

**AGENDA**  
**Cascade Charter Township Zoning Board of Appeals**  
**Tuesday, January 10, 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 October 11, 2016 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 #16:3351 Jon Achterhof**  
**Public Hearing**  
**Property Address: 5830 Burton St. SE**  
**Requested Action:** The applicant is requesting a variance that would allow him to remove the home and leave the accessory building on the property.
- ARTICLE 7. **Planning Department 2016 Annual Report**
- ARTICLE 8. **Election of Officers**
- ARTICLE 9. **Rules of Conduct**
- ARTICLE 10. **Any other business**
- ARTICLE 11. **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, October 11, 2016  
7:00 P.M.

**ARTICLE 1.** Chairman Berra called the meeting to order at 7:00 P.M.  
Members Present: Berra, Casey, McDonald, Milliken, Pennington  
Members Absent: None  
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

**ARTICLE 2.** Chairman Berra led the Pledge of Allegiance to the flag.

**ARTICLE 3.** Approve the Agenda.

Motion was made by Member McDonald to approve the Agenda. Support by Member Casey. Motion carried 5 to 0.

**ARTICLE 4.** Approve the Minutes of the September 13, 2016 Meeting.

Motion was made by Member Pennington to approve the Minutes as presented. Support by Member Milliken. Motion carried 5 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 #16:3335 Shane Beach

Public Hearing

Property Address: 2755 Shumac Lane

Requested Action: The applicant is requesting a variance to place an accessory building in the front yard.

Director Peterson stated the Applicant is requesting a variance to place an accessory building in the front yard. The Applicant has place a small shed in the front yard of his home. Because the building is under 200 sq. ft. it did not require a building permit. However, we still require smaller buildings to meet the setback requirements for accessory building with or without a permit. For a building this size, they are required to be at least 10 feet off the side and rear property lines. We do not allow them in the front yard. Because Applicant has a corner lot, they actually have two front yards, limiting the areas to place the shed. Because the home is placed in the western portion of the lot, back and side yard is extremely limited for a building. The lot also has some topography challenges and the location of the well and septic further limit any viable location of a shed in the back or side yard.

This property is located in a wooded area that has some steep topography in the rear of the site that would make it difficult to locate the building behind the home. The most impacted neighbor to the North would have this building in his "side" yard. The

conditions of the property are not the result of actions taken by the Applicant. The have placed the building back about 60 feet from the right-of-way. This is behind the required 35-foot front setback. Given the fact that it is behind the required front setback and is about the same location as the home to the North, it would not appear to be injurious to the neighborhood. The topography and well and septic location severely limit the ability to place a shed on the lot in the rear or side yard.

Given the small size shed, the location of the home, the fact that it is a corner lot with severe topography challenges and the location of the well and septic, the variance is justified.

Director Peterson recommends approval of the variance request.

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

Mr. Shane Beach came forward to give speak. He explained the reason for the shed (to house a tractor and lawn equipment). He also discussed the type of shed and why he placed it in its current location.

**Member McDonald made a Motion to open the Public Hearing. Supported by Member Casey. Motion carried 5 to 0.**

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

No one came forward.

**Member McDonald made a Motion to close the Public Hearing. Supported by Member Milliken. Motion carried 5 to 0.**

**Member McDonald made a Motion to approve the variance in accordance with the criteria set forth by staff. Supported by Member Casey. Motion carried 5 to 0.**

**ARTICLE 7. Any other business.**

There was no other business.

**ARTICLE 8. Adjournment**

**Motion was made by Member McDonald to adjourn. Supported by Member Milliken. Motion carried 5 to 0. The meeting was adjourned at 7:15 p.m.**

Respectfully submitted,  
Tom McDonald, Secretary

STAFF REPORT: Case # 16-3351  
 REPORT DATE: December 14, 2016  
 PREPARED FOR: Cascade Charter Township Zoning Board of Appeals  
 MEETING DATE: January 10, 2017  
 PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:  
 Jon Achterhof  
 7300 Mountain Ash Dr  
 Cascade MI 49546

**STATUS**

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance that would allow him to remove the home and leave the accessory building on the property.

