

Minutes

Cascade Charter Township
Zoning Board of Appeals
Tuesday August 10, 2021
5:30 P.M.
2870 Jacksmith Ave SE

- ARTICLE 1.** Chairman Mead called the meeting to order at 5:30 P.M.
Members Present: Moxley, McDonald, Berra, Milliken
Members Absent: None
Others Present: Community Development Director Steve Peterson and those listed on the sign-in sheet
- ARTICLE 2.** **Pledge of Allegiance**
- ARTICLE 3.** **Approve the current Agenda**
Motion was made by Member McDonald to approve the current Agenda. Supported by Member Berra. Motion carried 5 to 0.
- ARTICLE 4.** **Approve the minutes of the July 13, 2021 meeting**
Motion was made by Member McDonald to approve the current Agenda. Supported by Member Berra. Motion carried 5 to 0.
- ARTICLE 5.** **Acknowledge visitors and those wishing to speak to non-agenda items.**
There were not any visitors that wished to speak to non-agenda items.
- ARTICLE 6.** **Case #21-3648/Bradley & Michelle Stevenson**
Property Address: 7007 Oak Brook St and 7126 Mooring Heights Ct.
Requested Action: The applicant is requesting approval to reconfigure two platted lots in separate developments.
Community Development Director Peterson explained that this wasn't a typical zoning variance, it is the moving of platted lot lines that require Zoning Board approval. The property owners want to move the property lines so that approximately 5,500 sq ft will be taken from 7126 Mooring Heights and be added to 7007 Oak Brook. Since the larger parcel is getting smaller and there are no structures near the new lot line of the property, a line shift would not be an issue. They want to do this to accommodate landscaping that has been done by the property owner of 7007 Oak Brook. They still need to fill out a county tax form to show that both owners are up to speed on their taxes. If approved, both owners would need to record the lot line deeds in the next 30 days.
The only comment that came from the published notice of this hearing was from what they assume was a neighbor saying that they didn't believe this case should go to the

Zoning Board of Appeals as it should simply be an administrative function. This would normally be the case but since the lots are platted, the township's lawyer says that the Zoning Board of Appeals needs to approve this lot line shift. Staff is recommending approval of this case with the conditions of needing to complete the county tax form and file the new deeds within 30 days.

Jason Schnelker of Schnelker, Rassi, and McConnell, and is representing Bradley and Michelle Stevenson. The Mooring Heights lot, owned by David Byl and Christine Marie Olree, has a relatively steep grade that comes down toward the Stevenson lot. The owners of the Oak Brook have done some extensive landscaping over the years including adding a pergola and planting trees. The Stevenson's took the lead and had the lot surveyed. Everyone involved went out to the property and walked the lot to come to a mutual agreement. If the case is approved, they will file deeds transferring the property over to the Stevenson's and then each of the property owners will record a deed to themselves so that there's a clean parcel description provided to the county.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Berra. Motion carried 5 to 0.

There were not any speakers that wanted to speak in the public hearing.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Berra. Motion carried 5 to 0.

Motion was made by Member McDonald to approve case #21-3648 in accordance with the application, including the staff requirements of the new deeds being filed in 30 days and completion of the Kent County tax forms. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 7. Case #21-3649/Lamore

Address: 5733 Summerset Woods Dr.

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

Community Development Director Peterson presented the commission with property diagrams and images for the property in question as they want to keep an existing 10'x16' accessory building in their front yard. The Township has a couple of provisions that are generally used when cases like this occur. The first generally takes place when the property is on waterfront, but that is not the case here. The other provision takes place when the owner would have to drive over their septic tank to get to it or they have to remove significant amounts of vegetation and the building is at least 200 ft off of the right of way, you can have a building in the front yard. It is staff's opinion that the property owner meets the vegetation removal and septic tank location requirements for this but not the 200 ft setback requirement. The building is already there as the building is less than 200 sq ft and doesn't require a building permit and it isn't uncommon for

people to move a small shed onto their lot. The applicant is requesting to keep the building on the land where it currently is.

The house is built at the back of the lot, making a majority of the applicant's yard considered the 'front yard'. The side yard is almost completely taken up by their septic tank and, if the shed were to be placed further back than it currently is, it would be more visible to the surrounding homeowners. The house is set so far back in relation to the orientation of the surrounding houses that, putting the shed closer to the front of the property, still makes it appear as in the backyard for the surrounding houses.

Staff is comfortable recommending approval of the variance as it is visible today.

Christopher Lamore, owner of 5733 Summerset Woods Dr., spoke on his own behalf as to the variance request. He spoke with all of the surrounding neighbors, especially the ones that they would be most affected by the shed placement. Lamore provided images of the shed location (with the shed in place) in different seasons to show how little the shed was visible to the surrounding area. He reported that he had planted 25 evergreen trees in the area surrounding the shed and around 250 conifers on the property so that, within the next 40 years, neighbors will not be able to see into the property whatsoever. He understood the concerns that future owners may remove the vegetation but he does not believe that is something that would realistically happen due to the sheer number of trees that they would have to move.

Motion was made by Member McDonald to open Public Hearing. Supported by Member Moxley. Motion carried 5 to 0.

There were not any speakers that wanted to speak in the public hearing.

Motion was made by Member McDonald to close Public Hearing. Supported by Member Moxley. Motion carried 5 to 0.

Motion was made by Member McDonald to approve case #21-3649 as requested. Supported by Member Milliken. Motion carries 5 to 0.

ARTICLE 8. Old Business

There was not any old business.

ARTICLE 9. Adjournment

Motion was made by Member McDonald to adjourn. Supported by Member Berra. Motion carried 5 to 0. The meeting was adjourned at 6:23 p.m.

Respectfully submitted,

Ralph Moxley, Secretary