

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, June 13, 2017
7:00 P.M.

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

ARTICLE 2. Chairman Berra led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member Pennington to approve the Agenda. Supported by Member Casey. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the May 9, 2017 Meetings.

Motion was made by Member Casey to approve the Minutes of May 9, 2017. Supported by Member Milliken. Motion carried 4 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 #17:3380 Rick Bowling
Public Hearing**

Property Address: 3157 Thorncrest Drive

Requested Action: The Applicant is requesting a variance to construct an addition to the rear of the house closer than 25 feet to the lot line.

Director Peterson stated that the Applicant had recently purchased the home at 3157 Thorncrest and is in the process of remodeling. The current home was built in 1955 and was built right at the rear setback line of 25 feet. The home does have an existing concrete patio across the back that is within the 25 foot setback. Concrete patios do not need to meet the 25 foot setback. As a result of the concrete patio being inside the 25 foot rear setback, Applicant desires to enclose a portion of it, which requires a zoning variance.

When the township acquired the dam in the early 1970s, the 666 elevation became the property line. This neighborhood on Thorncrest is probably the most impacted as several of the properties have quite a bit of upland between the normal waterline and the 666 elevation. This particular property has about 170 feet of upland between the rear lot line and the river. The new screened porch would maintain the existing rear lot line of the porch which is about 10 feet from the 666 elevation line (rear property line). It will appear visually to be about 170 feet from the river.

Director Peterson recommended approval of the variance.

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

Mr. Cargill came forward, on behalf of the Bowlings, to briefly explain the project.

Motion was made by Member Milliken to open the public hearing. Supported by Member Casey. Motion carried 4 to 0.

No members of the public came forward.

Motion was made by Member Pennington to close the public hearing. Supported by Member Casey. Motion carried 4 to 0.

Motion was made by Member Milliken to approve the variance to construct an addition to the rear of the house closer than 25 feet to the lot line. Supported by Member Casey. Motion carried 4 to 0.

ARTICLE 7. Case #17:3384 Kent Ott

Public Hearing

Property Address: 2611 Thornapple River Drive

Requested Action: The Applicant is requesting a variance to construct an addition to the side of the home that would be closer to the front lot line than permitted and closer than the current house.

The home on the property is setback about 46 feet from the road right-of-way (ROW). Based on the type of road (arterial) the home is required to be setback 50 feet from the ROW. Due to the curve in the ROW and the home not being built on the same parallel line, the SE corner of the home is within the required setback. The Applicant has indicated the reason for the addition is to be able to take care of elderly family members.

The owner would like to do an addition onto the side of the home that is currently inside the setback area. This addition would bring more of the home into the required setback and have a setback of 30 feet.

A similar variance was granted like this with an older non-conforming home on major streets. Although in that case they were able to keep the building addition behind the current setback of the home, but a 38 foot setback was allowed. A review of some of the other homes in the vicinity revealed that only a couple are close than the required setback. Although none of the homes in the immediate area have setback issues.

Director Peterson feels that one of the reasons for the location of the home has to do with the location of the pond on the property forcing the building closer to the road. The ROW is 66 feet in the area in front of the house so it does not have an excessive amount of ROW.

Director Peterson recommends denial of the requested variance, but allow a variance for the current 46 foot setback to be maintained for the addition.

Director Peterson also noted that there were a couple comments from the public which he presented to the Board, all of which were in favor of the requested variance for Mr. Ott.

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

Mr. Ott came forward to discuss the project. Mr. Ott is a licensed builder who has owned the home since 1999. He would like to build this addition to add a first floor, handicap accessible, bedroom and bathroom. He stressed that he has looked at every option and worked with a couple different architects to try to meet the current 46 foot setback but has found it impossible. The plan that is presented is the only option that will work. Mr. Ott went on to explain that the topography of the property and the location of the pond does not allow him to avoid building the addition into the setback.

Discussion followed mostly centered around the square footage of the addition and main structure. Mr. Ott stated if the variance was denied he would not build the addition because the 46 foot setback does not allow him enough room to make it handicap accessible or to properly give and get end of life care, which is the sole purpose in building the addition.

Motion was made by Member Casey to open the public hearing. Supported by Member Milliken. Motion carried 4 to 0.

Mr. Walter Huizenga came forward to speak to the unique circumstances surrounding this request and urged the Board to approve the request for the variance for Mr. Ott.

Motion was made by Member Pennington to close the public hearing. Supported by Member Casey. Motion carried 4 to 0.

Motion was made by Member Pennington to approve a setback of 38 feet from the ROW line of Thornapple River Drive. Supported by Member Milliken. Motion carried 3 to 1.

ARTICLE 8. Any other business.

No other business was presented

ARTICLE 8. Adjournment

Motion was made by Member Pennington to adjourn. Supported by Member Casey. Motion carried 4 to 0.

Respectfully submitted,
Tom McDonald, Secretary