

MINUTES

Cascade Charter Township Planning Commission
Monday, June 4, 2012
7:00 P.M.

ARTICLE 1. Chairman Sperla called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, McCarthy, Mead, Pennington, Sperla, Waalkes, Williams
Members Absent: Robinson, excused
Others Present: Planning Director Steve Peterson and members of the public.

ARTICLE 2. Chairman Sperla led the Pledge of Allegiance.

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Lewis to approve the Agenda. Support by Member Pennington. Motion carried.

ARTICLE 4. Approve the Minutes of the May 21, 2012 meeting.

Motion was made by Member Pennington to approve the Minutes. Support by Member Waalkes. Motion carried.

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

Chairman Sperla welcomed the visitors and explained the new procedure for public comments.

Present to speak was Dr. Gregory Lawton of 2975 Thornapple River Drive. He also owns the property at 2992 Thornapple River Drive. His wife, Virginia Dusseau was also present. Dr. Lawton came to speak about the fence issue from the May 14, 2012 meeting. (Case #12-3080 Jeff Dionne) The applicant had requested a Special Use Permit to allow the construction of a 6 foot tall fence in the front yard. The request was granted by the Planning Commission.

Dr. Lawton was present at the May 14th meeting and was represented by Atty. Donald Visser. After the meeting Atty. Visser sent a letter to Planning Director Peterson and also to Planning Chairman Sperla stating that he disagrees with their authority to issue a Special Use Permit for a fence. He believes some of the language in the Ordinance doesn't state that you can do that.

Dr. Lawton is concerned with protecting his property boundary, property rights and property value. He states that Mr. Dionne has threatened to build a fence across their property.

Dr. Lawton thinks the Planning Commission has put themselves in the middle of the conflict and has exceeded their authority in terms of Special Use Permits. He informed the Planning Commission that he intends to appeal the decision.

ARTICLE 6. Case #12-3082 Peter Baldwin

(Public Hearing)

Property Address: 2020 Devonwood Lane

Requested Action: The applicant is requesting a Type I Special Use Permit to construct an accessory building over 832 sq ft.

Chairman Sperla introduced the case and then turned it over to Staff for comments.

The Planner shared a map of the property. Peterson explained that the applicant is requesting an 8,500 sq ft accessory building.

The ZBA has already granted them a Variance to allow for this 4th accessory building. Three is the maximum.

The property that the building will be on will be about 45 acres after adjusting the property line. The owner also has several adjacent properties, bringing the total acreage to about 215 acres.

The building will be hidden by landscaping.

The owners have kept in contact with their neighbors throughout each request.

The building will be built to match the accessory building constructed in 2007.

Staff recommends approval with the condition that the applicant receive approval for the property line shift before obtaining the building permit. Also, we should note that any approval should include the updated version/elevation plan that was submitted tonight at the meeting.

Chairman Sperla asked the members if they had any questions of Staff in reference to this case. Chairman Sperla inquired as to what would happen if this property were to be subdivided. Planner Peterson said it would depend on how they subdivided the property. He said he wouldn't be so worried about the piece of property with the house being subdivided; he would be more concerned about the surrounding properties. He didn't believe it would be likely. Member Mead shared a case from the Grand Traverse County area that was very similar and the owner had to move the building in order to subdivide the property.

Mead mentioned that when looking at an aerial of the property, there is a power line feeding directly through the center of the proposed construction.

Chairman Sperla asked the applicant to come forward to answer questions. Peter Baldwin was present as the architect for the property owner. In answer to Mead's question, Peter replied that close to that drive as it comes in off of Burton there is a power line to the west. It comes in and it goes across the proposed drive overhead and then it goes underground. There will not be a conflict with where we are showing the proposed building.

Member Lewis made a Motion to open Public Hearing. Support by Member Waalkes. Motion carried.

As there was no one in the audience to speak on this issue, Member Hammond made a Motion to close Public Hearing. Support by Member Waalkes. Motion carried.

Member Lewis asked how this building will affect the neighbors living across the pond in the Watermark Development in regards to visibility and lighting.

Peter Baldwin replied that he is quite confident that the landscaping that exists both to the west and to the north of this proposed area as well as the height of the existing building, that it won't be visible. Relating to the lighting requirements and screening, he does not see it to be an issue.

Member Lewis recalled that in the past there had been an off road track which was not visible, but audible. He noted that it has been eliminated, but wondered if it would ever return.

Don Mallory was also present. He works on site. Don answered Member Lewis' question by saying that Mrs. DeVos wanted the track removed permanently.

Member Lewis made a Motion to approve the applicants request for a Type I Special Use Permit to construct an accessory building over 832 sq ft on the property at 2020 Devonwood Lane, and to include Staff's recommendation in regards to receiving approval for the property line shift before obtaining the building permit. Support by Member Waalkes. Chairman Sperla asked for a Friendly Amendment to include the updated version/elevation plan that was recently submitted. The Friendly Amendment was accepted by Member Lewis and Member Waalkes. Motion carried.

ARTICLE 7. Any other business:

Peterson reported that he has scheduled a meeting with the Planner of Caledonia Township on June 18, 2012 before the Planning meeting. He said that if any board member had any topics that they want covered to let him know before the meeting. Member Lewis asked to bring up how Caledonia feels about paving the dirt portion of 60th St.

ARTICLE 8. Adjournment

Motion was made by Member Pennington to adjourn. Support by Member McCarthy. Motion carried. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Karen McCarthy, Secretary

Carol M. Meyer, Planning Administrative Assistant