

CASCADE --- TOWNSHIP ---

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CASCADE TOWNSHIP BOARD OF ADJUSTMENT AND APPEALS MINUTES

August 21, 2014

Call to order at 6:05 pm at the Cascade Town Hall Board Room. All in attendance recited the Pledge of Allegiance.

Members present: Supervisor Harold Atkinson, Supervisor Laures, Supervisor Heathman, Clerk/Treasurer Michael Brown, and Planning Commission Chairperson Char Brown

Attendees present: Terry Johnson (Farmland LLC), William Tointon (McGhie & Betts), Roger Ihrke and David Meir (TCPA), Fred Daly

Open Space Variance request for Majestic Meadows.

TCPA staff provided a review of the variance application for Majestic Meadows requesting a reduction from the required 10% open space (per sub-division ordinance) to an open space consistent with the 1.5% open space recommended by the Planning Commission. The preliminary plat for Majestic Meadows provides 2.2% open space via a parcel contiguous to the environmental corridor adjacent to the Salley Hill development on the East side of the river. Mr. Atkinson inquired about the open space requirement of the county. Per TCPA the county has no requirement for open space.

Mr. Tointon representing the developer addressed the board to provide responses to the conditions for granting a variance. Mr. Tointon stated the applicant is willing to provide cash in lieu of open space to be applied to the development of the trail in the Salley Hill environmental corridor. It was noted the determination of any offsetting cash contribution should be left to the development agreement.

Mr. Laures opened the meeting for public comments.

Mr. Fred Daly addressed the board to speak of the origin of the open space requirement and asked the board to follow the established ordinance. Mr. Daly also noted the development does not align with the previously applied county standard of a 3.5 acre/lot density. Mr. Laures noted the county has approved the proposed density. Mr. Daly also stated his desire to eliminate the existing fence law ruling affecting his property and that of the applicant.

Mr. Johnson offered a realtor's perspective of the open space requirement. He stated the desire of buyers of large lots is not to have extra open space as part of the development.

Mr. Laures called three times for additional comments and hearing none requested a motion to close the public comments.

- A motion by Mr. Brown to close the public comments. Second by Ms. Brown
AYE: Heathman, Atkinson, Laures, Brown, Brown
NAY: None
Motion Approved

Mr. Laures asked each board member for their perspective on the variance request.

- Mr. Brown voiced support for reducing the open space requirement.
- Mr. Laures expressed his view that there is value in public open space but not private open space. Mr. Laures supports the cash in lieu of proposal.
- Mr. Atkinson offered no comment.
- Mr. Heathman voiced support for the variance request and noted that the adjacent development to the south was allowed a similar variance. Mr. Heathman stated he was comfortable with the reduction.
- Ms. Brown restated the analysis done by the planning commission to arrive at the recommendation for a reduced open space requirement. Ms. Brown echoed the observation of Mr. Laures that developments with smaller lots will still need open space and the requirements should be adjusted based on lot size.

A motion by Mr. Heathman to approve the variance request with a reduction of open space from 10% to 2.2%, eliminate the 1/3 buildable requirement, and incorporate staff recommendations. Second by Mr. Brown.

AYE: Brown, Laures, Heathman, Brown

NAY: None

Abstain: Atkinson

Motion Approved

Accessory Building Variance request for Majestic Meadows.

TCPA staff provided a review of the variance application for Majestic Meadows requesting the retention of an existing pole shed that does not meet the ordinance requirements for an R1 zone. Staff reviewed the scope of the variance in terms of size, setback, finish, construction, etc.

Mr. Tointon addressed the board to speak for the applicant and the rationale for preserving the structure. Mr. Johnson noted that he would accept destruction of the building but would prefer to keep the structure as it has value and a potential buyer has expressed interest in purchasing that parcel and using the structure to store collector cars.

Mr. Atkinson expressed concern with setting precedent by allowing an oversized pole shed in a residential district.

Mr. Laures opened the meeting for public comments.

Mr. Fred Daly addressed the board to state he had no opposition to allowing the building to remain.

Mr. Laures called three times for additional comments and hearing none requested a motion to close the public comments.

- A motion by Mr. Brown to close the public comments. Second by Mr. Heathman
AYE: Heathman, Laures, Brown, Brown
NAY: None

- Abstain: Atkinson
Motion Approved

Mr. Laures asked each board member for their perspective on the variance request.

- Mr. Brown expressed concern about leaving the structure and compliance with the ordinance and state statutes. Mr. Brown noted his disagreement with the staff position and analysis.
- Mr. Laures voiced support for leaving the structure.
- Mr. Atkinson offered no comment.
- Mr. Heathman stated his opinion the building could be upgraded to residential standards and allowed to remain.
- Ms. Brown voiced a concern with the deleterious impacts on the character of the neighborhood by allowing the structure to remain.

Ms. Brown moved to deny the variance request and asked staff for the findings of fact. Mr. Irhke offered a suggestion to modify the motion to table the decision until staff could prepare findings of fact.

Ms. Brown moved to table the decision until the September 8, 2014 Town Board/Board of Adjustment meeting at which time the findings of fact, for and against, would be available. Second by Mr. Brown.

AYE: Brown, Atkinson, Brown

NAY: Laures, Heathman

Abstain: None

Motion Approved

Motion by Mr. Brown to adjourn. Second by Mr. Heathman

AYE: Atkinson, Laures, Heathman, Brown, Brown

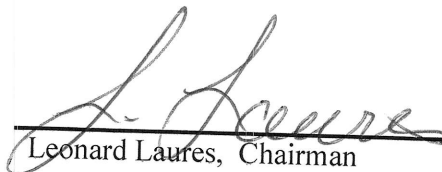
NAY: None

Motion Approved. Meeting adjourned at 7:37 PM

Submitted: Michael Brown, Clerk/Treasurer



Michael Brown, Clerk/Treasurer



Leonard Laures, Chairman

