

MINUTES
Cascade Charter Township Zoning Board of Appeals
Tuesday, September 12, 2017
7:00 P.M.

ARTICLE 1. Chairman Berra called the meeting to order at 7:00 P.M.
Members Present: Casey, McDonald and Pennington
Members Absent: Milliken
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 Pennington to approve the Agenda. Supported by Member McDonald. Motion carried 4 to 0.

ARTICLE 4. Approve the Minutes of the June 13, 2017 Meeting.

Motion was made by Member Casey to approve the Minutes of June 13, 2017. Supported by Member McDonald. Motion carried 4 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 #17:3396 Plafkin
Public Hearing**

Property Address: 3157 Brookpointe Drive S.E.

Requested Action: The Applicant is requesting a variance to construct an accessory building more than 200 sq. ft. closer to the rear property line than the required 25 feet.

Director Peterson stated that the Applicant has recently removed an old accessory building in the same location and started (actually completed) construction of a new building. However, the old building was grandfathered and when removed should have come into compliance for replacement.

The current building is 240 sq. ft. (20 x 12) and is a little over 10 feet away from the rear property line. Buildings over 200 sq. ft. are required to be 25 feet from the rear property line. Buildings 200 sq. ft. or less can have a 10 feet rear setback.

The Applicant has indicated that they replaced the old building because water was rotting the building.

The Township became aware of the situation from a drainage complaint from a neighbor. Although they are not violating any drainage rule, the Building Department did confirm the need for a permit and thus the required 25 feet setback from the rear property line.

One other possible remedy is to reduce the size of the building 200 sq. ft. (or less) and then the 10 feet setback would be permitted. According to our building official, this would not be that difficult.

From an inspection of the property, it appears that the location could have been changed to increase the setback but probably still not the required 25 feet. The real solution would be to reduce the building to 200 sq. ft. or less and keep it in the same location.

Director Peterson recommends the request for the variance be denied.

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

Mr. and Mrs. Plafkin came forward to explain the need for the building and to explain that they did not realize until after the fact that the new building was not in compliance. They explained that the new building is exactly the same size as the old one, except a little higher. They felt that if the old building was in compliance, then the exact size new building would be in compliance also. The new building has already been built and the Plafkins are asking the Board to grant their variance so that they won't have to incur the cost of tearing down and rebuilding only to eliminate 3 to 4 feet.

Motion was made by Member Casey to open the Public Hearing. Supported by Member Pennington. Motion carried 4 to 0.

A couple neighbors came forward.

Mr. Miller can see the building from his home. It is a bit on the large side, but esthetically pleasing. He did recommend maybe a few more trees/shrubbery to hide a little more of the building. Mr. Miller also was concerned how the township can prevent similar instances of noncompliance in the future.

Ms. Kriegbaum came forward to explain that as a neighbor to the South of the Plafkins, she would like the building to be moved to another location on the property. She is concerned that there will be substantial soil erosion and water drainage to her property if the building is left at its current size and in its current location. She went on to say that the new building is higher and has a pitched roof and she feels that there would be significant amounts of water coming down into her property because of it. Over the years, Ms. Kriegbaum explained, flooding has occurred on her property and she has had to spend large sums of money for underground drainage systems simply because of developments and neighboring properties around her.

Motion was made by Member Pennington to close the Public Hearing. Supported by Member McDonald. Motion carried 4 to 0.

Chairman Berra asked Applicant if they would like to address the Board with any last comments.

Mr. and Mrs. Plafkin again came forward to explain that out of curiosity, they scoped out their neighborhood and found sheds much bigger than theirs and one home even had 2 additional buildings on their property. The Plafkins do not feel that they should have to move or rebuild.

Motion was made by Member Pennington to deny the variance to construct an accessory building more than 200 sq. ft. closer to the rear property line than the required 25 feet. Supported by Member Casey. Motion carried 4 to 0.

ARTICLE 7. Case #17:3397 Universal Sign

Public Hearing

Property Address: 5062 Kendrick Court SE

Requested Action: The Applicant is requesting a variance to allow a sign closer to the road than permitted.

Director Peterson stated that the Applicant is requesting a variance to install a new ground sign along Kendrick Court. The reason for the variance is because they would like the sign closer than 25 feet from the road R.O.W. Applicant is requesting the sign to be 11 feet from the road R.O.W. The size and height of the sign are limited to 50 sq. ft. and 5 feet tall. They are not asking for any variance from those requirements.

During a similar request in the Meadowbrooke Business Park, we found that some other industrial users had signs closer than 25 feet to the R.O.W. The Board then granted a variance to allow a setback of no less than 10 feet to the R.O.W. One of the reasons a variance was granted was the wider R.O.W. that we have in the industrial areas and the relatively low, small signs that are permitted.

