

MINUTES

Cascade Charter Township
Zoning Board of Appeals
Tuesday, June 14, 2016
7:00 P.M.

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

ARTICLE 3. Approve the Agenda.

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

ARTICLE 4. Approve the Minutes of the May 10, 2016 Meeting.

Motion was made by Member Pennington to approve the Minutes as presented. Support by Member Milliken. 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 #16:3307 Gertrude Roelofs

Public Hearing

Property Address: 9554 52nd Street S.E.

Requested Action: The applicant is requesting a variance to construct a new accessory building closer to the side property line than permitted.

Director Peterson presented the case. The Roelofs recently lost a building due to a fire and would like to rebuild it. The reason they are requesting a variance is because the new planned building would be 76 x 64 and 18.5 feet tall at the midpoint. This required a setback of 60 feet from the side and rear property line. While they meet the rear yard setback, the sideyard setback is proposed at 13 feet. He stated they could build a new building in a different location or one that is under 14 feet tall in the same location. He added that the property also has an old barn that is also nonconforming due to the height of it. That building is about 35 feet tall and approximately 43 x 64. With a little over 4 acres they are allowed to have two buildings. Any new building over 832 square feet will require approval by the Planning Commission with or without a variance. As proposed, Staff would not support a new 76 x 64 accessory building. Director Peterson has spoken with the property owners about the size of the building and the amount of the variance they are requesting and told them that they should be prepared

to alter their plans. In general, we try to improve non-conforming situations when they are removed. However, he does not see this as improving the situation.

Director Peterson then went over the criteria with the Board for approving the variance.

Discussion ensued about the height of the building and how that is measured. If they lowered the building from 18.5 feet to 14 feet, they would meet the requirement for the variance. At 18 feet tall they would need a 40-foot setback, which they cannot meet.

Chairman Berra asked the Applicant to come forward with any comments. Larry Roelofs came forward to speak on behalf of his mother, Mrs. Roelofs. He referred the Board to the Applicant's letter which gives a historical background on the use of the building being proposed. It would be used for family gatherings and to house vehicles, bicycles, lawn equipment, etc. which now are just sitting around cluttering up the property. They want to have a neat and tidy property. This building would go a long way in accomplishing that. The other barn on the property is agricultural and cannot be used for any other purpose. There was a land split in 2000 which was approved. The proposed building was in place before the new ordinance was passed in 2006 and as a result feel they meet the requirements. Mr. Roelofs stated he spoke to an excavator about moving the proposed building closer to the other building but the problem with that would be the height of the building and the slope, the water runoff would go into the agricultural building and added financial burden. Mr. Roelofs feels that meeting the 14 foot requirement would end up with a smaller building that would not work. He feels they meet the requirements for the 18 foot and 40 foot setback. He feels that if the lot split hadn't happened, this would not be an issue. He disagrees with Director Peterson's assessment that they do not meet the requirements.

Discussion commenced between the Board and Applicant regarding the cause of the fire which destroyed the original building, the purpose of the proposed building and the other agricultural building, the issue of whether this property is "grandfathered." Also discussed were the differences in the previous ordinance verses the new ordinance in effect now in reference to the height of buildings.

Member McDonald explained to the Applicant the concern that the Board needs to be cognizant of setting precedent. They try to look for exceptional conditions and/or compromises to allow the variance. The Board is looking for exceptions to this situation.

Applicant feels they can bring the height down a little, maybe 16-1/2 feet, but not 14 feet, which is the requirement.

In conclusion, the Board and Applicant discussed alternatives for the new building. Move the property line, move the building to increase the setback or keep it in the current location but make a footprint smaller.

Applicant feels they should be able to build the same building that existed before.

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

Chairman Berra asked if anyone would like to come forward to speak on this issue.

Kenneth Janeschek come forward to speak. He is a former owner of the property in question and owns property bordering the Roelofs' property. He explained some of the history of the building and property and wanted to let the Board know that as a neighbor he had no objections to the Roelofs' building the structure.

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

Member McDonald made a Motion to approve a variance with the following conditions:

- 1. Decrease size of building to 70 x 60,**
- 2. Decrease the height of the building to no more than 17-1/2 feet tall,**
- 3. Increases the sideyard setback from 13 feet to at least 19 feet.**

Supported by Member Milliken.

Motion to approve the variance with stated concessions was passed 3 to 2. Members Pennington and Casey voted to deny the motion.

ARTICLE 7. Any other business

There was no other business.

ARTICLE 8. Adjournment

Motion was made by Member McDonald to adjourn. Support by Member Milliken. Motion carried 5 to 0. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Tom McDonald, Secretary