

Casco Township Zoning Board of Appeals

May 24, 2018 @ 7 PM

Members Present: Vice Chairman Matt Hamlin, Secretary Sam Craig, Paul Macyauski and Matt Super

Absent: Chairman David Hughes

Also Present: David Cook, Applicant and Doug Callander, Applicant, Public Sign-in sheet (attachment #1)

Staff Present: Janet Chambers, Recording Secretary, Alfred Ellingsen, Zoning Administrator

The meeting was called to order at 7:00 PM by Vice Chairman Matt Hamlin, for hearing two variance requests.

The first request was from David Cook, 5548 143rd Ave., Holland, MI 49423 for a variance from Section 5.03 which requires a minimum front yard setback of 50 feet from the Right-of-Way (ROW) of a public road. The applicant wishes to construct a 16 foot x 20 foot addition to the existing dwelling to within 27 feet of the ROW. Therefore, the applicant is requesting a variance of 23 feet. The parcel in question is located at 1189 66th Street, South Haven, MI 49090 (Parcel #0302-003-011-10) Agricultural Zone. The addition would be constructed equivalent to the setback of the existing house.

Vice Chairman Hamlin read the notice of public hearing (attachment #2), and invited Cook to answer questions.

Macyauski asked when the house was build. The house was built in 1930's prior to zoning in Casco. Cook wishes to build a master suite. The addition will not be closer to the property line than the existing, non-conforming home. Cook explained that he could not build on the west side of his home, the north side of the home has a septic and drain field. The east side of his home has a well and large walnut tree. The roofline has gullies that won't allow an addition with the existing roof. Utilities, including propane, all enter on the east side. The only direction that makes sense was the South side of the home. Excavation started and as the contractor was prepared to pour footings, he went to pull a permit and found that a variance would be needed. He plans to add a detached garage in the future in the back of the house where there is room without setback issues.

Macyauski read through Cook's answers to Section 20.08 Review Standards (attachment #3 Cook's application), as ZBA members asked questions.

A. A dimensional variance may be allowed by the ZBA only in cases where the ZBA finds that ALL of the following conditions are met:

#1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is Observed. Macyauski stated the variance would be in the spirit of the ordinance.

#2. The Variance is being granted with a full understanding of the property history. Macyauski said the house has been there since pre-zoning and they have chosen the best option for expanding.

Super asked if it is encroaching the neighbor's property. Cook said it is vacant land next to his house. Hamlin asked where the future garage would be located.

- #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.** Super asked about neighbors and Cook said there are no neighbors he would be encroaching.
- #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 because the house was built in 1935 (pre-zoning) it is a special circumstance. Cook added this is the 4th addition to the house.
- #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 effective date of this Ordinance.** Ellingsen stated the physical limitation was created because it was built pre-zoning
 - b. Exceptional topographic conditions.** Ellingsen said it was because of the way the home was placed on the lot
 - c. By reason of the use or development of the property immediately adjoining the property in question.** Macyauski said no. Ellingsen added the nearest house is across the street and needs to be removed.
 - d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.**
- #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 agreed with Cook's statement on application.
- #7. That the variance is not necessitated as a result of any action or inaction of the applicant.** Cook stated the builder started excavating before realizing the home was non-compliant. Macyauski asked Ellingsen about the text amendment on non-conforming buildings. Ellingsen said additions would need to be conforming or would need a variance. Macyauski said because the home was built in 1930's it would not be an unreasonable request.
- 8. The variance, if granted, would be the minimum departure necessary to afford relief.** Macyauski said, yes. The addition will not extend any further than the existing home. In fact, the addition will not extend quite as far as the existing structure.

B. In addition to the above outlined standards for a dimensional variance, the Zoning Board of Appeals shall consider the following when deliberating upon a nonconforming lot in a platted subdivision case (see also Section 3.28):

- 1. There is no practical possibility of obtaining more land.** Macyauski said this does not apply.
- 2. The proposed use cannot reasonably be located on the lot such that the minimum requirements are met.** Macyauski said all standards have been met.

Vice Chairman Hamlin invited public comment. There was none.

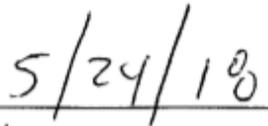
A motion by Hamlin, supported by Super to grant the variance. All in favor. Variance Granted.



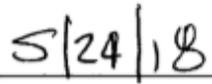
Matt Hamlin, ZBA Vice Chairman



Sam Craig, ZBA Secretary



Date



Date

At 7:20 pm the 2nd request was heard. Douglas Callander, 630 Waters Edge, South Haven, MI 49090, requested a variance from Section 3.32E, which requires a maximum fence height of seven (7) feet. The applicant wishes to construct a fence eight (8) feet in height. Therefore, the applicant is requesting a variance of one (1) foot. The parcel in question is located at 630 Waters Edge, South Haven, MI 49090 (Parcel #0302-10-001-00) in Boardwalk at Casco Bluffs (Low Density Residential Zone).

Vice Chairman Hamlin read the public notice (attachment #4) and invited Callander to speak. Callander provided ZBA members with photos of the type of fence he is proposing (attachment #5). Callander said he did not need to prove a hardship as notice stated and did not want to be held to those standards. He stated he has met the required standards.

Macyauski stated he knew Callander has been involved the Short-Term Rentals (STR) meetings and was not a proponent of STRs.

Callander said it (STR) is of greatest concern. This is his principal home and STR's have created a great deal of concern. Callander continued, Mr. McKay, who was present at the meeting, lives in Miami Park. Homes in Miami Park with STRs have caused a great deal of nuisance. Callander wishes to construct the fence to maintain his privacy, sound nuisances, trespassing, sight, etc.

Macyauski said he is a proponent of property owners having the right to do what they want with their property. Macyauski stated there have been meetings with the PC and Board protecting the right for people to have STRs and have recently created a noise ordinance.

Callander referred to a letter from the May 15th Board meeting where the Casco Township Attorney, Ron Bultje, listing 5 items stating who has rights if the STR referendum is passed. Four of the five items were in favor of STRs, not residents, which should be the goal of the township. The 5th item said residents could sue if STRs were a problem. We don't want to sue our neighbors. We need to be assured of our privacy. That should be the goal of the township. Michigan law, and Judge Cronin, says STR is commercial. The owner of the commercial activity should provide the fence buffer. Callander planted trees and vegetation, but it is not sufficient. Then there is the Graver "party house" property. What is going to happen to Miami Park? Miami Park is immediately to the South of Boardwalk and has the highest density of STRs. The township has 30 STRs listed in Miami Park. Callander counted 41. There are 12 vacant lots in Miami Park within ½ block of Callander's home. What are you (the township) going to do? We need whatever protection we can get. And, #5 says people can sue each other. We don't want to sue our neighbors. Callander provided photos (attachment #6) of his home from Lakeview, the SE corner running toward the lake, a home and lots owned by McKay and a 66' space of vacant land, and the Graver LLC "party house", and photos of the western end of his property line. The township has allowed homes built on 66' lots. If allowed on the 66' strip of land it would be more problems. The Aerial photo and map (attachment #7) shows the property layout. The aerial photo has a yellow line where the fence would go. On the aerial photo, property labeled #1 is the Graver house, #2 is the McKay Trust, #3 is owned by TDC Property Holdings, which has the same owner mailing address as the McKay properties. Callander pointed out the 12 vacant lots within ½ block of his home. He pointed out a 3-story house, which an 8' fence won't do much for. Callander said his interpretation of the zoning is that homes must be the "lesser of" 35' or 2 ½ stories.

Super asked where the fence would be located. Callander said it would be just inside the lot line where permitted. Super asked who Callander is protecting himself from, and why an 8' fence would be enough. Callander said he chose an 8' fence because he thought it is all the township would approve. He would prefer taller.

Callander expressed concern about the 66' lot. McKay said it is restricted to green space. Callander asked if it was recorded by law to be green space. McKay said it was a deeded transaction between boardwalk and property on the north side. It was originally marked for a parking lot and an area for sunset watching, but he purchased it and contracted it to be greenspace. Callander said he was glad to hear that. His fear was it would be used for something else.

Super asked why not buy surrounding property and call it good. Super said Callander had a beautiful house on beautiful property and if Callander has a fear of rentals disturbing him, Super understands. But if you have a 7' fence, what is 1 more foot going to do?

Hamlin brought up the 8' fence blocking the views of neighbors. Macyauski said property owners do not own views except straight out from their parcel. Your view is from one corner of your property to the

other. If someone blocks the view, you did not own that view and would not be considered "taking" the view. Callander agreed and said he cannot protect views of everyone down the road.