EXISTING ZONING OF SUBJECT PARCEL(S): R-1

GENERAL LOCATION: The property is located on the South side of Burton st just East of Kraft Ave.

PARCEL SIZE: 3.8 Acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: Residential

ZONING ON ADJOINING PARCELS: R2

**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 are 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 variance request is the result of the applicant wanting to remove the home in order to construct a new home and leave the accessory building.
3. With over 3 acres they are allowed two accessory buildings in addition to an attached garage.
4. The site currently has two accessory buildings.
5. The Zoning ordinance actually requires that the home be at least 50% complete before an accessory building can be built.
6. We have had some similar cases in the past and in the cases where a variance was given we have required a performance bond be provided to allow the township to remove the accessory building if the property did not come into compliance. In addition we have required that the site came into compliance quickly be either the home being built or the accessory building being removed. Typically it has been less than one year for compliance to be achieved.
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:

<b><i>Findings of Fact</i></b>	
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 home 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 home 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 home 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.
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,	If denied the applicant could build an accessory building after the new home is constructed.

building or structure.	
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**STAFF RECOMMENDATION**

Approve the variance under 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.

Attachments:            Application  
                                 Site Plan



# 5830 BURton St



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# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: Jon Achterhof  
 Address: 7300 Mountain Ash Dr SE  
 City & Zip Code: Grand Rapids, MI 49546  
 Telephone: (616) 308-7117  
 Email Address: teachyouto@hotmail.com

**OWNER: \* (If different from Applicant)**  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City & Zip Code: SAME  
 Telephone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**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:\*\*

Allow temporary variance to keep existing garage while demolition of existing home and construction of new home occur this year.

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

Assessing  
949-6176

Building  
949-3765

Buildings & Grounds  
682-4836

Clerk  
949-1508

Fire  
949-1320

Manager  
949-1500

Planning  
949-0224

Treasurer  
949-6944



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

PART OF E 1/2 SW 1/4 COM AT W 1/4 COR TH N 89D 36M 29S E ALONG E&W 1/4 LINE 1315.75 FT TO W 1/8 LINE TH S 1D 34M 05S E ALONG W 1/8 LINE 50.0 FT TO S LINE OF N 50 FT OF SW 1/4 & BEG OF THIS DESC - TH N 89D 36M 29S E ALONG SD S LINE 205.54 FT TO W LINE OF E 1110 FT OF SW 1/4 TH S 1D 30M 45S E ALONG SD W LINE 108.02 FT TO S LINE OF N 158 FT OF SW 1/4 TH N 89D 36M 29S E ALONG SD S LINE 120.0 FT TO W LINE OF E 990 FT OF SW 1/4 TH S 1D 30M 45S E ALONG SD W LINE 441.98 FT TH S 89D 36M 29S W 325.09 FT TO W 1/8 LINE TH N 1D 34M 05S W ALONG W 1/8 LINE 550.01 FT TO BEG \* SEC 8 T6N R10W 3.81 A.

PERMANENT PARCEL (TAX) NUMBER: 41-19-08-326-023

ADDRESS OF PROPERTY: 5830 Burton St SE GR 49546

PRESENT USE OF THE PROPERTY: We were remodeling home but had to stop due to structural issues.

