

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, March 14, 2017
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 January 10, 2017 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 #17:3361 California Closets
Public Hearing
Property Address: 4930 Kraft Ave. SE
Requested Action: The applicant is requesting a variance that would allow
a new dust collection system as a height of 53 feet.**
- 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, January 10, 2017
7:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 7:00 P.M.
Members Present: Berra, Casey, McDonald and Milliken
Members Absent: Pennington (E)
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 McDonald to approve the Agenda. Supported by Member Casey. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the October 11, 2016 Meeting.

Motion was made by Member McDonald to approve the Minutes as presented. 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 #16:3351 Jon Achterhof
Public Hearing

Property Address: 5830 Burton Street S.E.

Requested Action: The Applicant is requesting a variance that would allow him to remove the home and leave the accessory buildings on the property.

Director Peterson stated the Applicant is requesting a variance that would allow him to remove the home and leave the accessory buildings on the property. This section of the Zoning Ordinance would generally require a principal structure (home) on the property before an accessory building. The Applicant, in this instance, wants to remove the existing home in order to construct a new home and leave the accessory buildings. The property is over 3 acres which allows two accessory buildings in addition to an attached garage. This site currently has two accessory buildings. The Zoning Ordinance also requires that the home be at least 50% complete before an accessory building can be built

Variances of similar nature have been approved in the past, but the board has required a performance bond be provided to the township to remove the accessory buildings if the property did not come into compliance. In addition, we have required that the site come into compliance quickly (typically, one year) with either the home being built or the accessory building being removed.

Director Peterson recommended approving the variance with the following conditions:

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

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

Mr. Jon Achterhof came forward to answer any questions the Board might have. A brief discussion followed.

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

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

Mr. Greg Deja, a neighbor, came forward to ask Mr. Achterhof a couple questions relating to specific plans for the new home. Mr. Achterhof answered Mr. Deja's questions and Mr. Deja let the board know he had no issues with Mr. Achterhof's plans.

Ms. Nancy Nyenhuis, a neighbor, also came forward to inquire whether the owner would be living in the garage during construction. They will not.

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

Member McDonald made a Motion to approve the variance in accordance with the conditions set forth by staff above. Supported by Member Milliken. Motion carried 4 to 0.

ARTICLE 7. Planning Department 2016 Annual Report.

Director Peterson presented the Board with the Community Development 2016 Annual Report.

ARTICLE 8. Election of Officers.

Director Peterson stated that Chairman Berra and Vice Chair Milliken have served one year and if desired, can serve one more year.

Member McDonald made a Motion to elect Chairman Berra and Vice Chair Milliken to serve one more year in their current roles. Supported by Member Casey. Motion carried 4 to 0.

ARTICLE 9. Rules of Conduct.

Director Peterson presented the Board with the Rules of Conduct as a refresher for their information.

ARTICLE 10. Any other business.

There was no other business.

ARTICLE 11. Adjournment

Motion was made by Member Milliken to adjourn. Supported by Member McDonald. Motion carried 4 to 0. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Tom McDonald, Secretary

STAFF REPORT: Case # 17-3361
REPORT DATE: March 7, 2017
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: March 14, 2017
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
California Closets
4930 Kraft Ave
Cascade MI 49512

STATUS
OF APPLICANT: Owner

REQUESTED ACTION: The applicant is requesting a variance to allow a new dust collection system as a height of 53 feet.

EXISTING ZONING OF
SUBJECT PARCEL(S): I

GENERAL LOCATION: East side of Kraft Ave just north of 52nd st.

PARCEL SIZE: 15 acres

EXISTING LAND USE
ON THE PROPERTY: Industrial

ADJACENT AREA
LAND USES: Industrial
G.R. Ford Airport to the east

ZONING ON
ADJOINING PARCELS: Industrial

STAFF COMMENTS

1. The applicant is requesting approval from the ZBA to allow for the construction of a new dust collector at the east end of the building.
2. The dust collector is 53 feet tall and requires a variance since it is over 45 feet tall.
3. This is an administrative site plan and will not require approval from the Planning Commission.

