

## MINUTES

Cascade Charter Township Planning Commission  
Monday, March 17, 2008  
7:00 p.m.

**ARTICLE 1.** Chairman McDonald called the meeting to order at 7:00 p.m.  
Members Present: Koessel, Lewis, Logue, McDonald, Richards,  
Robinson, Waalkes  
Others Present: Planning Director Peterson, Attorney Rice,  
Recording Secretary Hern, and Members of the Public.

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

**ARTICLE 3.** Chairman McDonald requested a motion for the approval of the  
March 17, 2008 agenda.

**Member Robinson motioned to approve the March 17<sup>th</sup>  
Agenda as presented, supported by Member Richards. All in  
favor with none opposed, the motion carried.**

**ARTICLE 4.** **Approve the Minutes of the March 3, 2008.**

Chairman McDonald opened the meeting for revisions, corrections  
or a motion for approval of the March 3<sup>rd</sup> minutes.

Chairman McDonald requested a typo correction on Page 12 in the  
last paragraph change the word "if" to "is".

**Member Lewis motioned for approval of the March 3, 2008  
minutes as corrected, supported by Member Waalkes. All in  
favor with none opposed: March 3, 2008 Planning Commission  
Meeting Minutes were approved as corrected.**

Prior to proceeding with Article 5, Chairman McDonald said there  
are two Public Hearings scheduled for this evening: one for Chris  
Vander Hoff and the other for Jason Forward. If you are attending  
this evening's meeting regarding the Burton Street Property, this  
item is not on the agenda and will not be discussed.

Staff did meet with the Developer, Mr. Halland, today and Mr.  
Halland is planning to meet with the public after the Easter and  
Spring Break holidays. Chairman McDonald encourage the public  
to attend the meeting Mr. Halland will be holding.

**ARTICLE 5.** **Case # 08-2923: Chris Vander Hoff  
Address of Property: 3045 Pickford  
(PUBLIC HEARING)**

**Requested Action:** The Applicant is requesting a Special Use Permit to construct a new accessory building larger than 832-s.f.

Planning Director Peterson said the Applicant is requesting permission to construct a new accessory building on his property.

The building has a proposed height of approximately 17-feet to the midpoint. This requires a minimum setback of 40-feet on the side yard and 40-feet in the rear. The proposed setbacks are within the Township's requirements.

The Applicant has indicated that the accessory building will be used for personal storage. The property is approximately 3-acres and the home on the property is approximately 3,800-s.f. The size of the accessory building would not be inconsistent with others the Township has approved in the area.

Planning Director Peterson said the Applicant is constructing the building to match the house's exterior and is consistent with what has been done in the past.

Staff recommends approval of the accessory building.

Applicant Chris Vander Hoff, 3045 Pickford, said the reason he is requesting a larger accessory building is he does have some recreational equipment that requires long trailers and he would like to fit everything in the building comfortably. He could probably be successful in keeping within the 832-sf for the building if he were to build a rectangular-shaped building but he is trying to match the house with its carriage-look.

The proposed accessory building is 1/6<sup>th</sup> of the size of the house and utilizing less than 1% of the land use. Applicant Vander Hoff noted that the building's location is also in a lower portion of the property so the building is not so visible.

Member Lewis asked Applicant Vander Hoff to clarify which property is he requesting the Special Use Permit for? When he visited the property, he had a difficult time locating it. Applicant Vander Hoff said the physical address he is requesting the permit for is 3045 Pickford and what he has done is purchased two lots in the area with the idea he would build his own home.

The Applicant is currently living next door to 3045 Pickford and there is a home on that property that he is living in. He is currently building the home on 3045 Pickford and this is the same address he is requesting the Special Use Permit for.

Member Koessel asked if the Applicant has any plumbing or heating going into the accessory building and the Applicant said no.

Chairman McDonald requested a motion to open the Public Hearing. **Member Robinson motioned to open the Public Hearing supported by Member Lewis.**

Chairman McDonald formally invited any members of the public to present their comments to the Planning Commission. There were no public attendees for this case.

**Member Lewis motioned to close the Public Hearing supported by Member Robinson. All in favor and none opposed, the Public Hearing was closed.**

**Member Lewis motioned to approve the request for a Special Use Permit to construct an accessory building larger than 832-square feet at 3045 Pickford.**

Member Robinson noted that there is usually a statement within Staff's report that indicates the accessory building is not to be used in conjunction with a business and questioned if that should be made a condition and **Member Lewis motioned that the following conditions be added:**

- 1) **The accessory building is not to be used in conjunction with a business.**
- 2) **Any outdoor lighting that may be added later must be downcast.**

**Member Robinson supported the motion. All in favor with none opposed. Motion carried.**

## **ARTICLE 6.**

**Case # 08-2922: Jason Forward**

**Address of Property: 4700 Quiggle Ave.**

**(PUBLIC HEARING)**

**Requested Action:** The Applicant is requesting a Special Use Permit to construct an accessory building larger than 832-sf.

Planning Director Peterson said the Applicant is proposing a 1,200-s.f. building.

The Applicant is proposing to put the building to the east of the cellular tower. The property is approximately 4.5-acres and the house is approximately 2,000-square feet.

The proposed accessory building is approximately 17-feet at the midpoint and the Applicant is seeking a variance to encroach the I-

96 right-of-way. This case will go before the ZBA since they are not meeting the 40-foot setback requirement.

The proposed building is indicating steel siding and a steel roof. The area is more agricultural and would fit in with the area and it is next to a cell phone tower.

