

**AGENDA**  
**Cascade Charter Township Zoning Board of Appeals**  
**Tuesday, July 13, 2021**  
**5:30 pm**  
**2870 Jacksmith Ave**

- ARTICLE 1. Call the meeting to order  
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the Flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the minutes of the June 8, 2021 meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.  
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case #21-3642/Woods Builders Homes, Inc.  
**Public Hearing**  
**Property Address: 7703 30<sup>th</sup> St SE**  
**Requested Action:** The applicant is requesting a variance to keep an accessory building on the property while the existing home is demolished, and a new home is built.**
- ARTICLE 7. Any other business**
- ARTICLE 8. Adjournment**

**Meeting format**

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

MINUTES  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, June 8th, 2021  
5:30 P.M. Virtual Zoom Meeting

**ARTICLE 1. Vice Chairman Moxley called the meeting to order at 5:33 P.M.**  
Members Present: McDonald, Puplava, Berra, and Moxley  
Members Absent: Mead (excused), Milliken  
Others Present: Community Development Director Steve Peterson

**ARTICLE 2. Vice Chairman Moxley led the Pledge of Allegiance to The Flag.**

**ARTICLE 3. Approval of the Current Agenda.**

**Motion was made by Member McDonald to approve the current Agenda. Supported by Member Puplava. Motion carried 4 to 0.**

**ARTICLE 4. Approve the Minutes of the May 11, 2021 Meeting.**

**Motion was made by Member McDonald to approve the Minutes of the May 11, 2021 Meeting. Supported by Member Berra. Motion carried 5 to 0.**

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

No visitors came forward.

**Motion was made by Member Berra to close this item. Supported by Member Puplava. Motion carried 4 to 0.**

**ARTICLE 6. Case #21-3635/John & Paul Renucci Trust  
Public Hearing**

**Property Address: 5175 Buttrick Ave SE**

**Requested Action:** The applicant is requesting a variance to allow the construction of a new barn on the property where no home exists.

Director Peterson stated that the applicant is requesting to build a new barn on the property after the current barn had burned down, however since there is no home on the current property, the barn would be considered legal non-conforming. A home is required on the property to have any sort of accessory building. Director Peterson stated that they would like to build the barn in the same spot that it was in before, and this property is about 55 acres in size.

Director Peterson stated that there have been other exception requests granted where an accessory building has been built before the house is finished. Cascade Township requires a house be at least 50% complete before you're able to start building an accessory building. Director Peterson stated that this case is currently being investigated for arson, and while there has been other instances where legal non-conforming status has been lost due to a weather incident, there has never been one due to a criminal activity such as arson. The barn will be over 832 square feet in size, and even though that isn't too important to the Zoning Board, Director Peterson stated that the applicant will need to obtain approval of a special use permit from the Planning Commission for a building over 832 square feet.

Director Peterson stated that a variance approval tonight will be conditioned on the fact of the applicant getting approval from the Planning Commission to build a building over 832 square feet.

Director Peterson stated that as this case is unique, and given the arson investigation that is going on, he is in favor of granting the variance allowing the applicant to essentially have what they had before. With the public notices that were sent out, Director Peterson stated that there was no comment received by Staff regarding this case.

Member Puplava asked if law enforcement articulated any kind of restriction on development while the investigation is pending. Director Peterson stated they have not relayed that to him.

Member McDonald asked what the barn is used for. Director Peterson stated that the applicant should answer that question.

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

Mr. John Renucci stated that his family has had property in this area since 1975, with a little over 270 acres. There was a house and sugar shack on the property removed due to disrepair, and Mr. Renucci stated that they have been cleaning up the area over the years to be a good neighbor. Mr. Renucci stated that the new barn will be used for equipment such as tractors to maintain and clean up the property.

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

Member McDonald stated that when approving a variance, the Zoning Board is very conscientious of looking for exceptional conditions, and in this case agrees with Staff to approve this as the non-conforming condition was taken away from the applicant, not at their own fault. Member McDonald also states that this property is sizeable, and he would much rather have equipment needed to maintain the property stored in a barn than not.

**Motion was made by Member McDonald to approve the variance with Staff conditions above. Supported by Member Berra. Motion carried 4 to 0.**

**ARTICLE 7. Any other business.**

Director Peterson stated there will be a meeting in July. Members agreed to meet virtually for that meeting.

