

AGENDA
Cascade Charter Township Zoning Board of Appeals
Tuesday, July 12, 2022
5:30 pm
2870 Jacksmith Ave

- 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 June 14, 2022 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 #22-3716/VanDeBurg
Public Hearing
Property Address: 3295 Snow Ave
Requested Action: The applicant is requesting approval for a temporary use to allow a greenhouse to be used as an event venue in the offseason.**
- 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
Tuesday, June 14, 2022
5:29 P.M.
2870 Jacksmith Ave SE

ARTICLE 1. Chair Mead called the meeting to order at 5:29 P.M.
Members Present: Tom McDonald, Ralph Moxley, Aaron Mead, Lou Berra, and Valerie Milliken
Members Absent: None
Others Present: Planning Director Brian Hilbrands 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 May 10, 2022 Meeting

Motion made by Member Berra to approve the May 10, 2022 meeting minutes as written. Supported by Member McDonald. Motion carried 5 to 0.

ARTICLE 5. Acknowledged any visitors wishing to speak on non-agenda items

There were not any visitors wishing to speak on non-agenda.

ARTICLE 6. Case #22-3709/Jipping

Property Address: 2637 Buttrick Ave

Requested Action: The applicant is requesting a variance to allow for the home located on the property to be removed while an accessory building remains, resulting in the building being located in the front yard.

Planning Director Hilbrands presented the case. The applicants are requesting for the home on their property (2637 Buttrick Ave) to be removed while allowing an accessory building to remain. The applicants own this property and they also own and live on the adjacent parcel to the west (7779 Silverthorne Dr). There is an old farmhouse located at 2637 Buttrick Ave along with a detached garage and two barns. The applicant wishes to remove all buildings except the largest barn on the property. Zoning requirements state you have to have a home on the property in order to have an accessory building. If the home is removed, then all accessory buildings must be removed at that time unless there are plans to build another home on the property. There are no plans to build another home at this time.

This case is unique due to the fact the property is currently a conforming parcel. The options include leaving the home on the property where no variance would be needed as it is a conforming parcel, removing the home and all other buildings on the property to remain in compliance, removing the home and then building a new one (which typically needs to be done within a year), removing the home and receiving a variance to allow the barn to be located on a vacant parcel, or removing the home, combining their two properties, and receiving a variance to allow the large barn to be located on what would be the front yard of the combined parcel. The applicants decided to apply for a variance to combine the two properties, leaving the barn, and resulting in the barn being left in the front area due to his combined parcel's frontage on Silverthorne Dr and Buttrick Ave.

Planning Director Hilbrands also noted that, after reviewing the property at 7779 Silverthorne Dr, it is considered a flag lot where there is a narrow, 33ft wide strip/flag that extends out to Silverthorne Dr, resulting in that parcel not meeting minimum width requirements. In this case, the parcel would be considered legal non-conforming. In the future, if the applicants wish to complete a lot split with this property, they would likely have to apply for another variance due to the property on Silverthorne Dr not meeting minimum width requirements. The barn the applicant would like to keep is approximately 30ftx42ft and has setbacks of approximately 81ft to the side property line and 190ft to the front property line. The barn is located behind the home on the parcel to the south and does not appear to be in the front yard to that neighbor. Variances have been granted in the past for properties with unique or exceptional circumstances. Given the fact that the barn is an existing building, the other two accessory buildings will be removed, and the barn appears to be in the side yard of the neighboring property, Staff recommend approval of this case with the condition that, if the barn remains, their two adjacent properties are combined, resulting in the barn being located in the front yard of the combined parcel. Member Moxley inquired about a structure that appeared to be located to the south of the barn; Planning Director Hilbrands and Attorney Kilbert clarified that the 'building' was a camper that was parked on the property.

Attorney Sam Kilbert from Dykema (39577 Woodward Ave), represented applicants John and Linda Jipping. Attorney Kilbert noted that this is a variance to preserve the barn located on the property. The structures being removed are dilapidated, whereas the large barn dates back to 1906 and is considered a historic structure. The owners are seeking to combine properties and leave the barn in its current location to rehabilitate it. Upon reviewing the ordinance and based on the Cascade zoning ordinance, specifically section 23.07(2), this variance meets all the requirements for a practical hardship.

Motion made by Member McDonald to move to public hearing. Supported by Member Moxley. Motion carried 5 to 0.

No one wished to speak.

