

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, November 14, 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 10, 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 #17-3416 Gary Kuhlmann
Public Hearing
Property Address: 1763 River Oaks Dr.
Requested Action: The applicant is requesting a variance that would allow the
property owner at 1763 River Oaks Dr. to remove the home and leave the accessory
buildings on the property.**
- 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, October 10, 2017
7:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 7:00 P.M.
Members Present: Puplava, McDonald, Milliken and Pennington
Members Absent: Casey
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 McDonald to approve the Agenda. Supported by Member Pennington. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the September 12, 2017 Meeting.

Motion was made by Member Pennington to approve the Minutes of September 12, 2017. Supported by Member McDonald. 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 #17:3409 Med Data

Public Hearing

Property Address: 5251/5253 36th Street

Requested Action: The Applicant is seeking a variance to allow a sign closer to the road than permitted.

Director Peterson stated that the Applicant is requesting a variance to install a new ground sign along 36th Street. They are simply replacing the existing sign with a new one. The sign is currently closer than 25 feet to the right-of-way ("ROW"). The sign is about 5 feet from the ROW, but it is about 23 feet from the curb of the road. This section of 36th Street has about a 100 feet wide ROW.

The sign is 5 feet tall and is about 10 sq. ft.

The variance is required because Applicant would like the sign closer than 25 feet from the road ROW and because this is a new sign it should meet the current requirements. They are requesting to keep the sign 5 feet from the road ROW.

Director Peterson went on to explain that the Zoning Board has granted a similar variance and has asked the Planning Commission to consider changes while they update the sign ordinance. One of the reasons a variance was given was the wider ROW that is

in the industrial areas and the relatively low, small signs that are permitted. In this case, we have a 100 feet ROW with no real possibility that it would be expanded in the future.

Director Peterson recommends that this variance to allow a sign closer to the road than permitted be approved.

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

Applicant did not feel the need to come forward with any comments.

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

No one from the public came forward.

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

Motion was made by Member McDonald to approve the variance to allow a sign closer to the road than permitted. Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 7.

Case #17:3410 Michael Clem

Public Hearing

Property Address: 8721 36th Street

Requested Action: The Applicant is requesting a variance to construct an addition to the front of the home that would be closer to the front lot line than permitted.

Director Peterson stated that the Applicant is requesting a variance to construct an addition to the front of the home that would be closer to the front lot line than permitted and closer than the current house.

The home was built in 1890 and is setback about 31 feet from the 36th Street ROW. Based on the type of road (collector), the home is required to be setback 43 feet from the ROW. The owner would like to construct an addition onto the side and front of the home. Since some of the home is closer to the ROW than allowed, we require that they meet the current 43 feet setback requirement for an addition. While measurements would be to a wall or vertical post, it would not measure to overhangs. As shown on the site plan, Applicant also shows part of the addition closer to the ROW than the current 31 feet setback. The homeowner has indicated they could build the porch to stay at the same 31 feet setback.

The Zoning Board did have a similar variance like this with an older non-conforming home on a major street (Cascade Road). That was in 2015 and it was approved. In that case, they were able to keep the building addition behind the current setback of the home, but did allow a 38 feet setback. A variance was also approved recently at 2611 Thornapple Drive that did allow an addition closer to the road than the current home. However, that was distinguished as different due to the grade separation from the road and the curve in the road.

The ROW is 66 feet in the area in front of the house so it does not have an excessive amount of ROW.

Director Peterson recommends approval of the variance to allow the porch addition, provided it is not closer than what the current home is.

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

Mr. Clem came forward with a photo of the home so the Board would have a better visual of where the addition would go and answer any questions the Board may have.

A brief discussion followed.

Motion was made by Member Pennington to open the Public Hearing. Supported by Member Milliken. Motion carried 5 to 0.

No one from the public came forward.

Motion was made by Member Pennington to close the Public Hearing. Supported by Member Milliken. Motion carried 5 to 0.

Motion was made by Member McDonald to approve the variance to allow the porch addition provided it is not closer than the current home or porch. Supported by Member Pennington. Motion carried 5 to 0.

ARTICLE 8. Any other business.

No other business was presented.

ARTICLE 9. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Milliken. Motion carried 5 to 0. Meeting adjourned at 7:20.

