

**AGENDA**  
**Cascade Charter Township Zoning Board of Appeals**  
**Tuesday, October 13, 2015**  
**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 September 08, 2015 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 #15:3269 Cascade Hospital for Animals**  
**Public Hearing**  
**Property Address: 6730 Cascade Road SE**  
**Requested Action:** The applicant is requesting a variance to allow an addition to the back of the building that is within 7 feet of the rear property line.
- ARTICLE 7. Case #15:3272 Lobdell Enterprises LLC**  
**Public Hearing**  
**Property Address: 5121 & 5161 28<sup>th</sup> Street SE**  
**Requested Action:** The applicant is requesting approval to change the use where a non-conforming situation exists where the building has been unused for more than 180 days.
- ARTICLE 8. Case #15:3274 Richard Osborn**  
**Public Hearing**  
**Property Address: 7349 Kilmer Drive SE**  
**Requested Action:** The applicant is requesting a variance to construct an addition to the house that does not meet the minimum 10 foot sideyard setbacks.
- ARTICLE 9. Any other business**
- ARTICLE 10. Adjournment**

**\*Meeting format**

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

**ZONING MINUTES**  
**Cascade Charter Township**  
**Zoning Board of Appeals**  
**Tuesday, September 08, 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  
**Members Absent:** Hammond (Excused)  
**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 5-0.

**ARTICLE 4.** Approve the Minutes of the July 14, 2015 Meeting.

Motion made by Member McDonald to approve the Minutes of the July 14, 2015 Meeting as written. Support by Member Berra. Motion carried 5-0.

**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 #15:3261 Tim White/Recycling Concepts  
**Public Hearing**

**Property Address:** 5015 52<sup>nd</sup> Street

**Requested Action:** The Applicant is requesting a variance to allow a new driveway off from 52<sup>nd</sup> Street that does not meet our spacing standards.

Community Development Director Peterson introduced the case. The property is on the north side of 52<sup>nd</sup> Street between Kraft Avenue and Patterson Avenue. The new driveway being requested is notated on the plans in yellow and is on the same side of the street as the current driveway. We have had our access management standards in the Zoning Ordinance for some time and we base our decisions based on the speed of the street not necessarily what it is posted but what we have adopted in our Zoning ordinance. 52<sup>nd</sup> Street is listed as a 45 MPH or over street so that does require a 300' spacing for driveways on the same side of the street. They do have the 300' spacing requirement between their existing drive and their proposed drive but they do not have it between their proposed driveway and the neighboring drive. They have indicated that they want to make access improvements on their site; nothing that would require site plan approval by the Planning Commission but may require administrative plan approvals. We have granted some of these spacing variances in the past. DJ's Landscaping was granted a variance with the agreement that if the neighboring curb cut

went away they would join with them and eliminate a curb cut. Most of the variances that have been granted were granted with conditions such as a driveway would be eventually eliminated or the turning movements were reduced such as right in/right out. The Ordinance reads that it is based on speed and that a variance cannot be granted any lower than the next lower spacing. For example the next lower spacing is 210' for a 40 MPH street. This is what the Applicant is proposing in their request. The spacing is measured centerline to centerline and you could not grant a variance any lower as the next spacing is 160' for a 35MPH street. They are coordinating the improvements with the Kent County Road Commissions reconstruction of 52<sup>nd</sup> Street. There is not a great deal of uniqueness to this case with the exception that the street is posted at 45 MPH and most of the traffic is local and does not cut thru to other streets. Given the other variances that we have granted it is an appropriate time to look at our driveway spacing standards. I do not believe 210' would be an issue at this location. I am recommending you approve the variance and make a recommendation to the Planning Commission to have them consider a study to look into our driveway spacing standards as a work plan item for next year.

Member McDonald asked what the neighboring business was. The Applicant stated that it is a small business open only a couple of days a week and further to the west was Roskam.

Chairman Casey asked the Applicant to come forward with comments.

Tim White, Recycling Concepts, 5015 52<sup>nd</sup> Street, came forward as the Applicant. The Applicant stated that they have all of their docks on the east side of the building and we have significant truck traffic during business hours. We have grown from 15 employees six years ago to 75 today and we are continuing to grow. We are requesting the variance to separate the vehicles for safety reasons. We want to have trucks only on the east side of the building and vehicles only to the west side of the building. With the construction on 52<sup>nd</sup> Street we felt it would make more sense to work in conjunction with the KCRC.

**Member McDonald made a motion to open the Public Hearing. Second by Member Berra. Motion passes 5-0.**

Chairman Casey asked anyone with comments to come forward.

**Member McDonald made a motion to close the Public Hearing. Second by Member Berra. Motion passes 5-0.**

**Member McDonald made a motion to approve the variance to allow the 210 ft. spacing, provided they are able to obtain a permit from the Kent County Road Commission for the new driveway. Also, this motion for approval is based on the fact that we are only going down one zone of spacing and that is the maximum amount of variance that the ordinance permits. This is a location with local traffic only, with limited traffic in the industrial zone and it will improve the flow of traffic as the facility grows. Second by Member Berra. Motion passes 5-0.**

**Motion made by Chairman Casey to have the Planning Commission study our Driveway Separation Standards per Community Development Director Peterson's recommendation. Motion pass 5-0.**

**ARTICLE 7. Any other business.**

Chairman Casey will continue to be Chairman until the end of the year.

Member McDonald welcomes Member Milliken.

**ARTICLE 8. Adjournment**

**Motion by Member McDonald to adjourn the meeting. Support by Member Berra. Motion Passed 5-0. Meeting adjourned at 7:27 PM.**

Respectfully submitted,

Ann Seykora/Julie Kutchins  
Planning Administrative Assistant

STAFF REPORT: Case # 15-3269  
REPORT DATE: September 30, 2015  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: October 13, 2015  
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:

Cascade Hospital for Animals  
6730 Cascade Rd  
Grand Rapids MI 49546

STATUS

OF APPLICANT: owner

REQUESTED ACTION: The applicant is requesting a variance to allow an addition to the back of the building that is within 7 feet of the rear property line.

EXISTING ZONING OF  
SUBJECT PARCEL(S): B1

GENERAL LOCATION: West side of Cascade Rd between Burton and 28<sup>th</sup> St

PARCEL SIZE: 1.58 Acres

EXISTING LAND USE  
ON THE PROPERTY: Animal hospital

ADJACENT AREA  
LAND USES: N – residential  
S – retail  
E - office  
W – residential

ZONING ON  
ADJOINING PARCELS: N – B1  
S – B1  
E – PUD  
W – PUD

**STAFF COMMENTS**

1. The applicant is requesting approval from the ZBA to allow for the construction of a new addition that would come within 7 feet of the rear property line.
2. The existing building is setback at 25 feet from the property. This was approved as a part of prior township approvals
3. The required setback in the B1 zone is 30 feet in the rear and 7 feet on the side.
4. They are also proposing a couple of other additions on the side, but they do not need a variance. The project will require site plan approval by the planning commission.
5. Part of the reason for the addition is to control the noise from the dogs that are going outside.
6. The area to the west is a part of the greenlefe condo development. It would appear that the area is undevelopable and provides for a large buffer between the residential and commercial uses along 28<sup>th</sup> st. The closest unit is 450 feet to greenlefe and 150 to Cascade villas.

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

<b><i>Findings of Fact</i></b>	<b><i>Comment</i></b>
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The exceptional circumstance is the large buffer to the west that provides the buffer to the residential use.
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 situation is not the result of action taken by the applicant.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The applicant should explain why they need to come within 7 feet of the property line. any addition would require a variance since it is within the required 30 foot setback.
That the granting of the variance will not	With large buffer remaining to shield the

<p>be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p>neighbor and the enclosure of the dog area should be seen as a benefit to the neighborhood.</p>
<p>That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.</p>	<p>The large buffer in the village district would be hard to repeat.</p>
<p>The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.</p>	<p>I would still like the applicant to address the need for the addition to come within 7 feet of the property line.</p>

**STAFF RECOMMENDATION**

Staff Recommends Approval of the variance.

Attachments:            Application  
                                  Site Plan





# Cascade Charter Township

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

## PLANNING & ZONING APPLICATION

APPLICANT: Name: Cascade Hospital for Animals

Address: 6730 Cascade Rd SE

Telephone: 616-949-0960

Facsimile: 616-949-2688

OWNER\*: Name: Richard Siegle DVM / Cascade Beltline Properties LLC

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

(\* If different from the Applicant)

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\*\*: see Attached Sheet

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(\*\*Use Attachments if Necessary)

LEGAL DESCRIPTION OF PROPERTY\*\*: See Attached Sheet

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(\*\*Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 09-376-047

ADDRESS OF PROPERTY: 6730 Cascade Rd SE

PRESENT USE OF THE PROPERTY: Veterinary Hospital & Boarding Facility

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

<u>Name(s)</u>	<u>Address(es)</u>
<u>Richard Siegle DVM</u>	<u>Cascade Beltline Properties LLC</u>
<u>6730 Cascade Rd</u> <u>Grand Rapids, MI</u>	<u>8621 Alaska Ave</u> <u>Caledonia, MI</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.)