4. You will note that there are two building on the property. Our records show that this was supposed to be split when the second building was built. The owner has now recorded the lot split and this has been addressed.
5. A review of other variances found that we have granted similar height exceptions for flag poles, cooling towers, air scrubbers, etc. the maximum height for those were 50 feet. The applicant is asking for 53 feet.
6. The ordinance already has some exceptions for roof mounted equipment with the appropriate screening. This structure is not on the roof.
7. Before the Zoning Board of Appeals can grant a variance, it must be assured that the request meets all of the findings of fact listed in the table below:

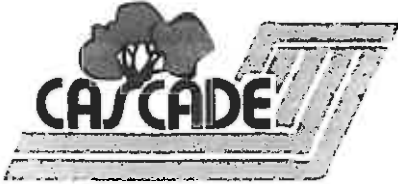
<i>Findings of Fact</i>	<i>Comment</i>
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The exception is very limited since it only applies to the dust collector. We have granted other similar exceptions and we have other height exceptions for roof mounted equipment.
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 applicant has not indicated if they could do the same without the need for a variance.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The exception is a total of 8 feet and is limited for the dust collector only.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	We have granted a couple other similar variances.
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.	While we have granted a few other similar variance it does not seem that it would be more practical to amend the ordinance since it has only been a handful over the last 20 years.
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.	
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STAFF RECOMMENDATION

Staff Recommends Approval of the variance to allow the dust collector at 53 feet. With the condition that the owner apply for and receive administrative site plan approval for the changes to the property.

Attachments: Application
 Site Plan



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: California Closets
 Address: 4930 Kraft Ave. S.E.
 City & Zip Code: Grand Rapids, MI 49512
 Telephone: 616 443-1547
 Email Address: rfohlinson@calclosets.com

OWNER: * (If different from Applicant)
 Name: Dawnbreakers, LLC. - Shawn Eshragh (President)
 Address: _____
 City & Zip Code: _____
 Telephone: (616) 745-4305
 Email Address: shawn@eshragh9.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:**

Install outside dust collection system

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

LEGAL DESCRIPTION OF PROPERTY**:

that exceeds the 45 foot maximum height.
Dust system is 53 feet tall.

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 - 29-300-008

ADDRESS OF PROPERTY: 4930 Kraft Ave.

PRESENT USE OF THE PROPERTY: Wood Manufacturing

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

Name(s)

Address(es)

Marsandy Inc.

2043 W Lone Cactus Dr., AZ.
85027

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.)