Respectfully submitted,
Tom McDonald, Secretary

STAFF REPORT: Case # 17-3416
REPORT DATE: October 18, 2017
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: November 14, 2017
PREPARED BY: Steve Peterson, Planning Director

APPLICANT:
 Gary Kuhlman
 1763 River Oaks Dr
 Cascade MI 49301

STATUS

OF APPLICANT: Property Owner

REQUESTED ACTION: The applicant is requesting a variance that would allow the property owner at 1763 River Oaks Dr to remove the home and leave the accessory buildings on the property.

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

GENERAL LOCATION: The property is located on the Thornapple River off from Buttrick Ave just north of Bolt Dr.

PARCEL SIZE: 1.3 Acres

EXISTING LAND USE ON THE PROPERTY: Residential

ADJACENT AREA LAND USES: Residential

ZONING ON ADJOINING PARCELS: R1

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. The Zoning ordinance actually requires that the home be at least 50% complete before an accessory building can be built.
4. We have had some similar cases in the past and those variances were given with the condition that a performance bond is provided to allow the township to remove the accessory building if the property was not come into compliance.
5. The applicant has indicated that they believe they will have the new house to the 50% completion stage in 6 months. They have also indicated that they are willing to obtain a \$10,000 bond to guarantee that the hose will be built.
6. 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:

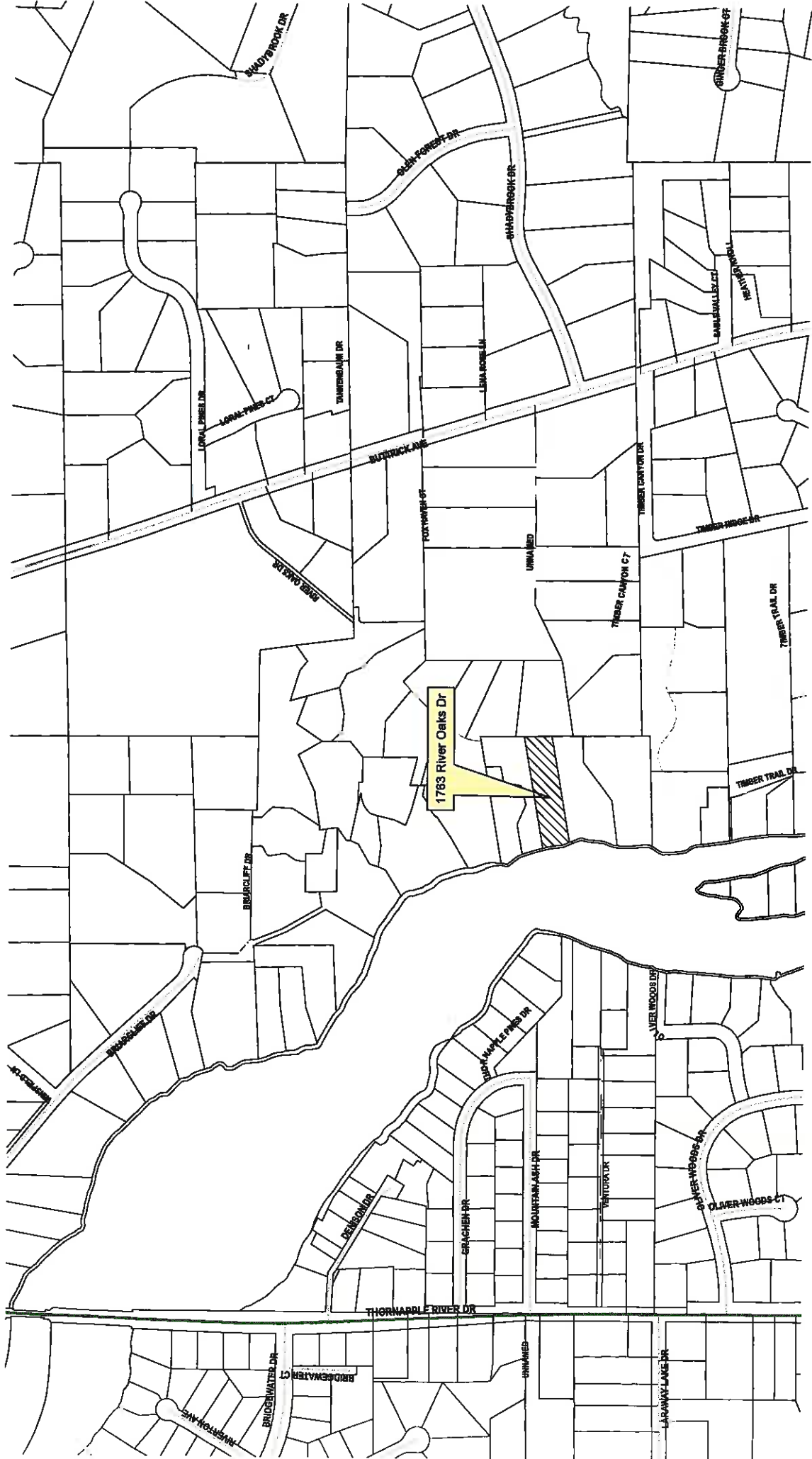
<i>Findings of Fact</i>	
That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.	The removal of the home is not a unique circumstance. The purpose 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. In a case when we denied a similar request the applicant had no plan to build a home.
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.	If denied the applicant could build an accessory building after the new home is constructed.