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

Richard Siegle DVM  
 Applicant - Print or Type Name

Richard Siegle DVM  
 Applicant's Signature & Date  
 9-4-2015

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

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS**

**REVIEW SHEET - THANK YOU**

Revised 03/26/02

\_\_\_\_\_

## **Cascade Township Planning & Zoning Application**

**Applicant : Cascade Hospital for Animals**

**Describe Request:** Cascade Hospital for Animals wants to enclose some of our existing exercise yards to help with noise control (unwanted barking). The enclosed exercise yards will have K-9 grass (artificial turf) so that dogs will be able to eliminate inside. Our intent will be to minimize dogs being outside, especially early morning. The corners of each addition will be 5 to 7 feet from the property line (carport), so we will need a variance for the building project. Cascade Hospital for Animals has been in Cascade Township for 60 years and we have been doing boarding/daycare for over 40 years. We have received several complaints of dogs barking excessively over the last few years and these complaints have coincided with Cascade Village Apartments being converted to condominiums. Most of the proposed additions will be blocked from Cascade Village Condominiums view by their carport, which was built right on the property line. Any part of the addition which is not blocked by the carport, will have pine trees planted between the building and the property line. Cascade Hospital for Animals wants to be a good neighbor and by allowing us to enclose most of our exercise yards should help to minimize the noise issue significantly.

### **Legal Description of Property:**

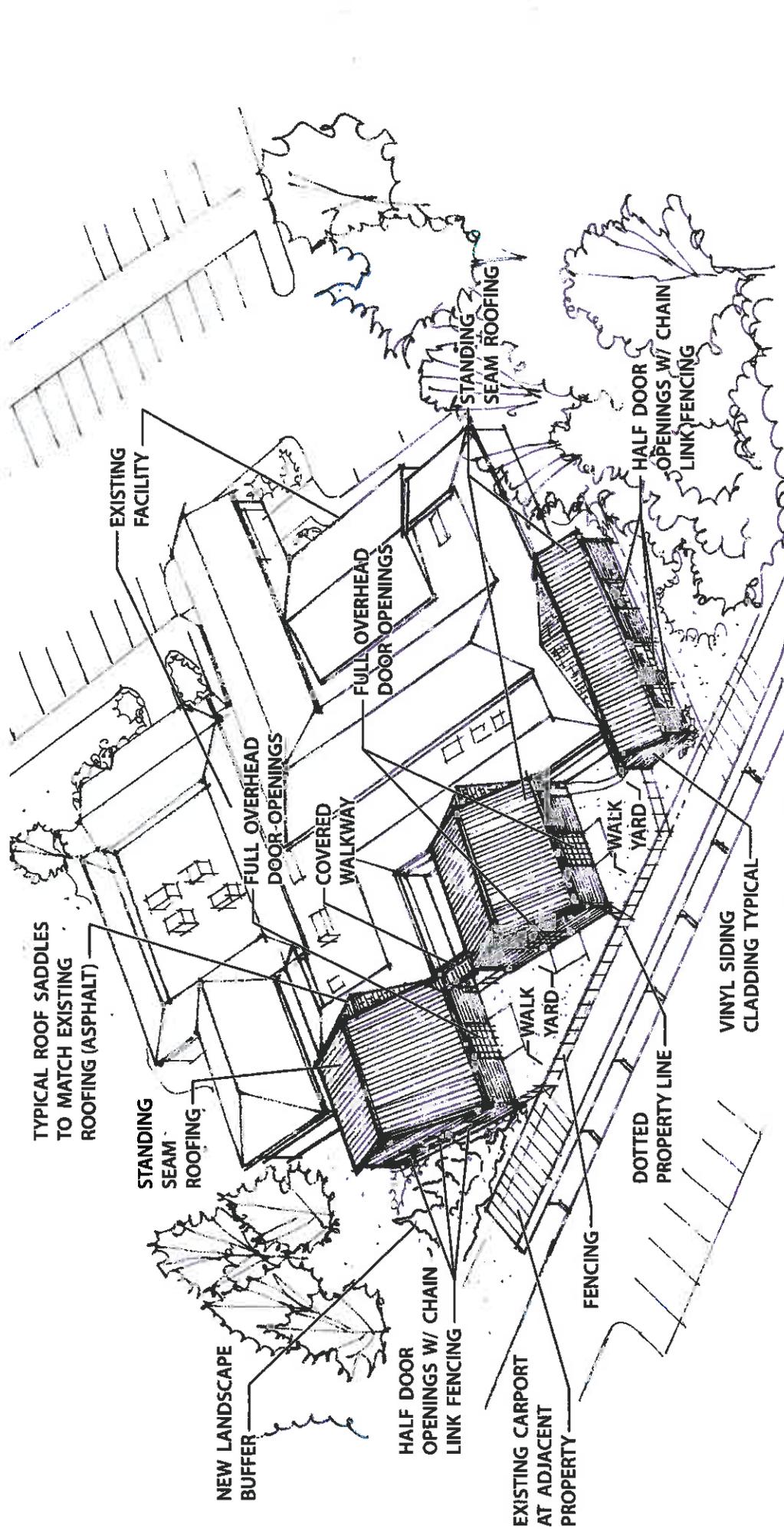
Prop#: 41-19-09-376-047

SCHOOL: 41110

Prop Addr: 6730 CASCADE RD SE

Legal Description:

411909376047 PART SW 1/4 COM AT SE COR OF CASCADE SCHOOL-BROOK PLAT TH SELY ALONG WLY LINE OF CASCADE RD /100 FT WIDE/ 76 FT TH W PAR WITH S LINE OF SD PLAT 110 FT TO BEG OF THIS DESC - TH E PAR WITH S LINE OF SD PLAT 110 FT TH SELY ALONG WLY LINE OF SD RD 263 FT TH SWLY PERP TO WLY LINE OF SD RD 300 FT TH NWLY PAR WITH WLY LINE OF SD RD 195.78 FT TH NELY 235.83 FT TO BEG \* SEC 9 T6N R10W 1.58 A.



*paradigm  
design*

**CASCADE ANIMAL HOSPITAL  
PROPOSED DAYCARE & WALKYARD ADDITION**



**NOTICE OF PUBLIC HEARING**

The Cascade Charter Township Zoning Board of Appeals will hold a public hearing to consider the following request.

APPLICANT: Cascade Hospital for Animals  
CASE NO. #15-3269  
REQUEST: The applicant is requesting a variance to allow an addition to the building that would not meet the required rear yard setbacks requirements.  
PROPERTY LOCATION: 6730 Cascade Rd  
PUBLIC HEARING DATE: October 13, 2015  
TIME: 7:00 pm  
LOCATION: Cascade Library – Wisner Center  
2870 Jacksmith Drive, SE  
Grand Rapids, MI 49546

All information relative to this request may be reviewed in the office of the Planner (949-0224) located at 2865 Thornhills, SE, Grand Rapids, Michigan, 49546.

Cascade Charter Township  
Zoning Board of Appeals

9-24-15

To Township —

Just a note that I have heard only good comments regarding this business and would hope their request will be considered in a positive manner so they may continue, grow & thrive in our community. (I will not be able to attend the hearing.)

616-942-9811

Sincerely, Lois Carey  
2656 Wyndham S.E. GR.

STAFF REPORT: Case # 15-3272  
REPORT DATE: 9/30/2015  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: October 13, 2015  
PREPARED BY: Steve Peterson, Planning Director

STATUS  
OF APPLICANT: property owner

REQUESTED ACTION: They are requesting approval to change the use where a  
where a non-conforming situation exists where the  
building has been unused for more than 180 days.

EXISTING ZONING OF  
SUBJECT PARCEL(S): ES, Expressway Service

GENERAL LOCATION: The property is located on the north side of 28<sup>th</sup> st just  
west of I-96

PARCEL SIZE: .89 Acres- .14Acre

EXISTING LAND USE  
ON THE PROPERTY: vacant/former retail

ADJACENT AREA  
LAND USES: N – Hotel  
S – Restaurant  
E – Gas Station  
W – fast food

ZONING ON  
ADJOINING PARCELS:  
ES

### STAFF COMMENTS

1. The applicant is requesting approval from Section 22.03 to allow the use of a property that has a non-conforming situation that has been unused for 180 days.
2. The non-conforming situations that are known include:
  - a. Lot size
  - b. Setbacks (side and rear)

- c. Landscape bufferyard
  - d. Sign location
3. They are also asking for a variance to allow an addition to the building. The addition will come no closer to the rear property line than what already exists but is just short of the required 50 feet.
  4. The required lot size is 3 acres and the existing lot is .89 acres. They also own a separate lot that is .14 acre. This brings the total lot size to just over 1 acres.
  5. The required landscape buffers are 20 feet along 28<sup>th</sup> st and 25 feet for the rest. The existing landscape buffers vary from 0 to 14 feet. The ordinance requires a 25 foot buffer around the entire perimeter with the front being reduced to 20 feet along 28<sup>th</sup> St.
  6. They have indicated that the users will be two sit down restaurants (pizza and Coney dog style).
  7. The addition will require site plan approval. At that time we will review the plan for the required site plan information
  8. This site was subject to a similar request when the sleep doctor went in. Essentially we are looking to make sure that the change in use will not make the situation worse due to the non-conformities.
  9. The service drive in the back must remain open at all times and cannot be closed by the property owner.
  10. The Drury hotel is allowed to share the directional sign at 28<sup>th</sup> St.
  11. I believe the intent of this section is to eliminate non-conforming situations where possible. The Zoning Ordinance recognizes that this could be a problem and allow for relief through the zba process.