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

Name(s)	Address(es)
N/A	

**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.)*

Jo

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

\*

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

Jon Achterhof

Applicant – Print or Type Name

Jon Achterhof 12/4/12

Applicant's Signature & Date

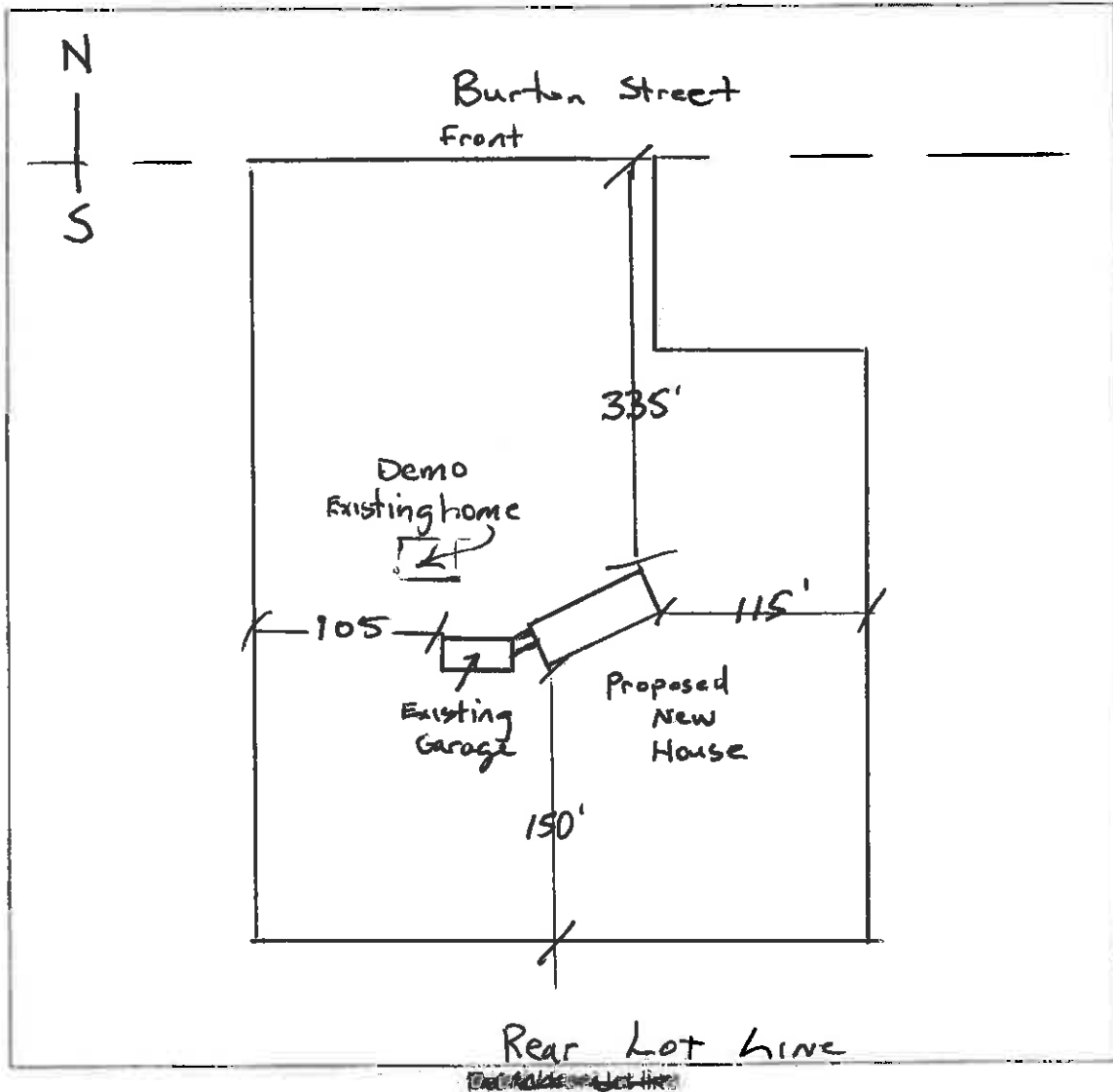
PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU

Rev. 7/24/14

# Site Plan

Address: 5930 Burton St. SE

Contact name/number: Jon Achterhof (616) 308-7117



\*\*Please note existing building locations and distances from lot lines for any additions or decks.

