

CASCO TOWNSHIP
Casco Township Hall
7104 107th Ave. South Haven MI 49090
ZONING BOARD OF APPEALS
Agenda
Thursday December 12, 2024 7:00PM

1. Call to Order, Roll Call
2. Approval of agenda
3. Public comment (non-agenda items)
4. Public Hearing

William and Michelle Armstrong of South Haven MI have petitioned for two variances at V/L Beach Dr / Lakeshore Dr, 0302-543-006-01 to construct a single-family residence.

1. Front setback variance on Beach Drive; required setback is 25ft; request 15ft of relief (to be 10ft from property line).
2. Dwelling minimum width requirement; required 24ft any front, side or rear; request 5ft of width relief (19ft in width).

open public hearing

Applicant explain request
correspondence
audience for / against comments
any further discussion

close public hearing

Discussion / decision of variance request

5. Old Business
 - a. anything else that may come before the ZBA
6. Public comment
7. Approval of previous minutes 10/10/24
8. Adjournment

CASCO TOWNSHIP, ALLEGAN COUNTY
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Zoning Board of Appeals of Casco Township will conduct a public hearing and regular meeting concerning the following matter on Thursday December 12, 2024 at 7:00 p.m. at the Casco Township Hall, 7104 107th 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:

William and Michelle Armstrong of South Haven MI have petitioned for two variances at V/L Beach Dr / Lakeshore Dr, 0302-543-006-01 to construct a single-family residence.

1. Front setback variance on Beach Drive; required setback is 25ft; request 15ft of relief (to be 10ft from property line).
2. Dwelling minimum width requirement; required 24ft any front, side or rear; request 5ft of width relief (19ft in width).

PLEASE TAKE FURTHER NOTICE that the application packet can be reviewed at the Casco Township Hall during regular business hours at 7104 107th Ave, South Haven or by contacting the Zoning Administrator for an electronic copy 1-800-626-5964 mtsallegran@frontier.com

PLEASE TAKE FURTHER NOTICE that written comments may be submitted to the Township Clerk at the Township Hall, by mail, to address below, or email to the zoning administrator mtsallegran@frontier.com. All written comments must be submitted no later than 5:00pm the day preceding the public hearing (*Wed Dec 11, 5pm*).

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.

Rachel Ridley
Casco Township Clerk
7104 107th Ave, South Haven MI 49090
269-637-4441

Tasha Smalley
Zoning Administrator
1-800-626-5964

Memorandum: Casco Township Zoning Board of Appeals
Date: November 26, 2024
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance requests – front yard and dwelling width

Meeting date: Thursday December 12, 2024 7:00PM

Applicant: William and Michelle Armstrong
Mailing Address: 643 Lakeshore Dr, South Haven MI 49090

Subject Property: V/L corner Lakeshore Dr and Beach Dr
Parcel #: 0302-543-006-01

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%

Front 25 ft

Rear 20 ft

Side 10 ft

Analysis

Property 0302-543-006-01, divided July 2024

Lot area: 60x105

Proposed project – build a new single-family home

Setbacks

Lakeshore Dr Front 47feet

Beach Dr Front – **10 feet

North side – 30 feet

East side – 15 feet

The applicant is requesting variance #1 front setback variance 3.28 B3b(4) to construct a new single-family home. Required front setback is 25 feet. Request is for 15 feet of relief (10ft from property line).

The variance request #2 minimum dwelling width 3.20C. Required 24 feet across any front side and rear. Request 5 feet if relief (19feet width).

Casco Township Zoning Board of Appeals

7104 107th Ave., South Haven, MI 49090 Zoning Administrator: 269-673-3239

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:	Convert:
Alter: Alter front setback (Beach Drive) from 25ft to 10ft	Parcel #: 02-543-006-01

Contrary to the requirements of Section(s) ^{3.28.d.1} 3.20.c of the Zoning Ordinance, upon the premises known as 643 lakeshore Drive and described as:
LOTS 6, & 7 BLK 3 MIAMI PARK SEC 13 T1N R17W. 02-543-006-01 (attach legal description)

The following is a description of the proposed use:

Name of Applicant (if different from the owner) William Armstrong
 Address 643 Lakeshore Drive Phone 708-745-1652
 City South Haven State MI Zip 49090
 Email william.armstrong@alphatbsolutions.com

Interest of Applicant in the premises:

Name of Owner(s) William & Michelle Armstrong
 Address 643 Lakeshore Drive Phone 708-745-1652
 City South Haven State MI Zip 49090
 Email william.armstrong@alphatbsolutions.com

Approximate property dimensions, size 60.27/105.44

Proposed use of building and/or premises Primary Residence

Present use of building and/or premises Open Lot/None

Size of proposed building or addition to existing building, including height 19' 10.5" x 42' 10.5"

Has the building official refused a permit? No

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

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.