When considering this type of request Section 22.06.2 states, "The Zoning Board of Appeals may grant a variance to the subject property to be used without correcting the nonconforming situation if the Zoning Board of Appeals finds that eliminating a particular nonconformity is not reasonably possible. The variance shall specify which nonconformities need not be corrected".

12. In this case I do not find that it would be reasonable to correct these non-conforming situations for the following reasons:
  - a. The change in use does not make it any worse than it was before.
  - b. If the site were required to come into complete compliance it could not be developed.
  - c. We have recently amended the zoning ordinance to allow for smaller lots in the ES zone, although this size is still under the 1 acre requirement.

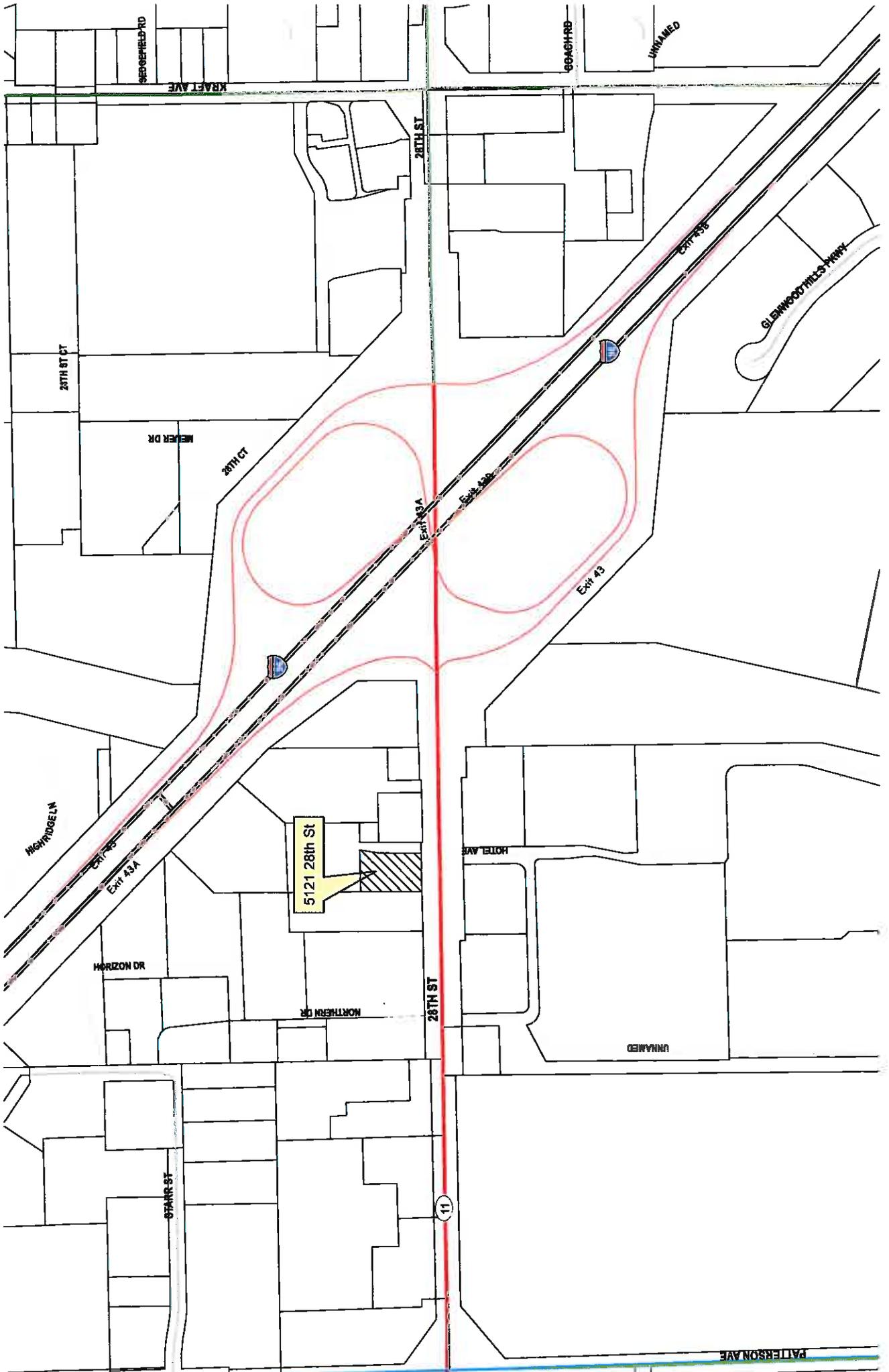
- d. It is changing uses but not changing to a use that would necessitate updating these deficiencies.

**STAFF RECOMMENDATION**

Staff Recommends Approval to grant the variances to allow the non-conforming situations to exist, and to allow for the small addition as shown on the site plan dated 7/29/15, with the conditions:

1. The site plan must be approved by the Planning Commission.
2. The service drive in the back must remain open at all times
3. The Drury hotel is allowed to share the small directional sign on 28<sup>th</sup> st

Attachments:            Application  
                                  Site Plan





# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: ANCHOR PROPERTIES, INC.  
 Address: 44 GRANDVILLE AVE SW #001  
 City & Zip Code: GRAND RAPIDS, MI 49503  
 Telephone: 616 451-2525  
 Email Address: MWILLIAMS@ANCHOR-PROP.COM

**OWNER: \* (If different from Applicant)**  
 Name: LOBDEN ENTERPRISES, LLC  
 Address: PO Box 1269  
 City & Zip Code: TRAVERSE CITY, MI 49685  
 Telephone: 616 581-6900  
 Email Address: JEFF@4GR8FOOD.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 checked="" 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:\*\*

SITE PLAN APPROVAL FOR MODIFICATIONS TO BUILDING ON  
NON-CONFORMING PARCEL.

(\*\*Use Attachments if Necessary)

-SEE OTHER SIDE-

Assessing  
949-6176

Building  
949-3765

Buildings & Grounds  
682-4836

Clerk  
949-1508

Fire  
949-1320

Manager  
949-1500

Planning  
949-0224

Treasurer  
949-6944

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

SEE ATTACHED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(\*\*Use Attachments If Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 07-376-045 AND -015

ADDRESS OF PROPERTY: 5121 AND 5161 28TH ST SE

PRESENT USE OF THE PROPERTY: VACANT COMMERCIAL BUILDING - FORMER SLEEP DR.

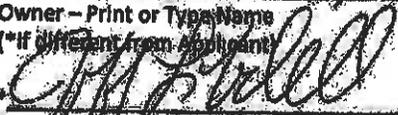
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

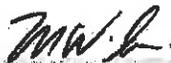
Name(s)	Address(es)
<u>N/A</u>	

**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.).

LOBDELL ENTERPRISES, LLC  
 Owner - Print or Type Name  
 (\*If different from Applicant)  
  
 Owner's Signature & Date Jeff Lobdell  
 (\*If different from Applicant)

ANCHOR PROPERTIES, INC.  
 Applicant - Print or Type Name  
  
 Applicant's Signature & Date SEP 9, 2015

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

Rev. 7/24/14

**5121 and 5161 28<sup>th</sup> Street SE, Cascade Township**

Subject property is a non conforming structure on a non-conforming parcel located in the ES zoning district. Applicant is requesting approval for use of the property in accordance with Section 22.05 of the zoning ordinance. Variances requested:

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Width	300'	156' west parcel 80' east parcel	156' west parcel 80' east parcel
Minimum Lot Area	1 AC	.9 west parcel .15 east parcel	.9 west parcel .15 east parcel
Building Side Yard Setback – West	25'	9.9'	9.9'
Building Rear Yard Setback	50'	48.8'	48.8' at west 49.5' on addition

Note: Buffer yard per section 20.04 does not apply due to building addition being only 13%. Property does not meet buffer yard requirement on any one of the four sides.

Pole Sign – applicant requests permission to replace the existing sign and reader board area with a new cabinet of same square footage to be installed on the existing pole at the existing location.

Building will be completely remodeled and leased to a 3,500 sq ft Grand Coney Restaurant and a 3,280 sq ft quick service pizza restaurant.

September 16, 2015

Facsimile letter – 222-5206

Attn: Karen  
Display Advertising  
The Grand Rapids Press  
Press Plaza  
Grand Rapids, MI 49503

Dear Karen:

Please publish the enclosed Notice of Public Hearing in The Grand Rapids Press –  
on:

Thursday September 24, 2015

This display ad is attached as a Microsoft Word document.

Please furnish my office with an affidavit of publication. Thank you for your cooperation and attention to this matter. If you have any questions, please do not hesitate to give me a call at 949-0224.