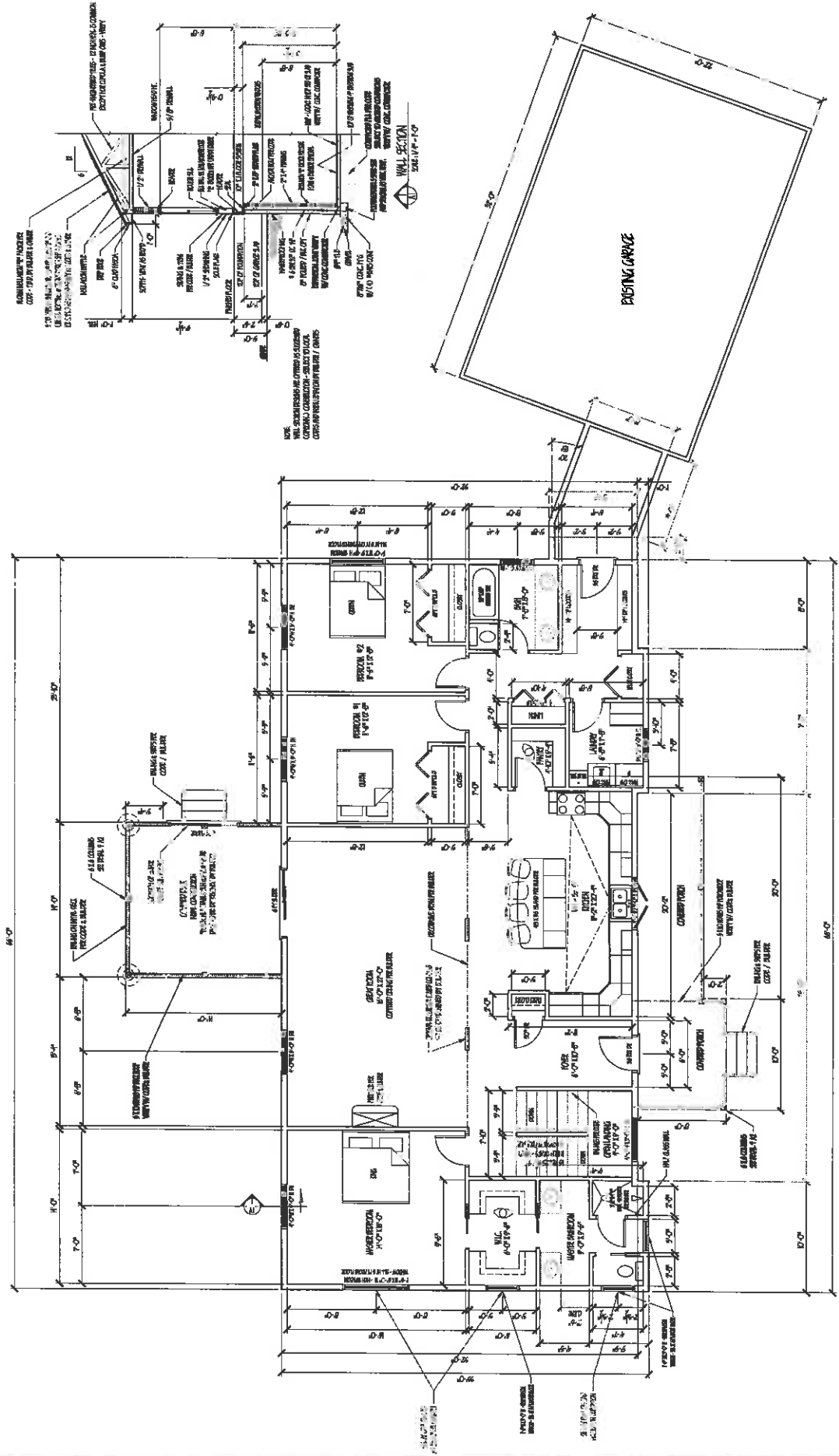
\*\*For swimming pools - include the required barrier location

DATE	11-02-11
PROJECT	NEW CONSTRUCTION FOR 4 PIDS, MICHIGAN
CLIENT	5830 BURTON
DESIGNER	NEW CONSTRUCTION FOR JON & REBECCA ACHTERHOFF

NEW CONSTRUCTION FOR  
 JON & REBECCA ACHTERHOFF  
 5830 BURTON  
 4 PIDS, MICHIGAN

BUILDING: XXXXXX

DESIGN: WELLS SERVICE ENTERPRISES  
 6347 W. 22ND ST.  
 NORTON, MICHIGAN 49797  
 TEL: 261-602-7900



**MAIN LEVEL FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 DATE: 11-02-11  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