Granting this variance is in the best interest of the public and homeowners located around 643 Lakeshore Drive. As

granting the variance will allow neighbors to maintain their views of the lake and keep property values stable. It will allow 643 Lakeshore Drive to have ample space from 645 lakeshore drive's screened-in porch.

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

The property is located adjacent to Lake Michigan and views are important to all that live and the area and are important to home values. The proposed variance will allow all current views to be impacted the least where staying with the current ordinance will affect three adjacent properties.

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 property is located adjacent to Lake Michigan and views are important to all that live and the area and are important to home values. The proposed variance will allow all current views to be impacted the least where staying with the current ordinance will affect three adjacent properties.

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 practical.

This request is not.

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 property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances include any of the following:

- 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.

Exceptional narrowness of the property 60 feet due to lot size. Adjacent properties will be have lake views obstructed if the variance isn't approved. The screened porch at 645 lakeshore drive being built within the setback and approximately 1 ft off the property line contributed to the lack of view for 7261 Beach Drive and without the vairance will hinder most if not all the lakeview of 7261 Beach Drive.

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.

Properties in the area, especially properties along the lake were purchased with the expectation of a lakeview as with 7261 Beach Drive and 7259 Beach Drive. Not approving the variance could affect property values for the two aforementioned properties.

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

N/A There is not an issue with action or inaction concerning this variance.

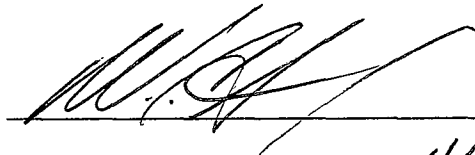
8. The variance if granted, would be the minimum departure necessary to afford relief.

This is the minimum necessary to not affect other properties in the area.

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.

More land can't be obtained.

Signature of Applicant & Owners (all owners must sign)