Callander said there is a 3-story house (photo attachment #8) outside McKay's window owned by Graver LLC. They have a hot tub, elevated decks, etc. They have parties, weddings, bachelorette parties, or whatever they have. Vacationers are not bad people. People behave differently during vacation, that does not make them bad. There were 12 renters in the hot tub having an American idol singing contest, shouting top of their lungs. I did not call police. The township should be protecting me, not making me put up a buffer.

Super agreed. A buffer needs to be put up for commercial. He had to put up a buffer for Jensen's Campground. Ellingsen said that is for commercial districts, not residential.

Callander provided photos (attachment #9) of six 3-story houses and said If you are going to continue to have houses this high you are not protecting residents.

Super asked why only an 8' fence. Callander said he would like taller if he thought he could get approval.

Callander referred to the photo (attachment #9) of a 3 story house house at 7234 Lakeview on a 60' lot. You are allowing them all over Miami Park. Tell me I have no reason to fear. Nothing but 3 story party houses, hotel type. All of this is within 1 ½ blocks from my home. I am only asking for a 1' protection.

According to township (map w/ pins attachment #10) these are all STRs. April people were trespassing on his property, in June of 2017 vacationers went up his stairs and through his property.

Callander read a couple of sentences from a review (attachment #11) from customers who stayed in a Miami Park STR. *"The main floor with the kitchen did feel a little cramped if all 16 people wanted to socialize/eat together...but I realize that 16 is a lot for any house, so not a big deal for us. When we were spread out using the bottom and middle floors it did not feel like we were on top of each other. There is a four-car limit, which was a slight inconvenience. With 16 people coming from different cities we had more than 4 cars, so we had to make trips to local big box stores where we left vehicles."*

Hamlin said Blue Star Highway is a dividing line between tourist and AG. People built homes that the community lives off.

Super said If you are going to have a house next to rental and you sleep and hear music at 3:00 am, it is a business. People must be flexible and understand. You have beautiful houses and I would not want them next to me. We had an Issue on North Shore Dr. They wanted to put in 40 apartments next to us. I bought it. No more building. You cannot stop progress. A 7' fence is allowed by the ordinance. One more foot will do no good.

Hamlin said we are not debating STRs. Let's get back to the variance.

Callander highlighted key words from Sections in the Zoning Ordinance (attachment #12)

- Section 1.4 Purpose “The purpose of this Ordinance isto support the Master Plan. to provide for orderly development within the Township;to protect and conserve.....residential..... uses”
- Section 2.21 Use, Compatible “A proposed use having a positive influence upon the existing uses within three hundred (300) Feet, or having a symbiotic relationship to such adjacent uses,.....
- Use, Incompatible “A proposed use having.....activity characteristics that conflict with existing uses within three hundred (300) feet.”
- Section 3.33 Greenbelts, buffers and Landscaping:buffer zones between potentially incompatible use and residential dwellings.
- Section 3.33 B “The purpose of greenbelts is to provide physical and visual separation between potentially incompatible uses.”
 1.to provide an effective sound and visual permanent buffer.. “The Planning Commission may.... Require additional.... Or a stockade fence in addition to the greenbelt area, in order to provide an effective screen.”
- Section 8.03 District Regulations Low Density Residential Minimum Lot Width..... Public sanitary sewer available - 85 ft.
..... No public sanitary sewer available – 100 ft
- Section 11.04 Required Conditions – Neighborhood Commercial Uses D. “Commercial uses shall be screened from agricultural or residential zones or uses

You have STRs on less than 85’ lots and over 2 ½ stories if sewer. If you are going to treat us fairly, give us the most protection you can.

The Judge says STR is a commercial use. Your Ordinance says commercial uses shall be screened.

Hamlin received two letters (attachment #13) in opposition of the variance. One from Gregory McKay, who was present and spoke on his own behalf. The second letter from John Fallon was read by Hamlin.

McKay said he is not sure what Callander is planning, and how long the fence will be. He said he had no problem with a 7’ fence next to Callander’s house, but if it extends from the back of the house past the bluff he will not like it. He would be looking at a fence. McKay bought the property behind him, so no one can block his view. His 2nd level would be looking at a fence. He retired from Tennessee and moved here and would be looking at a wall. He would not have bought the property if he knew he would be looking at a wall.

John Barkley, 646 Waters Edge, said he is in favor of the fence Callander is requesting. The Elevation of Boardwalk is 3’ below Miami Park. In Barkley’s opinion, Callander should be allowed 7’ + 3’ for a 10’

fence. The elevation of Boardwalk is 3' below Miami. The neighbors in Miami Park would only see 7 ft. of a 10' fence. With 30 to 41 homes for STRs in Miami Park the noise and disturbances are significant. The township has said there can be STRs 52 weeks a year. Light and sound and disturbances, trespassing, etc. Large groups spill over into Boardwalk, using their 3' walk. Barkley said Callander fronted most of landscaping expense to help reduce trespassing. He is asking for a 1' additional fence height for a little bit more buffer. Tailwind to reduce sight and sound contamination. Half of Miami park rentals are taller homes which are not allowed in zoning. The Planning Commission went through that at the last meeting. Barkley said Macyauski interpreted the zoning to allow the higher homes being built. With higher platforms, more homes, more days per year, the fence should be more than 8 ft.

Chris Barczyk lives in Highfield Beach south of Miami Park from Blue Star to the lake. With STRs abutting Highfield, Barczyk would like to see a 10' fence. Vacationers from STRs have been using the pool, decks, etc. in Highfield and say the rental owners told them they could. A 6 or 7 ft. fence is not stopping them. Eight ft. just begins to stop them. Residents don't want to call the police. He has several first responders that say calling 911 is inappropriate use of 911. He is asking for a 10 ft fence from the lake back. They do not want to stop the wildlife but are being forced to. With decks, a 7' fence is not working. A buffer zone is what we should be dealing with.

John Fallon owns a 3-story house in Miami Park. He purchased 3 more lots to build a single-story house because he has a handicapped son. He asked for a variance for a fireplace, for esthetics, and was told no. He was told there was no ordinance changes. The ordinance is where the ordinance is. He has a tower house because it was all that would fit on his small lot. Now he has 3 lots to build a single story for his son. Fallon said he heard fireworks from Boardwalk, that's called life.

Macyauski replied to Fallon's previous request to add on a fireplace. Macyauski said the reason he was turned down is because total coverage of his home would have been more than 25% of property. Lot coverage is most of the teeth behind 3.28. A 60' lot in historically platted subdivisions is legal lot.

Macyauski said Barkley was telling a ½ truth. Macyauski disagreed that Boardwalk is 3' lower than Miami Park. One end of boardwalk is 15' higher. Macyauski said he walked properties of Callander and McKay is level. Mitigating noise is not a good strong case for Callander. Trespassing issues are between Miami Park and Boardwalk. There has been a lot of time spent at the Board level on STRs. If you are not calling the cops, we cannot stop it. Who is telling truth? Macyauski says he drives through Miami Park and the only noise was from Highfield Beach. Maybe a volleyball game, lots of ruckus. The PC deliberated on STRs. The Board adopted a noise ordinance. What will be the difference between a 7' or 8' fence? STRs are in referendum. We don't know how that will turn out. We can't grant a variance due to lack of reference.

Valerie Baas said, it is only a fence. There is a hot tub on the side by Callander. Ear shrieks from the side. Spare him the sights. What is the problem?

Macyauski said he appreciated Baas' comments, but 1' will not help with trespassing. Baas asked again what is the difference if the fence is 8'?

Macyauski referred to 20.08 Review Standards, 5 c

- **By reason of the use or development of the property immediately adjoining the property in question.** Macyauski said he Graver house is not immediately adjoining Callander.

Callander said the property right next to him is vacant. His immediate neighbor is Graver. 300' is the standard of distance that got noticed. They are within that 300' circle.

Macyauski said he understands immediate neighbor to be interpreted as the next lot.

Callander said the renters use that vacant property as if it is theirs.

McKay said where ever the fence stops, people will walk around the fence.

Macyauski asked if the bushes on the property are Callander's.

Callander said yes, he put them in. The larger trees were already there.

John Barkley said he is a Board member for Boardwalk. They have allowed Callander to extend the fence. The Boardwalk board is planning to do it to some degree. Barkley said Supervisor Overhiser suggested no trespassing signs on the Miami Park side. They may extend the fence to a point where people would run into a steep drop off to go around it.

Macyauski asked Barkley if the noise ordinance would mitigate issues with noise. Barkley said no.

