

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, April 11, 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 March 14, 2017 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 #17:3372 Clayton Manne
Public Hearing
Property Address: 5770 Buttrick Ave SE
Requested Action: The applicant is requesting a variance to place an accessory building in the front yard.**
- ARTICLE 7. Any other business**
- ARTICLE 8. 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, March 14, 2017
7:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 7:00 P.M.
Members Present: Casey, McDonald, Milliken and 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.

ARTICLE 3. Approve the Agenda.

Motion was made by Member Pennington to approve the Agenda. Supported by Member Casey. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the January 10, 2017 Meeting.

Motion was made by Member Milliken to approve the Minutes as presented. Supported by Member Casey. 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 #17:3361 California Closets

Public Hearing

Property Address: 4930 Kraft Avenue S.E.

Requested Action: The Applicant is requesting a variance that would allow a new dust collection system at a height of 53 feet.

Director Peterson stated the Applicant is requesting approval to allow for the construction of a new dust collector at the east end of the building. This dust collector would be 53 feet tall and requires a variance since it is over 45 feet tall.

A review of other variances found that the Board has granted similar height exceptions for flag poles, cooling towers, air scrubbers, etc. The maximum height for those were 50 feet. The dust collector would be 53 feet in height.

Director Peterson recommends approval of the variance to allow the dust collector at 53 feet, with the condition that the owner apply for and receive administrative site plan approval for the changes to the property.

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

Mr. Rob Berends, of Nederveld, came forward to answer any questions the Board might have. No questions were asked of Mr. Berends by the Board.

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

Member McDonald made a Motion to approve the variance in accordance with the conditions set forth by staff above. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 7. Any other business.

There was no other business.

ARTICLE 8. Adjournment

Motion was made by Member Casey to adjourn. Supported by Member Pennington. Motion carried 5 to 0. The meeting was adjourned at 7:10 p.m.

Respectfully submitted,
Tom McDonald, Secretary

STAFF REPORT

STAFF REPORT: Case #17-3372
REPORT DATE: March 29, 2017
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: April 11, 2017
PREPARED BY: Steve Peterson, Planning Director

APPLICANT:
Clayton Manne
5770 Buttrick Ave
Cascade MI 49302

STATUS

OF APPLICANT: Property Owner

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

EXISTING ZONING OF
SUBJECT PARCEL(S): ARC

GENERAL LOCATION: east side of Buttrick just north of 60th St.

PARCEL SIZE: Approximately 7 acres.

EXISTING LAND USE
ON THE PROPERTY: Residential

ADJACENT AREA
LAND USES: Residential

ZONING ON
ADJOINING PARCELS: ARC

STAFF COMMENTS:

- 1) The applicant has placed an accessory building (26 x 32) in the front yard of his home. Because the building is not over 832 sq ft it only requires a building permit and not a special use permit.
- 2) We do have some allowance for building in the front yard provided they meet the following standards.

1. A lot in which the topography of the property makes it impossible to construct the building in the rear or side yard, or extensive grading and tree removal is required which would significantly change the landscape and views of the neighborhood if required to located the building in the rear or side yard.
 2. A lot in which the property owner would have to drive over a drain or septic field in order to access the garage.
 3. A lot in which the accessory building is setback a minimum of two-hundred (200') feet from the Right-of-Way.
- 3) Since the applicant has indicated that they do not meet the second standard a variance is required.
- 4) This provision was put in our ordinance years ago as a result of several similar variances being granted. This section was also added to recognize the difference between the planned developments where the houses align themselves and the bigger lots that may range in setbacks.
- 5) For a building this tall (15.5 feet) size they are required to be at least 40 feet off the side and rear property lines.
- 6) There is at least one other building on the street with an accessory building in the front yard
- 7) The home most directly impacted is to the south. That home is setback in line with this accessory building so it would not appear to be the front yard to the neighbor.
- 8) I have found some other cases going back to 2001 that are similar to this one. These cases that were denied it appeared that reasonable alternatives existed. One recent example on Streamside Point is probably the closest and we approved that variance mainly due to the site constraints of topography.
- A. 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:

<i>Findings of Fact</i>	<i>Comment</i>
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 property is located in a wooded area that has some topography in the rear of the site. The most impacted neighbor to the south would have this building in his "side" yard.

