

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, May 09, 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 April 18, 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 #17:3377 YMCA
Public Hearing
Property Address: 5500 Burton St SE
Requested Action: The applicant is requesting a variance to allow an
800 sq ft tent.**
- 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
(special meeting due to lack of quorum at April 11, 2017 meeting)
Tuesday, April 18, 2017
3:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 3:00 P.M.
Members Present: Casey, McDonald, Milliken and Pennington
Members Absent:
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 Casey to approve the Agenda (with the addition in Article 4 to also approve the Minutes of the April 11, 2017 meeting). Supported by Member Milliken. Motion carried 5 to 0.

ARTICLE 4. Approve the Minutes of the March 14, 2017 and April 11 2017 Meetings.

Motion was made by Member Pennington to approve the Minutes of both March 14 and April 11, 2017 meetings (with stated corrections). Supported by Member Casey. 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 #17:3362 Clayton Manne

Public Hearing

Property Address: 5770 Buttrick Avenue S.E.

Requested Action: The Applicant is requesting a variance to place an accessory building in the front yard.

Director Peterson had nothing new to add his summary of this project which he gave at the April 11, 2017 meeting, except to reiterate that he recommends approval of the variance.

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

Mr. Manne did not wish to add any comments

Motion was made by Member McDonald to approve the variance. Supported by Member Casey. Motion carried 5 to 0.

ARTICLE 7. Any other business.

No other business was presented

ARTICLE 8. Adjournment

**Motion was made by Member Casey to adjourn. Supported by Member Milliken.
Motion carried 5 to 0.**

Respectfully submitted,
Tom McDonald, Secretary

STAFF REPORT: Case # 17-3377
REPORT DATE: April 26, 2017
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: May 9, 2017
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:
YMCA
5500 Burton St
Cascade MI 49512

STATUS OF APPLICANT: Owner

REQUESTED ACTION: The applicant is requesting a variance to allow a 800 sq ft tent.

EXISTING ZONING OF SUBJECT PARCEL(S): PUD #81

GENERAL LOCATION: Southwest corner of Burton and Kraft.

PARCEL SIZE: 35 acres

EXISTING LAND USE ON THE PROPERTY: Athletic complex

ADJACENT AREA LAND USES: Residential
Athletic to the south

ZONING ON ADJOINING PARCELS: Residential
PUD to the south

STAFF COMMENTS

1. The applicant is requesting approval from the ZBA to allow for the installation of an 800 sq ft tent for 3 months this summer.
2. The PUD Ordinance for the YMCA limited tents to no more than 400 sq ft.
3. Last year they installed two 400 sq ft tents but have indicated that it was not practical with all of the tie downs.

4. Tents are permitted for only 3 days in the zoning ordinance, so that is why the YMCA asked for allowance for tents in the PUD. However, they only asked for 400 sq ft.
5. The tent is located behind the building and does not cause an issue with the location.
6. The 3 day limit in our zoning ordinance was intended to address more of the special sales tents that are used in the retail area I don't believe it was intended to address a situation like this. The allowance of the tent in the YMCA project was not a matter of much discussion and I believe if asked, we would have permitted an 800 sq ft tent in the PUD Ordinance.
7. 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>	<i>Comment</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 use of a tent for this use was not the purpose of the zoning regulation nor would a larger tent have been an issue if asked.
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)	They did use two tents last year and it was not practical.
That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.	The exception simply allows a larger tent as they could have two smaller tents.
That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.	The tent is located away from any other property and would not cause an issue with surrounding properties.
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.	The use of a tent for this use was not the purpose of the zoning regulation nor would a larger tent have been an issue if asked.

<p>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.</p>	
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STAFF RECOMMENDATION

Staff Recommends Approval of the variance to allow the 800 sq ft tent for the summer program at the YMCA.

Attachments: Application
 Site Plan



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan
49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Mary Free Bed YMCA
Address: 5500 Burton SE
City & Zip Code Grand Rapids, MI 49546
Telephone: 616-285-9077
Email Address: dleggett@grymca.org

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:**

We would like to increase the size of tent we are currently permitted for to a 20x40' tent. We use this tent for our summer day camp program that runs June 10 - Sept 1. Last year was our first year running camp and we only asked for tent size that would fit in front of our building. Moving forward we plan to have the tent located next to our playground on the south side

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

of our building where we need shade throughout the day for the kids, as well as an activity area sheltered from weather.

The location of the tent will be over 65' from the south side of the Y building next to our playground

This space will allow us to have outdoor covered space for camp activities, provide shade during the summer months, and allow a sheltered place for kids and their bags when they are waiting to be picked up from camp.