Macyauski asked if Barkley sees STRs as his problem. Casco followed the process; the PC made a decision and recommendation to the Board. The process allows a way to mitigate issues with Host Compliance. Two people have called in complaints.

Barkley said he followed Casco's procedure and flow chart. He called in and filled out an annoyance complaint and sent it the same night.

Macyauski said you need to call 911. If you do not call the law, nothing will get done. We all know we should call 911 if someone is breaking the law.

Hamlin suggested getting back to the 20.08 Review Standards. ZBA made statements after each. Callander's answers can be found in his application (attachment #14).

SECTION 20.08 REVIEW STANDARDS FOR VARIANCES

A. A dimensional variance may be allowed by the ZBA only in cases where the ZBA finds that ALL of the following conditions are met:

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 he won't argue whether STRs are commercial or not, but how it is affecting Callander's privacy. Macyauski asked if any kind of sound engineer has told

Callander that 1' of additional fence height would make a difference. As far as trespassing, nobody will jump over a 7' fence. He asked Callander if he had considered a nice "no trespassing" sign.

2. The variance is being granted with a full understanding of the property history. Macyauski said he would not argue with Cronin's decision. Callander bought the house in 2016. At that time 6' was the maximum fence height. When Michigan Building Codes said 7' fences were allowed, Casco changed the maximum to 7'.

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. Callander did not think it would adversely affect the adjoining property owners.

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 asked what year Callander planted trees and shrubs. Callander said last year they were planted and have been through one rental season. Macyauski said they should grow. Callander said there were big trees already there.

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:

a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.

b. Exceptional topographic 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.

Macyauski said he disagrees with #5c because the 66' lot is green space.

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. Hamlin said he has lived here for 37 years. He went to school in South Haven, then went away to college. When he came back Miami Park had larger homes. The lakeshore has always been rentals. There were 10 to 15 cabins and seasonal homes. It has been seasonal or rentals for 50 to 100 years and a ghost town in the winter. This has been happening before.

7. That the variance is not necessitated as a result of any action or inaction of the applicant. Hamlin said it was not necessitated as a result of the applicant. Macyauski said he has been surrounded by others. McKay, Graver, Barkley, it has been going on for years.

Callander said it was a single family residential neighborhood when he bought it. Why should I assume there is illegal activity going on? Single Family Residential is what I bought.

Chris Barczyk said Super knows, the characterization of rentals is not accurate. It was resorts. People did not rent residential houses. There was seasonal, and there were resorts. On site accountability was the difference. On site accountability kept things in check. With STRs there is no accountability.

Super said yes, he bought resort buildings, all leased property. The last 35 years it has been leased.

Barczyk said the difference was on site supervision. If guests destroyed a fence, we corrected it. It is accountability. This was the type of rental. There were tons. We referred overflow to each other. Accountability is the big difference. There were no noise issues, we took care of it.

Barczyk asked about mounding dirt up 3' against a 10' fence to make it 7' out of the ground on the other side. How long do we have from the time the permit is taken out to complete the fence? Mounding was discussed at the Planning Commission.

Valerie Baas said in 2007 there were 2 STRs in Miami Park.

Hamlin said STRs have been covered. Callander said the more times you back over a cat, the flatter the cat gets.

Callander said some have 5 or 6 lots, 3 are in an LLC. Are we going to continue multiple investments for commercial purposes? They would not put them under an LLC if they did not think something was wrong.

Craig asked, if the ZBA can pass this based on something that may happen?

Macyauski said, in reference to building height; in historically platted lots of record, the Zoning Administrator interprets it as it is read, as opposed to past precedents. There is a 25% coverage rule and we encouraged them to build up, not out. We try to support everybody in the township. Callander is not a proponent of STRs. Macyauski said he believes in the board. He has no stake in the lakeshore, other than representing the public.

John Barkley said as far as 7' vs 8', as a former Product Engineer for Ford, sound and light travel the path of sight. One foot would make a difference. It is perceivable, physics does make a difference.

Hamlin said 7, 8, 10 or 12 ft. Things change. There will probably be different board members in the future. We have to work through changes.

Callander thanked the ZBA for their audience.

Hamlin made a motion to approve the 1' height variance. In favor – 0, opposed – 4. Variance denied.



Matt Hamlin, ZBA Vice Chairman



Sam Craig, ZBA Secretary

5/24/18

Date

5/24/18

Date

A motion by Super, supported by Macyauski to approve minutes of November 2, 2017. All in favor. Minutes approved as printed.

A motion by Super, supported by Craig to approve minutes of August 10, 2017. All in favor. Minutes approved as printed.

A motion by Macyauski, supported by Hamlin to adjourn. All in favor. Meeting adjourned at 8:40 PM.

Minutes prepared by Janet Chambers, Recording Secretary

- Attachment #1: Public sign-in sheet
- Attachment #2: Public notice for Cook variance
- Attachment #3: Cook Variance Application
- Attachment #4: Public notice for Callander variance
- Attachment #5: Photos of proposed fence style (2)
- Attachment #6: Photos of Callander home and property (6)
- Attachment #7: Aerial Photo and map (2)
- Attachment #8: Graver building & other (2)
- Attachment #9: 3 Story STRs in Miami Park (6)
- Attachment #10: Map with pins from Casco
- Attachment #11: Review of 16 guest STR In Miami Park
- Attachment #12: Excerpts from Zoning Ordinance
- Attachment #13: Letters from McKay & Fallon in opposition to variance
- Attachment #14: Callander's Variance Application

CASCO TOWNSHIP
NOTICE OF PUBLIC HEARING

The Casco Township Zoning Board of Appeals will hold a public hearing Thursday, 24 May 2018 at 7:00 pm at the Casco Township Hall at 7104 107th Ave., South Haven, MI 49090 to deliberate the following request for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from David Cook, 5548 143rd Ave., Holland, MI 49423 for a variance from Section 5.03 which requires a minimum front yard setback of 50 feet from the Right-of-Way(ROW) of a public road. The applicant wishes to construct a 16 foot x 20 foot addition to the existing dwelling to within 27 feet of the ROW. Therefore, the applicant is requesting a variance of 23 feet. The parcel in question is located at 1189 66th Street, South Haven, MI 49090(Parcel #0302-003-011-10, Agricultural Zone). The addition would be constructed equivalent to the setback of the existing house.

The Zoning Board of Appeals may modify any of the variance requests to comply more fully with Section 20.08 and to make findings based upon competent, material and substantial evidence.

The applications and any pertinent information may be viewed at the Township Hall at 7104 107th Ave., South Haven, MI 49090 during regular office hours. Written or faxed comments may be made to the address above or numbers below and oral comments may be made in person at the hearing. Necessary and reasonable aids for disabled persons will be made available with sufficient notice to the Clerk.

Cheryl Brenner
Clerk
Phone-269/637-4441

Alfred J. Ellingsen
Zoning Administrator
Fax-269/639-1991

(Please place in the South Haven Tribune for publishing on 6 May 2018)

Attachment #3
look over info,

ZONING BOARD OF APPEALS - CASCO TOWNSHIP
7104 107th Ave., South Haven, MI 49090 (Ph.-269/637-4441; Fax- 269/639-1991)

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 X

Use _____

Erect _____

Convert _____

Alter _____

Parcel # 0302-003 - 011 - 10

Contrary to the requirements of Section (s) 5.03 of the Zoning Ordinance, upon the premises known as _____ and described as: _____ (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: David Cook
Address: 1189 66th Street Phone: 616-610-2147
City Fennville State MI Zip 49408
Fax: _____

2. Interest of Applicant in the premises: _____

3. Name or Owner: David Cook
Address: 5548 143rd Avenue Phone: 616-610-2147
City Holland State MI Zip 49423
Fax: _____

Listing this home 5/1/2018
need to move into 1189 66th
by end of August

4. Size of property to be effected by the variance: 16'x20' or 320sqft original home = 1,000sqft

5. Proposed use of building and/or premises:
Master Suite (bed + bathroom)

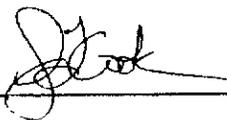
6. Present use of building and/or premises: Currently vacant, plan to move in August

7. Size of proposed building or addition to existing building, including height: 16' along front of house and 20' to the east and 8' high

8. Has the building official refused a permit? yes

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: 4/25/2018



Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

\$ 700.00

This application must be accompanied with a fee of \$ ~~250.00~~ 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.

Home will be extended with matching windows and complementary with existing roof line

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.

Granting the variance will not cause any detriment to the property or any improvements.

