

# CASCO TOWNSHIP

## ZONING BOARD OF APPEALS

Thursday, October 17, 2019 7:00PM

### Casco Township Hall

1. Call to Order, Roll Call
2. Approval of agenda
3. Approval of previous minutes
4. Public comment
5. New Business
  - a. Variance request Kevin Stufflebeam, 58 North Shore Dr 0302-450-001-00 side yard setback; request is for 8 feet of relief to repair part of foundation, rebuild exterior walls and build partial second story to dwelling (southwest corner area)
    1. open public hearing
    2. Applicant explain request; ZA staff report
    3. correspondence
    4. audience for / against comments
    5. any further discussion
    6. close public hearing
  - b. Discussion / decision of variance request
  - c. Variance request Linda Lamb, 81 North Shore Dr 0302-085-010-30) rear yard setback; request is for 22 feet of relief to construct a swimming pool in the rear yard
    7. open public hearing
    8. Applicant explain request; ZA staff report
    9. correspondence
    10. audience for / against comments
    11. any further discussion
    12. close public hearing
  - d. Discussion / decision of variance request
  - e. New zoning ordinance books
6. Old Business
  - a. anything that may come before the commission
7. Public comment
8. Adjournment

**CASCO TOWNSHIP, ALLEGAN COUNTY**  
**NOTICE OF PUBLIC HEARING**

TO: THE RESIDENTS AND PROPERTY OWNERS OF CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of Casco Township will conduct a public hearing and regular meeting concerning the following matters on Thursday, October 17, 2019 at 7:00 p.m. at the Casco Township Hall, 7104 107<sup>th</sup> Ave, South Haven, MI 49090, within the Township.

PLEASE TAKE FURTHER NOTICE that the item to be considered at said public hearing include the following:

Kevin Stufflebeam of South Haven MI has petitioned for a dimensional variance at 58 North Shore Drive (0302-450-001-00) to repair part of foundation, rebuild exterior walls and build partial second story to dwelling (southwest corner area). The request is for 8 feet of relief from required 10 feet side yard setbacks.

Linda Lamb of South Haven MI has petitioned for a dimensional variance at 81 North Shore Drive (0302-085-010-30) to construct a swimming pool in the rear yard. The request is for 22 feet of relief from required 40 feet.

Any other business that may come before the zoning board of appeals

PLEASE TAKE FURTHER NOTICE that the application packets can be reviewed at the Township Hall during regular business hours of regular business days at 7104 107<sup>th</sup> Ave, South Haven.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person concerning the foregoing by the Township Clerk at the address set forth below, during regular business hours of regular business days or by mail to the Township Clerk at the address set forth below, up to the date of the hearing and will also be received by the Zoning Board of Appeals at the hearing.

Casco Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days notice to the Casco Township Clerk. Individuals with disabilities requiring auxiliary services should contact the Casco Township Clerk at the address or telephone number listed below.

Cheryl Brenner  
Casco Township Clerk  
7104 107<sup>th</sup> Ave, South Haven MI 49090  
269-637-4441

Tasha Smalley  
Zoning Administrator  
1-800-626-5964

Draft

Casco Township Zoning Board of Appeals  
May 2, 2019; 7 PM

**Members Present:** Chairman Dave Hughes, Vice Chair Matt Hamlin, Secretary Sam Craig, Trustee Paul Macyauski and Commissioner Matt Super

**Absent:** None

**Staff Present:** Janet Chambers, Recording Secretary and Tasha Smalley, Zoning Administrator

**Also Present:** Applicant Michael Bannister and 3 interested citizens.

1. **Call to Order, Roll Call:** Chairman Hughes called the meeting to order at 7:00 PM. All present.
2. **Approval of agenda:** A motion by Super, supported by Macyauski to approve the agenda. All in favor. MSC.
3. **Approval of previous minutes:** A motion by Macyauski, supported by Super to approve the minutes of March 28<sup>th</sup>, 2019. All in favor. Minutes approved as printed.
4. **Public comment:** None
5. **New Business**
  - a. **Variance request Michael Bannister, 7156 Wildwood 0302-180-049-00 side yard setback; request is for 5 feet of relief to construct a detached garage. Required side setback is 10 feet. 2 side yard reliefs.**

1. **Open public hearing, reading of public notice:** The public meeting was opened at 7:05 PM. Public Notice (Attachment #1)

2. **Applicant explain request; ZA staff report:**

Bannister was invited to the table to explain his request. Bannister has owned the property for 29 years. They are spending more and more time there and would like to have a garage. Originally his plan was to put the garage in the front. There were complications with septic and drainage, etc. After looking, measuring, and having the property surveyed they found the garage could be located behind the house. They had the property surveyed three times, the most recent being within the last two weeks. There is a vacant lot to one side of his property and Bill Adelizzi's property bordering on another area. Bill Adelizzi sent a letter (Attachment #2) in support of Bannister's variance request.

Chairman Hughes said commissioners have read the Zoning Administrator's comments, taking into consideration it is a non-conforming lot of record and they have a history on the property. He asked for commissioners' comments.

