owner of the property, the most important reason for the accessory building is to get out of the sun. We are looking for an open air structure so you can get out of the sun, nothing big just to get out of the heat. The attached garage needs to be changed if we can't get the other building approved. It is a large expense and big project. We have been in the house since the 1980's and would like to stay, however if this doesn't get approved we will rethink our options.

Member Casey suggests that he talk to Director Peterson, as we can only give you the minimal variance. Member McDonald understands the sun and heat issue and wonders if a pergola would be a good compromise. Mr. Bennett agrees.

**Member McDonald made a motion to open the Public Hearing. Second by Member Berra. Motion passes 6-0.**

Chairman Casey asked anyone with comments to come forward.

**Member Berra made a motion to close the Public Hearing. Second by Member Waalkes. Motion passes 6-0.**

**Member McDonald moves to approve the variance to construct the addition to the house even though it does not meet the minimum 50 ft. yard setback, but based on the Findings of Facts from Staff, deny the request for the additional building because they have another option like the one Director Peterson suggested. Member Berra supports. Motion passes 6-0.**

## **Public Hearing**

**Property Address:** 5575 Executive Parkway SE

**Requested Action:** The Applicant is seeking a variance to allow a sign closer to the road than permitted.

Director Peterson introduced the case. If you look closely on the plan you will see that the sign for the new building is adjacent to the right of way. Meadowbrook Business Park is a P.U.D. and we default the sign regulations to the industrial zoning requirements, 5 feet tall 25 feet back from the right of way and 80 sq. feet maximum. Those are the setback requirements, this project did just receive Site Plan Approval from the Planning Commission that is the location of the sign that was on the Site Plan. We don't approve signs as part of Site Plan Approval, that is a separate permit process and this has caused confusion over the years with applicants. This might have been the case for this circumstance. I did write in the Staff Report based on the size of the lot it looks like the size will be limited to 52 Sq. Ft. 5 Ft. tall, they are not asking for any variances in regards to that, it is simply the location, it is a zero setback for the sign setback. If you look at Meadowbrook Business Park, the right of way in the industrial area is quite large, I think we are dealing with 100 Ft. of right of way, in the typical residential subdivision the right of way is 66 Ft. When I met with the contractor we were going over some other signs out in Meadowbrook, tonight they gave me an inventory of some others that they found in the neighborhood that are less than the 25 Ft. Meadowbrook is a mixed bag, there is signage that is closer than 25 Ft. The property right across has a sign that is closer, and I could not find a permit for that particular sign. There are some other signs that are not meeting our requirements, I caution that you do not take measurements from the curb as we take the measurements from the right of way. I generally agree there is a mixed bag of signs in Meadowbrook that are closer than 25 Ft. to the right of way. I would view any irregularity out in Meadowbrook, not as a result of regulations changing over the years, but simply staff not checking where signs were or not having a permit at all and just putting a sign out. I am concerned about permitting a sign especially with a zero setback. There is opportunity on this site to back that off from the right of way a little bit. They have a 25 ft. buffer yard from the right of way to the edge of their parking lot. They couldn't meet our setback requirement without putting the sign in the parking lot but there is ample room to move it away from the right of way even if you went to a 15 Ft. or 10 Ft. setback, which would be much more palatable in terms of any exceptions out there. I am recommending a denial of the variance as it is applied for, but I can see an exception being something less than 25 Ft.

Member McDonald asked if in the Meadowbrook P.U.D. there were any stipulations on signs or did the ordinance override those. Director Peterson states that it was a default to the Industrial Zoning District, which kicks you to the sign ordinance. The current sign ordinance was done in the late 90's, Meadowbrook was done in the 80's.

Member Waalkes says that the right up says that it is 2 Ft. off of the right of way and there is 25 Ft. between the parking lot and the right of way, so there is about 25 Ft. space to work with. They cannot get 25 Ft. off of the right of way without moving the parking lot back. Director Peterson states that the only other option is to put the sign way up in the corner behind the front of the parking lot.

Member McDonald stated for clarification that there is an extenuating circumstance in this case as they would have to move a parking lot in order to meet the setback

requirement. Director Peterson concurred. Member Berra asked if there is a safety issue if they have the sign on the property line. Director Peterson says it is not because of the larger right of way.

Chairman Casey asked the Applicant to come forward with comments.

Brandon Hartel, Wolverine Building Group Project Manager, we are looking for a variance for the sign setback. We took measurements of all the signs that are in the area. Our sign location is in the middle of the property, it is landscaped with flower beds and large Maple trees. With the sign located back further, it will not be visible from the street. It is ideal where it is located, he refers to the drawing. We received a letter from the Meadowbrook Business Park recommending approval on our behalf. We are asking for approval of the sign variance setback.

Todd Geglio, Advantage Label, would like to have the sign fit in and have conformity.

Member Berra asked the width of the sign. The applicant replies that it is approximately 8 Ft. Member Berra agrees that the sign fit in and try to meet as much of the ordinance as possible, yet not disadvantage one property to the others by not having the sign be visible.

Member McDonald appreciates that they have come to the Township to request the variance. He wondered if a 10 Ft. setback would be enough, as we are trying to find a way to provide a variance less than 25 Ft. with the exceptional conditions that would justify granting such a variance for future applicants. Member McDonald suggests either approving the 10 Ft. setback or table it.

The applicant would prefer to take the 10 Ft. setback option as they would like to complete the work before the weather sets in. Member Berra wants to reiterate that if the variance is approved at 10 Ft. the applicant has to work with that number. If they table it they can analyze it and come back with the exact number that they need.

**Member McDonald made a motion to open the Public Hearing. Second by Member Berra. Motion passes 6-0.**

Chairman Casey asked anyone with comments to come forward. No one wished to speak at the Public Hearing and Director Peterson stated that he had a letter from Meadowbrook Business Park.

**Member McDonald made a motion to close the Public Hearing. Second by Member Berra. Motion passes 6-0.**

**Member McDonald made a motion to provide a variance to allow a sign closer to the road than permitted but no closer than 10 Ft. Second by Member Milliken. Motion passes 6-0.**

**ARTICLE 8. Any other business.**

**ARTICLE 9. Adjournment**

**Motion by Member McDonald to adjourn the meeting. Support by Member Berra.  
Motion Passed 6-0. Meeting adjourned at 7:53 PM.**

Respectfully submitted,

Ann Seykora/Julie Kutchins  
Planning Administrative Assistant