Addition is consistent with current home and goes no further into the easement than home

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.

conditions of the property in regards to the variance is not general or recurrent in nature.

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.

Building addition on North would require moving drain and septic. Building on West affects ordinance greater. Building on East would require removing the roof, demolition of large tree, and re-routing well and utilities, leaving construction on the South the best option and with minimal cost not requiring a major roof modifications and removal of existing buildings on the East of property.

- 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.

Other properties can easily add on to their house but my home was built before the ordinance and since I cannot build north or east due to hardships, i can only build south

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

The variance is not necessary as a result of action or inaction. The builder started excavation before understanding the house was already violating an ordinance

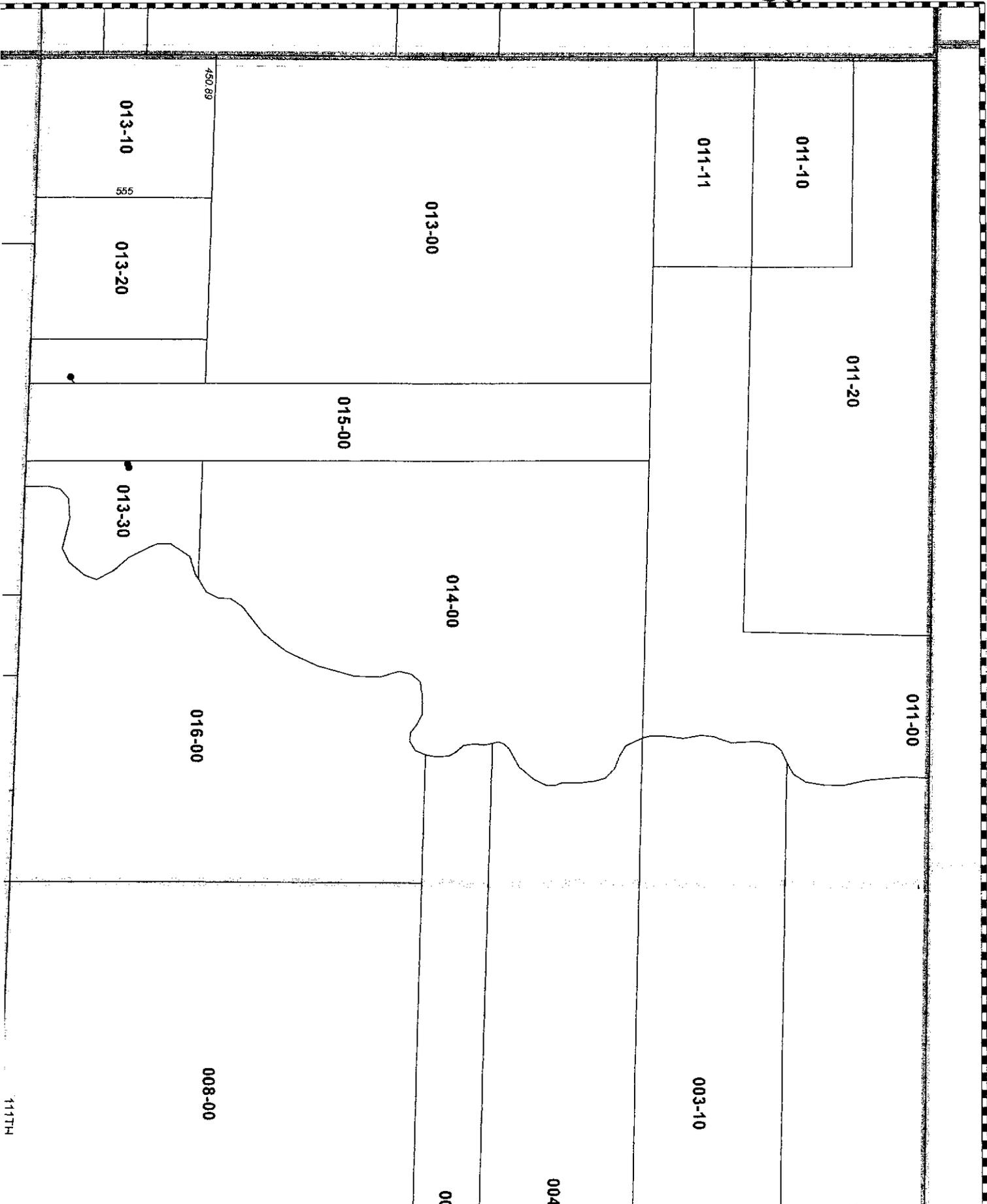
- 8. The variance, if granted, would be the minimum departure necessary to afford relief.

Yes, extending the home along the same parallel of the existing home and does not extend into the easement any further than existing home.

- 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.

Not a platted subdivision, not applicable

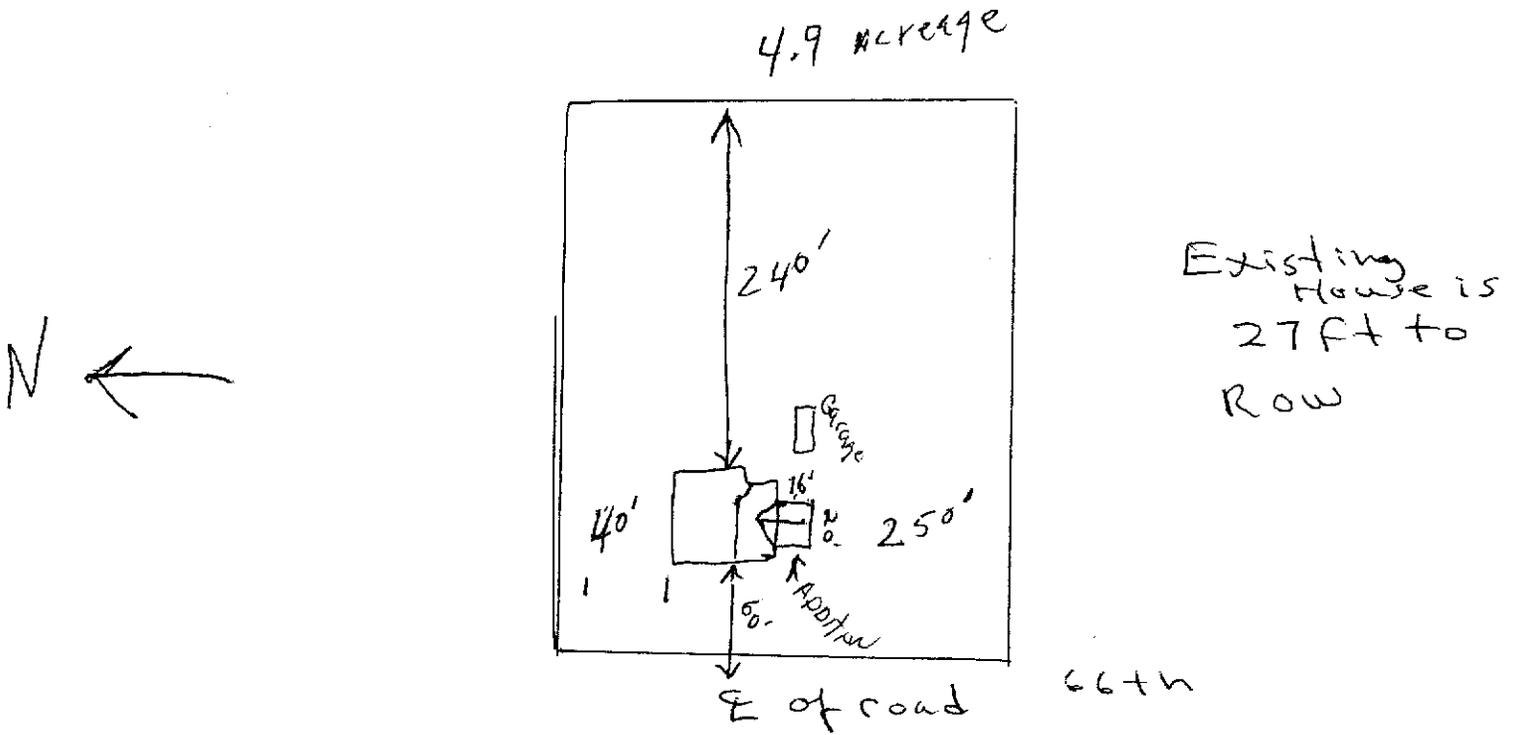
66th St.



BUILDING APPLICATION / ZONING

Site Plan: (Please read carefully and complete). Use the space below, or on a separate sheet of paper, to draw a diagram showing all of the following items.