Date

11/13/2024

Note: Incomplete applications will be returned

WILLIAM C. ARMSTRONG

MICHELLE R. ARMSTRONG

A. A legal description of the property being proposed for the variance:

LOTS 6, & 7 BLK 3 MIAMI PARK SEC 13 T1N R17W. 02-543-006-01

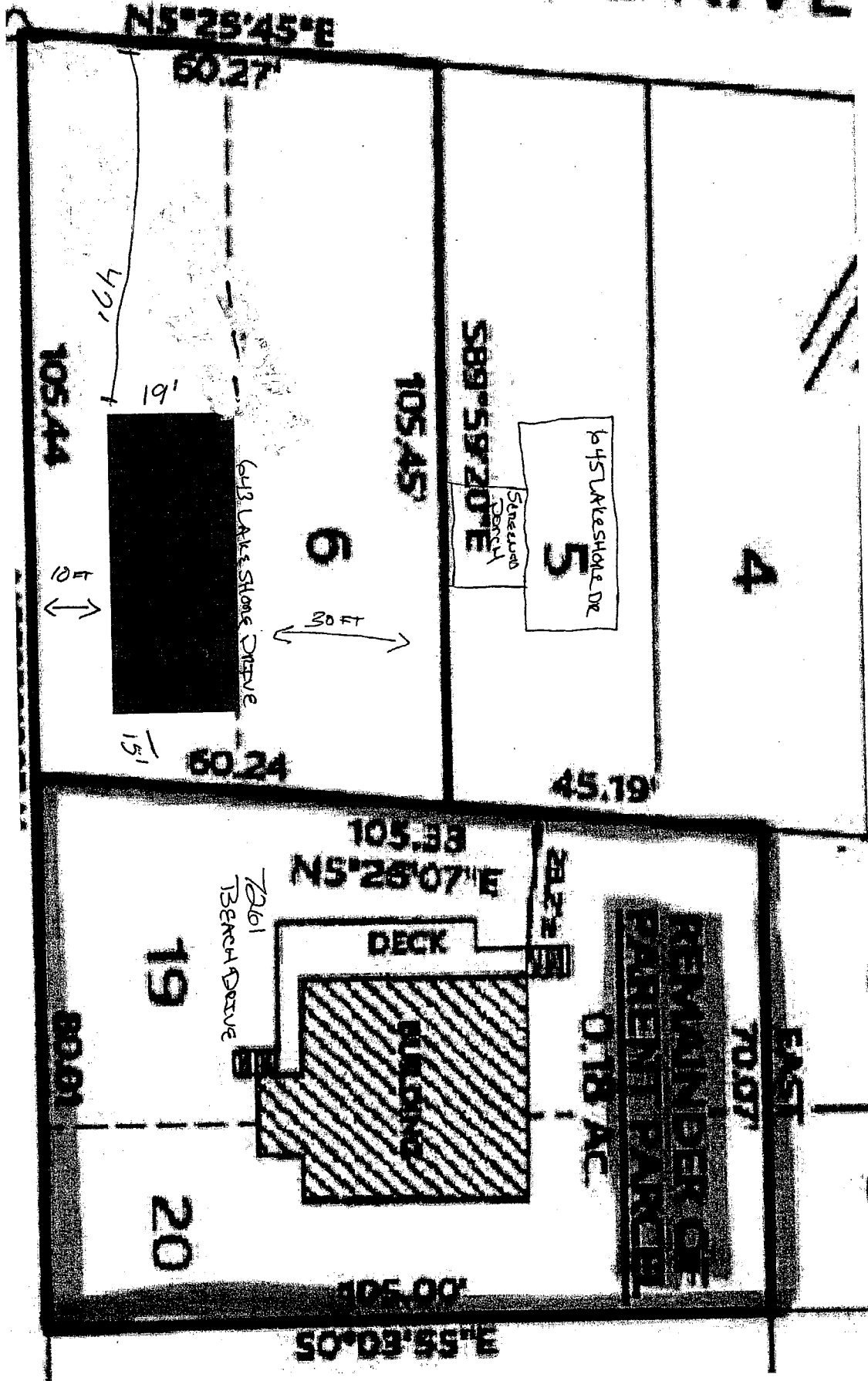
B. A summary explaining the need for the variance being sought:

We have two front setbacks at the new 643 lakeshore Drive. The setback from Beach Drive would need to be adjusted to 10 feet which will allow for more space between 643 & 645 lakeshore drive. 645 lakeshore drive has a two-story screened in, roofed structure that sits inside the side setback at approximately 1ft from the property line. If current 25ft setback and 24ft structure length and width stays the proposed property will sit directly in-front of 7261 Beach Drive (previously 643 lakeshore Drive) and only 11 ft from structure located at 645 lakeshore drive. The variance will allow for 15ft more of open space allowing lake views for 7261& 7259 beach drive to maintain lake views without obstruction with 26ft between the structure located at 645 lakeshore drive and the new structure being erected at 643 lakeshore drive. Due to the lot being 60ft wide and 105 ft deep we would like the board to consider allowing the width of the front (lakeside) and rear of the proposed home to be 19' 10-1/2". Allowing for a deeper home in conformity with the lot size and dimensions.

C. An abbreviated, scaled, site plan showing the nature of the variance request, including, but not limited to:

- 1) Property boundaries (***See attached survey***)
- 2) Existing and proposed buildings or structures (***See attached***)
- 3) The distance from the property lines of each existing building or structure and of each proposed building or structure:
Proposed Structure (home) will be 10 feet (with approved variance) property line adjacent to Beach Drive and 42 feet from property line adjacent to lakeshore drive.
- 4) Unusual physical features of the site, building or structure:
645 Lakeshore Drive has a screened in porch that was built in the setback adjacent to 643 Lakeshore Drive. The porch blocks a portion of the lakeview of 7261 Beach Drive and sits approximately one foot from the property line.
- 5) Abutting street:
Lakeshore Drive and Beach Drive

DRIVE



PROPOSED LAND DIVISION

Descriptions: Situated in the Township of Casco, Allegan County, Michigan.

