

Casco Township
Zoning Board of Appeals
Monday, October 25, 2021, 7 PM

Present: Chairman Matt Hamlin, Vice Chair Paul Macyauski, Secretary Sam Craig, Matt Super ad Alex Overhiser

Absent: None

Also Present: Zoning Administrator Tasha Smalley, Recording Secretary Janet Chambers, Applicant's builder Rich Bloom & 6 interested citizens.

1. **Call to Order:** Meeting was called to order by Chairman Hamlin at 7 PM.
2. **Approval of Agenda:** A motion by Craig, supported by Macyauski to approve agenda. All in favor. MSC.
3. **Public comment (non-agenda items):** None

4. New Business

A. Variance request Basel Aquel V/L (700) Blue Star 02-063-005-10 New private road width variance from required 66 ft. to 33 ft to serve 4 parcels. 3.26G2

Open public hearing: Chairman Hamlin opened the public hearing at 7:07 PM.

1. **Applicant explain request; ZA staff report:** Application (Attachment #1); Engineer Plan /(Attachment #2); Zoning Administrator Report (Attachment #3)

Aquel's builder, Rich Bloom, spoke on behalf of Aquel. Bloom said they are interested in putting in a 33' private road to service 4 homes. Bloom said he discussed with the Fire Chief, the radius required for fire, and emergency vehicles to turn around, so he could include it in their plan. The plan meets all setbacks and lot sizes for the district other than the private road width. If variance is granted, they will go through the Planning Commission with their plans.

2. **Correspondence:** Chairman Hamlin read three letters concerning the variance request. The first letter (Attachment 4) was from Sam Rovit, 746 Blue Star Highway, in opposition to the variance. The second letter (Attachment 5) from Abigail MacKenzie, 746 Blue Star Highway, also in opposition of the variance. The third letter (Attachment 6) from Michael Yannell, 4895 N Ravenswood Ave., Chicago, in opposition to the variance.
3. **Audience for / against comments:** Steck Joan, 742 Blue Star, said he agrees with correspondence read by Chairman Hamlin. Joan said he is concerned about the impact on

the surrounding property, water usage, sewer, noise pollution, light pollution, and safety. Joan is a homeowner near the Aquel property.

Tom Storr, 743 Blue Star, said this would be setting a bad precedence for the west side of the street. There is no natural gas, septic or water. It is a small space and would require mounds for septic. Storr said it is the wrong thing to do. He said he has lived there for 44 years and has not seen anything like this before.

Tom Tucker, 726 Blue Star, said the ordinance is carefully written and should be upheld. This will cascade into more and more strip houses.

George Poszywak, 725 Blue Star, read a letter from Ralph Adams, co-owner of his home. The letter stated Adams was opposed to the variance and said Casco should safeguard right of property owners, this would compromise the enjoyment of the neighborhood with population density. It would be a serious consequence for neighborhood with light pollution, noise, and trash. It will decrease property values. Poszywak said he agrees with Adams' letter and said noise is a bad situation with firecrackers. He tries to locate where firecracker noise is coming from and call the police. This happens so frequently it is very aggravating. This is a major change in the established zoning.

4. **Any further discussion:** Macyauski said it is the ZBA's responsibility to go through the process and adjudicate whether we can grant some relief or not. There are standards for this, and we need to see if it meets the standards.

Close public hearing: Chairman Hamlin closed public hearing at 7:20 PM.

- B. **Discussion / Decision of variance request:** Hamlin read the applicants answers to the standards (Attachment 2).

Macyauski said sewer and water permits will be required. As far as noise, there is a Casco Noise Ordinance, so that should not be an issue. Concerning density, Lakeshore Residential requires 30,000 sq. ft. lots. The applicant meets the square footage in all 4 lots. There are only 4 houses with side roads to each house coming off the main private road. There won't be a problem of people backing out onto the main road. The applicant has already made sure emergency vehicles can get down the road.

Macyauski went over the standards as follows:

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

Macyauski said this is met.

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

Macyauski said this standard is met.

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.*

Macyauski said he agrees with the applicant. It is not a detriment. Other dwellings are less than 30,000 sq ft. and some private roads are only one lane and are less than the 33 ft. the applicant is asking for. The applicant has discussed this with the fire department, which is most important.

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.*

Macyauski said the Zoning Ordinance isn't perfect. He hopes changes will be made in the future.

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 or conditions include any of the following:*

Macyauski said he agrees with "a" the exceptionally deep lot. He added it is pretty hard for one house to have a 1200' back yard. The Zoning Ordinance is not perfect, hopefully they get changes made.

Hamlin agreed, it would be hard to maintain the large acreage. It is too big to mow.

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.*

Macyauski said anybody that has a lot ¼ mile long and 150 ft. wide and only needs 30,000 sq ft., would be taking away the property owner's rights if he was not allowed to use all of his land.

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

Macyauski said we are only considering the road with variance. The Fire Department said there is ample space to turn around.

Super said "if" the Fire Department approves.

Macyauski said they will have to go through the Planning Commission who will require Fire Department approval.

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

Super said, if he has met everything, we need a motion on this. We need a letter from the Fire Chief.

Craig said we are not considering the lots, just the road width.

A motion by Super, supported by Overhiser to grant a variance of 33' from the required 66' width of private roads. All in favor. MSC.

9. Old Business:

A. **Anything else that may come before the ZBA:** No applications at this time

10. Public Comment: None

11. Approval of previous minutes – August 2, 2021: A motion by Macyauski, supported by Super, to approve minutes of August 2, 2021 as presented. All in favor. MSC.

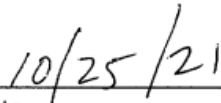
12. Adjournment: 7:40.



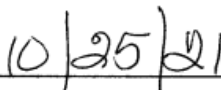
Matt Hamlin, ZBA Chairman



Sam Craig, ZBA Secretary



Date



Date

Attachment #1: Application

Attachment #2: Engineer Plan

Attachment #3: Zoning Administrator report

Attachment #4: Correspondence from Sam Rovit, 10/22/2021, Re: Opposition to variance

Attachment #5: Correspondence from Abigail MacKenzie, 10/22/2021, Re: Opposition to variance

Attachment #6: Correspondence from Michael Yannell, 10/22/2021, Re: Opposition to variance

Minutes prepared by Janet Chambers, Recording Secretary