Sincerely,

Steve Peterson  
Planning Director

Attachment



## Variance Application Narrative

### 5121 and 5161 28<sup>th</sup> Street SE, Cascade Township

Subject property is a non-conforming structure on a non-conforming parcel that operates along with a separate non-conforming parcel. Both are located in the ES zoning district. Applicant is requesting the following approvals:

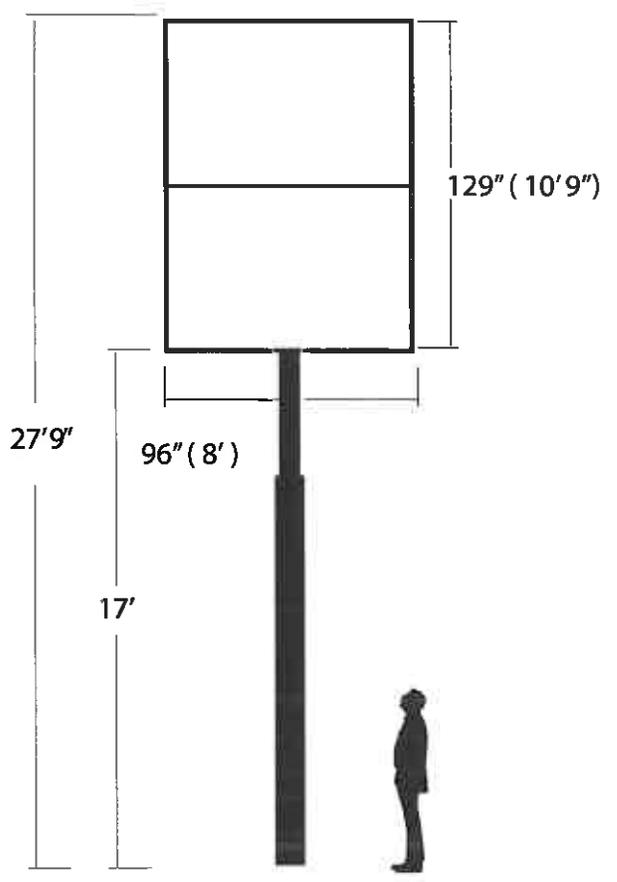
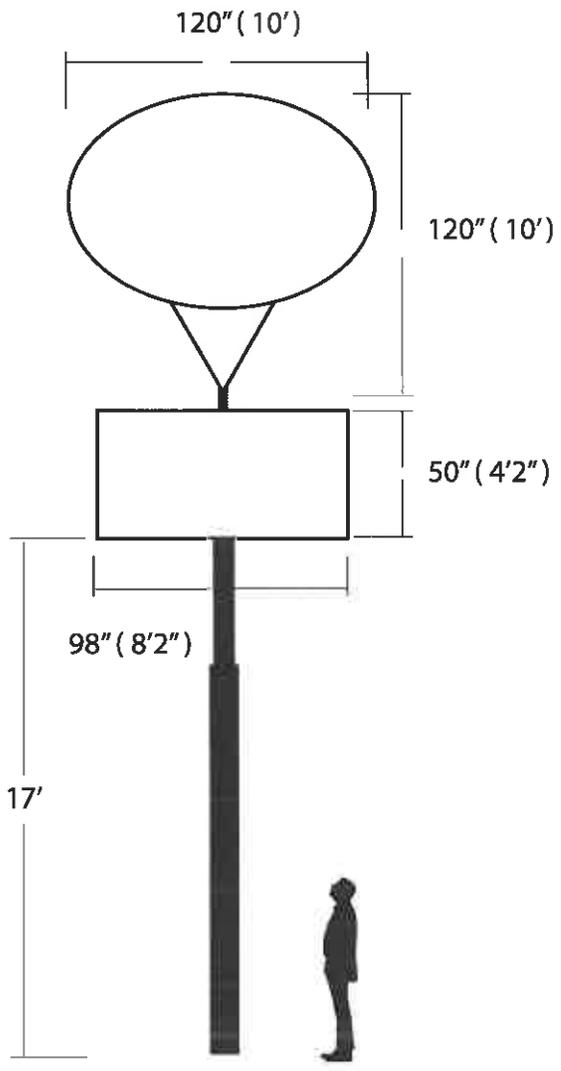
- 1) Signage –Applicant requests approval to keep pole sign in existing location, and replace the existing sign cabinet which measures approximately 90 sq ft with a new one measuring not more than 85 square feet. Ordinance would allow only 62 sq ft of signage on this site. The existing sign setback is approximately 3’ and is consistent with adjoining properties. 25’ is required.  
Applicant believes this change will be more attractive and it will be closer to meeting the ordinance requirements.
  
- 2) Change in Use of Nonconforming Property –Applicant requests approval to modify the building structure and site for operation of two restaurants which are detailed below.
  - Existing Conditions - The parcels do not have adequate frontage or acreage to meet the requirements of the ordinance. The current improvements do not meet setbacks or bufferyard requirements.
  - Building and Site Changes – The building will be completely remodeled, with a new façade design as shown in attached elevations. Numerous improvements will be made to the parking layout including shifting it north resulting in an increase of the front bufferyard from 0’ to 13’. Current rear building setback is 48.8’ , where 50’ is required. Applicant is proposing a building addition of 790 sq ft at the NE corner of the building. The proposed building corner will be set back 49.5’ from the north property boundary.
  - Landscaping –landscaping will be added, designed to meet the ordinance where possible or the intent of the ordinance where not possible. The quantities proposed far exceed existing conditions.
  - Grand Coney – the eastern portion of the building will be occupied by Grand Coney restaurant. This would be the fourth Grand Rapids area location for this locally based chain. They would occupy approximately

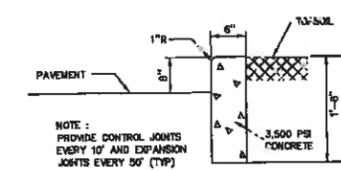
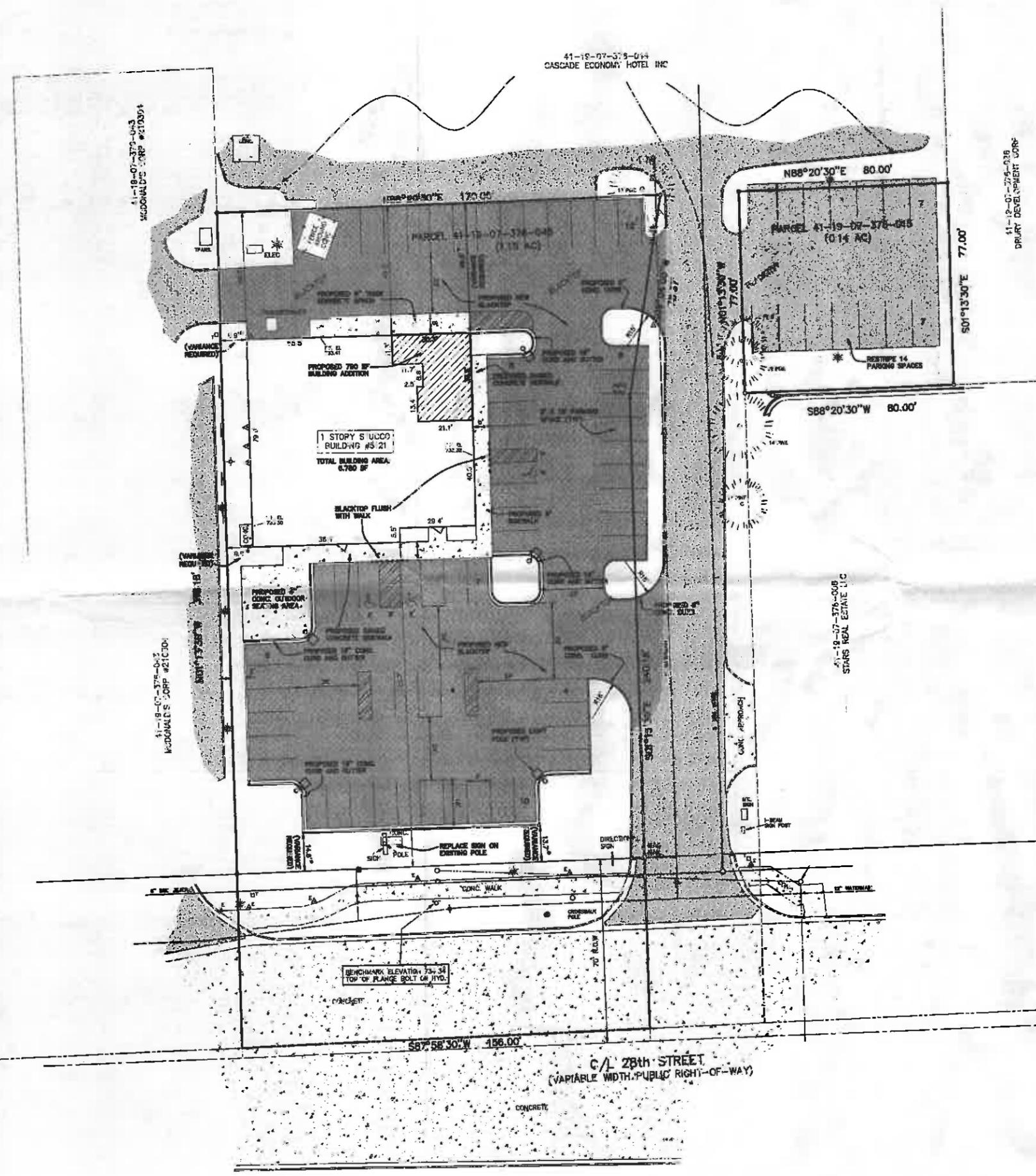
3,500 sq ft and feature 130 seats. The concept is a classic diner-style menu and may be open 24 hours just as many similar businesses are. Their sales are spread throughout the day with peak being breakfast hours.