Parent Parcel 02-543-006-00 ~ Lots 6, 7, 19, and 20, Block 3, MIAMI PARK SUBDIVISION, according to the recorded Plat thereof, Allegan County Records.

Division 1 ~ not surveyed at this time ~ Lots 6 and 7, Block 3, MIAMI PARK SUBDIVISION, according to the recorded Plat thereof, Allegan County Records.

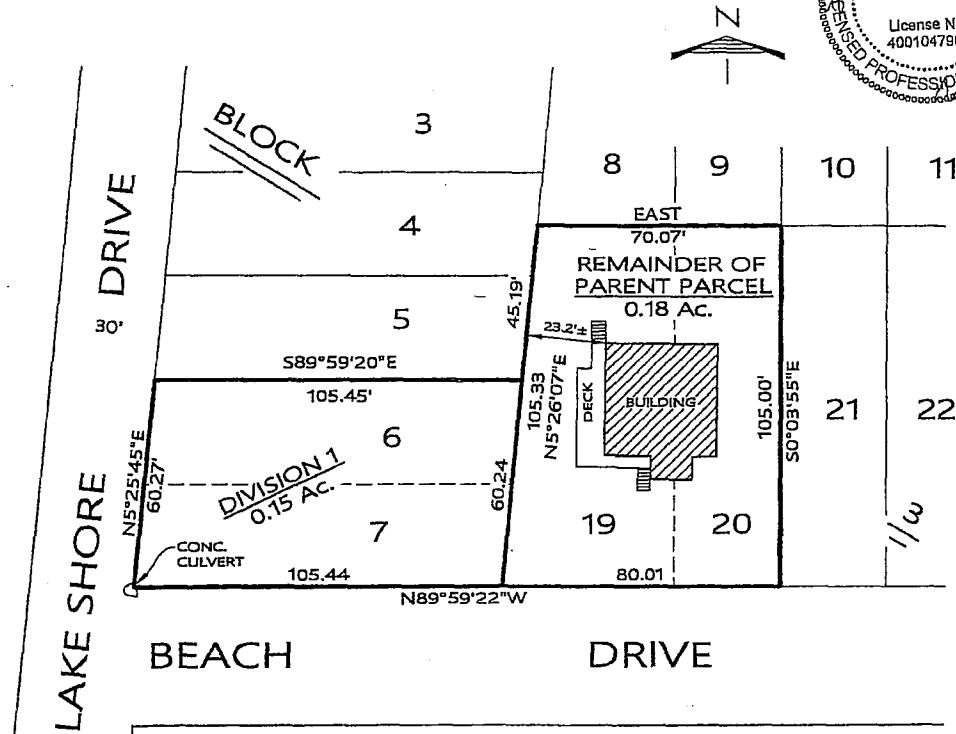
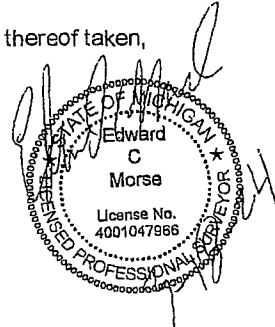
Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Remainder of Parent Parcel ~ not surveyed at this time ~ Lots 19 and 20, Block 3, MIAMI PARK SUBDIVISION, according to the recorded Plat thereof, Allegan County Records.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.