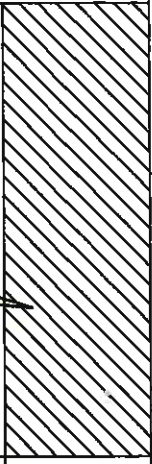
That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this Ordinance will not be considered self-created)	The conditions of the property are not the result of actions taken by the applicant.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	They have placed the building back about 220 feet from the right of way. this is behind the required 43 -foot front setback.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	Given the fact that it is behind the required front setback and is about the same location as the home to the south it would not appear to be injurious to the neighborhood.
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.	The topography does create some challenges.
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, building or structure.	Given the relatively small size, the location of the home off of the road, the fact that it's in the side yard of the neighbor to the south, and the topography challenges, the variance is justified.

STAFF RECOMMENDATION

Approve the request.

Attachments: Application
 Site Plan

5770 Buttrick Ave



BUTTRICK AVE

SEENWOB POND DR

UNNAMED

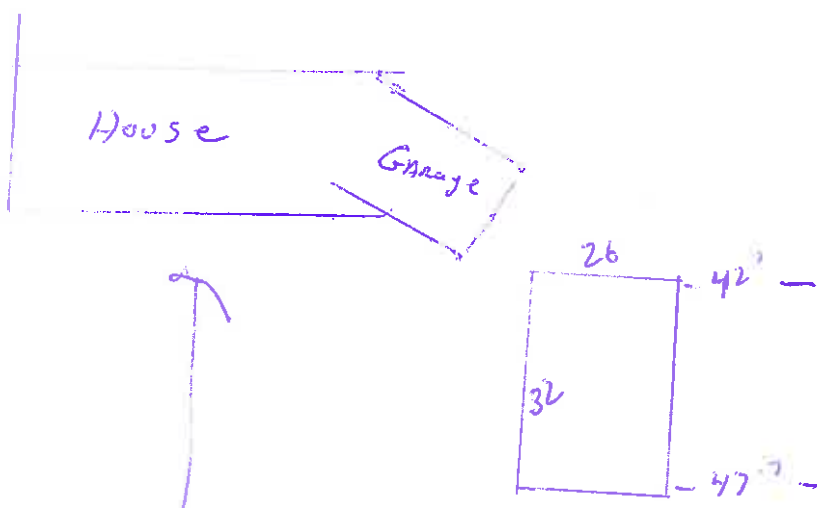
ALASKA AVE

ALASKA AVE

TRL

321.32

1035.74



322.32

Bottrick Avenue

W 1/4 COR.
SEC. 35,
T6N, R10W

33' R.O.W.

1003.32'

322.32' S00°37'07"E

C/L BUTTRICK AVENUE
& W. LINE, SW 1/4, SEC. 05, TEN, R10W

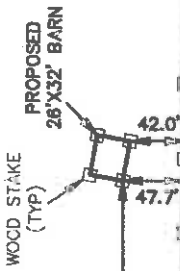
SW COR.
SEC. 35,
T6N, R10W

N89°36'00"E 1035.74'

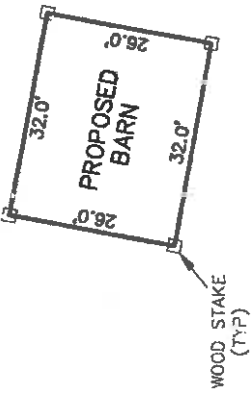
321.32' S00°31'17"E

S89°32'42"W 1035.19'
& S. LINE, N 1/2, SW 1/4, SEC. 35

SEE HOUSE
DETAIL



HOUSE DETAIL
SCALE: 1"=30'



- Scale 1" = 150'
- D = Deeded dimension
 - M = Measured dimension
 - P = Platted dimension
 - = Set iron stake
 - = Found iron stake
 - ⊕ = Concrete monument
 - x— = Fence line





Imagery ©2017 Kent County, Map data ©2017 Google 20 ft

Clay Manne 5770 Buttrick Ave S.E. Alto, MI. 49302

N.



W.

E.

Imagery ©2017 DigitalGlobe, Kent County, Map data ©2017 Google 100 ft

1. 5770 Buttrick Ave, S.E. (Center house on right hand side.)
2. Septic tanks North of house
3. Tool shed - kennel TO (South east corner of attached garage)
4. Proposal detached garage in front of driveway Turn around.