**COMMUNITY  
DEVELOPMENT  
DEPARTMENT**

**2016**

**Annual Report**

**CASCADE CHARTER TOWNSHIP**

## **CASCADE CHARTER TOWNSHIP - 2016**

### **TOWNSHIP BOARD**

Rob Beahan, Supervisor  
Ronald Goodyke, Clerk  
Ken Peirce, Treasurer  
Tom McDonald  
Jim Koessel  
Fred Goldberg  
Jack Lewis

### **PLANNING COMMISSION**

Claude Robinson  
Steve Waalkes, Vice Chair  
John Sperla  
Jack Lewis, Trustee  
Scott Rissi  
Aaron Mead, Sec.  
Jeff Hammond/Bret Katsma  
Al Pennington, Chair  
Sue Williams

### **ZONING BOARD OF APPEALS**

Mel Casey, Chair  
Lou Berra  
Al Pennington/Planning Commission Rep.  
Tom McDonald, Trustee  
Valerie Millikin  
Jack Neal, Alternate

### **PLANNING STAFF**

Steve Peterson, AICP, Community Development Director  
Stephanie Fast, Community Standards Officer

### **BUILDING AND GROUNDS**

Jim McDonald, Supervisor  
Jason Beaton, Maintenance  
Josh Higgins, Maintenance  
Ryan McCarty, Maintenance  
Chuck Vander Meulen, Maintenance

January 3, 2017

The Cascade Charter Township Community Development Department is pleased to present our annual year in review in the form of the **2016 Annual Report**. The following report summarizes each type of development request reviewed by the Planning Department, Planning Commission, Zoning Board of Appeals, and Township Board in 2016.

The Community Development Department consists of the Planning, Code Enforcement and the Buildings and Grounds departments. In addition, we will continue to work closely on economic development initiatives with the new Economic Development and DDA Director, Sandra Korhorn.

In addition to the information contained in this report, the Community Development Department also performs many important duties on a daily basis that are not normally recognized.

Based on the number of inquiries about new projects it appears that 2017 will continue the trend from 2016 and will be an equally challenging year for the new Community Development Department. Should you have any questions or comments relating to this report or the Community Development Department, do not hesitate to call us at 949-0224.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Peterson', with a horizontal line extending to the right.

Steve Peterson, AICP  
Community Development Director



# Cascade Township Community Development Department 2016 Annual Report

## I. ACCOMPLISHMENTS

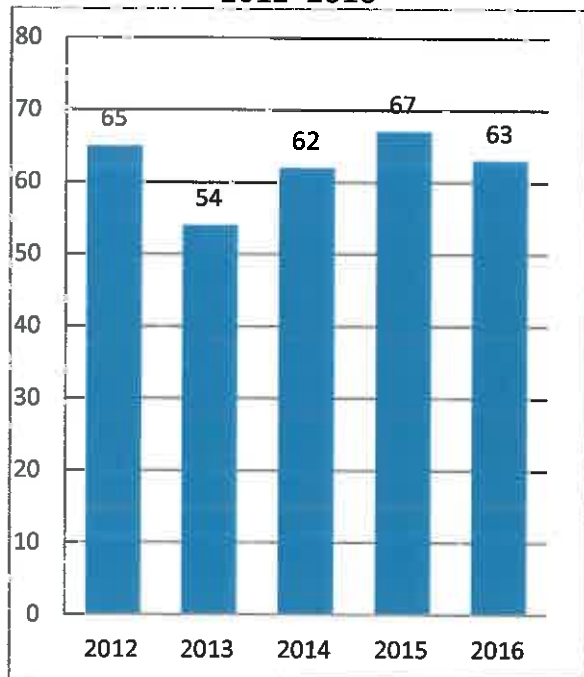
### Development Reviews

In 2015, the Planning Department reviewed a total of 67 development requests. Several of the 2015 requests were also carried over into 2016 and consumed additional staff time. Similarly, many of the projects initiated in 2016 will still be active in 2017. These reviews include those which required action by the Township Board, Planning Commission, Zoning Board of Appeals, and Planning Department, with several requiring action by more than one body. The following tables summarize the project review activities of the Planning Department over the past five (5) years:

## DEVELOPMENT ACTIVITIES 2012 - 2016

Activity/Year	2012	2013	2014	2015	2016
<b>Planning Commission</b>					
Planned Unit Developments	2	4	7	3	7
Rezoning	1	1	0	0	1
Site Plan Reviews	8	5	4	7	8
Administrative Site Plan Reviews	11	13	7	12	8
Special Use Permits	15	6	9	10	8
Plat Reviews	0	0	0	1	0
Other Activities	2	2	5	3	3
<b>Subtotals</b>	39	31	32	36	
<b>Zoning Board of Appeals</b>					
Variances and other requests	12	5	11	16	7
<b>All Board and Commissions</b>					
Other Requests	5	3	0	0	0
<b>Planning Department</b>					
Lot Split (Cases)	9	15	19	15	21
<b>TOTALS</b>	65	54	62	67	63

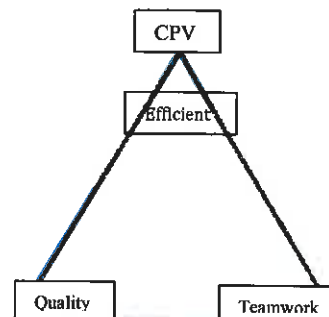
### DEVELOPMENT ACTIVITY TOTALS 2012- 2016



In addition to reviewing all of the development proposals submitted to the township, the Planning Department's days are filled with numerous other activities. These activities are summarized below.

### Department Vision

The Community Development Department has embraced a modified "triple bottom line" approach to providing services. This modified approach is being used to allow each member of the department to use their skills to help Create Public Value.



**Regional Planning**

Staff continued its involvement with regional planning issues in 2016. We participated in monthly transportation meetings regarding technical and policy issues.

Staff also participated on several subcommittees of the transportation group with additional work on the non-motorized and rail transportation issues.

**Storm water**

More and more staff time is being dedicated to storm water related issues. In 2016, we continued to participate in the update of the model storm water ordinance. This will assist Cascade in updating our storm water ordinance after the model ordinance is completed.

**Master Plan**

The Community Development Department continued with the implementation of the master plan by working on the annual work plan items. The items in 2015 included:

Work item	Result
Review Access Management	After study, the Planning Commission agreed to maintain our current access management regulations.
Study Food Truck regulations	Will be completed in conjunction with DDA
Sign Ordinance regulations	Will participate in the larger discussion with the DDA on how best to address this issue..
Accessory building review.	No changes needed.
Coast to Coast rail initiative	Continued support and had MEC in to update Planning Commission
Joint meeting with DDA	Incomplete

**Rail**

The Community Development Department participated in several meetings regarding rail transportation in 2016. We participated in a coordinated effort with the Right Place Program and the City of Kentwood to maintain the freight rail infrastructure in the SW corner of the township.

We also participated in the Coast to Coast passenger rail study to establish passenger rail from Holland to Detroit. This project includes a rail stop in Cascade on the north side of the airport near the 36<sup>th</sup> St interchange.

**Parks**

The Cascade Rec Park improvements were completed this year with the addition of the Marion and Claude Robinson accessible playground.

**Library – Gathering Space**

Coordinated planning effort with DDA, Parks Committee, Township to consider gathering space project consistent with all of the different township plans for the area along 28<sup>th</sup> in front of library.

**BG Crew**

Under our reorganized department, the BG crew has taken a greater role in the maintenance of township property. We have in-sourced several aspects to allow for better quality control of our facilities. Most notably has been the mowing of township property in house. This has been received very well and has been a noticeable improvement from the recent past. Funding for some of the additional work hours has come from the DDA. This allows the crew to spend additional time in the DDA.

### Community Standards Officer

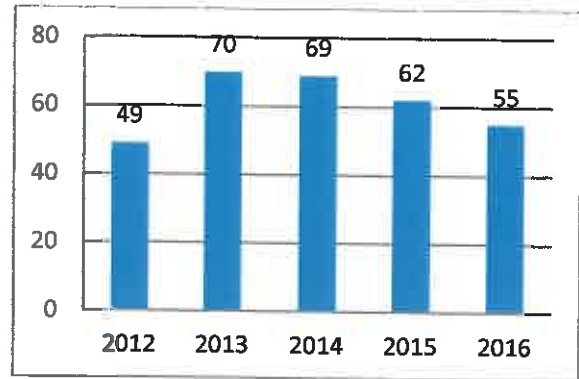
The additional staff member allows the township to assist in mediating issues in the community as they arise. This staff member has been able to gain ordinance compliance through enforcement and education.