**ARTICLE 8. Adjournment**

**Motion was made by Member Berra to adjourn. Supported by Member McDonald. Motion carried 4 to 0. Meeting adjourned at 5:35 p.m.**

Respectfully submitted,  
Ralph Moxley, Secretary

**STAFF REPORT**

STAFF REPORT: Case #21-3642/ Woods Builders Homes, Inc.  
REPORT DATE: July 8, 2021  
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
MEETING DATE: July 13, 2021  
PREPARED BY: Brian Hilbrands, Planner

APPLICANT:

Woods Builders Homes, Inc.  
2620 Horizon Dr. NW #125  
Grand Rapids, MI 49534

STATUS  
OF APPLICANT:

Builder

REQUESTED ACTION:

The applicant is requesting a variance to keep an accessory building on the property while the existing home is demolished, and a new home is built.

PROPERTY LOCATION

7703 30<sup>th</sup> St SE

EXISTING ZONING OF  
SUBJECT PARCEL(S):

R-1

GENERAL LOCATION:

The property is located on the north side of 30<sup>th</sup> Street, west of Buttrick Ave.

PARCEL SIZE:

Approximately 1.8 acres

EXISTING LAND USE  
ON THE PROPERTY:

Residential

ADJACENT AREA  
LAND USES:

All Residential

ZONING ON  
ADJOINING PARCELS:

N,W,E – R-1  
S – R-2

**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 is then limited based on the size of the property.

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

2. The property is less than 3 acres, so this is the only accessory building they are allowed.
3. The variance request is the result of the applicant wanting to remove the house in order to construct a new house and leave the accessory building.
4. The Zoning ordinance actually requires that the house be at least 50% complete before an accessory building can be built.
5. We have had some similar cases in the past and those variances were given with the condition that a performance bond is provided to allow the township to remove the accessory building if the property does not come into compliance. Those bonds have typically been a minimum of \$10,000.
6. The applicant has indicated that they believe they will have the new home built within one year.
7. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all the findings of fact listed in the table below:

Findings of Fact	Comment
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The 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 house 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 house 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 house is built will reduce the "amount" of the variance.

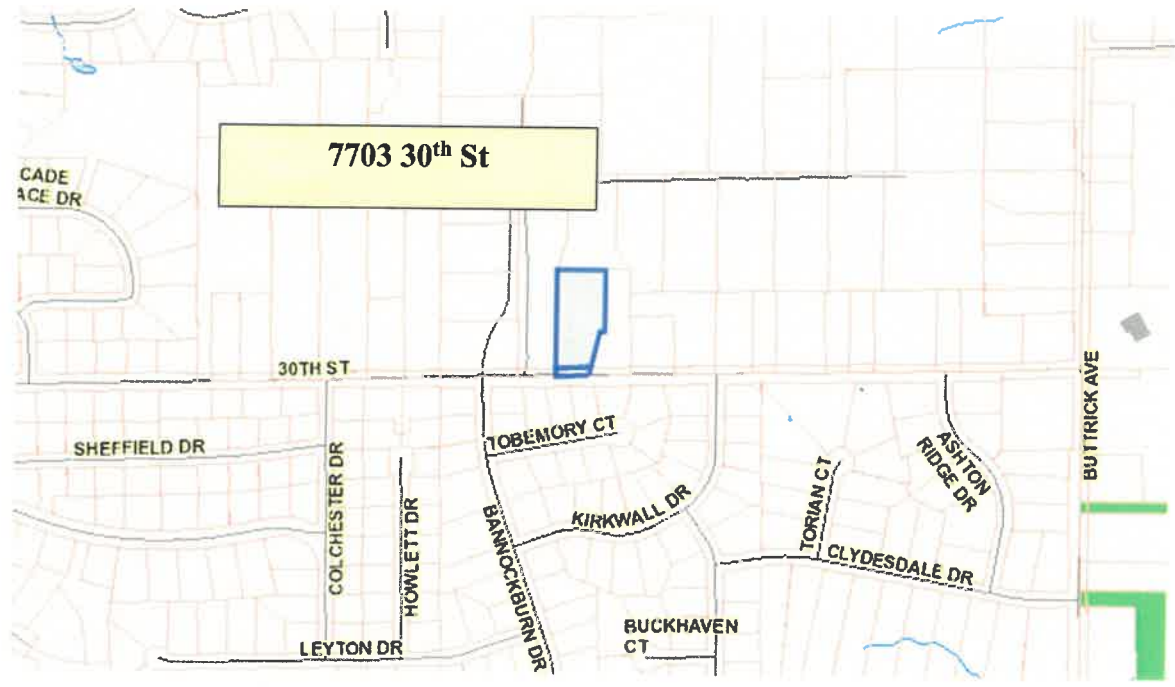
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The variance would not be detrimental to others if the situation is quickly addressed.
That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.	I did find a couple of similar variances that we have approved provided that the house is built quickly and a bond is submitted.
The Zoning Board of Appeals shall further find that the reasons set forth in application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.	If denied the applicant could remove the accessory building, build a house and then build a new accessory building.

