

ZONING MINUTES
Cascade Charter Township
Zoning Board of Appeals
Tuesday, December 08, 2015
7:00 P.M.
Cascade Library Wisner Center
2870 Jackson Avenue SE

ARTICLE 1. Chairman Casey called the meeting to order at 7:00 P.M.
Members Present: Berra, Casey, McDonald, Milliken, Waalkes
Members Absent: None
Others Present: Community Development Director Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Chairman Casey led the Pledge of Allegiance to the flag.

ARTICLE 3. Approve the current Agenda.

Motion made to approve the Agenda as printed by Member McDonald. Support by Member Berra. Motion carried 5-0.

ARTICLE 4. Approve the Minutes of the November 10, 2015 Meeting.

Motion made by Member McDonald to approve the Minutes of the November 10, 2015 Meeting as written. Support by Member Berra. Motion carried 5-0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

No visitors present wished to speak to non-agenda items.

ARTICLE 6. Case #15:3287 Chad Weiss

Public Hearing

Property Address: 7024 Cascade Road

Requested Action: The Applicant is requesting a variance to construct an addition to the house that does not meet the minimum 50 foot front yard setback.

Community Development Director Peterson introduced the case. We do our residential setbacks based on the type of road you are on. Cascade Road is considered a major arterial road and requires a 50 yard setback from the right of way. What is unique about this property, is that the entire home is within the 50 foot front yard setback. Any addition they do would require a variance. What we say about nonconforming buildings is that they can have an addition as long as it meets today's requirements. As the entire structure is within the 50' setback, even an addition off the back would require a variance. We have not had a case like this before where the entire structure is nonconforming where an addition to the rear of the structure required a front yard variance. There are other homes along Cascade Road that are closer than the 50 feet and it is not that unusual in this area. The Applicant is not making the nonconformity any worse as the addition is on the rear of the structure. The home is older and built in the 1920's and conformed to the community standards at that time. As Cascade Road expanded and the Township came up with the 50' setback requirements it made it legal

nonconforming. I am recommending approval for the variance to add an addition to the rear of the home even though it is within the front yard setback. One condition that needs to be pointed out is that they must maintain at least a 10' separation between the garage and the new addition. The Applicant stated that they had planned an 8'6" separation and they have indicated that they will shift the addition to maintain the 10' separation.

Chairman Casey asked the applicant to come forward with comments.

The Applicant did not have any further comments.

Member McDonald made a motion to open the Public Hearing. Second by Member Berra. Motion passes 5-0.

Chairman Casey asked anyone with comments to come forward.

No one came forward with any comments and Director Peterson did not receive any public comments.

Member McDonald made a motion to close the Public Hearing. Second by Member Berra. Motion passes 5-0.

Member McDonald made a motion to approve the variance for Case 15:3287 allowing for the addition within the 50 foot front yard setback with the condition that the detached garage maintain at least 10' of separation from the house addition as per Staff's recommendations. Member Milliken supports. Motion passes 5-0.

ARTICLE 7. Case #15:3288 Cascade Road House

Public Hearing

Property Address: 6817 Cascade Road

Requested Action: The Applicant is seeking a variance to allow a sign on the roof.

Director Peterson introduced the case. They are remodeling the restaurant which is on Cascade Road in the Village area. They want a traditional road house type sign mounted to the roof. We technically do not allow signs mounted to the roof. How a lot of people have gotten around that is that they put a fake façade or front on the building and mount the sign to that. We do not allow them to be mounted directly to the roof structure. The only sign that is similar is Meijer on 28th Street and they did receive a variance. As I looked at this, in my mind what we were trying to prevent by prohibiting signs on the roof is signs above the peak. We don't have anything above a parapet wall or fake façade. They are not above the peak of the roof and that is the important distinction in my mind. I am recommending approval as it is attached to the roof below the peak of the roof and you will not see it from anywhere else just as if they had a parapet wall. I think this looks better than the fake fronts and would prefer this to some of the other options that they would be allowed to do.

Member McDonald stated that the real intent of the ordinance is to prevent people from putting a sign literally on top of the roof. Director Peterson stated this is correct. The intent was to prevent signs from hanging over the tops of buildings that you would

be able to see from great distances. We do not allow signs above the visible roof line or peak. I do not feel this decision will cause a problem in the future as the sign itself is within our size requirements. They could build a fake dormer to get around the variance but I don't think it would look any better and in fact could look worse.

I am recommending approval of the variance as it is below the peak line or roof line. I did want to note that they made the sign smaller than their original plan which I also feel is more in keeping with our Ordinance. They will be required to get a sign permit.

Member Waalkes stated that he did like the size of the newer sign as it seems to fit the building better. They really can't put it on the wall as there are too many windows. This is much cleaner than a pylon sign or a ground mounted sign in this case.

Chairman Casey asked the Applicant to come forward with comments.

Chairman Casey asked the record to show that the Applicant was not present.

Member Waalkes asked if the case should be tabled as the Applicant is not present. Director Peterson stated that as this case is not controversial as no one attended the meeting, he is comfortable with moving forward.

Member McDonald made a motion to open the Public Hearing. Second by Member Waalkes. Motion passes 5-0.

Chairman Casey asked anyone with comments to come forward. No one came forward with comments.

Member McDonald made a motion to close the Public Hearing. Second by Member Berra. Motion passes 5-0.

Member Milliken asked for clarification that if variance was approved would the Applicant be able to make any changes to the sign that we did not agree to this evening. Director Peterson stated the Zoning Board could make the condition that they use the most recent sign drawing submitted. Without that condition they could put anything up that meets our sign ordinance.

Member McDonald made a motion to approve the variance for Case 15:3288 to allow a sign on the roof under the following conditions:

- 1. The top of the sign is still below the peak of the roof.**
- 2. Any lighting will have to comply with township regulations.**
- 3. The sign must be constructed as shown on the drawing submitted and approved by the Zoning Board.**

Second by Member Waalkes. Motion passes 5-0.

ARTICLE 8. Any other business.

ARTICLE 9. Adjournment

**Motion by Member McDonald to adjourn the meeting. Support by Member Berra.
Motion Passed 5-0. Meeting adjourned at 7:19 PM.**

Respectfully submitted,

Ann Seykora/Julie Kutchins
Planning Administrative Assistant