Motion made by Member McDonald to close public hearing. Supported by Member Moxley. Motion carried 5 to 0.

Member McDonald states that the number of unique circumstances explained by staff, including the historic nature of the building, the applicant's inability to control the age or location of the barn, and the removal of the other two buildings to bring the property more into compliance, were reason enough for the Zoning Board to approve the variance.

Motion made by Member McDonald to approve the variance with Staff recommendations. Supported by Member Berra. Motion carried 5 to 0.

ARTICLE 7. Case #22-3710/Goehring

Property Address: 6389 Burton St

Requested Action: The applicant is requesting an extension of a previous variance for the use of a temporary building during the construction of a detached garage and interior remodel work.

Planning Director Hilbrands explained the applicant is requesting a 6-month extension to a previous variance for the use of a temporary building during the construction of a detached garage and interior remodel of their home (6389 Burton St). The property owner has an approximately 8ftx20ft shipping container in their yard that is being utilized for storage during construction. The shipping container was brought to Staff attention by a neighbor in March 2021, resulting in the applicant applying for a variance. Originally, the applicant was granted a 6-month variance in May 2021, then granted a 6-month extension in November 2022. The extension expired in May and the applicant is applying for a second extension since the interior and garage construction are not completed. Planning Director Hilbrands explained that the applicant has noted the shipping container is storing a variety of materials needed for the remodel that need to be kept out of the weather, and will hold items for the garage as well. The applicant stated that they have had delays in finding materials and contractors for the work and this has pushed everything back. They still have permits for work being done on the interior. Planning Director Hilbrands suggested having the applicant come forward to share a timeline for the projects. Member Berra inquired if there had been letters received from neighbors regarding the case and Planning Director Hilbrands said there had not been.

Applicant Herold Goehring (6389 Burton) reiterated the challenge of obtaining contractors. Currently, they are on the painting stage of the house. As mentioned in previous meetings, the original plan was to insulate the add-on but, due to the weakness of the addition, a large amount of the building had to be rebuilt with wood that was not rotted. Goehring stated that the project is probably another month or two out from completion. The contractor has been in contact with him about the design of the garage. The applicant expressed frustrations with living in a construction zone. Member Moxley commented on how he passes the applicant's house frequently and assured the board that the applicant is doing a nice job and the exterior of the house looks great. The applicant was asked when his best estimate on completion is and he said that estimate was very difficult to make but he estimates that it will take an

additional three to four months to complete the project. Since he does not know when the structures will be completed, he is requesting a six-month extension. Member Moxley comments that, when he drives past the house, the storage trailer is mostly hidden by trees.

Motion made by Member McDonald to open public hearing. Supported by Member Milliken. Motion carried 5 to 0.

No one wished to speak.

Motion made by Member Berra to close the public hearing. Supported by Member Milliken. Motion carried 5 to 0.

Member McDonald shared that he believed that the variance was justified as there were circumstances out of the applicant's hands that all members could easily identify.

Motion made by member McDonald to approve the variance as requested with staff's conditions. Supported by Member Moxley. Motion carried 5 to 0.

ARTICLE 8. Any other business

Planning Director Hilbrands reminded the Board that they have a special meeting on June 28th, 2022.

ARTICLE 9. Motion to adjourn was made by Member Berra. Supported by Member Milliken. Motion carried 5 to 0. The meeting was adjourned at 5:45 P.M.

Respectfully submitted,

Ralph Moxley, Secretary

STAFF REPORT

STAFF REPORT: Case #22-3716/VanDeBurg
REPORT DATE: July 7, 2022
PREPARED FOR: Cascade Charter Township Zoning Board of Appeals
MEETING DATE: July 12, 2022
PREPARED BY: Brian Hilbrands, Planning Director

APPLICANT:
Christian VanDeBurg
3295 Snow Avenue
Lowell, MI 49331

STATUS
OF APPLICANT: Representative for Owner

REQUESTED ACTION: The applicant is requesting approval for a temporary use to allow a greenhouse to be used as an event venue in the offseason.

EXISTING ZONING OF
SUBJECT PARCEL(S): ARC

GENERAL LOCATION: The property is located on Snow Avenue, north of 36th Street.