(Use Attachments if Necessary)**

PERMANENT PARCEL (TAX) NUMBER: 41-19 38-1358058

ADDRESS OF PROPERTY: 5500 Burton SE, Grand Rapids MI 49546

PRESENT USE OF THE PROPERTY: MFB YMCA

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

Name(s)

Address(es)

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.)

Mary Free Bed YMCA

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

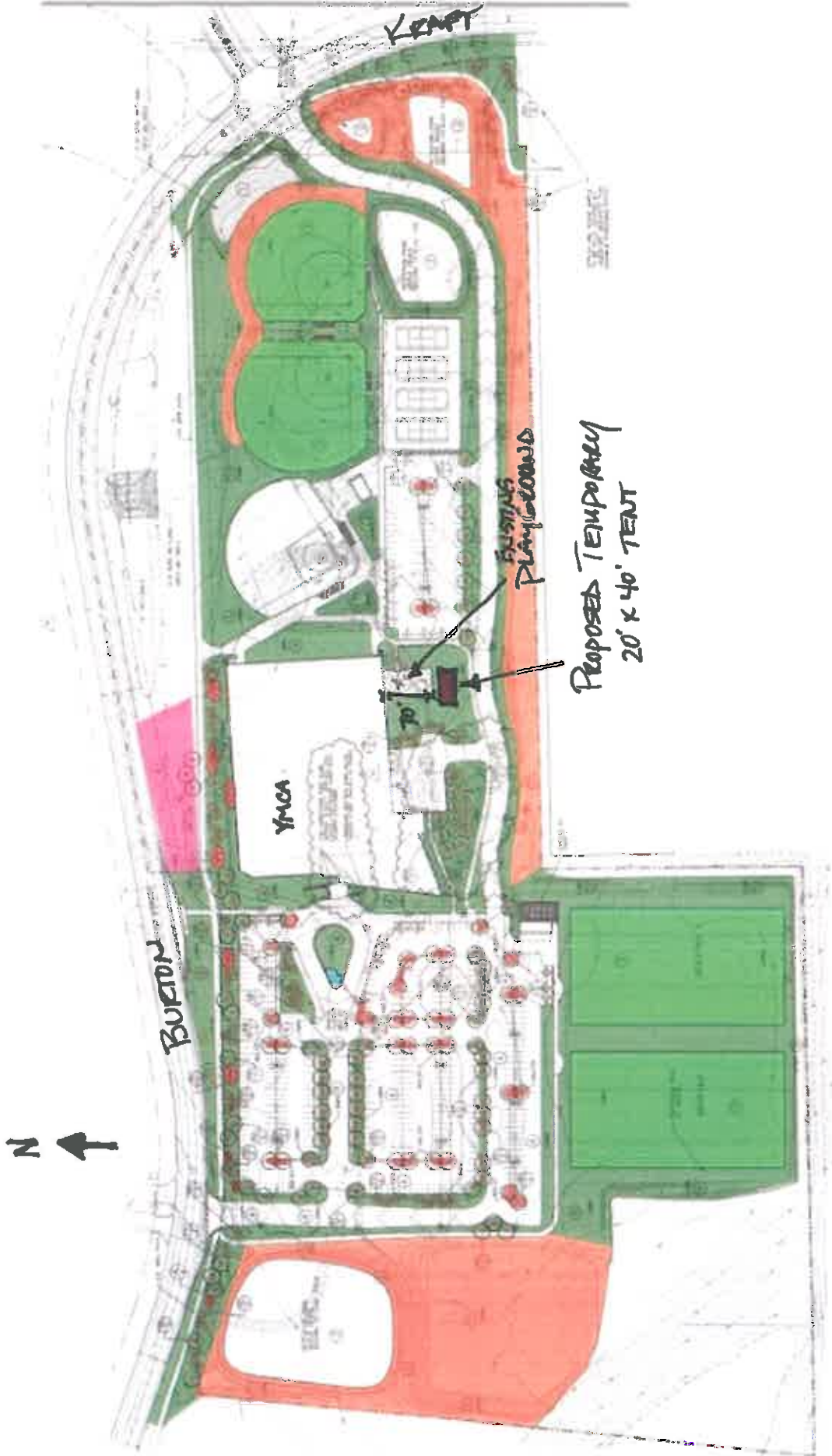
Owner's Signature & Date
(*If different from Applicant)

