

MINUTES

Cascade Charter Township Zoning Board of Appeals
Tuesday, April 8, 2008
7:00 p.m.

ARTICLE 1. Chairman Vaughn called the meeting to order at 7:00 p.m.
Members Present: Beahan, Casey, and Wilson
Members Absent: Lewis (unexcused), 1st Alternate Neal (excused),
2nd Alternate Richards (excused)
Others Present: Planning Director Peterson, Recording Secretary
Hern, and Members of the Public.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Chairman Vaughn requested a motion for approval of the April 8,
2008 Agenda.

**Member Beahan motioned for the approval of the April 8th
ZBA Agenda with support from Member Wilson. All were in
favor, none opposed. The motion carried, April 8, 2008
Agenda approved.**

ARTICLE 4. Chairman Vaughn requested a motion for approval or corrections
of the February 12, 2008 Meeting Minutes.

**Member Wilson motioned to approve the February 12, 2008
ZBA Meeting Minutes, supported by Member Casey. All in
favor with none opposed. February 12, 2008 Zoning Board of
Appeals Meeting Minutes was approved as presented.**

ARTICLE 5. Case #08-2922: Jason Forward
Property Address: 4700 Quiggle Ave., Ada
(PUBLIC HEARING)
Requested Action: The Applicant is requesting a Variance for the
location of a new accessory building.

Planning Director Peterson said the property is located on the east
side of Quiggle Ave. where it dead-ends into I-96 from the north.

The proposed accessory building is being proposed to be located
east of the home and cell tower and is the 40 x 60 foot building on
the site plan.

The reason for the Variance request is because the Applicant
would like to construct the building closer to the I-96 right-of-way
than permitted.

The side yard setback is being proposed at 24-feet. The building has a proposed height of approximately 17-feet to the midpoint. This requires a minimum setback of 40-feet on the side and 40-feet in the rear. The other setbacks are in compliance.

The minimum setback for an accessory building is 10-feet for a side yard provided the building is not taller than 14-feet.

Staff reviewed the topography of the property, there is a slope to the north and it is not dramatic.

The septic system is located in the rear yard but is quite a distance away from the location of the building and is not a factor.

The Applicant indicated at the Planning Commission Meeting a few weeks ago that the location of this building would allow him to easily pull into this building.

The Planning Commission did already consider the Special Use Permit for this project and have approved the size and type of the building.

Staff reviewed the project and it is unique in the sense there is a cell tower on the property and all of its equipment. The tower is closer to the highway's right-of-way than the proposed building.

Staff does indicate in their report that it does appear that the building could be moved to the north, possibly as much as 16-feet to meet the requirements but there seems to be enough unique features of the property that it may not be necessary to meet compliance.

Staff supports the request for the Variance as shown given the building could be placed in the same location if it was shorter, the building is closer to the highway right-of-way and not another building site and is behind the existing cell tower site.

Chairman Vaughn asked if there were any safety issues being closer to the highway and Planning Director Peterson said no. Member Beahan asked if the Special Use Permit was required because the building is larger than 832-square feet and Planning Director Peterson said that is correct.

Member Wilson asked Staff if they are comfortable, from a precedence standpoint, with granting the Variance and Planning

Director Peterson believes there are enough unique aspects of this application that it would be hard to repeat.

Applicant Jason Forward of 4700 Quiggle Ave., Ada, said the main reason he is attempting to place the building closer to the highway is to keep it further away from the adjacent properties.

He would also like to access the building is between the cell tower and his detached garage. The north part of his property is elevated by approximately 10-feet.

If the setback was at 40-feet it would put the building almost to the edge of the cell tower and he would have to swing through his back yard to get to the side of the new building. This would also put the building almost in the middle of his backyard where his three (3) children play. The proposed location is a part of his yard that is not utilized as much.

Applicant Forward said the reason for the building's height is because he has a 24-foot long fishing boat that is 11-feet high. He would like to put a 12-foot door on the building. With a 12-foot door, it was recommended he put a 14-foot high sidewall on the building which puts the midpoint of the building at 17-feet.

He noted across the highway, the elevation is higher and those barns are more visible than his would be. He does not believe the height would be an issue with his neighbors. He recalls that the neighbor from across the highway did call the Township Offices saying that they did not have any objections to the project and Planning Director Peterson said that is correct.

Member Beahan asked the Applicant what the stakes on the property are for and the Applicant said that is the proposed location of the building.

Member Beahan asked where the door would open and Applicant Forward said on the east side of the building. He has a 28-foot long truck and a 24-foot long boat and he is hoping to install a gravel drive that would go past the barn and then enter from the east side.

Chairman Vaughn asked the Applicant how he arrived at placing the building 24-feet away and Applicant Forward said he wanted to place the building as close to the highway as he could and said he would be happy if the building were 20 to 26-feet away. He also

wanted to make sure the building was far enough away from the cell tower.

Member Casey asked if there are any setback requirements from the cell tower. Applicant Forward said the property for the cell tower is fenced in and his lease does not reflect any setbacks from the cell tower fencing.

Member Beahan asked if the gravel road would come off of the current driveway and the Applicant said that is correct.

Member Beahan motioned to open the Public Hearing, supported by Member Wilson. All in favor with none opposed, the Public Hearing was opened.

Chairman Vaughn asked if any letters or phone calls were received regarding the project. Planning Director Peterson said the Township did receive the one letter from a neighbor from across the highway that did not have any objections to the project. No other comments were received.

Member Wilson asked the Applicant that if the Variance were denied and he was forced to move the building to be in compliance, would the building still be constructed? Applicant Forward said yes, he would still build something to house the boat and truck he has.

Member Beahan motioned to close the Public Hearing, supported by Member Wilson. All in favor with none opposed, the Public Hearing was closed.

Member Casey asked if the stream on the property would affect the accessory building and Planning Director Peterson said no.

Member Beahan said that based on the location of the property that backs up to the highway and the children that utilize the backyard, he does not have a problem with granting the Variance.

Member Casey does not have any opposition to the Applicant's request. He also noted that if the building were moved to another location, it would be more visible due to the property's topography.

Chairman Vaughn asked the Board for their comments if the building were to be moved north and Member Beahan does not believe it is necessary and is comfortable with the proposed

location. He noted that the location is a compromise because the Applicant could have asked for a larger Variance.

Member Wilson does not see a purpose in asking the Applicant to move the building further north other than meeting a minimum Variance. She believes in this particular case it is all or nothing. She is struggling with the Findings of Fact and meeting the minimum Variance and if the building were moved, would that keep the children from utilizing the backyard. She would support the Variance.

Chairman Vaughn agreed with keeping the building at 24-feet instead of 40-feet and if moved 40-feet would take away a lot of the backyard.

Member Beahan also noted that the Planning Commission has worked through this project and that helps.

Member Wilson also commented that the building's height is reasonable.

Member Wilson motioned to approve the Variance request to allow for the setback Variance for the location of a new accessory building at 4700 Quiggle Avenue, supported by Member Beahan. All in favor with none opposed. Motion carried.

ARTICLE 6.

Any Other Business

Chairman Vaughn opened the meeting for any other business.

Planning Director Peterson noted that the Master Plan Visioning Sessions are coming up on April 28th and 29th. The April 28th meeting will be held at the Wisner Center and the April 29th meeting at the Buttrick Fire Station. The meetings are open to the public.

ARTICLE 9.

Adjournment

Member Beahan supported by Member Casey moved to adjourn. The motion carried and the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Jack Lewis, Vice-Chairman/Secretary

Lisa Hern, Recording Secretary