

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, May 11, 2021
5:30 P.M.
Virtual Zoom Meeting

ARTICLE 1. Chairman Mead called the meeting to order at 5:30 P.M.
Members Present: Berra, McDonald, Mead, Milliken, Moxley
Members Absent: None
Others Present: Planner Brian Hilbrands

ARTICLE 2. Chairman Mead led the Pledge of Allegiance.

ARTICLE 3. Approve the Agenda.

Motion was made by Member McDonald to approve the Agenda. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the April 13, 2021 Meeting.

Motion was made by Member McDonald to approve the Minutes of April 13, 2021. Supported by Member Milliken. Motion carried 5 to 0.

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

No visitors came forward.

**ARTICLE 6. Case #21-3628 / Goehring, Harold
Public Hearing**

Property Address: 6389 Burton St SE

Requested Action: The applicant is requesting a variance for the use of a temporary building during the construction of a detached garage.

Planner Hilbrands stated that this case was brought to the attention of Township Staff in March, and that the temporary building was already in place at that time. Planner Hilbrands stated that the applicant was told he would need to apply for and receive a variance in order to keep the temporary building on the property, and stated that since applying for the variance, the applicant has been very cooperative.

Planner Hilbrands stated that the temporary building is an approximately 8x20 shipping container, and is approximately 9 feet tall. Planner Hilbrands stated that although this is not a zoning variance, it is something the Zoning Board of Appeals needs to grant permission for. Both the Fire Department and Building Department have reviewed the request, and stated that no additional permits are needed.

Planner Hilbrands stated that as the building is currently placed, it is approximately 8 feet in front of the house on the side facing Cascade Pointe Drive, so it is technically in

the front yard since the home sits on a corner and has two front yards. Planner Hilbrands stated that there is room for the applicant to shift the building back to the west 8 feet if the Zoning Board would like that done. Planner Hilbrands stated that since this is just a temporary permit, he does not find it necessary to have the building moved. The applicant has stated that he is using the building as temporary storage until the garage is built, and has bids out to start work on the foundation of the garage.

Planner Hilbrands stated that variances for temporary structures have been issued in the past, however most often for commercial, school, or church sites. These variances have been given when an end date was set for when the use of the temporary building would be terminated.

Planner Hilbrands stated that Staff is recommending approval of the variance request with the two following conditions:

1. The applicant removes the temporary building upon completion of the detached garage or within six months, whichever is sooner.
2. The applicant provides a performance bond or security deposit for the removal of the temporary building if it is not removed and the property is not in compliance within six months. The amount of the bond or deposit will be a minimum of \$500.

Chairman Mead invited the applicant to comment.

Planner Hilbrands stated that the applicant reached out and said he had to travel for work, and was unsure if he would have internet access.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Berra. Motion carried 5 to 0.

Member McDonald asked Planner Hilbrands if there was any additional public comment made besides the initial complaint alerting the Township Office to the building, Planner Hilbrands stated there was none.

Mr. Tom Stolz (6399 Cascade Pointe Drive) asked if a permit is needed for the permanent structure (garage) being built, and if one has been applied for. Planner Hilbrands stated that he did not believe a permit is needed yet for the building that will be constructed, and that a temporary building only needs a permit if it is over 200 square feet. The temporary building on the property in question is not over 200 square feet, however the six-month timeline is given to assure that a permit will be pulled when needed, and that the project will be completed within six months.

There was no further comment.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Moxley. Motion carried 5 to 0.

Member Moxley asked what the current building to the north of the temporary building is, Planner Hilbrands stated that it is an existing shed that the applicant plans to take down after the garage is built.

Member Moxley asked where the new building is going to be located on the property. Planner Hilbrands stated it will be near where the current shed is, and will need to meet all Zoning requirements.

Member Moxley asked if the contents of the existing shed have been moved in to the temporary building, Planner Hilbrands stated that he believes so, but would need to verify that with the applicant.

Member Moxley asked if the temporary building can be moved once it's loaded. Planner Hilbrands stated that he would need to check with the applicant, Chairman Mead stated that he believes it can be moved.

Member Moxley commented that the temporary building is hid well by large spruce trees and another flowering tree on the property.

Motion was made by Member McDonald to approve the variance with the conditions listed above by Staff. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #21-3633 / Daniel Verkaik

Public Hearing

Property Address: 8934 52nd St SE

Requested Action: The applicant is requesting a variance to construct an accessory building concurrently with a home.

Planner Hilbrands Planner Hilbrands stated that the Township does not typically permit an accessory building being built at the same time as a home, and that the Township Ordinance states that a house has to be 50% complete before an accessory building is able to be constructed. Planner Hilbrands stated that the applicant has said that building both the home and accessory building concurrently will help with construction efficiencies. Planner Hilbrands stated that there have been similar variances granted in the past (accessory building built concurrently with a house), and that a performance bond is provided to the Township to ensure the building can be removed if the property does not come into compliance.

Planner Hilbrands stated that the applicant has been made aware of these requirements, and that this is the only approval the applicant needs to receive before he can apply for building permits for both buildings.

Planner Hilbrands stated that Staff is recommending approval of the variance as requested with the following three conditions:

1. The house is at least 50% complete within one year.
2. The applicant provides a performance bond (minimum of \$10,000) for the removal of the accessory building if the home is not 50% complete within one year.

3. The performance bond will be released when the property is in compliance.

Chairman Mead invited the applicant to comment.

Mr. Dan Verkaik (8111 Bailey Drive) is the builder/contractor for the property, and asked if the performance bond is paid upfront, or after six months/50% complete. Planner Hilbrands stated that it needs to be received upfront, and will be released upon the property coming into compliance.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Berra. Motion carried 5 to 0.

There was no public comment.

Member McDonald asked Planner Hilbrands if there was any comment made to the Township Office. Planner Hilbrands stated that one neighbor called with general questions, but no concern about the project.

Motion made by Member McDonald to close public hearing. Supported by Member Berra. Motion carried 5 to 0.

Motion was made by Member McDonald to approve the variance with the conditions listed above by Staff. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 8. Discuss and Consider Virtual or In-Person (Hybrid) Meetings

Planner Hilbrands stated that the Township now has the ability to hold a in-person/hybrid meetings at the Wisner Center; this gives Staff, residents, and applicants the ability to meet in-person, but allows the use of Zoom for those unable to attend in-person. Kent County did extend an order giving municipalities the ability to hold virtual meetings until June 30th. Planner Hilbrands stated that the new Township Attorney stated that they prefer staying virtual (instead of hybrid) due to potential complications with hybrid meetings.

Members discussed, and decided that continuing to hold virtual meetings while possible is what they'd like to do.

ARTICLE 9. Any Other Business

Planner Hilbrands stated the next meeting will be held June 8th.

ARTICLE 10. Adjournment

Motion was made by Member Berra to adjourn. Supported by Member Milliken. Motion carried 5 to 0. The Meeting was adjourned at 5:52 P.M.

Respectfully submitted,
Ralph Moxley, Secretary