David Leggett

Applicant – Print or Type Name

 4/7/2017
Applicant's Signature & Date

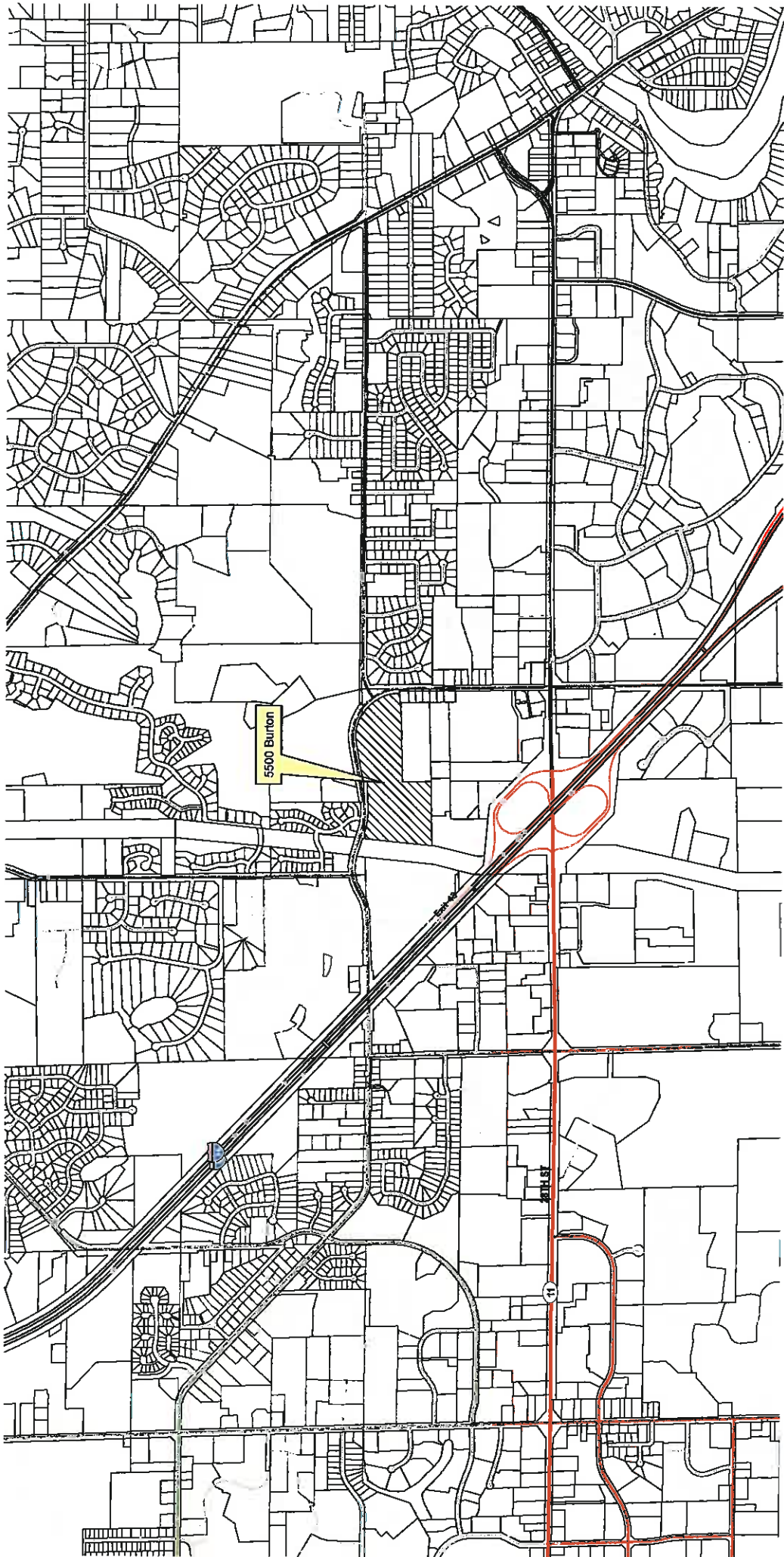
PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU



LEGEND

- Existing
- Splash Beds & Tree Rings
- Stone Beds & Tree Rings
- Shortly Mowed
- Unburied Lawn
- Irrigation Control
- Park Bench
- Special Request
- Annual Events





5500 Burton

40th St


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B. All landscaping shall be hardy plant materials and shall be maintained after planting in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season. The Township shall require a landscaping bond or letter of credit (which of these is required shall be at the Township's discretion) for all required landscaping. The amount of the bond or letter of credit (as well as the financial institution, language, and form) shall be determined by the Planning Department.

C. Site irrigation shall be over the areas as shown on drawing DP4A, dated 6/10/2014.

SECTION IX. TEMPORARY BUILDINGS.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except where approved by the Township and if accessory to and necessary during construction of a permanent building or infrastructure improvement. Individual tents under 400 sq.ft for use by outdoor athletics are permitted.