**STAFF RECOMMENDATION:**

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

1. The house is at least 50% complete (rough-in) within 1 year.
2. Provide a performance bond for the removal of the accessory building if the home is not at least 50% complete within one year. The amount of the bond will be at a minimum \$10,000.
3. The bond will be released when the property is in compliance.

Attachments: Application package  
Site plan



7703 30<sup>th</sup> St

CADE  
ACE DR

30TH ST

SHEFFIELD DR

COLCHES  
TER DR

HOWLETT DR

LEYTON DR

TOBEMORY CT

KIRKWALL DR

BUCKHAVEN  
CT

BANNOCKBURN DR

TORIAN CT

CLYDESDALE DR

ASHTON  
RIDGE DR

BUTTRICK AVE



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan  
49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: Woods Builders Homes, Inc.

Address: 2620 Horizon Dr. NW #125

City & Zip Code Grand Rapids, MI 49534

Telephone: 616.272.3468

Email Address: Admin@woodsbldr.com

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

Name: Scott Kingsland

Address: 7703 30th St SE

City & Zip Code: Ada, MI 49301

Telephone: 616.644.4269

Email Address: Scott@kingslandhardware.com

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

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

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

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

Approval to keep the barn and not demolish it as a new home is being constructed once existing residence is demolished.

(\*\*Use Attachments if Necessary)

**-SEE OTHER SIDE-**



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

See attachment.

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(\*\*Use Attachments if Necessary)

**PERMANENT PARCEL (TAX) NUMBER:** 41-19-15-201-021

**ADDRESS OF PROPERTY:** 7703 30th St SE, Ada, MI 49301

**PRESENT USE OF THE PROPERTY:** Residential (Single family home)

**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>Woods Builders Homes, Inc.</u>	<u>2620 Horizon Dr, NW#125 Grand Rapids, MI 49546</u>
<u>Scott Kingsland</u>	<u>7703 30th St SE. Ada, MI 49301</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.)***

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

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

Branden Lutz for Woods Builders Homes  
 Applicant – Print or Type Name

*Branden Lutz*  
 Applicant's Signature & Date

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

**LEGAL DESCRIPTION**

411915201021 PART OF NE 1/4 COM 484.68 FT N 88D 35M 57S E ALONG S LINE OF N 1/2 NE 1/4 FROM SW 1/4 COR OF N 1/2 NE 1/4 TH N 0D 47M 35S W 433.0 FT TH N 88D 35M 57S E 203.0 FT TH S 0D 47M 35S E 259.0 FT TH S 89D 21M 44S W 25.0 FT TH S 13D 01M 38S W 180.0 FT TO SD S LINE TH S 88D 35M 57S W 135.0 FT TO BEG \* SEC 15 T6N R10W 1.83 A. SPLIT ON 03/22/2007 FROM 41-19-15-201-006, 41-19-15-201-007;

**MEDEMA, VAN KOOTEN & ASSOCIATES**

CONSULTING ENGINEERS & SURVEYORS SINCE 1955

PHONE (616) 451-0639  
 FAX (616) 451-9225  
 www.mvkengineering.com

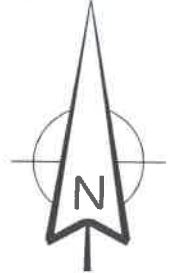
252 STATE ST., S.E.  
 GRAND RAPIDS, MI 49503