- Pizza Restaurant – the remainder of the space is proposed as a quick service national brand pizza restaurant. This suite would be 3,280 sq ft and feature 110 seats. The pizza restaurant peak hours would be lunch hour with a strong dinner sales period as well.
- Parking – with the building occupied by two restaurants, the parking requirement is 10 spaces /1,000 sq ft or 68 spaces. The site plan provides 74 spaces. In addition to the 74 spaces, a parking easement exists with McDonald's which allows employees at this site to park on the McDonald's site. The applicant believes the parking is adequate to serve these uses.

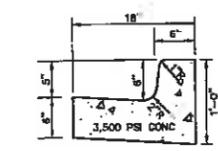
- 3) Change in Use of Nonconforming Property – Applicant requests approval to use the property modified as proposed above for any use permitted in the ES district, with the exception of restaurants, without future approval of the ZBA.

The reason for this request is that changing this building to a multi-tenant facility creates a cumbersome situation where we could find ourselves coming to the ZBA on a regular basis simply to seek approval of replacing a restaurant with a retail use, or changing from one retail use to another. The site exceeds the requirement for every parking category except fast food restaurants, and provides more than double the amount required for general retail.

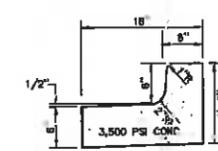




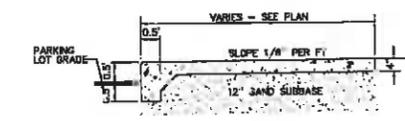
STRAIGHT CURB



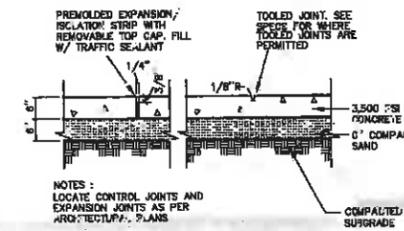
18" HEAD CURB DETAIL (PITCHED IN)



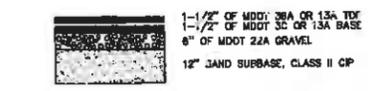
18" HEAD CURB DETAIL (HATCHED)



RAISED WALK DETAIL



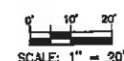
6" CONCRETE DETAIL (HEAVY DUTY)



STANDARD PAVING CROSS SECTION



HEAVY DUTY PAVING CROSS SECTION (NORTHERLY DRIVE ACCESS)



LEGEND

- = IRON STAKE FOUND
- = IRON STAKE SET
- ⊕ = MONUMENT
- ⊙ = UTILITY POLE & GUY WIRE
- ⊛ = LIGHT POLE
- ⊞ = SIGN
- ⊟ = HYDRANT
- ⊠ = VALVE
- ⊡ = CATCH BASIN
- = MANHOLE
- ⊕ = BURIED GAS LINE MARKER
- ⊙ = POST INDICATOR WALK
- = MONITORING WELL
- = FENCE LINE
- = OVERHEAD WIRES

GENERAL NOTES:  
 1. Property Description: (as furnished from Commitment Number 674021): The land referred to in this Commitment situated in the County of Kent, Township of Cascade, State of Michigan, is described as follows:

PARCEL 1:  
 That part of the Southwest 1/4 of Section 7, Town 4 North, Range 10 West, Township of Cascade, Kent County, Michigan, described as: Beginning at a point on the North line of said section, which is South 87 degrees 58 minutes 30 seconds West - 20.0 feet from the Southwest corner of said Southwest 1/4; thence South 87 degrees 58 minutes 30 seconds West 150.0 feet along said North line to the West line of the East 60.0 feet of said Southwest 1/4; thence North 01 degrees 13 minutes 30 seconds West 318.18 feet along said West line; thence North 86 degrees 20 minutes 41 seconds East 170.0 feet (parallel with the North right of way line of 28th Street); thence South 86 degrees 04 minutes West 78.87 feet; thence South 01 degree 13 minutes 30 seconds East 240.18 feet to the Place of Beginning.

PARCEL 2:  
 That part of the Southwest 1/4 of Section 7, Town 4 North, Range 10 West, Township of Cascade, Kent County, Michigan, described as: Beginning at a point which is South 87 degrees 58 minutes 30 seconds West 382.0 feet and North 01 degree 13 minutes 30 seconds East 230.0 feet from the Southwest corner of said Southwest 1/4; thence North 01 degree 13 minutes 30 seconds West 77.0 feet; thence North 88 degrees 20 minutes 30 seconds East 80.0 feet (parallel with the North right of way line of 28th Street); thence South 01 degree 13 minutes 30 seconds East 77.0 feet; thence South 01 degree 13 minutes 30 seconds West 80.0 feet to the Place of Beginning.

PARCEL 3:  
 Together with a non-exclusive easement as created, limited and defined in Instrument recorded in Liber 2177, page 175, as amended by Instrument recorded in Liber 3471, page 1156, Kent County Records.

PARCEL 4:  
 Together with a non-exclusive easement as created, limited and defined in Agreement recorded in Liber 2177, page 170, Kent County Records.

PARCEL 5:  
 Together with a non-exclusive easement as created, limited and defined in Reciprocal Easement Agreement recorded in Liber 3521, page 1085, Kent County Records.

ZONING:  
 Current Zoning: - ES - Expressway Service  
 Site area (excluding r/w): - 1.29 Acres (Total of both parcels)

RESTAURANT SITE DATA:  
 Building Setbacks: ES  
 Front Yard: - 100'  
 Side Yard: - 25'  
 Rear Yard: - 50'  
 E.S. Building Height: - 48' (4 stories)  
 \* = Variance Required

Proposed Parking Data:  
 Minimum Dimensions per ordinance:  
 Width: - 9'  
 Length: - 18'  
 2-way aisle Width: - 24'  
 Total Space Area: - 182 sf  
 Required Parking Spaces:  
 Restaurant: - 10 spaces/1000 sf  
 Total Required Spaces: 6,780 sf = 68 spaces  
 Total Proposed Spaces: 74 spaces  
 Green area within parking:  
 74 spaces x 30 sq. ft. = 2,220 sf  
 Proposed: - 2,270 sf  
 Existing site: 0.19 ac pervious, 1.10 ac impervious  
 Proposed site: 0.19 ac pervious, 1.10 ac impervious

4. Lighting shall be in accordance with Cascade Township requirements.
5. Landscaping shall be in accordance with Cascade Township requirements.
6. Signage shall be approved by Cascade Township (permit required).
7. Parking areas shall be paved. All driveways and parking shall be paved with minimum parking.
8. Proposed utilities shall be constructed underground in accordance with all local and state requirements. Water and sewer connections shall be built per City of Grand Rapids approvals and specifications.
9. Proposed downspout collection system is to be coordinated with architectural plans and connected into storm sewer system.
10. Construction to be in accordance with current Cascade Township construction standard.
11. Storm water management is to be reviewed by Kent County Drain Commission and Cascade Township. All site storm water is to be collected and outlet to the Patterson County Drain System.



**SITE DEVELOPMENT PLAN**  
 FOR MATT WILLIAMS  
 ANCHOR PROPERTIES  
 44 GRANDVILLE SW, SUITE 1  
 GRAND RAPIDS, MI 49503  
 IN PART OF THE SW 1/4, SECTION 7, T6N, R10W,  
 CASCADE TOWNSHIP, KENT COUNTY, MICHIGAN

RE: 5121 & 5161 28TH ST

Drawn by: ROB  
 Approved by: TJS  
 Date: 07/29/15

FILE NO.: 151710E  
 SHEET 3 OF 4

**staxel engineering, inc.**  
 planners engineers surveyors  
 5281 Oakes Park, S.W. • Grand Rapids, MI 49508  
 Phone: (616) 961-2880 Fax: (616) 961-9121  
 www.staxelengineering.com

## STAFF REPORT

STAFF REPORT: Case #15-3274  
REPORT DATE: September 29, 2015  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: October 13, 2015  
PREPARED BY: Steve Peterson, Planning Director

APPLICANT:  
Richard Osborn  
7349 Kilmer Dr  
Grand Rapids MI 49512

STATUS  
OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance to construct an addition to the house that does not meet the minimum 10 foot sideyard setbacks.

EXISTING ZONING OF  
SUBJECT PARCEL(S): R1

GENERAL LOCATION: East side of Kilmer.

PARCEL SIZE: Approximately 1.4 acres.

EXISTING LAND USE  
ON THE PROPERTY: Residential

ADJACENT AREA  
LAND USES: Residential

ZONING ON  
ADJOINING PARCELS: R1

### STAFF COMMENTS

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

2. The applicant currently has a setback of 4'1" on the South side of the home at its closest point. The setback on the north side is in excess of 80 feet. As it is, the current house is legal nonconforming because it does not meet current setback requirements.
3. The applicant is asking to be allowed to remove the existing garage and build a slightly larger garage at the current setback. The addition would be further away from the property line due to the home not being parallel to the property line.
4. Our records indicate the home was built in 1961 and that the minimum sideyard setback was 10 feet.
5. After the non-conforming situation is removed the expectation is that it would be built to the conforming setback which would be 10 feet.
6. If denied the owners could build an attached garage that would only be 16 feet wide. This would not be able to accommodate a two stall garage.
7. In reviewing other permits in the neighborhood I did find a couple of homes that have similar non-conforming sideyard setbacks. Without having survey work done on all of the other properties I would suspect that others would as well.
8. We did recently approve a variance on Kilmer for a reduced sideyard of 9 feet at 7385 Kilmer. We have also granted a couple of other variances for sideyards in the past couple of years. The common denominator seems to be the fact that they were already non-conforming and/or that the encroachment was very minimal.