PARCEL SIZE: Approximately 44 acres

EXISTING LAND USE
ON THE PROPERTY: Greenhouse

ADJACENT AREA
LAND USES: N – Residential
S,W,E – Vacant/Agricultural

ZONING ON
ADJOINING PARCELS: N – ARC
E – Lowell Township
S,W – FP

STAFF COMMENTS:

1. The applicant is requesting your review, to allow for the temporary use of the property and buildings at 3295 Snow Avenue to be used as an event venue. The property is currently used for Snow Avenue Greenhouse. The applicant would like to use the property as an event venue during the offseason when the buildings sit empty, from approximately August through November.

2. Section 23.07(4) of the Zoning Ordinance provides the Zoning Board of Appeals the authority to review and approve requests for temporary uses, provided that it complies with section 4.18(4) of the Zoning Ordinance.

Section 4.18(4) states, "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."

3. You are most familiar with this section when we have dealt with temporary buildings on sites. In those cases, we have granted several variances allowing the temporary building or use provided that the end date was set when the temporary building or use would be terminated.
4. This request for a temporary use is a bit unique. In reviewing old cases I found two examples of temporary uses. Temporary uses were granted to Patterson Ice Arena to serve alcohol at single day events on three different occasions. In 1995 and 1997, two different churches were permitted to occupy commercial spaces for up to three years as a temporary use until they completed construction on new, permanent facilities.
5. As currently written, I do not believe the Zoning Ordinance would permit an event venue as a primary use in the ARC zoning district. Instead, the applicant has submitted the request for the temporary use. This would allow for the use in a smaller and restricted capacity, and allow for the Township to include conditions to any approval.
6. In the narrative submitted with the application, the applicant indicates that they would schedule up to 20 events between the months of August through November. They anticipate having between 50-200 guests at the events. There are currently 36 paved parking spaces on site, and the applicant indicates there is potential for 50 more spaces if areas of the existing lawn are utilized. They indicate that they will only use the first third of the greenhouse for the event area and do not plan on altering the site in any significant way. If this were to become a permanent use, there would most likely need to be additional improved parking areas added.
7. Section 4.18(4) of the Zoning Ordinance requires that the Zoning Board of Appeals to determine: if indeed the structure is temporary and when its use will be terminated; if the

structure will be served by a healthful water supply and toilet facilities, and if the temporary building will be injurious to the surrounding properties or neighborhood.

8. The applicant is requesting that the use be allowed for up to 20 events during the months of August through November.
9. Staff received comments from both the Building and Fire Departments stating that even as a temporary use, this would be considered a change of use per the building and fire codes. As such, the building would need to be brought up to the current codes for an assembly occupancy. The applicant will need to provide documents that demonstrate code compliance for the existing building in order for the Building Department to issue permits.
10. The property and all operations and events taking place on the property will need to meet lighting, signage, and noise restrictions of the Township. The Township Noise Ordinance prohibits activities on commercial properties that produce clearly audible sound beyond the property line between 10:00 PM and 7:00 AM.
11. Since this is not a variance request, the standards you should apply are those referred to above.