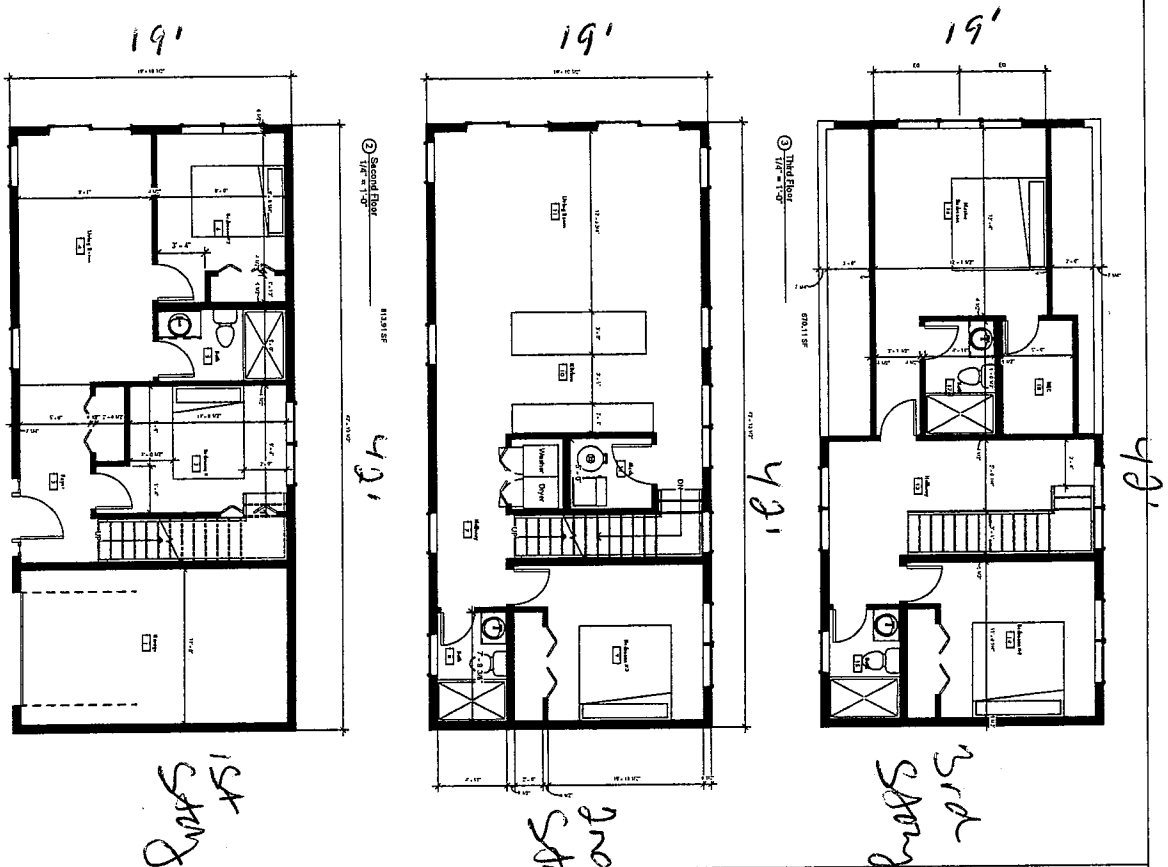
NOTES:

- 1.) ACT 591 OF MICHIGAN PUBLIC ACTS OF 1997 SHOULD BE CHECKED TO SEE THAT ANY PROPERTY CONVEYANCE DOES NOT VIOLATE THIS ACT.
- 2.) THIS DRAWING WAS CREATED FOR LAND DIVISION APPROVAL ONLY AND FROM FURNISHED INFORMATION SUPPLIED BY THE CLIENT. THIS SHOULD NOT BE RELIED UPON FOR ANY OTHER TRANSACTIONS WITHOUT THE BENEFIT OF A BOUNDARY SURVEY AND A CURRENT TITLE INSURANCE POLICY.

MITCHELL & MORSE LAND SURVEYING		234 VETERANS BLVD. SOUTH HAVEN, MICHIGAN 49090 OFFICE: (269) 637-1107 FAX: (269) 637-1907	
A DIVISION OF MITCHELL SURVEYS, INC.			
CLIENT WILLIAM ARMSTRONG			
DATE	3-18-24	JOB NO.	23-418
		SHEET	1 OF 1
DWG. BY	J. MITCHELL	DWG. CK	
		DESC. BY	
BEING IN THE	SE 1/4	SECTION	13
		T	1 N.
		R	17 W.
	W. CASCO	TWP.	ALLEGAN
		CO., MICHIGAN	
SCALE	1"=40'	BOOK	484
		PAGE	15
		REVISION	

EDWARD C. MORSE
PROFESSIONAL SURVEYOR


GEORGE J. MITCHELL
PROFESSIONAL SURVEYOR



1st Floor
1/4" = 1'-0"

2nd Floor
1/4" = 1'-0"

3rd Floor
1/4" = 1'-0"

	
14021 Glenridge Ave Atlanta, GA 30328 Phone: 770.566.6634 www.archstudio.com	
Architectural Studio, Ltd.	
Armstrong Residence 643 Lakeshore Dr South Haven, MI. First Floor Plan	
Project Number: 2024-027 Designer: James Miller Checker: [blank]	Date: [blank]
Title: A1	Scale: 1/4" = 1'-0"