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

<b><i>Findings of Fact</i></b>	<b><i>Comment</i></b>
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The unique circumstance is the fact they are not increasing the current setback and they simply want to have a two stall garage as they always had
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 situation was created when the home was built.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or	They are not coming any closer to the property line that what exists today.

structure.	
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	It appears from reviewing other property that the reduced sideyard setbacks may be more common in the neighborhood.
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.	We have had only a few sideyard variance requests in the past. Non others exactly like this. This is not a recurrent situation.
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.	This appears to be a legitimate variance request since it is the minimum variance necessary to have a two stall garage.

**STAFF RECOMMENDATION**

Staff Recommends Approval of the variance.

Attachments:           Application  
                                   Site Plan  
                                   Minutes from previous cases

## MINUTES

Cascade Charter Township Zoning Board of Appeals

Tuesday, March 10, 2009

7:00 p.m.

**ARTICLE 1.** Chairwoman Wilson called the meeting to order at 7:00 p.m.  
Members Present: Casey, Trustee Goldberg, James, McDonald  
Members Absent: 1<sup>st</sup> Alternate Neal (excused).  
Others Present: Planning Director Peterson, Recording Secretary  
Hern, and Members of the Public.

**ARTICLE 2. Pledge of Allegiance**

**ARTICLE 3.** Chairwoman Wilson requested a motion for approval of the  
February 10, 2009 Agenda.

**Motion was made by Member James and supported by  
Member Casey to approve the Agenda as presented. Motion  
carried unanimously.**

**ARTICLE 4.** Chairwoman Wilson requested a motion for approval or  
corrections of the February 10, 2009 Meeting Minutes.

**Motion was made by Trustee Goldberg and supported by  
Member Casey to approve the February 10, 2009 Minutes as  
presented. Motion carried unanimously.**

**ARTICLE 5. Case # 09-2963: Nick Keeler  
(PUBLIC HEARING)**

**Property Address: 7385 Kilmer SE**

**Requested Action:** The Applicants are requesting a Variance in  
order to construct an addition to the north side of the home that is  
closer to the side setback than permitted.

Planning Director Peterson referred to the property's site plan and  
noted that the Ordinance requires homes to have a minimum  
setback of 10-feet on the sides with the total of both side being not  
less than 25-feet. The Applicant currently has a setback of 9-feet  
8-inches on the North side of the home and 9-feet on the south  
side. As it is, the current house is legal nonconforming because it  
does not meet the Township's current setback requirements.

The Applicant is seeking to put two (2) additions on the north side  
of the home. The additions would maintain the current setback  
along the north side of the home. The additions require a Variance  
since they would not comply with the minimum 10-foot setback or  
the total of 25-foot setbacks.

The Township's records indicate the home was built in 1964 and that the minimum side yard setback was 10-feet. At the time, the Township did not require the two (2) sides to total 25-feet.

As a nonconforming situation, the additions are required to be placed on the home meeting the current Township requirements.

Staff has reviewed other permits in the neighborhood and found a couple of homes that have similar nonconforming side yard setbacks. Without having survey work done on all of the other properties, Staff suspects the others would also be nonconforming as well.

Staff also reviewed the history of the ZBA (Zoning Board of Appeals) cases through 2000 and the Township has had three (3) similar cases for the side yard setbacks. Two (2) were denied and one (1) was approved. The case that was approved was because they still meet the minimum of 10-foot setbacks and the area it was coming closer to was property owned by Cascade Township, the access property to the Cascade Dam. The cases that were denied were coming closer to the side yard setback. In one (1) case the request was for a 3-foot side yard setback and had a 13-foot side yard setback on the other side. The other case they were coming as close as 1.6-feet to the property line.

Staff has included the minutes from these cases for the Board's review within their packets.

Planning Director Peterson noted the unique circumstance is the fact the Applicant is not increasing the current setback and separately the setback is only off by 4-inches. Collectively, because the home's other setback is also nonconforming, they require a greater Variance.

The situation was created when the home was built and the Applicant is not coming any closer to the property line than what already exists today.

It also appears from reviewing other properties, that the reduced side yard setbacks may be more common in this neighborhood.

The Township has only had a few side yard variance requests in the past eight (8) years. None others are exactly like this and this is not a re-current situation.

Staff recommends approval of the Variance.

Member Casey inquired about the shed that is next door to the property and if the shed is located on the property line. Planning Director Peterson said he is not sure of the shed's location.

Trustee Goldberg asked if the Public Hearing notices were distributed and Planning Director Peterson said yes, to homes within 300-feet of the property, twenty-five notices were sent in total.

Applicant Nick Keeler said the reason for the addition is to add a master bedroom suite to the house and move the third bedroom upstairs and out of the home's basement.

He wants the addition to blend in with the neighborhood and the house. He has put time and thought into the project and does not want the addition to look like an addition and are improving the house.

Member McDonald asked the Applicant if he has spoken to his neighbors regarding their plans. Applicant Keeler said they have spoken to their neighbors. The neighbors to the south said they have appreciated the Keelers' upkeep of the yard and the home and do not have any issues with the addition. The neighbors to the north also did not have any issues with the addition and have reviewed the plans.

Member McDonald asked the Applicant how long they have lived in the home and the Applicant said five (5) years.

Trustee Goldberg referred to Member Casey's comment regarding the shed that is near the property line and Applicant Keeler said that is his neighbor's shed and was there when his neighbor's purchased their house. It is utilized for his neighbor's pool it is not their shed.

Member Casey asked how close the new addition would come to the shed and Applicant Keeler said 9-feet, 8-inches.

Member Casey asked Applicant Keeler if they would have to remove the trees in the front corner of the lot for the addition and the Applicant said they are leaving the trees.

Member Casey asked if the new addition would be masonry and Applicant Keeler said the foundation would be, they are not sure what the front facade would be since they are doing the work

themselves. They do plan to have some stonework on the front but are not sure how much at this time.

Chairwoman Wilson requested a motion to open the Public Hearing.

**Motion was made by Member Casey and supported by Member McDonald to open the Public Hearing. Motion carried unanimously.**

Staff reported no letters or phone calls were received regarding the case and no members of the public wished to address the Board.

**Motion was made by Member McDonald and supported by Member Casey to close the Public Hearing. Motion carried unanimously.**

Member McDonald believes the Applicant's request is a reasonable one and Staff did a thorough job at past cases regarding side yard setbacks and the neighborhood of this home. This house was grandfathered into the Township Ordinances and the Applicant is not encroaching the setbacks any further and is legally nonconforming. Member McDonald supports Staff's recommendation for approval of the Variance.

Trustee Goldberg agrees with Member McDonald's comments. He believes the property owner is doing everything possible to make improvements to the property and to blend the addition in with the rest of the house.

Chairwoman Wilson also agrees with the other members of the board regarding the case. She noted that by allowing the Variance, the Township is not adding to the nonconformity of the property, it is already there. The property owner has not created this situation, the house was built prior to the Township's Ordinances for side yards and she supports Staff's recommendation.

**1) Motion was made by Member McDonald and supported by Member James to approve the Applicant's request for a Variance in order to construct an addition to the north side of the home, located at 7385 Kilmer SE, that is closer to the side setback than permitted; the motion was supported by Member James. The motion carried unanimously.**

#### **ARTICLE 6.**

##### **Any Other Business**

Chairwoman Wilson opened the meeting for any other business. There was no other business.

**ARTICLE 7.           Adjournment**  
**Motion was made by Trustee Goldberg and supported by**  
**Member Casey to adjourn. Motion carried unanimously and**  
**the meeting was adjourned at 7:31 p.m.**

Respectfully submitted,

Mel Casey, Vice-Chairman/Secretary

Lisa Hern, Recording Secretary

**MINUTES**  
Cascade Charter Township  
Zoning Board of Appeals  
Tuesday, March 12, 2013  
7:00 P.M.

**ARTICLE 1.** Chairman Tom McDonald called the meeting to order at 7:00 P.M.  
Members Present: Casey, Goldberg, Hammond, James, McDonald  
Members Absent: None  
Others Present: Planning Director Steve Peterson

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

**ARTICLE 3. Approve the Agenda**

**Motion was made by Member Casey and supported by Member Hammond.**

**ARTICLE 4. Approve the Minutes of the January 8, 2013 Meeting.**

**Motion was made by Member Goldberg to approve the Minutes as presented.  
Support by Member Casey. Motion carried.**

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

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

**ARTICLE 6. Case # 13-3121 Steven Watt  
(Public Hearing)**

**Property Address:** 3412 Goodwood Dr SE

**Requested Action:** The applicant is requesting a Variance of Section 18.05 of the Zoning Ordinance which requires homes to have a minimum setback of 10 feet on the sides, with the total of both sides being not less than 25 feet. The applicant is requesting this in order to construct an addition to the front and rear of the home that is closer to the side setback than permitted.

Planning Director Peterson introduced the case. He stated that the applicant currently has a setback of 6 feet on one side and 9 feet on the other side. The current house is legal nonconforming because it does not meet current setback requirements.