In this case, we have a 90 foot R.O.W. with no real possibility that it would be expanded in the future. The sign would be about 38 feet off from the curb, but because of the wide R.O.W., the sign would only be 11 feet to the R.O.W.

In order to meet the township's required setback, Applicant would probably need a variance for any sign along their frontage, unless the sign was placed parallel to the road.

Director Peterson recommends that the variance be approved with a minimum setback to the R.O.W. Director Peterson also suggested that the Board recommend the Planning Commission consider changing the ordinance in the industrial areas where similar circumstances are present.

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

Mr. Nate Zevenbergen of Universal Sign came forward to give a brief overview and the need for the variance. Essentially, if the sign were placed 25 feet from the road, it would be located in the parking lot, hence the need for a variance.

Motion was made by Member McDonald to open the Public Hearing. Supported by Member Casey. Motion carried 4 to 0.

No one from the public came forward.

Motion was made by Member McDonald to close the Public Hearing. Supported by Member Pennington. Motion carried 4 to 0.

Motion was made by Member McDonald to approve the variance with the minimum of a 10 foot setback to the R.O.W. Supported by Member Pennington. Motion carried 4 to 0.

ARTICLE 8. Case #17-3399 Jeremiah Gruchow

Public Hearing

Requested Action: The Applicant is requesting a variance to create a new lot that does not meet the required lot size of 18,000 sq. ft.

Director Peterson stated that the Applicant is asking for a variance to create a new lot from the existing parcel. As a result of the request, both lots would be under the required 18,000 sq. ft. lot size. The proposed lot sizes for the new parcels are 16,263 sq. ft. and 16,193 sq. ft.

By way of background, this parcel is the result of 4 old platted lots being combined. This area was platted in the late 1920's and at that time, the lots were about 8,000 sq. ft. each. Our records indicate that these platted lots have been combined into one lot since the late 1980's. Because they are old platted lots, which are not permitted to be split, we do allow old non-conforming platted lots that have been combined to be split if they can meet the unplatted lot area requirements. That is where the 18,000 sq. ft. comes from.

Applicant has indicated that the reason for the split is to be able to sell the lot for another home. In order to do so, the existing shed would have to be removed in order to meet zoning.

We have had other requests to split parcels like this where they have combined several old non-conforming platted parcels, although none that required a variance for lot area.

Because the lots were platted so long ago, is the reason you will find lots in the neighborhood that don't meet current minimum lot size requirements. It is the same reason you will find lots in our agricultural area under the 2.29 acre requirement. These are called "grandfathered" lots.

Typically, when we have had a variance situation dealing with a grandfathered situation, we have looked to make the matter closer to compliance. In some cases, we have granted variances, but that has been when moving toward compliance rather than away.

One of the biggest concerns for creating smaller lots than required, is its impact on the eventual development of the lot. The other rules for the area are set up assuming that you meet the basic requirements and it can cause a problem for the eventual development of the lot if they are not meeting all of the basic requirements.

Director Peterson recommends this request for a variance be denied as they do not meet all of the standards to grant the request.

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

Mr. and Mrs. Gruchow came forward to explain that when they originally bought the property they were under the impression it was 38,000 sq. ft., only later finding out that it was 32,000 sq. ft. The property was originally designed as two lots and that is simply what they wish to do, turn it back into two lots. With regards to both lots being under 18,000 sq. ft., Mr. Gruchow explained that in 1997 another property not far from them was split allowing a parcel under 18,000 sq. ft.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Pennington. Motion carried 4 to 0.

Several neighbors came forward. Generally, they were against the split for various reasons. Many didn't want another home near them. Another felt that the split would create precedent for other splits to happen. Yet another really felt it was a good use of the property and was in favor of the split.

Motion was made by Member Pennington to close Public Hearing. Supported by Member McDonald. Motion carried 4 to 0.

Chairman Berra invited the Applicant to come forward with any additional comments.

Mr. and Mrs. Gruchow came forward to state that they didn't feel the split would create precedent, that the property was not green space, but is a buildable lot and asked the Board to let them do what the property was originally designed for.

Motion was made by Member Pennington to deny Applicant's request for a variance to create a new lot because it does not meet the required lot size of 18,000 sq. ft. Supported by Member McDonald. Motion carried 4 to 0.

ARTICLE 9. Any other business.

No other business was presented

ARTICLE 10. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Casey. Motion carried 4 to 0. Meeting adjourned at 8:40.

Respectfully submitted,
Tom McDonald, Secretary