Staff recommends approval of the accessory building subject to the following conditions:

- 1) If an attached garage is constructed the building will need to be removed or a variance granted.
- 2) The location is either approved by the ZBA or relocated in compliance with the Township's standards.

Member Koessel asked how close the building would be to the I-96 right-of-way and Planning Director Peterson said they are asking the ZBA for a 16-foot variance to the setback, the requirement is a 40-foot setback.

Chairman McDonald referred to Staff's recommendation regarding if an attached garage is constructed the building would need to be removed or a variance granted. Planning Director Peterson clarified you are allowed two (2) buildings and the Applicant has this with this building plus a detached garage. Staff is including this information within the record for future property owner.

Applicant Jason Forward, of 4700 Quiggle Ave., said that he would be using the building for the storage of his boats. He would like to have the boats covered since the cell tower attracts birds and makes the boats difficult to clean.

Member Lewis asked the Applicant why he does not move the building forward by 16-feet to meet the 40-foot setback requirement. Applicant Forward said that there are approximately 13-feet between the cell tower and his detached garage and he is hoping to maneuver the trailers, etc. in this area.

He proposed this area for the accessory building since it is closer to the highway and not to his neighbors. The cell tower is already located back in this area along with the tower's equipment storage.

Member Koessel asked if the building would have any heat or plumbing and Applicant Forward said it would not. Applicant Forward indicated he would like to add interior lighting next year.

**Member Lewis motioned to open the Public Hearing, supported by Member Robinson. All in favor with none**

**opposed. The Public Hearing for Case # 08-2922: Jason Forward was opened.**

Chairman McDonald invited members of the public to add their comments. Planning Director Peterson said he did receive a phone call from the neighbor at 4900 Quiggle who does not oppose the accessory building.

**Member Robinson motioned to close the Public Hearing supported by Member Richards. All in favor with none opposed. The Public Hearing for Case # 08-2922: Jason Forward was closed.**

**Member Lewis motioned to approve the request for a Special Use Permit be granted to construct an accessory building at 4700 Quiggle Ave. with the following conditions:**

- 1) If an attached garage is constructed the building will need to be removed or a variance granted.**
- 2) The location is either approved by the ZBA or relocated in compliance with Township's standards.**

**Member Robinson supported the motion adding two (2) conditions:**

- 3) The accessory building is not to be used for business or in conjunction with a business.**
- 4) Any exterior lighting that is added must be downcast.**

Member Koessel suggested adding the condition that the case does not have to come back before the Planning Commission if the ZBA changes the location of the accessory building.

**Member Lewis added the 5<sup>th</sup> condition that:**

- 5) If the ZBA changes the location of the accessory building, the case does not have to come back before the Planning Commission.**

**All in favor of the approval with none opposed. Motion carried.**

## **ARTICLE 7.**

### **Any other Business**

#### **Discussion of Video Service Provider Right-of-Way Ordinance**

Planning Director Peterson said he has been asked to review and comment on the proposed ordinance. This is a general Township Ordinance, one that does not required the Commission's review but would like your chance to review the ordinance and comments prior to the Township Board's review.

Essentially, this ordinance covers new telecommunications use in the right-of-way. This proposed ordinance is a copy of an ordinance the Township already has for current users, the Metro Act, and will apply to any new companies not covered under the current ordinance.

The attorney is also available this evening to answer any of the Commissions' questions.

Member Koessel noted that one of the reasons the Township Board is considering this ordinance is that AT&T has come before the Township Board to add video so as to compete with Comcast. AT&T has new boxes for their video equipment that are substantially larger than the current utility boxes. One of the concerns the Board has is where exactly would these boxes be located.

At the Township Board Meeting, the legal consultant proposed this ordinance and the Township Board would like to present the Ordinance to the Planning Commission for their feedback for when they review it again at the next Township Meeting.

Attorney Rice noted that the utility boxes that AT&T are installing are considerably larger. She clarified that AT&T is a phone company and operates under the Metro Act and they have a permit that allows them to have provisions to operate with a right-of-way.

The ordinance presented for the Commissions' review would not govern AT&T and would govern cable or video service providers. There are no known new video providers at this time. Comcast has a consent agreement with the Township that expires in 2016. When this agreement expires, Comcast will then need to obtain a new agreement with the Township under this new ordinance.

The ordinance that is being presented tonight is a similar ordinance other Townships are adopting. This act is new, it has not been tested by the courts yet but the belief is that there is "power in numbers" and is best to have the act in place than not at all.

At the last Planning Commission Meeting Attorney Rice attended, there was a lot of discussion regarding the County's Right-of-Ways and the County prefers to step back away from this and have delegated the authority to the municipalities to enact the ordinances and provide management of the right-of-ways.

Chairman McDonald asked if the main idea for this act is to have potential control of the right-of-ways and Attorney Rice said that is correct.

Member Lewis asked Attorney Rice if this act protects the community from having the large utility boxes in their yards? Attorney Rice said that without the ordinance, there is no ground to stand on and Planning Director Peterson noted that in the current language it does address the exact location of the boxes.

Member Koessel said the Board's understanding is that given the fact that there are public utility right-of-ways, this ordinance provides as much protection the Township can get by law and this has not been tested in a court of law yet and no precedence has been set. Attorney Rice stated Member Koessel is correct and we do not know what technology will bring in the next four to five years but this act provides protection.

**ARTICLE 8.**

**Adjournment**

Chairman McDonald requested a motion for adjournment.

**Member Lewis supported by Member Robinson moved to adjourn. The motion carried and the meeting was adjourned at 8:00 p.m.**

Respectfully submitted,

Jack Lewis, Secretary

Lisa Hem, Recording Secretary