### Regional Geographic Information System (REGIS)

Staff continue to utilize the GIS system in our workday and attends regular REGIS meetings. The public has access to REGIS through staff as well as the internet. <http://ims.gvmc-regis.org:1052/website/public/>

### Building permits

Below is a chart showing the number of new residential building permits for the last 5 years. The Community Development Department is responsible to check to make sure that every building permit complies with zoning regulation. While the graph only shows new residential construction it does indicate trends for all permits.



### Applicant Billing

The Community Development Department will continue to actively pursue the recovery of review costs associated with development proposals. In 2016, we were reimbursed approximately \$20,000 in engineering, planning and legal review fees spent on various development projects. Accurate records are kept so the appropriate applicant is billed for their respective fees incurred.

### Case Summaries

The following pages provide a brief synopsis for each type of development request that was reviewed in 2016.



Case	Applicant	Plat Name	Location	Tentative Preliminary Plat	Final Preliminary Plat
<b>Rezoning Case</b>					
16-3299	Applicant Kamphuis	From/To ARC/RI	Acres	Location 75 5800 Thornapple River Dr	PC Action Approved TB Action Approved
<b>Other Case</b>					
16-3295	Applicant Cascade Township	Request review accessory building regs	Location	PC Action no changes	TB Action
16-3297	Cascade Township	Access Management		no changes	
16-3298	Cascade Township	Food Truck Regulations		meet with business owners	
<b>Zoning Board of Appeals</b>					
Case	Applicant	Location	Zoning	Request	ZBA Action
16-3304	Cascade Business Assoc	6797 Cascade Rd	PUD 19	Sign variance	approved
16-3307	Roelofs	9554 52nd St	ARC	rebuild accessory building	Approved with modifications
16-3319	Verburg	6915 Cascade Rd	B1	Setback Variances	Approved w conditions
16-3325	McCollum	1310 Thornapple River Dr	R2	keep accessory building on vacant lot	Denied
16-3328	Wessell	3150 Thornapple River Dr	R2	keep accessory building on vacant lot	Approved w conditions
16-3335	Beach	2755 Shumac Lane	ARC	accessory building in front yard	Approved
16-3351	Achterof	5830 Burton St	R1	keep accessory building on vacant lot	
<b>Lot Splits</b>	Applicant	Parcel No (\$)	Address	Number of parcels created	Action
16-3292	Eastbrook Homes	41-19-5-130-088	1292 Marsman	reconfiguration	approved
16-3294	Steen Demik	41-19-15-126-019	7474 30th St	reconfiguration	approved
16-3306	Lacks	41-19-06-276-024	5460 Cascade Rd	split/reconfigure	approved
16-3308	Harmon	41-19-23-400-028	4112 Cherry Lane	reconfiguration	approved
16-3313	Lipke	41-19-26-400-054	4900 Streamside Point	reconfiguration	1 incomplete
16-3317	Bhima	41-19-31-302-003	5960 Glen Ellyn Ct		2 approved
16-3322	Koolker	41-19-35-451-009	8415 60th St		1 approved
16-3323	Cascade Lodging	41-19-07-476-005	5411 28th St Ct	reconfiguration	approved
16-3327	Cavanaugh	41-19-36-200-024	5480 McCords		1 approved
16-3331	Habertag	41-19-11-200-019	8540 Bolt		1 approved
16-3332	Glaser	41-19-10-476-022	7673 Silverthorne Dr	reconfiguration	approved
16-3333	Frost	41-19-18-100-015	5118 28th st		1 approved
16-3336	Turner	41-19-22-176-028	7461 Kenrob	reconfiguration	approved
16-3338	Harmon	41-19-23-400-032	4150 Cherry Lane	reconfiguration	approved
16-3339	Epique Homes	41-19-15-201-004	7623 30th St		
16-3340	Concierge Marketing	41-19-12-400-040	2569 Snow Ave		
16-3344	Reinholtz	41-19-26-400-055	4920 Streamside Point		1 approved
16-3345	Pummill	41-19-08-328-029	2545 Linda Ave		1 approved
16-3346	McCollum	41-19-16-176-008	3010 Thornapple River Dr		1 approved
16-3349	Sneller	41-19-25-300-012	4900 Quiggle Ave	reconfiguration	approved
16-3353	Kooistra	41-19-09-201-007	6801 Burton St		1