Shawn Eshrayh

Robert Tomlinson

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

Applicant - Print or Type Name

[Signature] 2/3/17

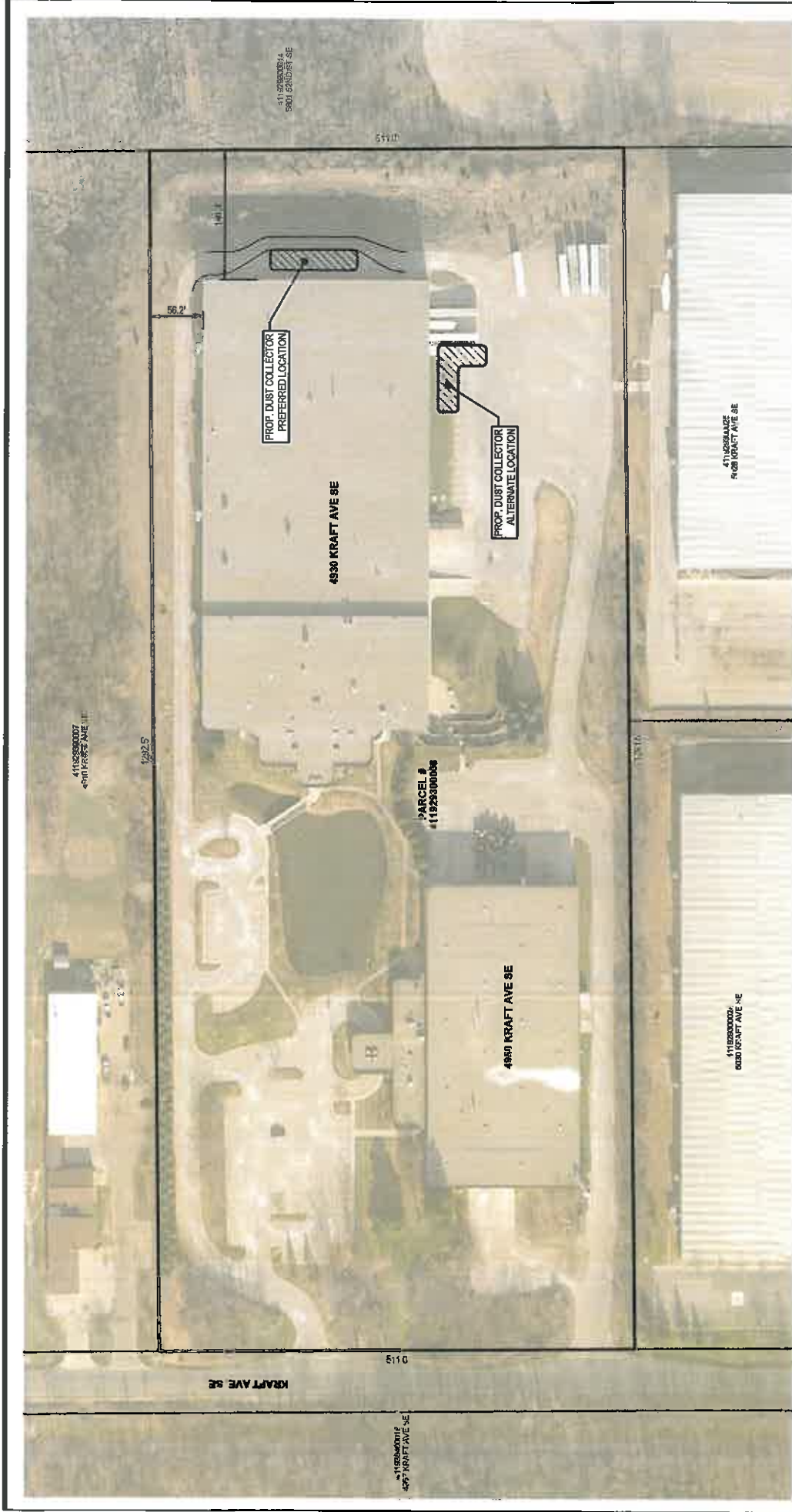
[Signature] 1/30/17

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

Applicant's Signature & Date

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





SCALE: 1" = 100' 0' 50' 100'

NORTH

NEDERVELD
www.nederveld.com • 800.222.1813
Grand Rapids
27 Grandville Ave. S.W. 302
Grand Rapids, MI 49503
John Flor C.T. 754, Column 1
Holland, Michigan, MS, SE, Local

4950 KRAFT AVE.

Variance Plan

CASCADE TOWNSHIP, KENT COUNTY, MI

DRAWN BY: JM V. DATE: 02.15.17 PRJ NO: 17400143

CHECKED BY: RB S. DATE: 02.15.17 1 OF 1

PROPERTY OWNER
Dawnbreakers, LLC.
Shawn Eshragh
4950 Kraft Ave. SE
Grand Rapids, MI 49512
Phone: 616.745.4305

APPLICANT
California Closets
Robert Tomlinson
4930 Kraft Ave. SE
Grand Rapids, MI 49512
Phone: 616.443.1547

NOTES
ZONING = I INDUSTRIAL
MAX. HEIGHT PER ORDINANCE = 45 FT.
PROP. DUST COLLECTOR = 53 FT.*
*VARIANCE REQUIRED

TAX DESCRIPTION
S 1/2 NW 1/4 SW 1/4 EX N 4.5 A.
SECTION 29, T0N, R10W 15.50A

PARCEL #
41192300008

4950 KRAFT AVE SE

4930 KRAFT AVE SE

41192300008

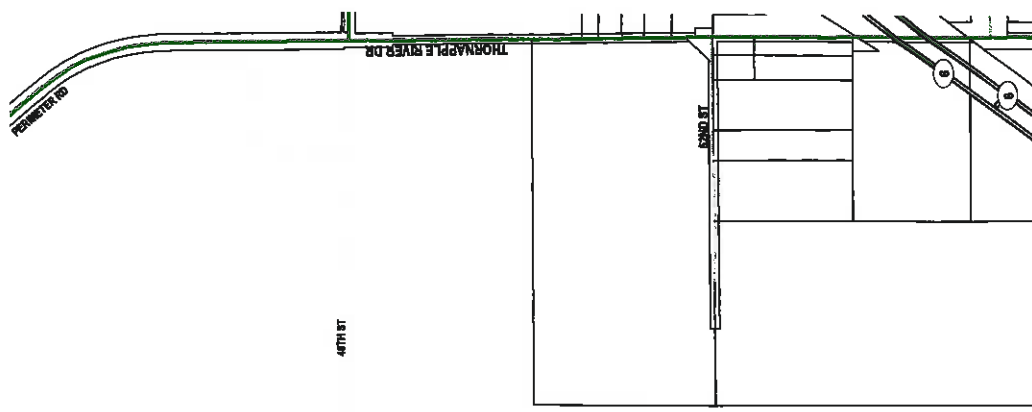
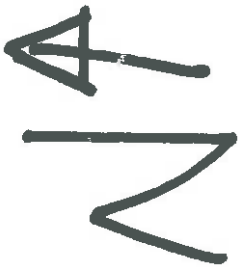
4950 KRAFT AVE SE

41192300007

4950 KRAFT AVE SE

41192300014

5901 SANDUST SE



TITLE

Dust Collector



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