Super reiterated it is a non-conforming lot of record. Often lots of record must be modified because of the small lot sizes. It is difficult to build something decent without a variance. If the neighbors don't see a problem, Super does not see a problem.

Hamlin asked where Bannister plans to enter the garage.

Bannister said he would drive in from Wildwood.

Hamlin clarified there would not be driving in the 5' area between the garage and road.

Bannister said there would not. The garage will be on an angle to the road and the 5' areas would be at the corners of the garage. No driving would be in the 5' area.

Chairman Hughes asked about water runoff.

Bannister said water will be guttered to the side.

Hughes asked for clarification, being 5' from the property next to Bannister, would there be water running onto the neighbor's property?

Bannister said with the angle of his roof, water runoff would be on his own property, not the neighbors.

3. **Correspondence:** Chairman Hughes read a letter (Attachment #2) from Wm. Adelizzi to Clerk Brenner in support of the applicant's variance request.
4. **Audience for / against comments:** none
5. **Any further discussion:** none
6. **Close public hearing:** The public hearing was closed at 7: 13 PM.

**b. Discussion / decision of variance request**

Chairman Hughes read through the Standards Section 2008 with the following comments:

1. good
2. ok,
3. asked about drainage,
4. not the case
5. Have the septic and lot of record
6. So many nonconforming LOR
7. Ok
8. Could not see putting it anywhere else
9. Talked about adjoining land and not going to happen

A motion was made by Hamlin, supported by Super to grant the two 5' side yard variances. All in favor. MSC.

6. **Old Business**
  - a. Anything that may come before the commission:
7. **Public Comment:** none
8. **Adjournment:** Meeting was adjourned at 7:18

- Attachment #1: Public notice  
Attachment #2: Adelizzi's Letter in support of variance,  
Attachment #3: Memo ZA Smalley  
Attachment #4: Application (3)  
Attachment #5: Sketches & Plat Map (3)

Minutes prepared by Janet Chambers, Recording Secretary

  
\_\_\_\_\_  
Dave Hughes, ZBA Chairman

  
\_\_\_\_\_  
Sam Craig, ZBA Secretary

5-2-19  
\_\_\_\_\_  
Date

5/2/19  
\_\_\_\_\_  
Date

Memorandum: Casco Township Zoning Board of Appeals  
Date: September 20, 2019  
From: Tasha Smalley, Zoning Administrator  
RE: STAFF REPORT - Variance request – side yard variance

**Meeting date: Thursday, October 17, 2019 7:00PM**

Applicant: Kevin Stufflebeam  
Mailing Address: 58 North Shore Drive, South Haven MI 49090

Subject Property: 58 North Shore Drive  
Parcel #: 0302-450-001-00

LDR- Low Density Residential District

8.03 District Regulations

Minimum lot area – 20,000 sq ft / s&w 10,000 sq ft

Minimum lot width – 100 feet / s&w 85 ft

Front setback – 50 feet / w&s 30 ft

Side setback – 25 feet / w&s 15 ft

Rear setback – 40 feet

Maximum building height 35 feet

3.28 Non-Conforming Lots, Uses or Structures

B3b Lot width 60 ft

Lot depth 100 ft

Lot coverage – 25% (will not exceed 25%)

Front 25 ft

Rear 20 ft

Side 10 ft

Analysis

Property 0302-450-001-00 is a legal pre-existing non-conforming lot of record

Lot area: approx 12,300 sq ft

Proposed reconstruction / 2<sup>nd</sup> story area

Approx 600 sq ft

Width at south property line approx 25 feet

Applicant is requesting a side setback variance from Section 3.28B3b(6) to reconstruct partial area of the house in approx the same footprint and add a second story. The area is currently garage and sunroom. Area will be remodeled to bedroom & bathrooms. 2<sup>nd</sup> story to be bedroom, bathroom, sitting area.

Existing structure is 2 feet from the side property line. Long pre-existing. Proposed will be on the same footprint. But the structure needs to be removed to fix foundation and then rebuild.

ZONING BOARD OF APPEALS - CASCO TOWNSHIP  
7104107tb Ave., South Haven, MI 49090(Ph.-269/637-4441;Fax- 269/639-1991)

Rec'd 9-10-19  
pdch # 14254  
@JAC  
J.S.

Application to the Zoning Board of appeals to authorize a variance from the requirements of the Zoning Ordinance.

TO THE ZONING BOARD OF APPEALS:

Request is hereby made for permission to:

Extend \_\_\_\_\_ Use \_\_\_\_\_

Erect   X   Convert \_\_\_\_\_

Alter   X  

Parcel # 0302-450-001-00

Contrary to the requirements of Section (s) \_\_\_ of the Zoning Ordinance, upon the premises known as See Attached and described as: 58 North Shore Drive N (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: Kevin Stufflebeam

Address: 58 North Shore Drive N Phone: 269-998-4090

City South Haven State MI Zip 49090

Fax: N/A

2. Interest of Applicant in the premises: Owner

3. Name or Owner: Kevin Stufflebeam

Address: 58 North Shore Drive N Phone: 269-998-4090

City South Haven State MI Zip 49090

Fax: N/A

4. Size of property to be effected by the variance: 12,300 sq ft

5. Proposed use of building and/or premises: Personal residence, with repair of foundation and the conversion of existing garage and 3 seasons room to two bedrooms with on suite bathrooms, for personal use.