The applicant is asking to put two additions on the home. The additions will maintain the wall line of the home. One of the setbacks will increase slightly because the house does not sit parallel to the property line on the north side. These additions will require a variance because they will not comply with the minimum 10 foot setback or the total 25 foot setbacks. Our records indicate the home was built in 1931.

Upon reviewing the aerial photography of the area, it appears that other homes in the neighborhood have similar non-conforming sideyard setbacks. Going back through the ZBA cases through 2000, we have had four similar cases, two denied and two approved.

The cases that were approved appear to be more similar than the cases that were denied. In those two cases that were approved, they were allowed to maintain the existing setback. The two denied cases were coming closer to the sideyard setback.

Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact.

Chairman McDonald invited owner, Steven Watt to come forward to address his request. Mr. Watt mentioned that he had more construction type plans available if needed. He agreed with what Peterson presented, only correcting the directions of the property, and location of the garage. Mr. Watt stated that he thinks he is the only house in the Goodwood neighborhood that hasn't remodeled in some way. The prior owners had been there a long time and Mr. Watt and his family have been there for seven years, and have outgrown the house. Mr. Watt presented the drawing for the Board. He stated that the lot is hilly, and slants towards the river, so there shouldn't be any issue with the dam or flooding.

Mr. Watt does not plan to do any landscaping, other than removing some trees. He plans to cut his circular drive in half, causing him to have to cut off the maple tree in the center of the driveway. One large pine tree to the side will also be removed. His neighbor on that side uses that area for parking.

Mr. Watt discussed his plans with his neighbors and they are all in support.

**Chairman McDonald made a Motion to open Public Hearing. Support by Member Goldberg. Motion carried.**

No one from the public spoke to this project.

**Member Casey made a Motion to close the Public Hearing. Support by Member Goldberg. Motion carried**

Planning Director Peterson did indicate that he received two comments, one from a neighbor concerned about construction traffic and the other from Janine Kling who manages the Cascade Dam. Janine was concerned that the additions not extend beyond the 668 elevation. Peterson showed an aerial photo indicating contour line 668 and that it is a significant distance away from the home.

**Member Goldberg made a Motion to approve the Variance. Support by Member James. Motion carried unanimously.**

**ARTICLE 7.**

**Any other business**

**ARTICLE 8.**

**Adjournment**

**Motion was made by Member Hammond to adjourn. Support by Member James. Motion carried. The meeting was adjourned at 7:12 p.m.**

Respectfully submitted,  
Mel Casey, Secretary  
Kelli Hults, Planning Administrative Assistant

**ZONING MINUTES**  
**Cascade Charter Township**  
**Zoning Board of Appeals**  
**Tuesday, June 10, 2014**  
**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: Casey, Hammond, McDonald, Neal**  
**Members Absent: Cousins**  
**Others Present: Planning Director Steve Peterson**

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

**ARTICLE 3. Approve the Agenda**

**Motion was made to approve the Agenda by Member McDonald. Support by Member Hammond. Motion carried 4-0.**

**ARTICLE 4. Approve the Minutes of the May 13, 2014 Meeting.**

**Motion was made by Member McDonald to approve the Minutes as presented. Support by Member Hammond. Motion carried 4-0.**

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

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

**ARTICLE 6. Case # 14-3186 Ron Goodyke**  
**(Public Hearing)**

**Property Address: 1945 Forest Shores**

**Requested Action: The applicant is requesting a variance to construct an addition to the side of the house within 10 feet of the property line.**

Planner Peterson introduced the case. The survey drawing shows the addition is 18 feet by 12 feet. The minimum setback is 10 feet. The existing house is well within the setback requirements. The house is not parallel with the property lines so the addition cuts through the setback. This leaves a 9 foot setback in the front and a little less than a 7 foot setback in the rear. They have more than the 15 feet on the other side. This fits our requirement of a total 25 foot setback with no side being less than 10 feet. They are requesting a variance for this addition that cuts through 1 foot of the setback in front and 3 feet in the back. Mr. Goodyke did meet with the neighbor to purchase 4 feet of property but the neighbor did not wish to sell. The neighbor is in full support of granting the variance. In my judgment it is such a small amount that is being requested, and as the neighbor is unwilling to sell, that Board approve the variance for the 1 foot and 3 foot variances for the addition.

Member Hammond stated that there appeared to be significant distance between the property owners. Planner Peterson stated that it is a platted subdivisions and we do not allow platted lots to be split. There is not a chance of a house being built there in the future. The addition will fit into the landscape of the neighborhood and the size of the addition is in line with the other garages in the neighborhood and is not out of character.

Chairman Casey asked the Applicant to step forward with comments.

Ron Goodyke, 1945 Forest Shores came forward as the Applicant. He stated that he is on good terms with his neighbor and his neighbor approves of the variance.

**Member McDonald made motion to open the meeting to Public Hearing. Support by Member Hammond. Motion passed 4-0.**

No one wished to speak at the Public Hearing.

**Member McDonald made a motion to close the Public Hearing. Support by Member Hammond. Motion passed 4-0.**

Public Hearing is closed.

**Motion by Member McDonald to approve the variance to construct an addition to the side of the house at 1945 Forest Shores per staff's documentation. Support by Member Hammond. Motion passed 4-0.**

**Article 7. Election of Officers**

**Motion by Member McDonald to table the election of officers until all Members are present. Support my Member McDonald. Motion passed 4-0.**

**Article 8. Any other business**

**Article 9. Adjournment**

**Motion made by Member Hammond to adjourn. Support by Hammond. Motion carried. The meeting was adjourned at 7:10 PM.**

Respectfully submitted,

Mel Casey, Secretary  
Ann Seykora/Debra Groendyk  
Planning Administrative Assistant



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: RICHARD AND LORETTA OSBORN  
 Address: 7349 KILMER ST SE  
 City & Zip Code: GRAND RAPIDS, MI 49512  
 Telephone: (616) 803-1066  
 Email Address: ROSORN@AOL.COM

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

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

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

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

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

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

The original garage was an eyesore and safety hazard; the foundation was cracked and sinking toward the house. Our plan is to replace the two stall garage with a new two stall garage. The new garage will be no closer to the property line than the original garage. (\*\*Use Attachments if Necessary)  
**-SEE OTHER SIDE-**

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

411934302014 Lots 9+10- Thornapple Valley  
Plat split on 04/26/2004 from 41-19-34-302-00441-19-  
34-302-003.

(\*\*Use Attachments if Necessary)

**PERMANENT PARCEL (TAX) NUMBER:** 41-19-34-302-014

**ADDRESS OF PROPERTY:** 7349 K. Imer Street SE, Grand Rapids, MI 49512-  
9678

**PRESENT USE OF THE PROPERTY:** Residential

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

**Name(s)**

**Address(es)**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES**

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

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

RICHARD L. OSBORN

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

*[Signature]* 9/20/15  
Owner's Signature & Date  
(\*If different from Applicant)

LORETTA F. OSBORN

Applicant - Print or Type Name  
owner

*[Signature]* 9-20-15  
Applicant's Signature & Date

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

Rev. 7/24/14

7349 Kilmer Street SE  
Grand Rapids, MI 49512  
September 19, 2015

Cascade Charter Township  
2865 Thornhills SE  
Grand Rapids, MI 48546-7140

ATTENTION: Planning and Zoning Committee

RE: RESIDENTIAL ZONING VARIANCE FOR 7349 KILMER STREET SE

The purpose of this letter is to request a zoning variance to rebuild an existing two-car garage at our residence, 7349 Kilmer Street SE in Grand Rapids, Michigan. The home had a two car attached garage which needed to be rebuilt due to severe foundation damage. The garage had a variance to the 10 foot setback and we are requesting the same variance for the new structure. The garage will be no closer to the property line than the original structure.

Attached for the Committee's review are letters from adjacent neighbors and neighbors within close proximity on Kilmer Street stating their consent for the variance along with the required paperwork as directed by the Township Office.

If you require additional information, you may contact us at 616-299-1117 or 616-803-1066.

Sincerely,



Richard J. Osborn and Loretta F. Osborn

Enclosures: Planning & Zoning Application, Letters of Support

September 20, 2015

Cascade Charter Township  
2865 Thornhills, SE  
Grand Rapids, MI 48546-7140

ATTENTION: Planning and Zoning Committee

RE: RESIDENTIAL ZONING VARIANCE FOR 7349 KILMER STREET SE

This letter is in support of the zoning variance requested by Richard and Loretta Osborn to rebuild an existing two-car garage at their residence at 7349 Kilmer Street SE in Grand Rapids, Michigan. We are the neighbors adjacent to or within close proximity to the Osborn's home and understand the requested variance allows for a two car attached garage to be rebuilt on the same property and location as the original garage. Our signatures below indicate our support of the request and ask that the Cascade Township grant a variance to Ric and Loretta Osborn to rebuild their two car garage which will enhance their property and uphold the property values of the neighborhood.