Casco Township Zoning Board of Appeals

7104 107th Ave., South Haven, MI 49090 Zoning Administrator: 269-673-3239

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: 3 story single family home width 19' 10.5" by 42' 10.5"	Convert:
Alter:	Parcel #: 02-543-006-01

Contrary to the requirements of Section(s) 3.20.C of the Zoning Ordinance, upon the premises known as 643 Lakeshore Drive and described as: OTS 6 & 7 BLK 3 MIAMI PARK SEC 13 T1N R17W. 02-543-006-01 (attach legal description)

The following is a description of the proposed use:

Name of Applicant (if different from the owner) William Armstrong

Address 643 Lakeshore Drive Phone 708-745-1652

City South Haven State MI Zip 49090

Email william.armstrong@alphatbsolutions.com

Interest of Applicant in the premises:

Name of Owner(s) William & Michelle Armstrong

Address 643 Lakeshore Drive Phone 708-745-1652

City South Haven State MI Zip 49090

Email william.armstrong@alphatbsolutions.com

Approximate property dimensions, size 60.27/105.44

Proposed use of building and/or premises Primary Residence

Present use of building and/or premises Open lot/None

Size of proposed building or addition to existing building, including height 19' 10.5"

Has the building official refused a permit? NO

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

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.

Granting this variance will allow neighbors to maintain their views of the lake and keep the property values stable. It will allow 643 lakeshore Drive to have ample space from 645 lakeshore Drive's screened-in porch

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

Yes

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.

Three adjacent properties will benefit from the variance due to the extra space on the narrow lot the the narrow house will allow maintaining views of the lake and proper space between structures.

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 practical.

The request is not.

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 property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances include any of the following:

- 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.

Exceptional narrowness of the property is 60 ft due to lot size. Adjacent properties will have lake views obstructed if the

variance isn't approved. The screened porch at 645 lakeshore dr. being built within the setback and approx. 1ft from the property line contributes to the lack of view for 7261 Beach Dr. and without a variance the home will hinder most if not all of the view that 7261 Beach Drive currently has.

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.

Properties in the area, especially properties along the lake were purchased with the expectation of a Lakeview as with 7261 and 7259 Beach Dr.

Not approving the variance could affect property values for the two aforementioned properties.

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

N/A

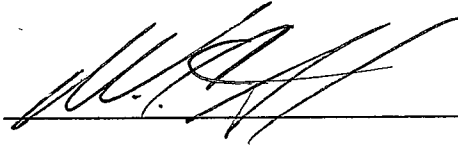
8. The variance if granted, would be the minimum departure necessary to afford relief.

5ft reduction is the minimum to not affect other properties in the immediate area.

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.

More land can't be obtained

Signature of Applicant & Owners (all owners must sign)



Date 11/13/2024

Note: Incomplete applications will be returned

Casco Township Zoning Board of Appeals

October 10, 2024

7:00 PM

Casco Township Hall

Present: Chairman Matt **Hamlin**, Vice Chair Alex **Overhiser**, Matt **Super**, Dian **Liepe**, Paul **Macyauski**

Members Absent: None

Also Present: Zoning Administrator Tasha **Smalley**, Recording Secretary Jennifer **Goodrich**, Members of the Hilltop Community Association INC, Glen **Fadden**, the Owner of the Pool Company – representing James **Guzdziol**, Trustee of the Phyllis L O'Brien Trust.

1. Call to order: Meeting was called to order by Chairman **Hamlin** 7:00PM
2. Review and approve agenda: A motion was made by **Liepe** to approve the agenda, supported by **Super**. All in favor. Motion carried.
3. Public comment: None
4. New Business

a. the Phyllis O'Brien Trust of Naperville IL is petitioning for a variance at 870 N Blue Star Hwy 03-02-062-010-00 to construct an In-Ground pool within the required Side Setback. The required Setback is 25'. The applicants are requesting 5' of relief (20' from the side property line).

Open Public Hearing – 7:03

James **Guzdziol**, while he attended the meeting via speakerphone, gave **Fadden**, the owner of the pool company, verbal permission to represent him and his request.