DATE: 5-6-2021

PAGE 1 of 1

**ORDERED BY:** Megan Elliot  
 Woods Builders Homes, Inc.  
 616-272-3468  
 admin@woodsblldr.com

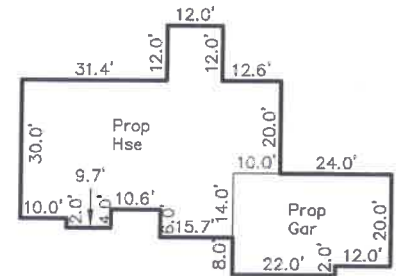
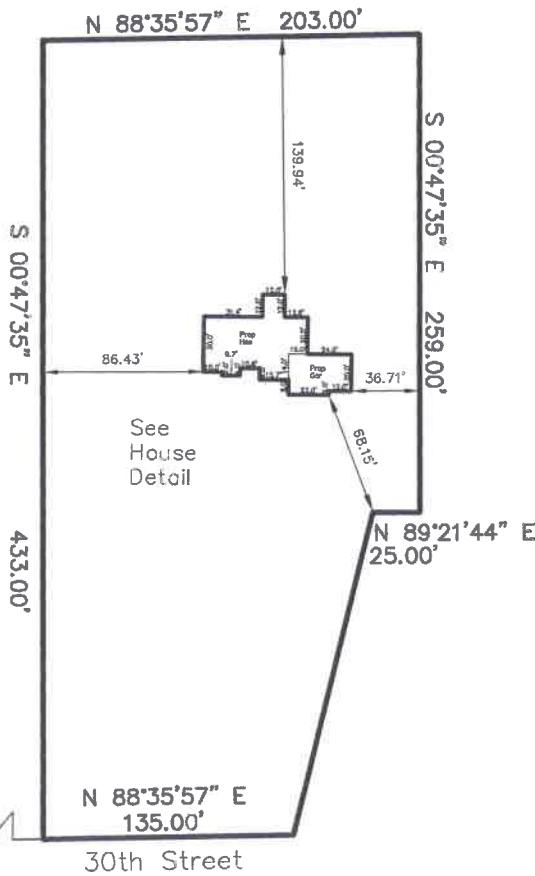


**RE:** 7703 30th Street

Approved by \_\_\_\_\_  
 Date \_\_\_\_\_  
 Requested Staking Date \_\_\_\_\_

Scale 1" = 100'

- Iron Stakes
- x - x - Fence Line
- ▒ Concrete
- ▒ Asphalt Pavement



House Detail  
 NO Scale

S line, N 1/2, NE 1/4  
 Sec 15 T06N R10W  
 SW Corner,  
 N 1/2, NE 1/4  
 Sec 15 T06N  
 R10W  
**N 88°35'57" E**  
**484.68'**

The Builder/Owner (Builder) shall be responsible for supplying to Medema, Van Kooten & Associates (MVK) the following information for house staking: front yard, side yard and rear yard setback requirements; minimum opening requirements; bench marks; building foot print; lot or parcel dimensions; easement locations; plat restrictions and any other pertinent information needed for MVK to position the house on the lot. If the Builder chooses to have MVK proceed without providing all the information stated above, the Builder assumes all responsibility.

The Builder is solely responsible for verifying that all side yard, front yard and rear yard setbacks, and minimum openings (MO) conform to all Governmental requirements, whether shown or not shown on this sketch. The Builder shall accurately build the house to meet all of these requirements.

The Builder is responsible for verifying that the Top of Wall (TW), Lookout (LO) or Walkout (WO) elevations shown on this sketch will work with the existing site conditions. If elevations are not shown on this sketch, the Builder is responsible for establishing these elevations.