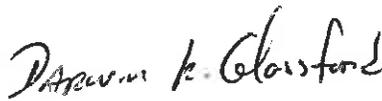
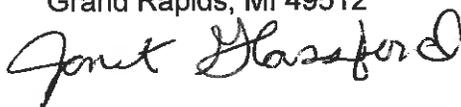
Sincerely,

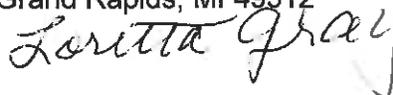
  
Lisa McIntyre  
7357 Kilmer Street, SE  
Grand Rapids, MI 49512

  
Mark Andrakowicz  
7365 Kilmer Street, SE  
Grand Rapids, MI 49512

  
Dawn Swider  
7335 Kilmer Street, SE  
Grand Rapids, MI 49512

  
Meliss Beimers  
7335 Kilmer Street, SE  
Grand Rapids, MI 49512

  
Darwin and Janet Glassford  
7342 Kilmer Street, SE  
Grand Rapids, MI 49512  


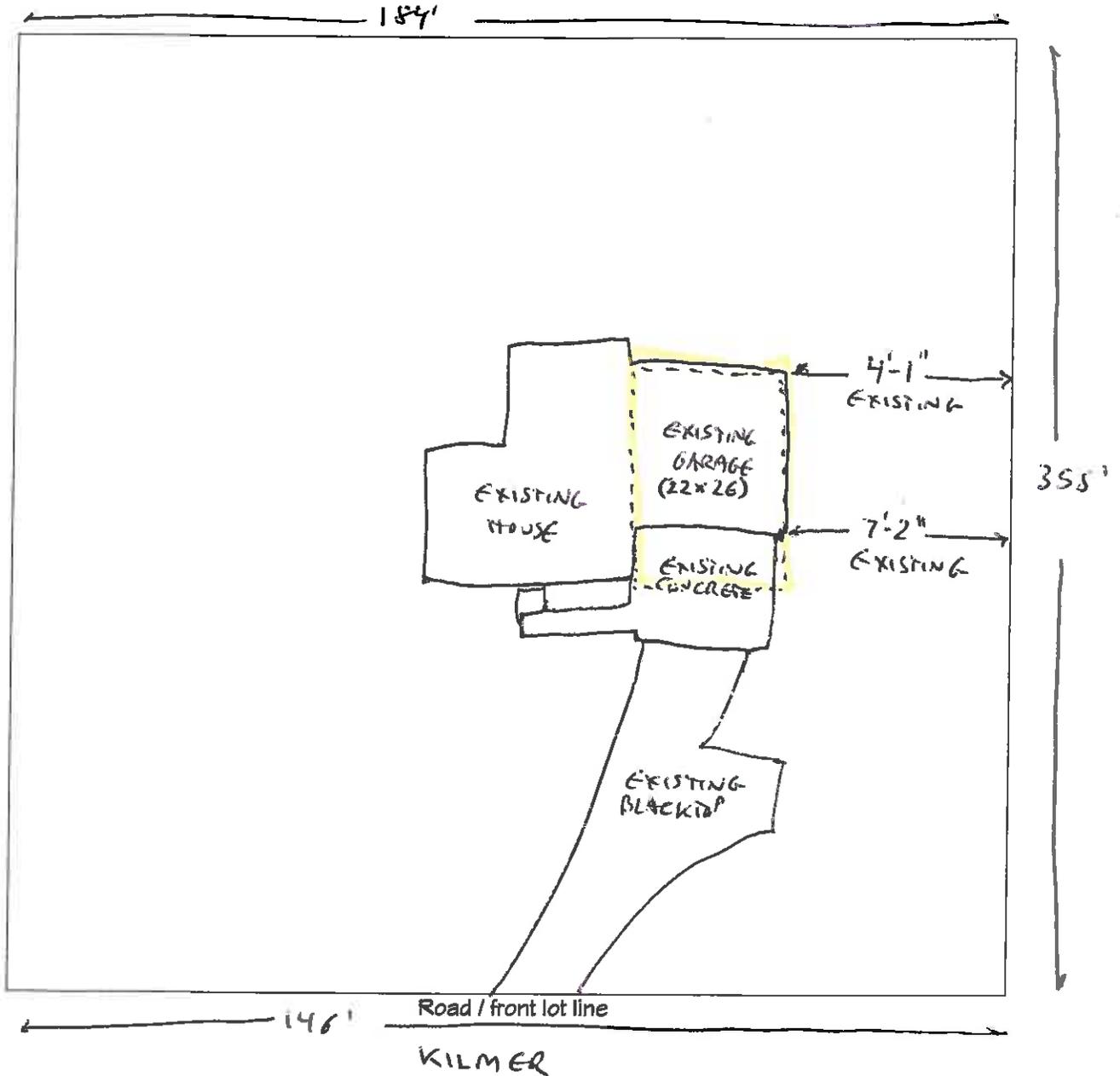
Anson and Loretta Gray  
7320 Kilmer Street, SE  
Grand Rapids, MI 49512  


NEW GARAGE 22'-4" x 37'-4"

Site Plan

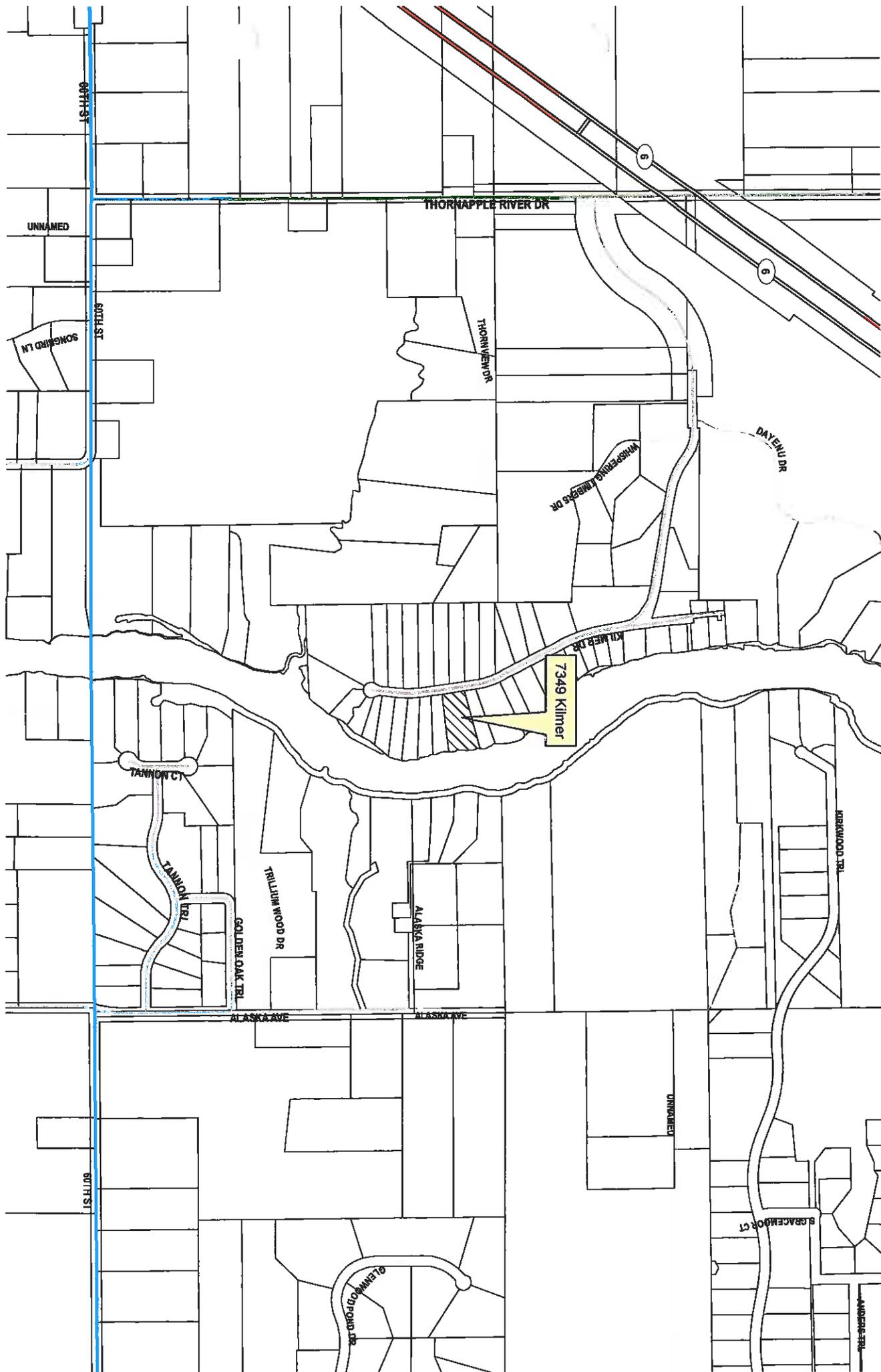
Address: 7349 KILMER

Contact name/number: TUDY BROWNER 893-3897



\*\*Please note existing building locations and distances from lot lines for any additions or decks.

\*\*For swimming pools - include the required barrier location



80TH ST

UNNAMED

SONGARD LN

1ST FIDEL

THORNAPPLE RIVER DR

THORNAPPLE DR

WINESBURG AVENUE DR

DAYE DR

KILMER DR

7349 Kilmer

TANNON CT

TANNON DR

TRILLIUM WOOD DR

GOLDEN OAK TRL

ALASKA RIDGE

ALASKA AVE

ALASKA AVE

KIRKSWOOD TRL

UNNAMED

SPRACEFORD CT

80TH ST

GLENN O'ROURKE DR

ANDERSON TRL