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 building 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



1763 River Oaks Dr

BLYDENBROOK DR

CEDAR FOREST DR

SHADYBROOK DR

SHADYBROOK DR

LOVEBELL DR

LOVELY POND CT

TIMBERDALE DR

LENA ROSE LN

BUDRICK AVE

FOURMILE ST

UNNAMED

TIMBER CANYON DR

LANE LANE CT

HEATHY HILL

RIVER OAKS DR

TIMBER CANYON DR

TIMBER RIDGE DR

TIMBER TRAIL DR

TIMBER TRAIL DR

BIRCHCLIFF DR

1763 River Oaks Dr

BRIDGEMAN DR

SUNNYVALE POND DR

ELDER WOODS DR

DEWBIRD DR

GRACE DR

MOUNTAIN LASH DR

VENTURE DR

ELDER WOODS DR

ELDER WOODS CT

THORNAPPLE RIVER DR

BRIDGEMAN DR

BRIDGEMAN CT

UNNAMED

LAUREL LANE DR



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Kristina & Gary Kuhlmann
 Address: 1763 River Oaks Dr
 City & Zip Code: Ada, MI 49301
 Telephone: (616) 828-8335
 Email Address: Kuhls1@msn.com

OWNER: * (If different from Applicant)
 Name: _____
 Address: _____
 City & Zip Code: _____
 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:**

See Attached

(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**:

See Attached

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-03-326-008

ADDRESS OF PROPERTY: 1763 River Oaks Dr

PRESENT USE OF THE PROPERTY: Residence

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

Name(s)

Address(es)

Kristina Kuhlmann

1763 River Oaks Dr.

Gary Kuhlmann

1763 River Oaks Dr.

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.)

[Signature]

Gary Kuhlmann

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

Applicant – Print or Type Name

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

[Signature] 10/13/17
Applicant's Signature & Date

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

Rev. 7/24/14

Variance Request

October 13, 2017

We own the home at 1763 River Oaks Dr, Ada, MI 49301 (mailing address is Ada but the home is located within Cascade Township). In April 2017, we began working with an architect, Architectural Concepts, to develop a site plan and building plans for a new home. The plans for the new home include leaving our current detached garage for future use. Attached is our site plan, detailing the existing garage which will not get demolished.

We recently hired a builder, Weirsema Builders, to demolish the old home and build our new home. We have properly disconnected the power, septic, well and natural and the builder submitted a demolition permit application to the Township on October 12, 2017. As part of the Township's review, the Township Planner brought to our attention that we cannot demolish our home and leave the detached garage standing (out building), as it does not follow one of the township ordinances.

As a result, we are requesting a variance to allow the demolition of our current home, while leaving the detached garage standing. If the weather permits, we plan on starting construction immediately upon receiving our variance, with 50% completion of the new structure completed within 6 months of ground breaking. By November 14, 2017, we will have applied for our building permit and we will provide a performance bond ensuring our completion of the new home once Zoning Board of Appeals approves our variance request.