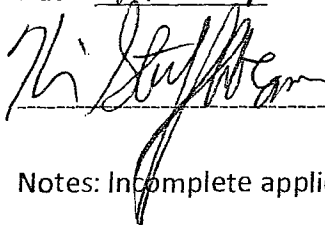
6. Present use of building and/or premises: Personal residence that includes 3 seasons' room and garage that are intended to be converted.

7. Size of proposed building or addition to existing building, including height: 1200 sq ft, conversion of single story layout of current 3 seasons room and garage to a two story configuration over the existing footprint.

8. Has the building official refused a permit? No

9. If there has been any previous appeal involving the premises; state the date of filing, nature of appeal and disposition of same: (use separate sheet) N/A

Date: 9-10-19



\_\_\_\_\_  
Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

700<sup>00</sup>

This application must be accompanied with a fee of \$ ~~15000~~ payable to Casco Township.

#### ADDITIONAL INFORMATION FOR APPLICATION TO BOARD OF APPEALS

Since a variance cannot be authorized by the Board of Appeals unless it finds reasonable evidence that all of the following conditions exist, it is imperative that you give information to show that these facts and conditions do exist.

(Reference Section 20.08 of the Zoning Ordinance for additional requirements).

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed. *The existing foundation, under the current garage and 3 seasons room, is in need of re-anchoring and repair. The foundation is beginning to slide down the hill toward the lake. It has moved approximately 1.5 inches over the past few years. In addition, there is also a desire to increase the living space. It is desired to accomplish this by replacing the current 3 seasons room and garage, with two bedrooms that fit within the same exterior wall boundaries. One of the bedrooms will be on the main floor and the second will be on a second floor.*

2. The variance is being granted with a full understanding of the property history. *This home has been in our family since 1988. My intention is to use this property as my own residence and to retain the house as my residence into the future. There is no intention to resell the house.*

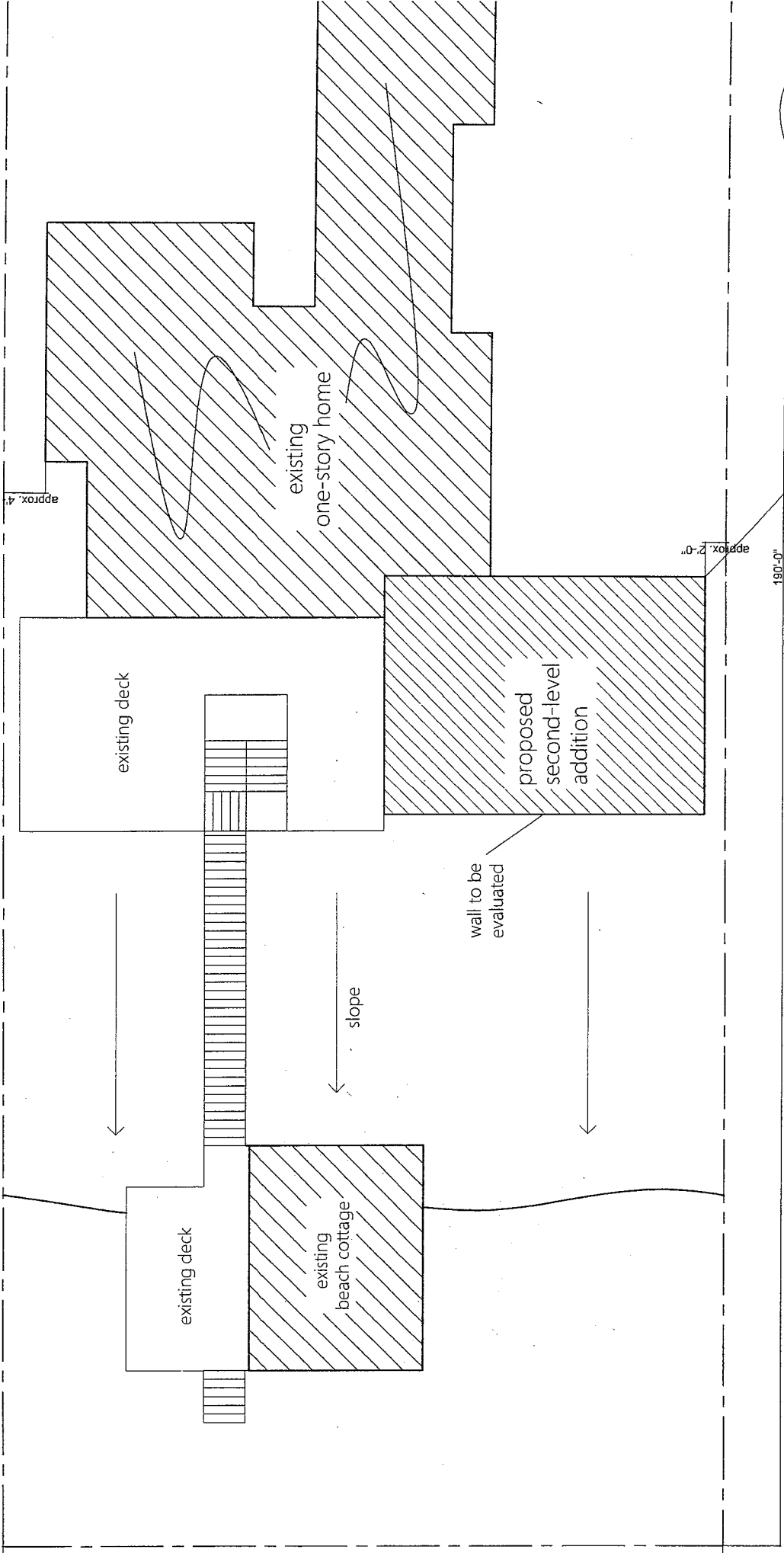
3. Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located. *The shoring up of the foundation and the remodeling of the home will occur within the current footprint boundaries of the existing home. A second story addition will not interfere with our neighbors or their views. Existing trees provide privacy and cover the space/site lines where the addition is intended to be made. The neighbors to the south have been contacted and have given approval for the intended modifications.*

4. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable. *15 feet of open space on the south line of my property is dedicated to public access for the beach. This is a unique feature for the houses in the area. This open space provides for additional separation between my house and the house immediately to the south.*

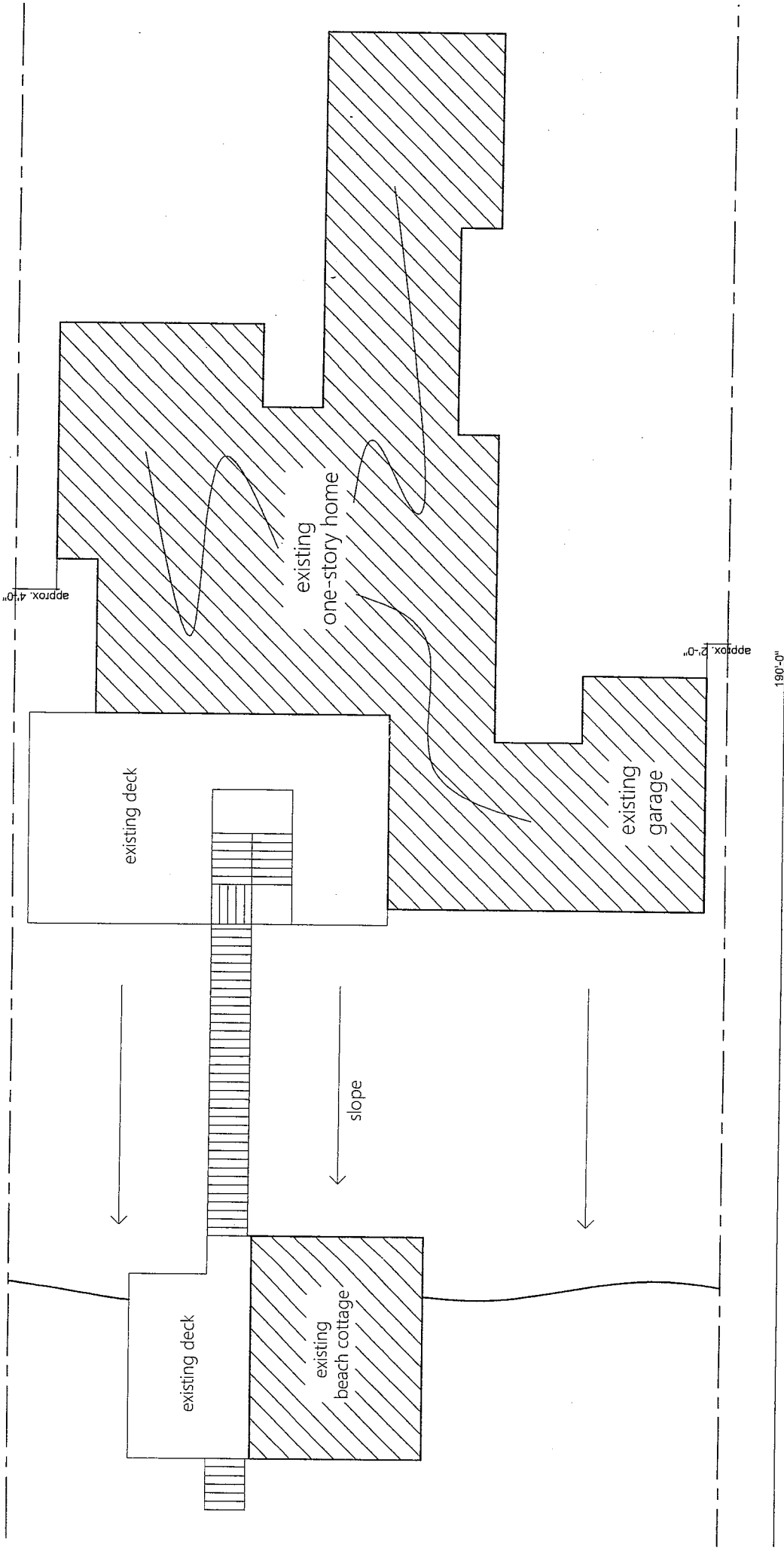
5. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same Zoning District. Exceptional or extraordinary circumstances include:

a. Exceptional narrowness, shallowness or shape of a specific property on the date of this Ordinance; b. Exceptional topographical conditions; c. By reason of the use or development of the property immediately adjoining the property in question; d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.





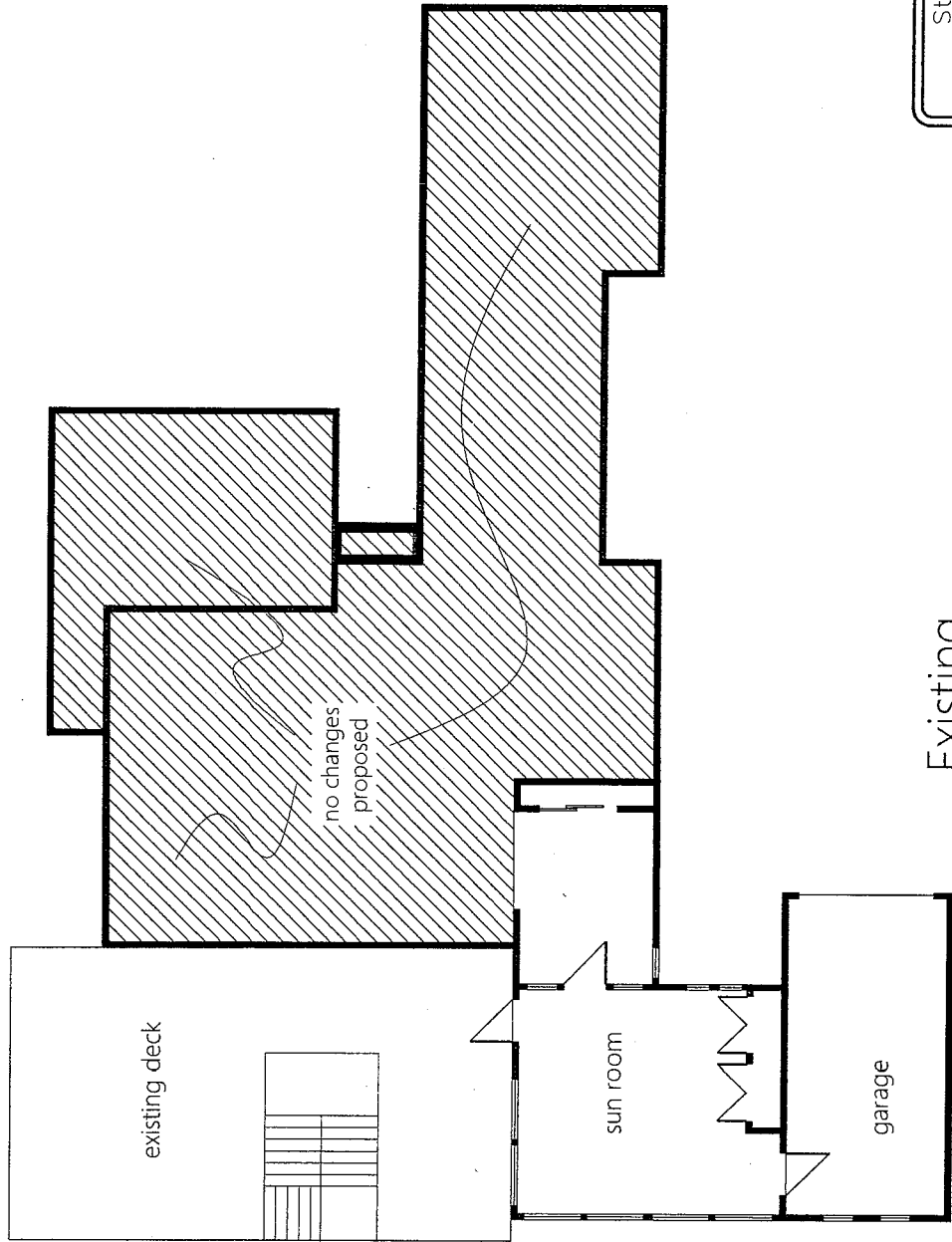
Proposed Site



existing Site

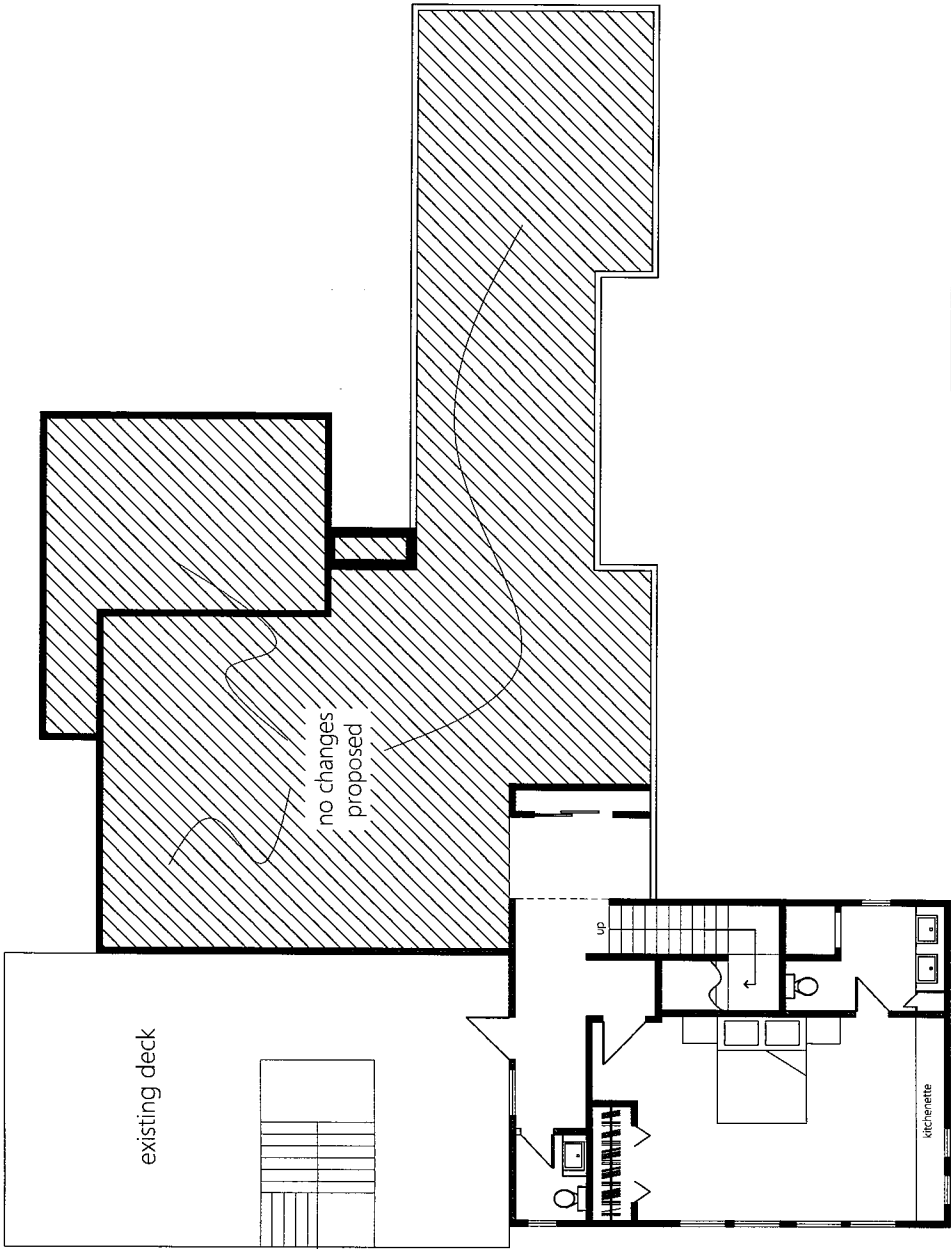
240'-0"

180'-0"

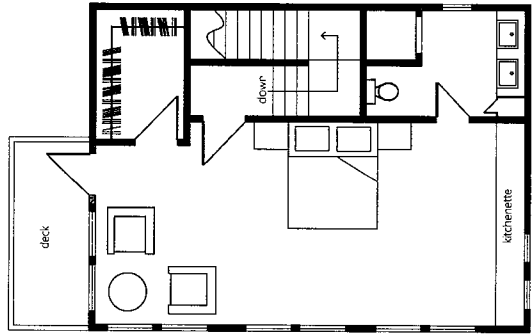


Existing

<p>Stuffiebeam Cottage 58 North Shore Drive N., South Haven, MI</p>	
<p>DATE 11-11-11</p>	<p>2</p>
<p>DESIGNED BY BRIAN PETERSON 369.767.1611</p>	<p>EXISTING PLAN</p>



Main Level



Second Level

<b>Stufflebeam Cottage</b> 58 North Shore Drive N., South Haven, MI		
2024 11.16.2023 12' x 11' 1/2"	3 proposed plan	BRIAN PETERSON 269.767.1811

Proposed

Memorandum: Casco Township Zoning Board of Appeals  
Date: September 25, 2019  
From: Tasha Smalley, Zoning Administrator  
RE: STAFF REPORT - Variance request – rear yard variance

**Meeting date: Thursday, October 17, 2019 7:00PM**

Applicant: Linda Lamb  
Mailing Address: 740 North Shore Drive, South Haven MI 49090

Representative: Jason Dedic, JDP Construction, builder

Subject Property: 81 North Shore Drive  
Parcel #: 0302-085-010-30

LDR- Low Density Residential District

8.03 District Regulations

Minimum lot area – 20,000 sq ft / s&w 10,000 sq ft

Minimum lot width – 100 feet / s&w 85 ft

Front setback – 50 feet / w&s 30 ft

Side setback – 25 feet / w&s 15 ft

Rear setback – 40 feet

Maximum building height 35 feet

### 3.16 Swimming Pools

C. The outside edge of the pool wall shall meet the side and rear yard setbacks of the zoning district in which it is located.