SECTION X. SITE PLAN.

A. The Project shall be developed in exact accordance with the site plan approved by the Township Board and signed by the Township Supervisor. The site plan shall provide appropriate measurements demonstrating compliance with Chapter 14 of the Zoning Ordinance. Engineering plans and/or documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting Township ordinance requirements and recognized, acceptable engineering standards and practices.

SECTION XI. UTILITIES.

A. The Project shall be served with public water and public sewer at the Developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plan(s) for Cascade Township.

B. The Developer shall provide all necessary recorded easements within the Project for telephone, electricity, gas, and cable television to the Township and the appropriate utility provider(s) without cost. In the event that the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations outside of the athletic fields, building and drives without cost to the Township. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

CHAPTER 4 General Provisions

Section 4.15: Building Setback, Front Yard - Determination

The line from which the minimum front yard building setback is measured shall be established under the following provisions, based on the type of street on which the property has frontage as classified on the Cascade Charter Township Major Street Plan contained in Appendix A.

1. **Platted Local Streets, Private Streets:** Established from the platted front property line or the edge of the private street easement.
2. **Collector Streets:** Established from the platted front property line or 45 feet from the nominal centerline of the street right-of-way.
3. **Arterial Streets:** Established from the platted front property line or 60 feet from the nominal centerline of the road right-of-way.

Section 4.16 Buildings, Moving:

The moving of a building to a new location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall apply.

Section 4.17 Buildings, Razing:

No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance guarantee in an amount equal to 120 percent of the cost estimate for the razing. The guarantee shall be conditioned on the applicant completing the razing with such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonably require and this ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

Section 4.18 Buildings and Structures, Temporary:

Mobile homes, mobile offices, tents or other movable or erected structures intended for temporary use or occupancy incidental to construction work, or special events shall be situated or erected upon land or premises within the Township and used according to the following provisions.

1. Permits for temporary construction trailers, sheds and offices may be issued by the Building Inspector according to the following criteria:
 - a. Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts, or approved Planned Unit Developments.
 - b. No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
 - c. A temporary structure shall be located on the same site as the construction.
 - d. A temporary structure shall be located on the site such that:
 - 1) On and off-site traffic hazards are minimized.
 - 2) The aesthetic impacts are reasonably minimized.
 - 3) It is not closer than ten (10) feet to any property line.
 - 4) All applicable safety, health and fire codes are met.
 - e. No final inspection shall be issued until all temporary structures have been removed from the site.
 - f. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
2. Permits for temporary structures such as tents used in conjunction with special short term outdoor events may be issued by the Building Inspector upon approval of Planning Director according to the following criteria:
 - a. On and off-site traffic hazards are minimized.
 - b. The structure is not placed with any required front or side yard green area of an existing building or otherwise within 25 feet of any adjoining property or public or private street right-of-way.
 - c. The structure shall be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.



CHAPTER 4 General Provisions

- d. The structure will be in place for less than 72 hours.
 - e. The event does not directly or indirectly involve the sale, distribution or consumption of alcoholic beverages.
 - f. The event is a public service event or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.
3. Permits for the temporary placement of mobile homes for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Inspector upon approval by the Planning Director according to the following criteria:
- a. Sufficient domestic water supply and toilet facilities are provided.
 - b. All construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CRF 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.
 - c. The mobile home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zoning district except that it may be placed in the front yard.
 - d. The permit shall specify that the mobile home is temporary and that the permit shall expire after a reasonable specific time.
 - e. An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary mobile home for occupancy shall not be issued until it has been removed or an approved performance guarantee for its removal is deposited with the Township Clerk.

2. Other Temporary Structures:

Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set forth the purposes of the construction. The Zoning Board of Appeals shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.

Section 4.19 Dwellings - Single-Family:

Single-family dwelling erected or placed on a lot or parcel of property in the Township shall meet the following minimum criteria:

- 1. It shall have a minimum width across any front, side or rear elevation of twenty (20) feet.
- 2. There shall be a minimum habitable floor to ceiling height of 7.5 feet.
- 3. The dwelling must be aesthetically compatible in design and appearance with other dwellings in the district, and conform to the minimum floor area requirements for the district in which it is located.
- 4. The dwelling shall be connected to a public sewer and water supply, or to such private facilities approved by the Kent County Health Department.
- 5. All construction and all plumbing, electrical apparatus and insulation within the dwelling shall be of a type and quality conforming to the Township Building Code (BOCA) or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. The dwelling shall meet or exceed all applicable roof snow