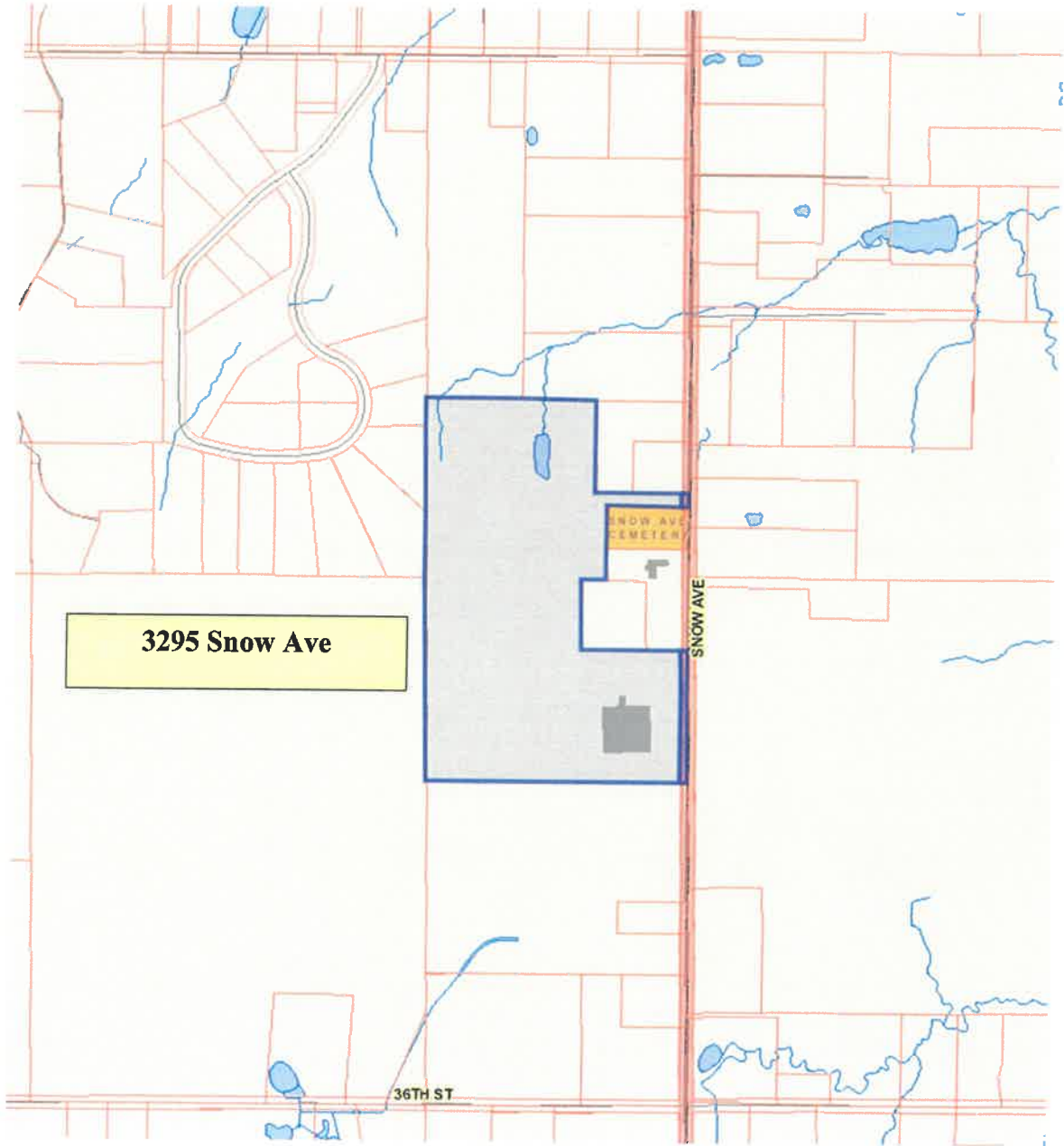
STAFF RECOMMENDATION:

The Zoning Board should consider if a limit should be placed on the number of events permitted, as well as the number guests allowed at an event.

Staff recommend that you approve the request for a temporary use with the following conditions:

1. That the approval allows for no more than 20 events to be held between the months of August 2022 through December 2022.
2. The property and all activities must remain in compliance with Township lighting, signage, and noise standards.
3. The applicant demonstrate compliance with the Building and Fire Code requirements and receive approval from the Building Department and Fire Department.

Attachments: Application package
Site plan
Section 4.18(4) of the Zoning Ordinance





CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE, Grand Rapids,
Michigan 49546-7140

PLANNING & ZONING APPLICATION

APPLICANT: Name: Christian VanDeBurg
Address: 1014 Powers Ave NW
City & Zip Code: Grand Rapids MI 49504
Telephone: 616 - 581 - 5038
Email Address: christianvdb3@gmail.com

OWNER: * (If different from Applicant)
Name: David VanDeBurg
Address: 3155 Snow Ave
City & Zip Code: Lowell MI 49331
Telephone: 616 481 8355
Email Address: snowaveghse@sbcglobal.net

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 Subdivision
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Plat Review *
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Other: <u>Temporary *Use Permit</u>

** Requires an initial submission of 5 copies of the completed site plan*

BRIEFLY DESCRIBE YOUR REQUEST:**

Use the property and buildings as an event venue in the off season. It currently sits empty ~~in the~~ from August through January

(**Use Attachments if Necessary)

-SEE OTHER SIDE-

LEGAL DESCRIPTION OF PROPERTY:**

(**Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19 _____

ADDRESS OF PROPERTY: 3295 Snow Ave

PRESENT USE OF THE PROPERTY: Greenhouse

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.)

David VanDeBurg

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

* [Signature]

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

Christian VanDeBurg

Applicant – Print or Type Name

[Signature]

Applicant's Signature & Date

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

We anticipate weddings of 50-200 guests

We would schedule events on 10 weekends out of the year, starting the first weekend of August and ending in November. 2x per weekend for a total of 20 events per year.