1. The dimensions of the lot or acreage. (all sides)
2. The location, distances to lot lines, of all existing and proposed structures.
3. The dimensions of all existing and proposed structures.
4. The distances between all existing structures.
5. The location of all roads bordering or on the property.
6. The location of any power and gas lines on property.
7. The location of any lakes, rivers, streams, or wetland on or near property.
8. The location of any easements on the property.
9. A north arrow indicating the direction of north.



*****Do not write below this line*****

Required setbacks

Front _____ ft. Rear _____ ft. Side RT. _____ Left _____

Lot width _____ ft. Lot area _____ Sq. ft. Living Area _____

Dist. Between bldgs. _____ ft. Zoning Dist. _____

Approved _____ Denied _____

Signature _____ Date _____

Reason Denied _____

Casco Township Zoning Board of Appeals

Request for Variance

The Zoning Board of Appeals consists of 5 members who are residents of the Township, the first member of the Board of Appeals being a member of the Planning Commission, the second member may be a member of the Township Board, and the other three being selected and appointed by the Township Board from among the electors residing in the Township.

The Board of Appeals is empowered by Township ordinance and State law to grant a variance from the requirements of the Zoning Ordinance only when it finds, from reasonable evidence, that certain facts and conditions involved in complying with the requirements of the ordinance are met, all as outlined in the attached sheet, Page 3.

The Board shall have power to:

1. Hear applications where it is alleged that an error or misinterpretation of the Zoning Ordinance by any official charged with the enforcement of the Ordinance.
2. Adjudicate applications for variances for property with exceptional narrowness, shallowness, or unusual shape or by reason of exceptional topographical conditions or non-dimensional characteristics, extraordinary conditions of land, buildings, or development of adjacent properties, where there are practical difficulties or unnecessary hardship in carrying out the literal enforcement of the Ordinance. (Section 20.08)

The Board cannot change zoning. This can only be done by appropriate ordinance passed by the Township Board. Before deciding upon an application, the ZBA must conduct a public hearing. Notice of such hearing is given to each property owner or occupant of property within 300 feet of the property in question. At this time of the hearing, the applicant or his representative is called upon to give reasons why his appeal or application should be granted. Any interested person who is present is then given an opportunity to be heard. The applicant or his representative will have the opportunity to speak in rebuttal or may be called upon to answer questions by the Board members relative to his/her case. Reference is again made to the information on the attached sheet. Each applicant must give evidence that there are practical difficulties or unnecessary hardships involved and that the five conditions do exist.

It is mandatory that the applicant:

1. Complete the application form.
2. Submit 7 copies of a site diagram showing positions of all existing and proposed structures with setbacks from all lot lines.
3. Provide substantiating statements for 1 thru 9 in the Additional Information supplement found on Page 3 to justify your request for a variance.
4. Payment of appropriate fee.

After the Hearing is closed, the Board takes each case under advisement. The applicant is then notified after a decision is made.

CASCO TOWNSHIP
NOTICE OF PUBLIC HEARING

The Casco Township Zoning Board of Appeals will hold a public hearing Thursday, 24 May 2018 at 7:00 pm at the Casco Township Hall at 7104 107th Ave., South Haven, MI 49090 to deliberate the following request for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from David Cook, 5548 143rd Ave., Holland, MI 49423 for a variance from Section 5.03 which requires a minimum front yard setback of 50 feet from the Right-of-Way (ROW) of a public road. The applicant wishes to construct a 16 foot x 20 foot addition to the existing dwelling to within 27 feet of the ROW. Therefore, the applicant is requesting a variance of 23 feet. The parcel in question is located at 1189 66th Street, South Haven, MI 49090 (Parcel #0302-003-011-10, Agricultural Zone). The addition would be constructed equivalent to the setback of the existing house.

The Zoning Board of Appeals may modify any of the variance requests to comply more fully with Section 20.08 and to make findings based upon competent, material and substantial evidence.

The applications and any pertinent information may be viewed at the Township Hall at 7104 107th Ave., South Haven, MI 49090 during regular office hours. Written or faxed comments may be made to the address above or numbers below and oral comments may be made in person at the hearing. Necessary and reasonable aids for disabled persons will be made available with sufficient notice to the Clerk.

Cheryl Brenner
Clerk

Alfred J. Ellingsen
Zoning Administrator
Phone-269/637-4441
Fax-269/639-1991

CASCO TOWNSHIP
NOTICE OF PUBLIC HEARING

The Casco Township Zoning Board of Appeals will hold a public hearing Thursday, 24 May 2018 at 7:00 pm at the Casco Township Hall at 7104 107th Ave., South Haven, MI 49090 to deliberate the following request for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from Douglas Callander for a variance from Section 3.32E which requires a maximum fence height of seven(7) feet. The applicant wishes to construct a fence eight(8) feet in height. Therefore, the applicant is requesting a variance of one(1) foot. The parcel in question is located at 630 Waters Edge, South Haven, MI 49090(Parcel #0302-140-001-00) in the Boardwalk at Casco Bluffs (Low Density Residential Zone).

The Zoning Board of Appeals may modify any of the variance requests to comply more fully with Section 20.08 and to make findings based upon competent, material and substantial evidence.

The applications and any pertinent information may be viewed at the Township Hall at 7104 107th Ave., South Haven, MI 49090 during regular office hours. Written or faxed comments may be made to the address above or numbers below and oral comments may be made in person at the hearing. Necessary and reasonable aids for disabled persons will be made available with sufficient notice to the Clerk.

Cheryl Brenner
Clerk
Phone-269/637-4441

Alfred J. Ellingsen
Zoning Administrator
Fax-269/639-1991

(Please place in the South Haven Tribune for publishing on 29 April 2018)

Attachment #5
2 photos

cedar fence picket grey



100%

Jeffrey LLC

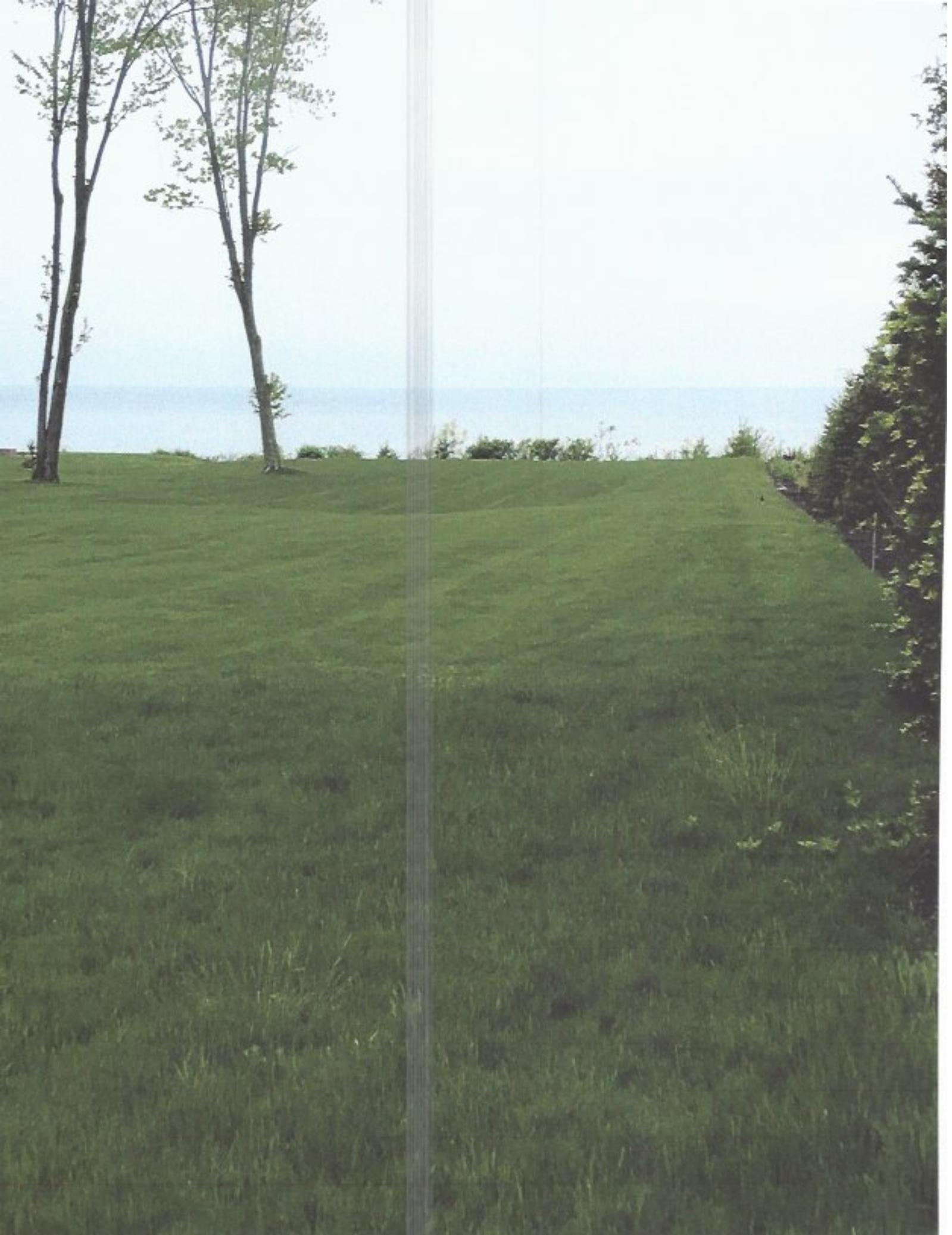
rsPost - The Steel Post for Wood Privacy Fences