### Analysis

Property 0302-085-010-30 is a legal pre-existing conforming lot of record

Lot area: approx 133 x 135 = .369 acres

New construction and pool do not exceed the 25% lot coverage

Proposed: swimming pool

Approx 12x25 = 300 sq ft

Setbacks

Side 35 feet

\*\*Rear 18 feet

Applicant is requesting a rear setback variance from Section 8.03 to construct an in-ground swimming pool approx 18 feet from rear property line.

The building permit has been issued for the pool in the side yard; however it has been discovered there is a county drain easement of approx 30 feet along the side of the property. The pool cannot be constructed in the easement.

ZONING BOARD OF APPEALS - CASCO TOWNSHIP  
7104 107<sup>th</sup> Ave., South Haven, MI 49090 (Ph.-269/637-4441; Fax- 269/637-1991)

Rec'd 9-24-19  
Pd Ch # 3319  
@ NOV-

Application to the Zoning Board of appeals to authorize a variance from the requirements of the Zoning Ordinance.

TO THE ZONING BOARD OF APPEALS:  
Request is hereby made for permission to:  
Extend \_\_\_\_\_  
Erect X \_\_\_\_\_  
Alter \_\_\_\_\_  
Parcel # 0302-085-010-30

Use Residential  
Convert Residential upgrade.

Contrary to the requirements of Section (s) 8.03 of the Zoning Ordinance, upon the premises known as 81 North Shore Dr and described as: see attached (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: JPD Construction Inc  
Address: 3231 Lake Trail Dr Phone: 616 566 0337  
City Saugatee State ME Zip 49453  
Fax: \_\_\_\_\_

2. Interest of Applicant in the premises: General Contractor

3. Name or Owner: Linda Lomb  
Address: 81 N North Shore Dr Phone: 630 352 1479  
City South Haven State MI Zip 49090  
Fax: \_\_\_\_\_

4. Size of property to be effected by the variance: 11 788.93 sqf (approx 2100 sqf taken by drainage easement).

5. Proposed use of building and/or premises: residential home

6. Present use of building and/or premises: primary residential home.

7. Size of proposed building or addition to existing building, including height: pool 10'10" x 24' (in ground)

8. Has the building official refused a permit? No

9. If there has been any previous appeal involving the premises; state the date of filing, nature of appeal and disposition of same: (use separate sheet) No

Date: 9-24-19  Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

\$700<sup>00</sup>

This application must be accompanied with a fee of \$ ~~2000~~ payable to Casco Township.

### ADDITIONAL INFORMATION FOR APPLICATION TO BOARD OF APPEALS

Since a variance cannot be authorized by the Board of Appeals unless it finds reasonable evidence that all of the following conditions exist, it is imperative that you give information to show that these facts and conditions do exist.

(Reference Section 20.08 of the Zoning Ordinance for additional requirements).

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.

The finished property will be in the spirit of improving land value in the area.

2. The variance is being granted with a full understanding of the property history.

The cottage was moved to its current location. It was then split off from the Bed & Breakfast for financial needs. The Allegan County Drain Commission created an easement in 2013 creating a hardship on the buildable area.

3. Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located.

There will be no detriment caused to the district. The easement is a hardship on this already very small lot, by granting the variance the pool would be installed behind the house.

4. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

The requested pool will still meet the lot coverage % which is 23.2 %

5. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same Zoning District. Exceptional or extraordinary circumstances include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the date of this Ordinance;
- b. Exceptional topographical conditions;
- c. By reason of the use or development of the property immediately adjoining the property in question;
- d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

The drainage easement cuts into the building envelope causing the hardship. The rear yard has 40' to the property line. The land to the east is vacant land.

- 6. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same Zoning District.

A pool is an allowed use by right.

- 7. That the variance is not necessitated as a result of any action or inaction of the applicant.

The pool will not fit in building envelope due to the drainage easement. The 40' rear yard set back seems excessive for a small lot.

- 8. The variance, if granted, would be the minimum departure necessary to afford relief.

Yes. I need to be 10' from the house foundation.