**Rules of Conduct  
For  
The Cascade Charter Township Planning Commission**

**1. POLICY AGAINST “EX PARTE” COMMUNICATIONS.**

Planning Commission Members (“members”) should avoid outside contact with applicants, developers, applicants/developer’s representatives (including planners or attorneys or interested neighbors regarding matters before the Planning Commission.

- a. The Planning Commission must act as a board and not as individual members. Advisory opinions should not be given.
- b. “Ex Parte” communication (i.e., outside of public Planning Commission meetings or hearings) by individual members of the Planning Commission with applicants, developers, applicant’s/developer’s representative or interested neighbors in person, by telephone or by visits are to be avoided, except for limited necessary contact during fact-finding site visits.
- c. Site visits – Individual members shall view sites only if they can do so without any unnecessary contact with the applicant, developer, applicant’s/developer’s representatives or interested neighbors and with the specific purpose of gathering physical facts and/or data.
- d. If a member is contacted by an applicant, developer, applicant’s/developer’s representative or an interested neighbor, the member shall promptly inform the party that he or she should not discuss the matter or have any contact whatsoever outside a Planning Commission hearing or meeting except for site visits. The member shall then immediately inform the party that they are welcome to come to Planning Commission meetings to discuss their views, wishes, etc., or to put their concerns in writing with a copy sent to the Chairperson of the Planning Commission.

**2. MEMBER DISCLOSURE**

In order to maintain public trust and ensure fairness, each Planning Commission member shall publicly disclose at the Planning Commission hearing or meeting involved any of the following:

- a. If the Planning Commission member is related to an applicant, developer, applicant’s/developer’s representative or any party involved.
- b. If the Planning Commission member is (or has been) in business or financially connected with the applicant or parties involved



- c. If the Planning Commission is a close friend of the applicant or parties involved.
- d. If the Planning Commission member has an unavoidable bias regarding the matter and could not be fair.

**3. CONFLICT OF INTEREST**

- a. A member should remove himself/herself from the hearing, discussions and decision –making process if the member has a conflict of interest or a potential conflict of interest involving the situation at hand as a conflict of interest is defined by Michigan law.
- b. While not required to do so, where a member of the Planning Commission has an actual or potential conflict of interest, it is often best if he/she move from the place where the full Planning Commission or Planning Commission subcommittee is sitting and go sit in the audience or leave the room until the matter is over. Physical removal often minimizes any public perception that the member with any conflict or potential conflict of interest is unduly influencing his or her fellow members of the Planning Commission by the member’s physical presence.
- c. If a member has abstained from a matter due to a conflict or potential conflict of interest, that member has the right to voice his or her opinion at a meeting or hearing of the Planning Commission as a member of the audience. If a Planning Commissioner has a conflict or potential conflict of interest that member shall be treated as an interested party and shall be bound by the requirements of Section 1 above. The Planning Commissioner shall not have any contact with other Planning Commissioners regarding the matter except as otherwise permitted in Section 1 hereof.
- d. A Planning Commissioner shall not represent any applicant, developer, neighbor or party directly interested in a matter before the Planning Commission. Except as otherwise prohibited by law, a Planning Commissioner’s employer, fellow employee, or partner may represent a party appearing before the Planning Commission. But in such case the Planning Commissioner involved shall be deemed to have a conflict of interest, shall publicly disclose the situation, and shall remove himself/herself from the proceedings as required by Paragraph 3.a. hereof.
- e. All Planning Commissioners should strive not to place themselves in situations where there would be even an appearance of impropriety or become involved in a hearing, discussion, or decision-making process before the Planning Commission which would place that member in a potential conflict of interest situation.