

Minutes
Cascade Charter Township
Zoning Board of Appeals
Tuesday September 14, 2021
5:30 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Vice Chairman Moxley called the meeting to order at 5:30 P.M.
Members Present: Jennifer Puplava, Ralph Moxley, Lou Berra, Valerie Milliken
Members Absent: Tom McDonald, Aaron Mead
Others Present: Planner Brian Hilbrands and those listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Berra to approve the current Agenda. Supported by Member Milliken. Motion carried 4 to 0.

ARTICLE 4. Approve the minutes of the August 10, 2021 meeting

Motion was made by Member Berra to approve the August 10, 2021 meeting minutes as written. Supported by Member Milliken. Motion carried 4 to 0.

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

There were not any visitors that wished to speak to non-agenda items.

ARTICLE 6. Case #21-3662/Meghan Burrows

Property Address: 2383 Thornapple River Dr SE

Requested Action: The applicant is requesting a variance to construct three separate additions to the home that would be closer to the front lot line (Windcrest) than permitted.

Planner Brian presented the variance written by Community Development Director Peterson. The home is at the corner of Windcrest and Thronapple River Dr and the setback in question is the one facing Windcrest. The current home has a setback of approximately 18ft from the right of way and there is a small covered porch that extends about 4ft off the front of the home. The required setback along that street is 35ft so a large portion of the home is located within the setback and any additions to this house would fall within the setback and need variances. All three additions fall within the setback which are a porch addition, a kitchen addition, and a second story bathroom. The kitchen and bathroom addition are located behind the front edge of the home so they would not decrease the setback but the addition on the front of the home would be about 7ft and would reduce the setback from 18ft to 11ft from the right of way. There are other homes along Windcrest that do not have these same setback

issues and seem to be setback further from the street. The zoning ordinance requires that no person engage in any activity that results in the increase in the extent of a nonconformity in a nonconforming situation or a greater nonconformity in reference to dimensional restrictions, such as a setback requirement or a height requirement. In the past the zoning board has approved the case for a home as long as it does not extend beyond the current setback of the home. In a 2017 case, an addition was allowed on Cascade Road that was required to maintain a setback of over 35ft which is what it is in this case as well. Staff recommendation is to approve the variance in regards to the kitchen and bathroom additions as they will not extend beyond the current setback of the house and deny the porch addition as it would be decreasing the setback and coming closer to the property line than what already exists.

Member Moxley asked if there was a garage that is closer to the street than the addition would be and Planner Brian confirmed that it is a 'legal, nonconforming, detached garage' but it would be treated as an accessory building as it is not attached to the home. Member Moxley confirmed that the garage is 8ft from the property line and asked for further clarification as to why staff was not recommending considering the porch addition. Planner Brian explained that we technically don't allow accessory buildings in the front yard so the setback isn't something considered but if that garage were to be destroyed and a new one built, it would need to be setback behind the front edge of the home and they would need to meet the 18ft setback. Planner Brian stated that the real problem here is that it would be increasing nonconformity on an already nonconforming lot.

Member Puplava asked if there was any more information available on the 2017 case and Planner Brian explained that the 2017 case approved as it was specifically for increasing ADA compliance and making the home accessible for end-of-life care. Member Puplava asked if this was a similar case and Planner Brian said that he didn't know the details exactly but the applicant may be able to speak more to that. Planner Brian said it looked like steps were leading up to the house in this plan and not a ramp so it appeared to be a different situation

Meghan Burrows, 2383 Thornapple River Dr SE, owner of the property in question, came forward to speak with her builder. Member Moxley asked what all was behind the porch addition. Meghan explained that it was because her parents require walkers to get around and they cannot come through the front of the house at all in winter and still have a difficult time traversing the front stairs during the summer, so they are looking to build wider steps that walkers can traverse as well as increase the space right inside the doorway so the door doesn't open directly to a set of stairs heading downwards. The main purpose of the addition is to give her parents access to the residence.

**Motion to open public hearing by Member Berra. Supported by Member Puplava.
Motion carried.**

There was no one who wished to make a comment.

**Motion to close public hearing Member Berra. Supported by Member Pupilava.
Motion carried.**

Member Pupilava stated that she would be inclined to approve this variance due to the precedent set in the 2017 case as it was a similar modification involving a wheelchair.

Member Berra mentioned that Meghan and the builder said there may be further modifications if Meghan's parents become wheel chair bound and asked what those modifications would be. The builder explained that the other changes would be inside the structure and any further changes to the front step area would be adding a wheelchair ramp to the front is they needed to but that would run parallel to the house to minimize nonconformity.

Member Pupilava asked if the ramp would run parallel to Windcrest or something else and the builder agreed, saying they had tried to do that originally but they were denied due to setback reasons

Member Moxley said he was inclined to approve the case.

Motion was made by Member Berra to approve case #21-3662 as written. Supported by Member Pupilava. Motion carried 4 to 0.

ARTICLE 8. Old Business

There was not any old business.

ARTICLE 9. Adjournment

Motion was made by Member Berra. Supported by Member Milliken. Motion carried 4 to 0. The meeting was adjourned at 5:51 p.m.

Respectfully submitted,

Ralph Moxley, Secretary