Parking: 36 parking spots with a potential 50 more in overflow. There is also a church next door that we would like to contact to see if we could use their lot as overflow parking if needed.

Traffic flow would increase two times; upon arrival and departure of the guests which we would anticipate to be around 3-5 pm and 9-10:30 pm. We would predict that most of the traffic would come through Ada to the North, From the M6 highway exit, and Cascade from the south. The congestion potential on the surrounding areas would be negligible due to the normal activity of the area, the multiple entrances/exits to the parking lot (the greenhouse deals with high volume of customers with ease during the peak season in the spring), and the multiple directions the majority of vehicles are coming from.

We intend to use only the first third of the greenhouse for the events area. We do not plan on altering the site in any significant way.

Ave SE

Snow Ave SE

Snow Ave SE

Snow Ave SE

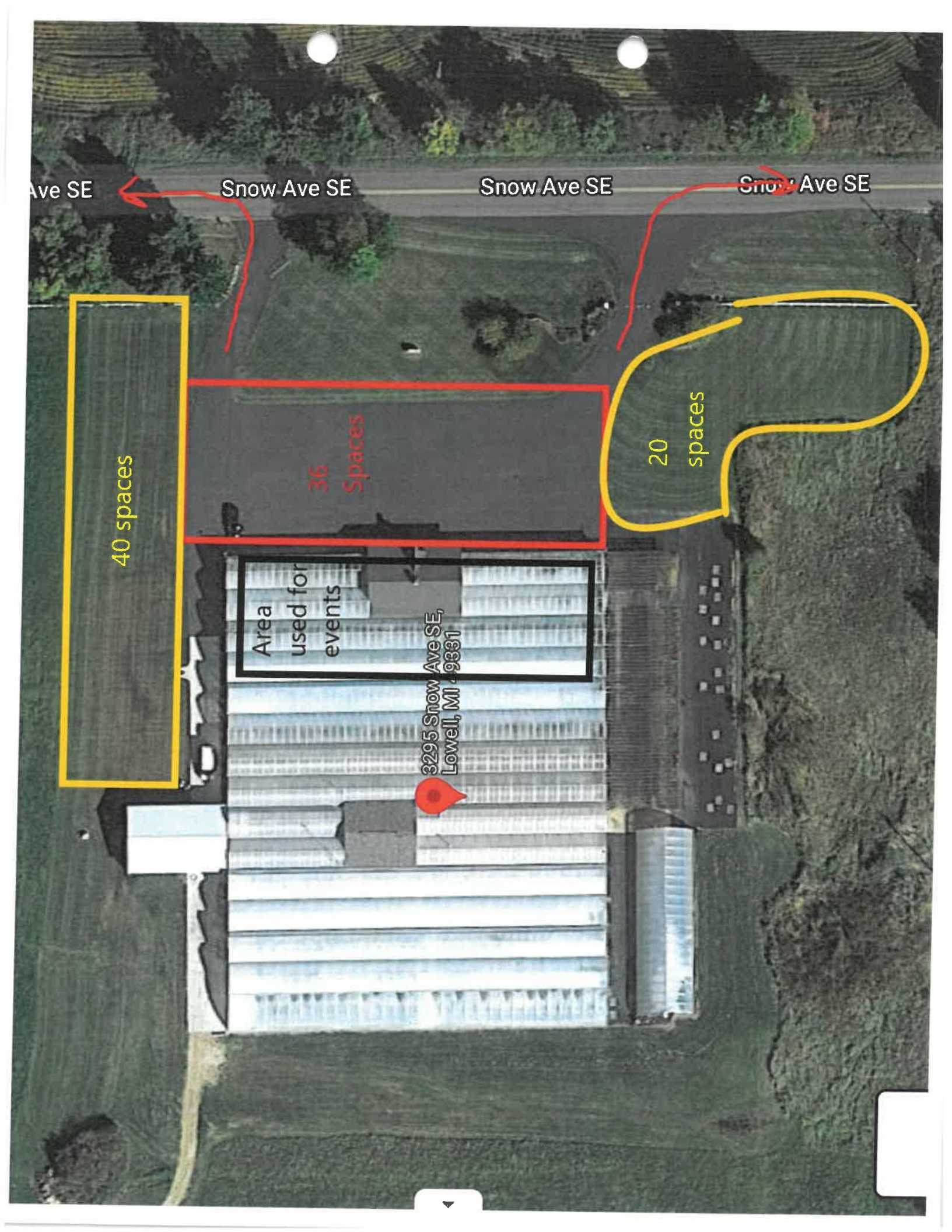
40 spaces

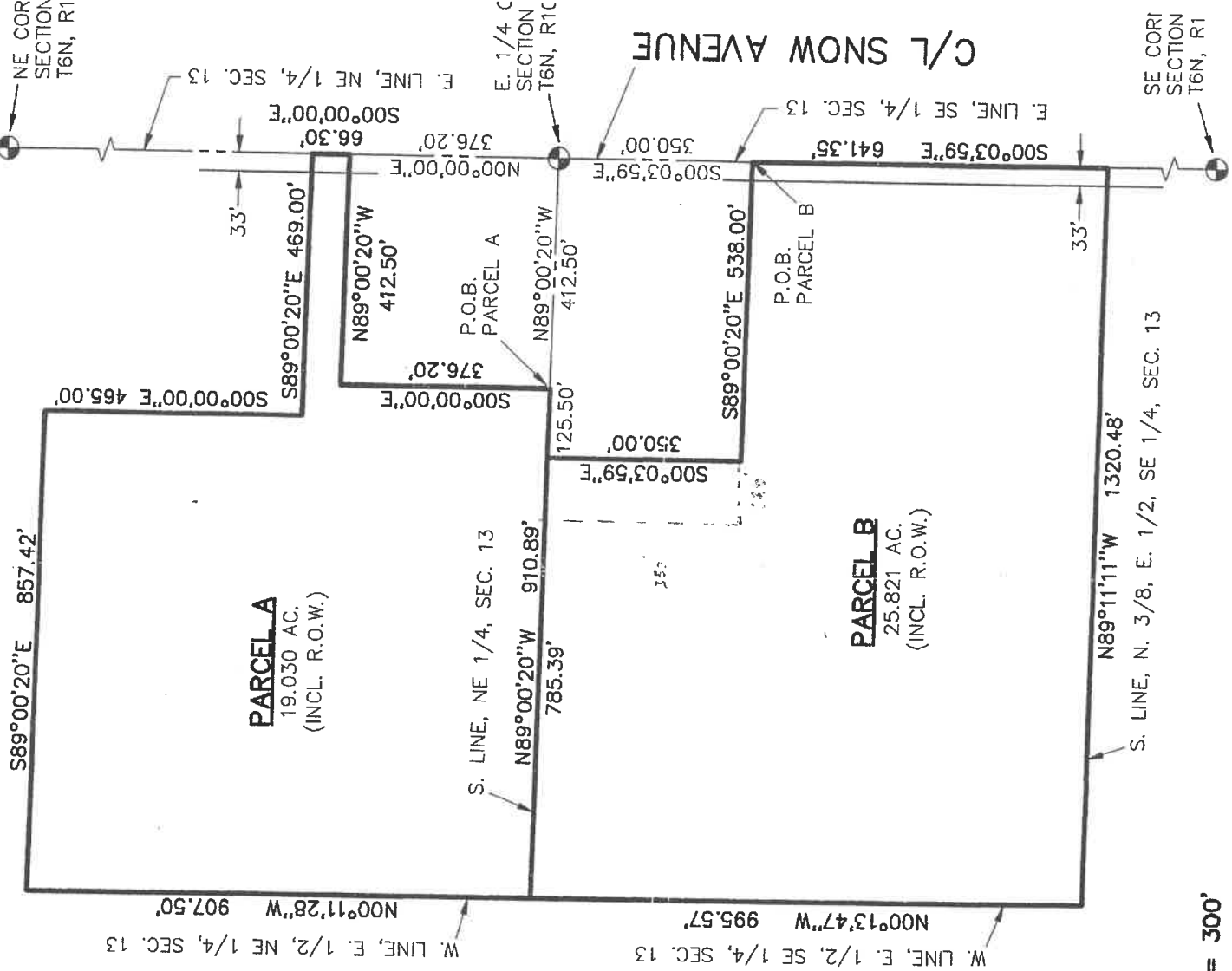
36 Spaces

20 spaces

Area used for events

3295 Snow Ave SE,
Lowell, MI 49831





S89°00'20"E 857.42'

PARCEL A
19.030 AC.
(INCL. R.O.W.)