Attachment 6
4 Photos





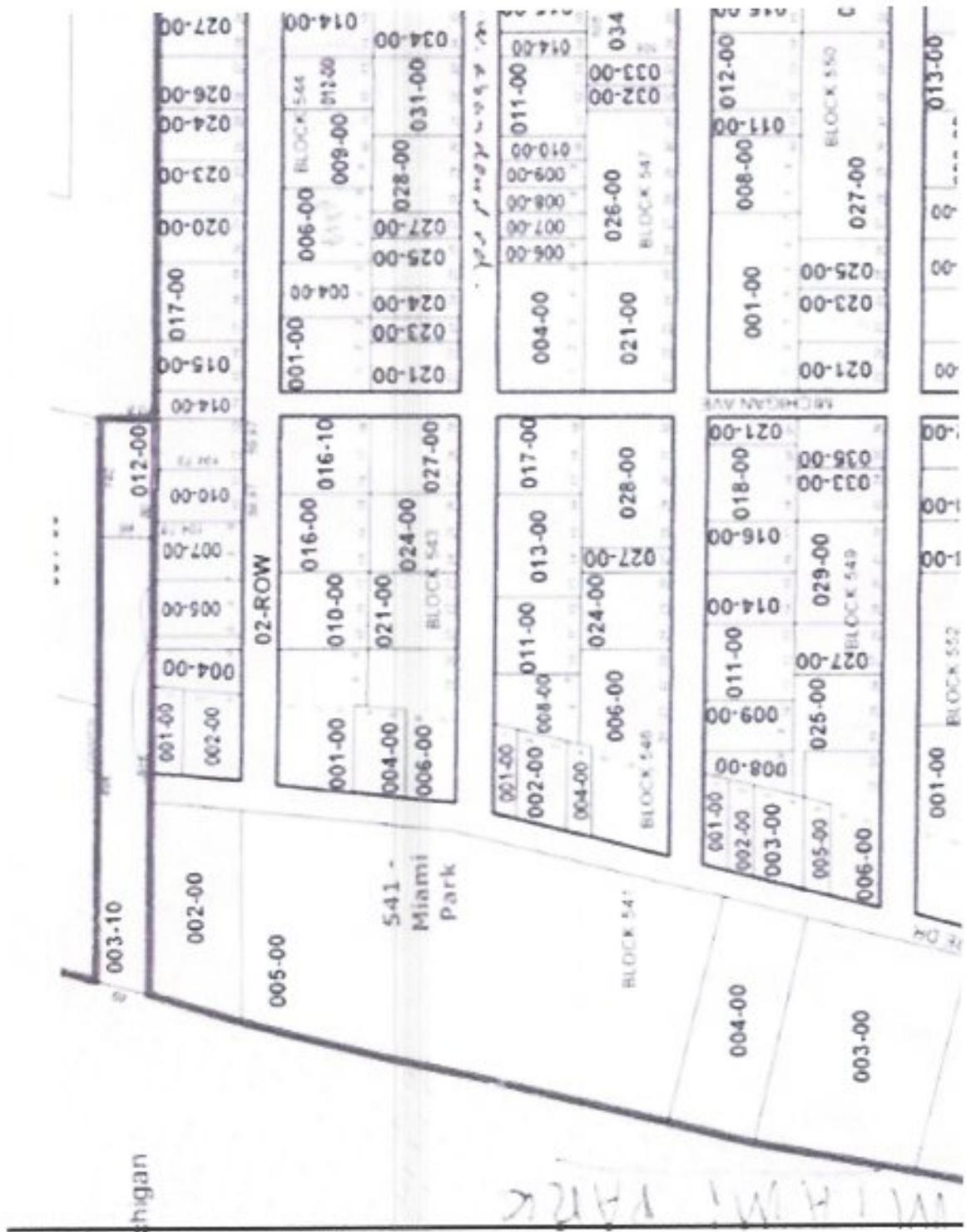




*Attachment #17
Aerial + Map*

1. GRAVER REAL ESTATE, LLC (001-00, 002-00, 004-00)
2. MCKAY TRUST (005-00 007-00, 003-10)
3. TDC PROPERTY HOLDINGS, LLC (010-00, 012-00)





Attachment #8





Attachment #
6 3-story















Attachment #10

Attachment #11



Details

3,100 sq. ft.
16
5
5
2 - 7 nights

Reviews

There were plenty of bathrooms for our 16 guests, and it never felt like people were waiting to shower etc. The kitchen was sleek and functional. The main floor with the kitchen did feel a little cramped if all 16 people wanted to socialize/eat together...but I realize that 16 people is a lot for any house, so not a big deal for us. When we were spread out using the bottom and middle floors it did not feel like we were on top of each other. The description of the property was accurate. I appreciated how the property owner returned e-mails and calls promptly. I even texted him a question during our stay and he got back to me quickly. He was very easy to deal with.

There is a four car limit, which was a slight inconvenience. With 16 people coming from different cities we had more than 4 cars, so we had to make trips to local big box stores where we left vehicles. It wasn't a huge deal, and I understand that, in a quiet community the neighbors probably don't want 8 or 9 cars parked everywhere...just took some extra planning and a little time away from our activities since people had to make pick-up/drop off runs. Shouldn't be an issue if you have less than the maximum of 16 occupants.

SECTION 1.04 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people and to support the Master Plan. The provisions are intended to, among other things, encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use; to limit the improper use of land and resources; to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued; to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties as described in the Master Plan.

SECTION 2.21 DEFINITIONS – U

USE, COMPATIBLE

A proposed use having a positive influence upon the existing uses within three hundred (300) feet, or having a symbiotic relationship to such adjacent uses, e.g., providing a use, activity or service for which there is a demonstrated need at or near the location chosen, or providing similar products or services to existing uses within three hundred (300) feet, thus creating a competitive area of attraction for persons seeking that type of enterprise.

USE, INCOMPATIBLE

A proposed use having a size, bulk, physical characteristics or activity characteristics that conflict with existing uses within three hundred (300) feet of the outer edges of the property upon which the new use is proposed.

It is the intent of this provision to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping as greenbelt **buffer zones between potentially incompatible uses and residential dwellings**. Landscaping is also viewed as a critical element contributing to the aesthetics, development quality, stability of property values, mitigation of nuisance affects, and overall rural character of the Township. As such, the following standards shall be met, as applicable. Further, protected landscapes and well-designed landscapes help the Township meet Master Plan goals and objectives.

- A. It is the intent of this Ordinance to protect existing site vegetation as a means of retaining rural character. Significant site vegetation, including landmark trees, shall be protected as much as practical and noted for protection on the site plan. If existing plant material is labeled "to remain" on a site plan by the applicant or is required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed prior to grading and construction activities. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved.
- B. The purpose of greenbelts is to provide physical and visual separation between **potentially incompatible uses**.
1. A required greenbelt shall be a strip at least twenty (20) feet in width. The greenbelt shall have a minimum of (1) evergreen tree, of at least five (5) feet in height, for every ten (10) feet of length of the greenbelt. The greenbelt shall be situated **to provide an effective sound and visual permanent buffer**. Protected vegetation may be considered in lieu of the evergreen quota. The Planning Commission may alter plant material requirements or may require additional landscaping, berming, wall or a stockade fence in addition to the greenbelt area, in order to provide an effective screen.
 2. Greenbelt and landscaping materials shall contain groundcover and live materials. Pavement gravel or other hard surfaces are not considered landscaping.
 3. Any plant materials required as part of the greenbelt which die shall be replaced by the property owner.
- C. The Township may require a performance guarantee, per Section 21.05, to ensure the installation of required landscaping.
- D. For commercial and industrial uses the required front yard shall have a minimum of one (1) canopy tree of at least one and one-half (1-1/2) inches in diameter four (4) feet off the ground for every ten (10) feet of frontage.
- E. For residential developments requiring site plan review, a natural vegetative buffer of a minimum of one hundred (100) feet deep from the right-of-way line shall be provided along the entire frontage of any public road abutting the development. The buffer area shall remain in a natural state. Where adequate natural vegetation does not exist, the Planning Commission will require that the area be augmented with landscaping.