Fadden explained that the property currently has an above ground pool with decking, which is currently in the side yard setback. The deck is 10' away from the property line and the water's edge is 13' from the line. The proposed location of the new in ground pool would be 20' to the water's edge. This would make the pool more conforming than it currently is.

Macyauski asked if there would be any patio on the south side and **Fadden** Responded that there is 7' of cement patio planned for the deep end of the pool. **Fadden** also commented that there would be an auto cover and fencing to protect the pool. **Hamlin** asked why they pool couldn't go the additional 5' to the north, and meet the setback. It was explained that there is a

Draft

narrow driveway on that side that they do not want to encroach on and it would also reduce the size of the 18.5' patio on the north side of the pool.

Macyauski asked if the pool could be spun to go perpendicular to the house. **Guzdziol** responded that there is a fire pit in that part of the yard. This patio will have retaining walls and hardscaping so they would also like to keep any soil disturbance as far as possible from the Lake Michigan bluff. **Guzdziol** stated that ultimately he wants to increase the setback from the neighbors, improve the aesthetics of the property, and keep the access drive open to emergency vehicles.

Correspondence – None

Comments –

Julie, representing the Hilltop Association, commented that the Association had never received a letter informing them of this meeting. **Smalley** responded that a letter had been sent to 7228 Hilltop Dr. **Julie** agreed that Gilda **Bortoli** had received a letter, at that address, but the Association had not.

Julie stated that they also had concerns about bluff erosion. **Super** reminded them that this property was not a part of their Association and that they could not dictate anything to **Guzdziol**. **Bortoli** explained how the Association property and **Guzdziol's** property used to be combined with the lots to the north when it was the Hilltop Tavern. The Association still has a 100' Recreation easement on the lakefront and is concerned that **Guzdziol's** improvements such as Beach Stairs, Drainage, and Sand Bags, and Driveway improvements are putting the Bluff and their access form the northern to southern lots at risk.

Bortoli also explained that the cottages on the south side get their water from the lots to the north of **Guzdziol's** property. Their well pipe runs directly through **Guzdziol's** property and his home. This pipe has already been damaged once when **Guzdziol** was installing the drainage tile on his property and the association is concerned that further damage will occur as part of the pool installation.

Hamlin asked Gilda if the Cabins to the south of **Guzdziol's** property have access to their homes without using the drive that goes through his property. **Bortoli** stated that they usually use a different driveway. **Hamlin** asked when the project is scheduled to start. **Fadden** responded that they plan to start demoing the deck the third week of October.

Close Public Hearing – 7:28

Hamlin stated that the petition met the standards of the facts of finding.

Discussion: **Hamlin** does not see the need for emergency vehicles to access the neighboring properties via **Guzdziol's** property so there is no reason the pool could not meet the setbacks,

Draft

other than the patio on the north side might be smaller. **Macyauski** likes **Guzdziol's** reasoning as the existing pool is unsightly, the non-conformity would be decreasing, and it would not be moving any closer to the bluff. **Macyauski** also stated that he could not see how it would be detrimental to the neighbors.

Frank, an Association Member, reminded the ZBA members that damage had already been done when **Guzdziol** installed the clay drainage tiles on his property and severed their water line. **Macyauski** replied that the Association should not infringe on **Guzdziol's** property without an easement. **Fadden** responded that if any damage is done as part of his pool installation he would repair it. **Hamlin** asked if there will be additional drain tile installed as part of this project and **Fadden** responded that there would be more and that it would tie into the existing drain system.

Macyauski commented that the ZBA had granted setback variances for pools before; even for front/roadside Setbacks. **Macyauski** made a motion to grant the 5' of relief from the side yard setback. **Liepe** seconded the motion. **Hamlin, Overhiser, Super, and Liepe** were against. Motion Failed.

Overhiser made a motion to deny the O'Brien trust request of 5' of relief from the side yard setback. **Super** seconded the motion. The motion was approved with a roll call vote of 4-2. **Hamlin- Y, Overhiser - Y, Super - Y, Liepe - N, Macyauski - N**

5. Old Business: None

6. Public comment: None

7. Approval of Minutes:

A motion was made by **Super** to approve the September 12, 2024 ZBA Meeting minutes, supported by **Liepe**. All in favor. Motion carried.

8. Meeting Adjourned at 7:50pm

Attachments: available upon request

Minutes prepared by:

Jennifer Goodrich, Recording Secretary