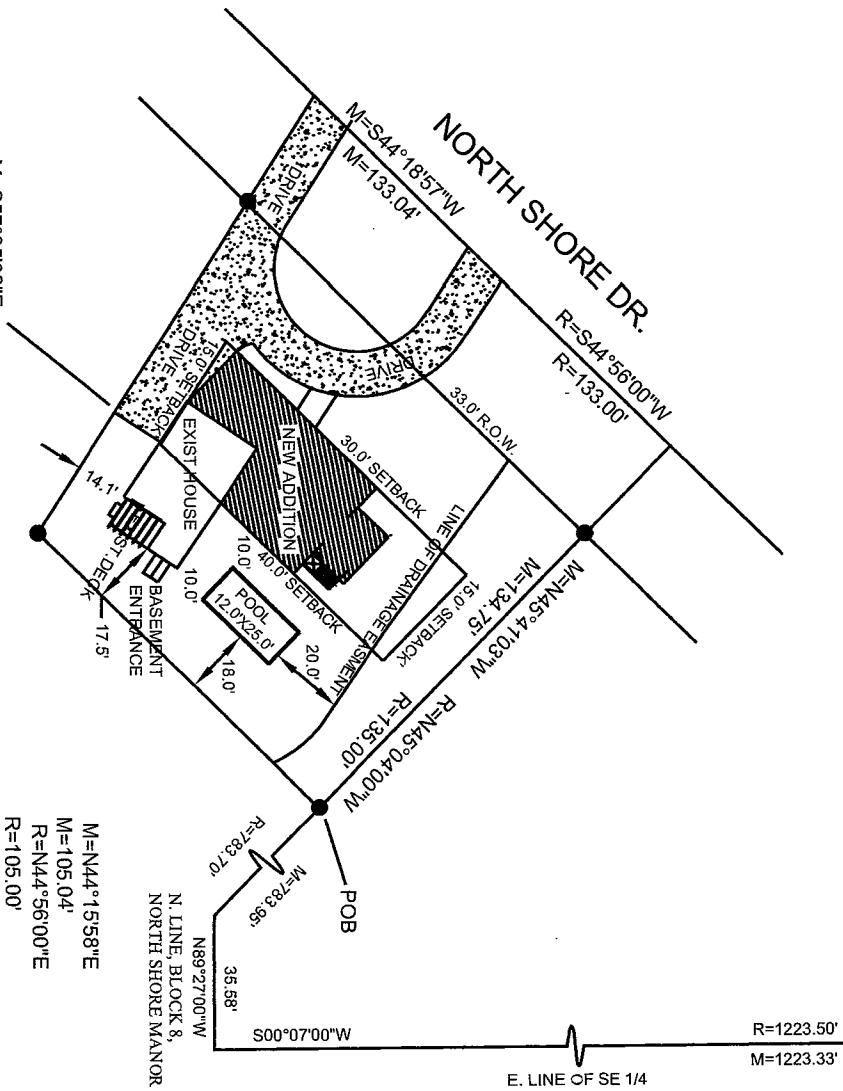
- 9. If involving a platted subdivision, that there is no practical possibility of obtaining more land and the proposed use cannot be located on the lot such that the minimum requirements are met.

The owner had tried to purchase the property to the east twice and both offers were refused.



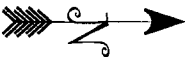
DESCRIPTION:  
 BEGINNING AT A POINT FOUND BY COMMENCING AT THE EAST QUARTER POST OF SECTION 35, TOWN 1 NORTH, RANGE 17 WEST, CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN; THENCE SOUTH 00°07'00" WEST ON THE EAST SECTION LINE, 1223.50 FEET TO THE NORTH LINE OF BLOCK 8, NORTH SHORE MANOR, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 89°27'00" WEST ON SAME, 35.58 FEET; THENCE N45°04'00"W, 783.70 FEET TO THE POINT OF BEGINNING; THENCE N45°04'00"W, 135 FEET TO THE CENTERLINE OF NORTH SHORE DRIVE; THENCE S44°56'00"W ON SAID CENTERLINE 133 FEET; THENCE S56°47'03"E, 137.87 FEET; THENCE N44°56'00"E, 105 FEET TO THE POINT OF BEGINNING.

E, 1/4 POST  
 SECTION 35  
 T1N, R17W  
 L.8, PG.26



M=S57°25'08\"E  
 M=137.72'  
 R=S56°47'03\"E  
 R=137.87'

M=N44°15'58\"E  
 M=105.04'  
 R=N44°56'00\"E  
 R=105.00'



55C  
 0  
 SC  
 25C  
 SCALE: 1" = 80'15C

**LEGEND**

- = FOUND SURVEY MARKER
- = FOUND CONCRETE MONUMENT
- = SET 1/2" CIR #43067
- = SET 3" WOOD STAKE
- P = PLATTED DISTANCE
- M = MEASURED DISTANCE
- R = RECORD DISTANCE



HURST & ASSOCIATES  
 RESIDENTIAL  
 5917 728th Ave.  
 Grand Rapids, Michigan 49508  
 Phone: 269.951.2212  
 www.hurstassociates.com

LAMB  
 RESIDENCE

LAND LAMP  
 20 NORTH SHORE DR  
 GRAND RAPIDS, MI

Project No.	587-9-11
Date	9/19/2009
Client	587-9-11
Drawn by	JH
Checked by	JH
Scale	20' by 31'
Sheet No.	3877-1011