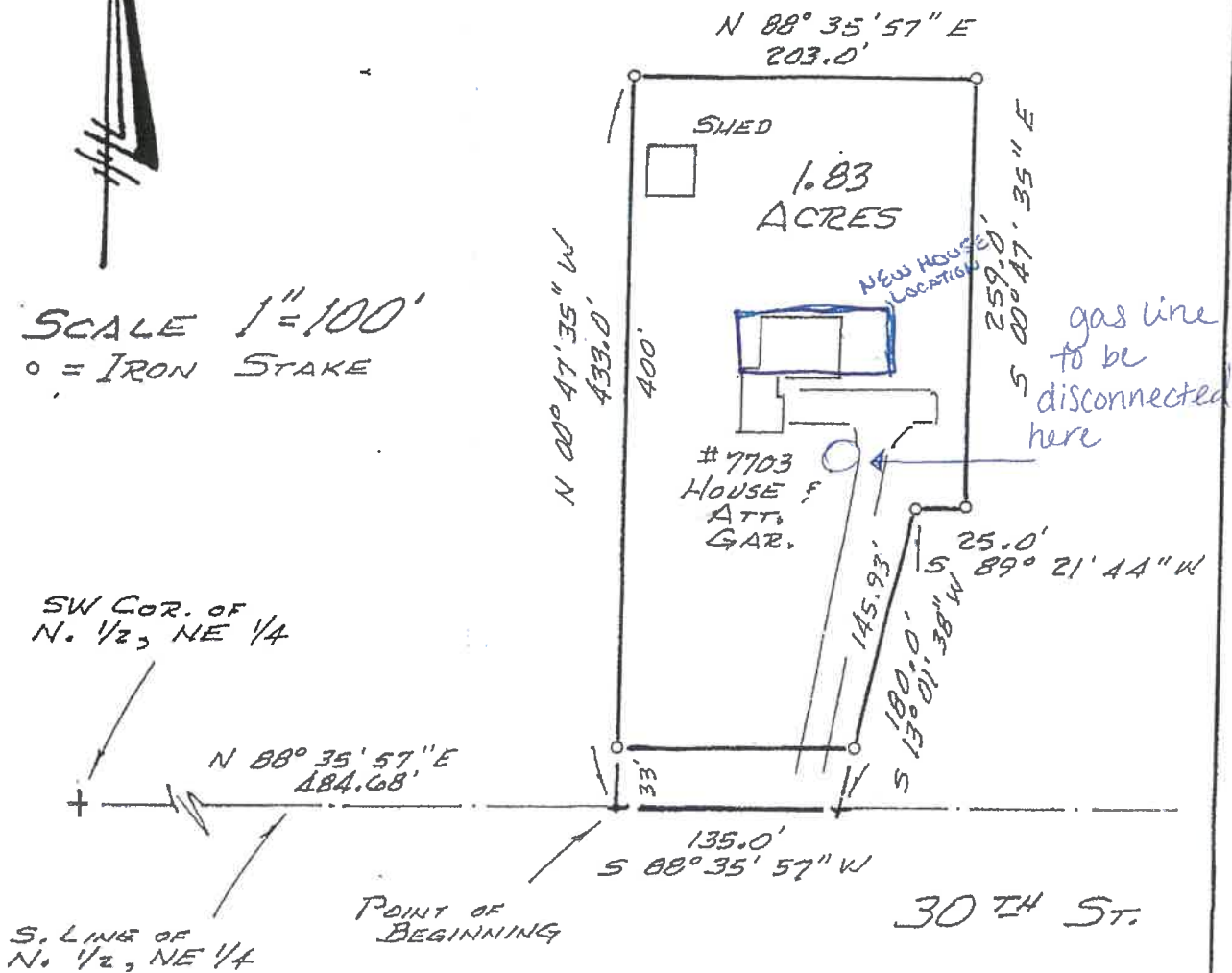
This sketch is intended for the use of MVK to staking the horizontal position of the house shown and is not a survey. The Builder may request MVK to survey stakes the vertical control if provided.

DESCRIPTION:

Part of the Northeast 1/4 described as commencing 484.68 feet North 88° 35' 57" East along the South line of the North 1/2 of the Northeast 1/4 from the Southwest corner of the North 1/2 of the Northeast 1/4; thence North 00° 47' 35" West 433.00 feet; thence North 88° 35' 57" East 203.00 feet; thence South 00° 47' 35" East 259.00 feet; thence South 89° 21' 44" West 25.00 feet; thence South 13° 01' 38" West 180.00 feet to said South line; thence South 88° 35' 57" West 135.00 feet to the point of beginning. Section 15, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan.



SCALE 1"=100'  
o = IRON STAKE



*Charles E. Fricke*

Charles E. Fricke  
Professional Surveyor No. 21781  
3444 Indian Creek Ridge NW  
Grand Rapids, Michigan 49544