SECTION 8.03 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Low Density Residential (LDR) District	
Minimum Lot Size	Public sanitary sewer available – 10,000 square feet
	No public sanitary sewer available – 20,000 square feet
Minimum Lot Width	Public sanitary sewer available – 85 feet
	No public sanitary sewer available – 100 feet
Front Yard Setback*	30 feet if public sanitary sewer available; 50 feet if no public sanitary sewer available**
Side Yard Setback	15 feet if public sanitary sewer available; 25 feet if no public sanitary sewer available
Width to Depth Ratio	1:4
Rear Yard Setback	40 feet
Maximum Height of all Buildings	35 feet or 2-1/2 stories
Maximum Lot Coverage	25%
Minimum Dwelling Unit Size	1,000 square feet, with a minimum of 720 square feet on the ground floor for two or more story dwellings

SECTION 11.04 REQUIRED CONDITIONS - NEIGHBORHOOD COMMERCIAL USES

- A. All business, service or processing shall be conducted wholly within a completely enclosed building, except automobile service stations.
- B. All products produced on the premises, whether primary or incidental, shall be sold only at retail and on the premises where produced.
- C. Outdoor storage is prohibited.
- D. Commercial uses shall be screened from agricultural or residential zones or uses (see Section 3.33).

SECTION 20.08 REVIEW STANDARDS FOR VARIANCES

- A. A dimensional variance may be allowed by the ZBA only in cases where the ZBA finds that ALL of the following conditions are met:
1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.
 2. The variance is being granted with a full understanding of the property history.
 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.
 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.
 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:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.
 - b. Exceptional topographic 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.
 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.
 7. That the variance is not necessitated as a result of any action or inaction of the applicant.
 8. The variance, if granted, would be the minimum departure necessary to afford relief.



FAX

DATE: 5/22/18

TO: Alfred J. Ellingsen FAX NO. 269/639-1991

FROM: Gregory McKay & John Fallon

NO. OF PAGES (Including cover sheet) 3

MESSAGE:

Zoning board of Appeals -
Construction of fence in Boardwalk

GRIFFIN.
INCORPORATED

6562 HIGHWAY 178 WEST - BYHALIA, MISSISSIPPI 38611
(662) 838-2128 - FAX (662) 838-2120

Casco Township

To ALfred ELLingsen

Public hearing Thursday 5-24-18

Request Douglas Callander

From John Fallon Property and Home owner
Lakeview Ave

I am against the request for a Variance
Requesting A height Change on MR Callanders
Property. This directly impacts me and
ADJACENT Property Owners.

Thank You
John Fallon.

Greg McKay

To: Casco Township Zoning Board of Appeals; gmckay@griffinarmor.com
Subject: Request from Douglas Callander for Variance from Section 3.32E

To the Casco Township Zoning Board of Appeals,

My name is Gregory McKay and I own property at 7253 Lakeview Ave, South Haven, MI 49090, in Miami Park.

It's my understanding that Mr. Douglas Callander is requesting a variance to install an eight foot fence at 630 Waters Edge, South Haven, MI 49090, in Boardwalk at Casco Bluffs. Not knowing exactly where Mr. Callander plans to install the potential fence is in question.

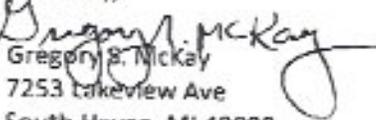
If Mr. Callander is planning to install the fence along the south side of his home, I personally have no issues since our property lines are joined at this location. If Mr. Callander is planning to extend this fence past the back of his home toward Lake Michigan I contest this will block my entire view of Lake Michigan to the Northwest. My property line joins Mr. Callander at this point and my line runs all the way to beach front on Lake Michigan. Since Mr. Callander moved into his Boardwalk home he has planted large pine trees to reduce our view of Lake Michigan to the Northwest.

It's my understanding that maximum fence height is currently 7 ft. and the variance of another one ft. higher is being suggested. I personally feel this request should be denied.

I'm not sure why a neighbor I've never met would block and denies my Lake Michigan view to the Northwest and his own to the Southwest.

I find it very odd that we find out about this fence request without ever being approached by my neighbor. I guess friendly neighbors are the thing of the past.

Sincerely,


Gregory S. McKay

7253 Lakeview Ave
South Haven, MI 49090
gmckay@griffinarmor.com
901-489-1887 mobile

Fax to: Alfred J. Ellingsen
Zoning Administrator
269/639-1991

Attachment # 14
Callander Aff. Meeting

ZONING BOARD OF APPEALS - CASCO TOWNSHIP
7104 107th Ave., South Haven, MI 49090 (Ph.-269/637-4441; Fax- 269/639-1991)

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 8' fence Convert _____
Alter _____
Parcel # 0302-140-001-00 -

Contrary to the requirements of Section (s) 3.32 (E) of the Zoning Ordinance, upon the premises known as 630 Waters Edge and described as: UNIT 1 BOARDWALK AT CASCO BLUFFS SEC 13 T1N R17W (06) (attach legal description) ATTACHED

The following is a description of the proposed use:

1. Name of applicant: Douglas L Callander
Address: 630 Waters Edge Phone: 269-998-8474
City South Haven State MI Zip 49090
Fax: _____

2. Interest of Applicant in the premises: Owner (Trustee Douglas L Callander, Revocable Trust)

3. Name or Owner: See Above
Address: _____ Phone: _____
City _____ State _____ Zip _____
Fax: _____

4. Size of property to be effected by the variance: 334'

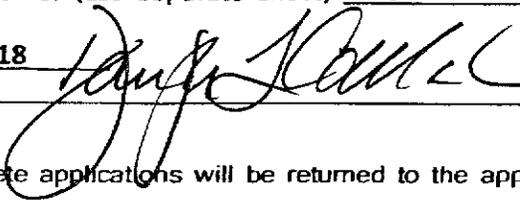
5. Proposed use of building and/or premises:
To block sight & sound and to protect our residence from the disturbances created by the commercial short term rental activity in Miami Park, particularly from the adjoining property located at 653 Lakeshore Drive.

6. Present use of building and/or premises: Single Family Residential

7. Size of proposed building or addition to existing building, including height: Height 8' Length 334' DRAWING ATTACHED

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: 3/5/2018

Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

This application must be accompanied with a fee of \$ 250.00 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 current Ordinance as amended allows for a 7' fence. We are seeking a variance of only one additional foot to protect our privacy. The new Ordinance encourages and sanctions Short Term Rentals. Miami Park has the highest density of Short Term Rentals in Casco Township. Based upon the public meetings, it is clear that this activity will increase as result of the change in the Ordinance. The public interest has always been to protect residential zones from commercial activity.

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

At the time of purchase of our property in 2016, it was clear that Short Term Rentals were not allowed in Miami Park under the current Ordinances and Land Use Plan. That legal interpretation was upheld by Judge Cronin in the Allegan Circuit County Court. It now appears that the Township will amend that Ordinance to specifically allow and sanction that activity.

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.

An additional one foot of fencing height will not adversely affect the adjoining property owners, but will provide substantial benefit to us and our property from non-owner activity directly adjacent to our residence.

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.

We have already attempted, at great expense, to mitigate the disturbances from the adjoining Short Term Rental activity by planting more than 50 trees, shrubs and plants along the southern border of our property. Unfortunately, that was not adequate. We are uniquely situated immediately next door and contiguous to the activity which is heightened in the summer months when we wish to enjoy our backyard and deck.

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.

Exception 5(c) applies in our case, based upon the use of the property immediately adjoining our property for Commercial - Short Term Rental activity throughout the entire summer season.

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.

We are entitled to peaceful, quiet enjoyment of our property as the prior zoning ordinances guaranteed. We purchased on the basis that our neighbors, both in the Boardwalk and in Miami Park, owned and occupied Single Family Residential Homes.

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

That is correct. We purchased our home as a single family residential unit surrounded by other similar homes consistent with Casco Township Zoning Ordinances. Our use remains the same.

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

Yes. We have landscaped the border of our property at great expense. The request seeks permission to erect an 8' fence rather than a 7' fence, which is a minimum departure.

