

**MINUTES**  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, February 8, 2011  
7:00 P.M.

**ARTICLE 1.** Vice Chair Mel Casey called the meeting to order at 7:00 P.M.  
Members Present: Casey, Goldberg, James, Logue, McDonald  
Members Absent: None  
Others Present: Planning Director Peterson

**ARTICLE 2.** Vice Chair Casey led the Pledge of Allegiance to the Flag.

**ARTICLE 3. Approve the Agenda for the February 8, 2011 Zoning Board of Appeals Meeting.**

**Motion was made by Member Goldberg and supported by Member McDonald to approve the Agenda as presented. Motion carried unanimously.**

**ARTICLE 4. Approve the Minutes of the November 16, 2010 Meeting.**

Vice Chair Casey asked if there were any additions or corrections to the Minutes and requested a Motion for approval.

**Motion was made by Member James and supported by Member Goldberg to approve the Minutes as submitted. Motion carried unanimously.**

**ARTICLE 5. Case #11-3020 Mike and Michelle Gordon  
(PUBLIC HEARING)**

**Property Address:** 7420 Winsfield

**Requested Action:** The applicant is requesting a variance to allow the construction of an additional accessory building on a lot of less than 3 acres.

Planning Director Steve Peterson reviewed the location and the reason for the applicants' request. He explained that the applicant has already begun the construction of a small accessory building during the renovation of the home. The building was discovered by the Building Department during inspections for other parts of the renovation.

The property has already been permitted one detached accessory building on the east side of the rear yard and now wants to construct a small cabana on the west side of the rear yard. The cabana is considered a building by our zoning definition. A building permit is required for this building,

In order to be in compliance the applicant has the following options:

- Remove one of the accessory buildings.
- Permanently attach one of the accessory buildings to the home.
- Acquire additional property to be allowed a second accessory building.
- Receive a variance.

The location of the building meets our setback requirements and does not require a Special Use Permit since it is less than 832 sq ft.

Staff does not support the variance since it does not meet any of the standards for granting a variance.

Planner Peterson wanted to add that he did just receive a letter from the applicant signed off by a couple of the neighbors and the Association that says they are fine with the request.

Vice Chair Casey asked if there were any questions for Staff. The property had previously been combined from two smaller parcels to one larger parcel. Member James questioned if the parcel were to be separated again, would it meet the criteria for the building to be allowed? Planner Peterson replied that they would then have a problem with setback requirements.

Member Goldberg asked if the detached garage was the only garage, making this an unusual circumstance, as most of the homes in the area have attached garages. The Planner said that there is an attached garage as well.

Vice Chair Casey asked if the Applicant wished to make any comments. Larry Branscombe was present to represent the applicant. He is with Viersen Properties. He introduced Jack as the general contractor with his partner Adam, and Jason as the landscape architect for the property. Mr. Branscombe apologized, saying that he was not aware they needed a permit for the construction for the building, which is basically a pool house. He said that it is an accessory building to the pool. The neighbors have signed a letter saying they have reviewed the plans and have no problem with the construction of the pool house building or the site plan as is.

Jason the landscape architect stated that the detached garage is used for cars and also houses the pool equipment. The homeowners wanted some shade for when they are using the pool. The building is an open air building on three sides. It was built into an existing fence wall so it has a solid back wall with 2 face columns. The building matches the other structures on the property. There is a small closet in the back of the building.

Member Logue asked if they could attach the detached garage to the house. Jason replied that because of elevations, that is not feasible.

Member McDonald asked if Viersen Properties had ever done construction before in Cascade Township. The representative for that company did not believe they had. Jason said that he had done several pool and landscape projects in the Township. When questioned as to who built the accessory building in question the answer was that it was a joint project. Jack has been handling the building side and Jason has been handling the overall design and layout, as well as the swimming pool construction and all the landscape work. Member McDonald said that he asked the question because if builders have worked in the Township for a number of years they know the rules and regulations.

The group of workers stated that they had not seen the meeting packet prior to the meeting, so were not aware of the findings of fact the Planner had reviewed. They

would like to find a way to meet the Township criteria and to make it all work for everyone.

Member Goldberg suggested that the case be tabled for awhile to give everyone time to figure out an answer.

Vice Chair Casey asked for a Motion to open the Public Hearing.

**Motion was made by Member McDonald and support by Member Goldberg to open the Public Hearing. Motion carried unanimously.**

Vice Chair Casey asked Staff if there had been any comments from the public. The Planner said that 1 person came into the office with questions. The only other communication was the letter that had been presented to him right before the meeting.

A neighbor, Tony Corcoran of 1497 Briarcliffe was present. He was only curious as to how the Variance process works. He was also concerned about the trees that had been removed. If approved, he wondered if the missing trees would be replaced. It was explained to Tony that the trees had temporarily been moved aside, but would be moved back in the spring. Mr. Corcoran does not oppose the building if it is hidden by trees.

With no questions or comments Vice Chair Casey asked for a Motion to close the Public Hearing.

**Motion was made by Member McDonald and support by Member Goldberg to close the Public Hearing. Motion carried unanimously.**

Discussion followed. Member Goldberg suggested that they pursue the options Planner Peterson had suggested and to come back for a future meeting. Vice Chair Casey agreed, stating that the building is already up and there is not much leeway. Member Goldberg noted that the Ordinance has to be enforced to be fair to all. He would like to find a way to work within the Ordinance that would be positive outcome for all. Member McDonald said that he agreed and that setting precedence is important.

**Member Goldberg motioned to table the case so the applicant can come up with a solution that will work within the Ordinance. Support by Member McDonald. Motion carried unanimously.**

**ARTICLE 6: Any other business**

- **Election of Officers**

Member James nominated Member Casey to be the new Chair. Member McDonald supported. Nominations were closed. Motion carried.

Member James nominated Member McDonald to be Vice Chair. Support by Member Logue. Nominations were closed. Motion Carried.

**ARTICLE 7: Adjournment**

**Motion was made by Member Goldberg and supported by Member McDonald to adjourn. Motion carried unanimously. The meeting was adjourned at 8:00 p.m.**

Respectfully submitted,

**Mel Casey, Secretary**

Carol M. Meyer, Planning Administrative Assistant