

MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, March 13, 2012
7:00 P.M.

ARTICLE 1. Chairman Mel Casey 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 Casey led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda

Motion was made by Member Goldberg to approve the Agenda. Support by Member McDonald. Motion carried.

ARTICLE 4. Approve the Minutes of the December 13, 2011 Meeting.

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

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

No visitors were present.

**ARTICLE 6. Case # 12-3068 Darek Jansen
(Public Hearing)**

Property Address: 4235 Cherry Lane Ave.

Requested Action: The applicant is requesting the following Variances to allow the construction of an addition:

1. Expansion of a non-conforming situation – front yard setbacks.
2. Front yard setback reduction from 35 feet to 25 feet.

Peterson stated that the reason for the two variances is due to the fact that the front yard is already non-compliant, making this a non-conforming situation. Section 18.05 of the Zoning Ordinance requires a front yard setback of 35 feet. The house currently is setback about 25 feet from the front (R.O.W.) property line. The applicant would now like to do an addition that would come up to that same setback. This requires a variance because they are closer than 35 feet and an expansion of the non-conforming situation. To comply with the ordinance, the applicant would have to keep all of the expansion/additions behind the 35 foot setback line.

The home was built in 1910 which may have contributed to the setback issue. It appears to be the only home in the area that **does** not meet the front setbacks.

The homeowner is trying to take advantage of the existing setback by essentially squaring off the front of the home with the addition. The home would not be closer than the existing setback.

Peterson added that if a variance is granted it should be limited to the existing setback.

Staff recommends approval of the variance as requested due to the small addition they are requesting and the fact that they are staying within the current setback of 25 feet.

Staff did not receive any calls or communication as a result of the public notices.

Chairman Casey asked if there were any questions for Planner Peterson. After no questions, the Chairman asked if the applicant had any comments.

The applicant is Darek Jansen. He offered to show models on the computer to further explain the comparison of the setback lines or to answer any questions.

Member Goldberg asked if the applicant had talked to any of his neighbors about the project. Mr. Jansen said he had, and there was no negative response.

Chairman Casey had questions regarding the current condition of the basement and if the expansion would include correcting the ongoing water damage problems referenced by the applicant. The applicant explained that the water issues in the basement would be addressed during the construction of the addition.

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

No one was present to comment at the Public Hearing.

Member Goldberg made a Motion to close Public Hearing. Support by Member James. Motion carried.

With no further discussion, Member James made a Motion to approve the Variance as requested for case # 12-3068 as recommended by Staff. Support by Member Goldberg. Motion carried.

**ARTICLE 7. Case # 12-3065 GR Swim Fish, LLC
(Public Hearing)**

Property Address: 2845 Thornhills SE

Requested Action: The applicant is seeking a Variance to allow 2 wall signs on the building.

The Planner noted that the property is right next to the Cascade Township office building. The applicant would like to have one wall sign on the north side of the building and one on the east side of the building. Only one wall sign is permitted.

They are asking for two wall signs that will total no more than 100 sq ft. The signs they have submitted total 90 sq. ft.

Staff recommends approval of the variance as requested allowing for two 45 sq ft wall signs. The Planner also recommended that the Zoning Board ask the Planning Commission to study the need for an amendment to the Sign Ordinance that would allow multiple wall signs provided they do not exceed the maximum size allowed not that we would be granting three similar variances.

Staff did receive at least one phone call about this request from a business across the street; however they were fine with it.

Chairman Casey asked if there were any questions of Staff. There were none.

Chairman Casey asked if the applicant was present and if they wished to make any additional comments at this time.

Present for the applicant was Jim VanTol of Postema Signs who is doing the work on the project. He expressed that the Planner had already said much of what he had to say. He added that the signs would be more for the customer's convenience than advertizing, as the business is not located on a main street like 28th Street.

Member McDonald made a Motion to move into Public Hearing. Support by Member James. Motion carried.

No one from the public was present.

Member James made a Motion to close Public Hearing. Support by Member Goldberg. Motion carried.

Member Goldberg made a Motion to both grant this Variance (a total of 92 sq ft, not to be exceeded) and recommend to the Planning Commission that they consider an amendment to the sign ordinance that would make such variances as this unnecessary by allowing the division of signage within the overall square footage limitation otherwise applicable. Support by Member McDonald. Motion carried.

ARTICLE 8. Any other business

- **Election of Officers/Assignments**

Currently Mel Casey is Chair, Tom McDonald is Vice Chair/Secretary, and Tom McDonald is also our representative on the Village Design Review Committee.

Motion was made by Member Goldberg that Chairman Casey and Member McDonald are nominated and elected to their respective posts for their second terms, if they are willing to serve. Support by Member James.

Both men stated they were willing to serve. **Motion carried.**

- **Planning Department 2011 Annual Report**

Member Goldberg made a Motion that they accept the Planners report. Support by Member Hammond. Motion carried.

- **Michigan Society of Planning; Community Planning Principles**

The Planner presented this and the next item as friendly reminders.

- **Rules of Conduct for the Cascade Charter Township Planning Commission**

ARTICLE 9. Adjournment

Motion was made by Member Goldberg to adjourn. Support by Member Hammond. Motion carried. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Tom McDonald, Secretary
Carol M. Meyer, Planning Administrative Assistant