S. LINE, NE 1/4, SEC. 13

N89°00'20"W 910.89'

785.39'

S00°00'00"E 465.00'

S89°00'20"E 469.00'

N89°00'20"W 412.50'

376.20'

P.O.B. PARCEL A

N89°00'20"W 412.50'

125.50'

S00°03'59"E 350.00'

S89°00'20"E 538.00'

P.O.B. PARCEL B

33'

N89°11'11"W 1320.48'

S. LINE, N. 3/8, E. 1/2, SE 1/4, SEC. 13

W. LINE, E. 1/2, NE 1/4, SEC. 13
N00°11'28"W 907.50'

W. LINE, E. 1/2, SE 1/4, SEC. 13
N00°13'47"W 995.57'

E. LINE, NE 1/4, SEC. 13
S00°00'00"E 66.30'

E. LINE, SE 1/4, SEC. 13
S00°03'59"E 641.35'

SE CORNER SECTION T6N, R1E

SCALE: 1" = 300'

LATEST SURVEY

Sketch and description for:
Dave Vande Burg
7569 Woodvale, SE
Grand Rapids, MI 49546

Description of Parent Parcel:

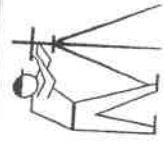
That part of the SE 1/4, and that part of the NE 1/4, Section 13, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at a point on the East line of the NE 1/4 of Section 13, which is N00°00'00"E 376.20 feet from the East 1/4 corner of Section 13; thence N89°00'20"W 412.50 feet parallel with the South line of said NE 1/4; thence S00°00'00"E 376.20 feet; thence N89°00'20"W 387.50 feet along the South line of said NE 1/4; thence S00°03'59"E 550.00 feet parallel with the East line of the SE 1/4 of Section 13; thence S89°00'20"E 800.00 feet; thence S00°03'59"E 441.35 feet along the East line of said SE 1/4; thence N89°11'11"W 1320.48 feet along the South line of the North 3/8 of the East 1/2 of said SE 1/4; thence N00°13'47"W 995.57 feet along the West line of the East 1/2 of the SE 1/4 of Section 13; thence N00°11'28"W 907.50 feet along the West line of the East 1/2 of the NE 1/4 of Section 13; thence S89°00'20"E 857.42 feet parallel with the South line of said NE 1/4; thence S00°00'E 465.00 feet; thence S89°00'20"E 469.00 feet; thence S00°00'E 66.30 feet along the East line of said NE 1/4 to the place of beginning. Subject to highway R.O.W. for Snow Avenue.

Description of Parcel A:

Part of the NE 1/4, Section 13, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the East 1/4 corner of said Section 13; thence N89°00'20"W 412.50 feet along the South line of said NE 1/4 to the PLACE OF BEGINNING of this description; thence N89°00'20"W 910.89 feet along said South line; thence N00°11'28"W 907.50 feet along the West line of the East 1/2 of said NE 1/4; thence S89°00'20"E 857.42 feet; thence S00°00'00"E 465.00 feet; thence S89°00'20"E 469.00 feet; thence S00°00'00"E 66.30 feet along the East line of said NE 1/4; thence N89°00'20"W 412.50 feet; thence S00°00'00"E 376.20 feet to the place of beginning. Subject to highway R.O.W. for Snow Avenue. Parcel contains 19.030 acres including highway R.O.W.

Description of Parcel B:

Part of the SE 1/4, Section 13, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the East 1/4 corner of said Section 13; thence S00°03'59"E 350.00 feet along the East line of said SE 1/4 to the PLACE OF BEGINNING of this description; thence S00°03'59"E 641.35 feet along said East line; thence N89°11'11"W 1320.48 feet along the South line of the North 3/8 of the East 1/2 of said SE 1/4; thence N00°13'47"W 995.57 feet along the West line of the East 1/2 of said SE 1/4; thence S89°00'20"E 785.39 feet along the North line of said SE 1/4; thence S00°03'59"E 350.00 feet; thence S89°00'20"E 538.00 feet to the place of beginning. Subject to highway R.O.W. for Snow Avenue. Parcel contains 25.821 acres including highway R.O.W.



exxel engineering inc.

5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI. 49509
PHONE (616) 531-3660 FAX (616) 531-2121

FILE NO.: S041974

DATE: 06/28/04 REV. 7/14/04