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.

We are unable to acquire additional land to create an adequate buffer.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
08/15/2016	\$1,750,000.00	WD	TUBILEWICZ JOSEPH J & KATHLEEN A	CALLANDER DOUGLAS L & ELEANOR R	ARMS LENGTH	4056/977
07/25/2005	\$855,000.00	WD	CASCO BOARDWALK INC	TUBILEWICZ JOSEPH J & KATHLEEN A	Good Split Improved	2868/458
05/19/2004	\$0.00	WD	CASCO BLUFFS LLC	CASCO BOARDWALK INC	ARMS LENGTH	2680/966

Building Information - 4780 sq ft 2 STORY (Residential)

General

Floor Area	4,780 sq ft	Estimated TCV	\$745,454
Garage Area	928 sq ft	Basement Area	2,158 sq ft
Foundation Size	2,158 sq ft	Year Remodeled	Not Available
Year Built	2005	Class	B +10
Occupancy	Single Family	Tri-Level	No
Effective Age	11 yrs	Heat	Forced Heat & Cool
Percent Complete	100%	Wood Stove Add-on	No
AC w/Separate Ducts	No	Water	Public Water
Basement Rooms	4	Sewer	Public Sewer
1st Floor Rooms	5	Style	2 STORY
2nd Floor Rooms	4		
Bedrooms	5		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area Heated
2 Story	Basement	Siding	2,158 sq ft 2 Story

Area Detail - Overhangs

Area	Story Height	Exterior	Included in Size for Rates
928 sq ft	0.5 Story	Siding	0

Exterior Information

Brick Veneer	0 sq ft	Stone Veneer	0 sq ft
---------------------	---------	---------------------	---------

Basement Finish

Recreation	0 sq ft	Recreation % Good	0%
Living Area	1,078 sq ft	Living Area % Good	0%
Walk Out Doors	2	No Concrete Floor Area	0 sq ft

Plumbing Information

3 Fixture Bath	4	2 Fixture Bath	1
-----------------------	---	-----------------------	---

Built-In Information

Cook Top	1	Dishwasher	1
Garbage Disposal	1	Oven	1

Fireplace Information

Exterior 1 Story	1	Exterior 2 Story	1
-------------------------	---	-------------------------	---

Garage Information

Area	928 sq ft	Exterior	Siding
Foundation	42 Inch	Common Wall	1 Wall
Year Built	No Data to Display	Finished	Yes
Auto Doors	0	Mech Doors	3

Porch Information

WCP (1 Story)	168 sq ft	Foundation	Standard
WCP (1 Story)	168 sq ft	Foundation	Standard
WCP (1 Story)	510 sq ft	Foundation	Standard

Disclaimer: BS&A Software provides AccessMyGov.com as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

630 WATERS EDGE (Property Address)
 Parcel Number: 02-140-001-00

Property Owner: CALLANDER DOUGLAS L & ELEANOR R

Summary Information

- > Residential Building Summary
 - Year Built: 2005
 - Full Baths: 4
 - Sq. Feet: 4,780
 - Bedrooms: 5
 - Half Baths: 1
 - Acres: 0.831
- > Assessed Value: \$760,500 | Taxable Value: \$760,500
- > Property Tax information found

No Images Found

Owner and Taxpayer Information

Owner	CALLANDER DOUGLAS L & ELEANOR R 630 WATERS EDGE SOUTH HAVEN, MI 49090	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2017

Property Class	Residential	Unit	02 CASCO TOWNSHIP
School District	District 80010	Assessed Value	\$760,500
MAP #	No Data to Display	Taxable Value	\$760,500
LAKEVIEW	0	State Equalized Value	\$760,500
ACTION	Not Available	Date of Last Name Change	08/23/2016
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
INPUT	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date 08/15/2016

Principal Residence Exemption	June 1st	Final
2018	100.0000 %	-
2017	100.0000 %	100.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2016	\$930,700	\$930,700	\$725,169
2015	\$723,000	\$723,000	\$723,000
2014	\$763,200	\$763,200	\$763,200

Land Information

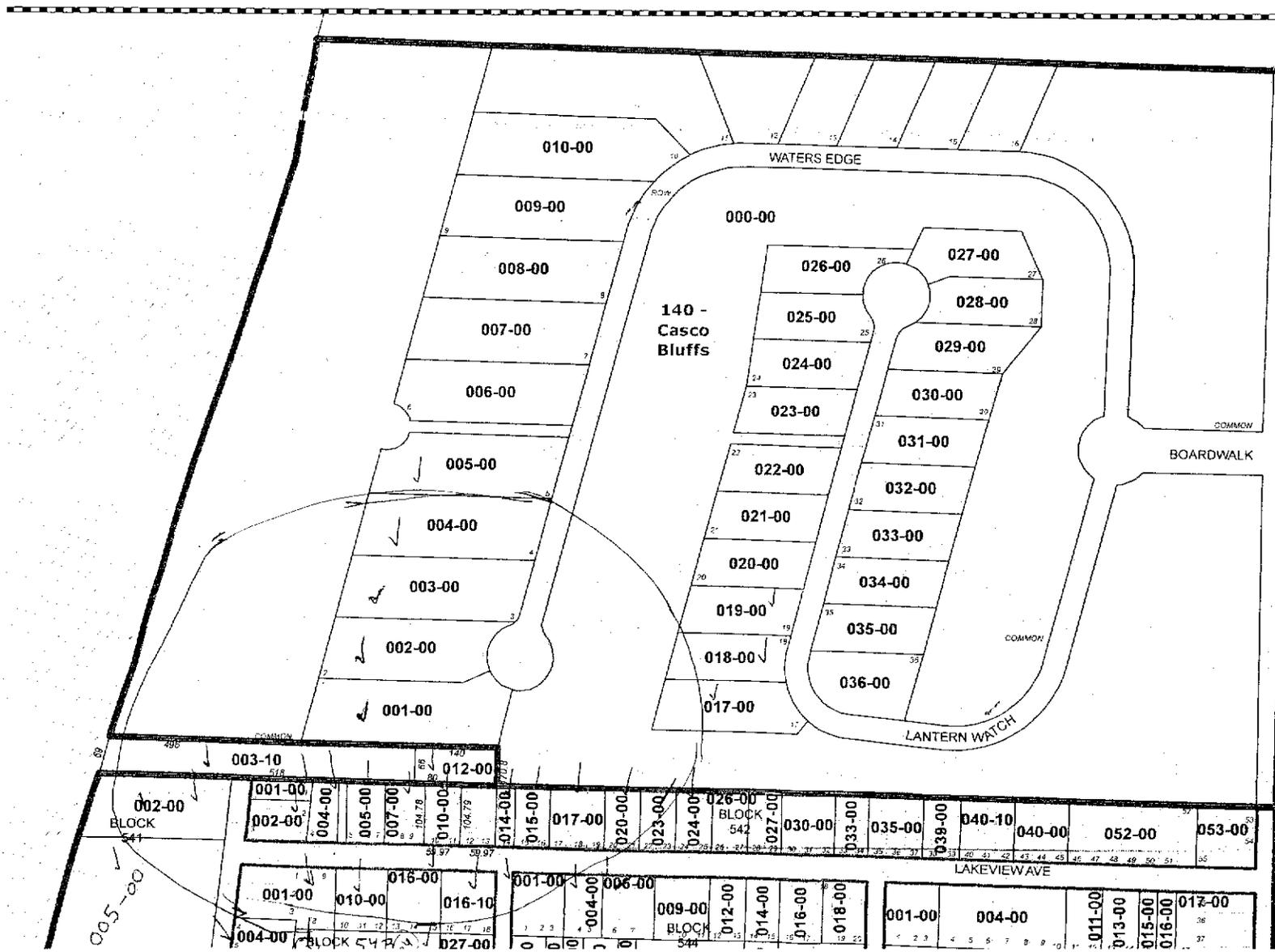
Zoning Code	R-2 LO	Total Acres	0.831
Land Value	\$0	Land Improvements	\$11,118
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	LAKE MICHIGAN	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	110.00 ft	329.00 ft
Total Frontage: 110.00 ft		Average Depth: 329.00 ft

Legal Description

UNIT 1 BOARDWALK AT CASCO BLUFFS SEC 13 T1N R17W (06)

Sale History



KALAMAZOO FENCE

26905 34TH AVENUE, MATTAWAN, MICHIGAN 49071
 (269) 668-4567 • or (269) 668-4566 • FAX (269) 668-3097
 Website: www.kalamazoofence.net • Email:kalamazoofence@yahoo.com

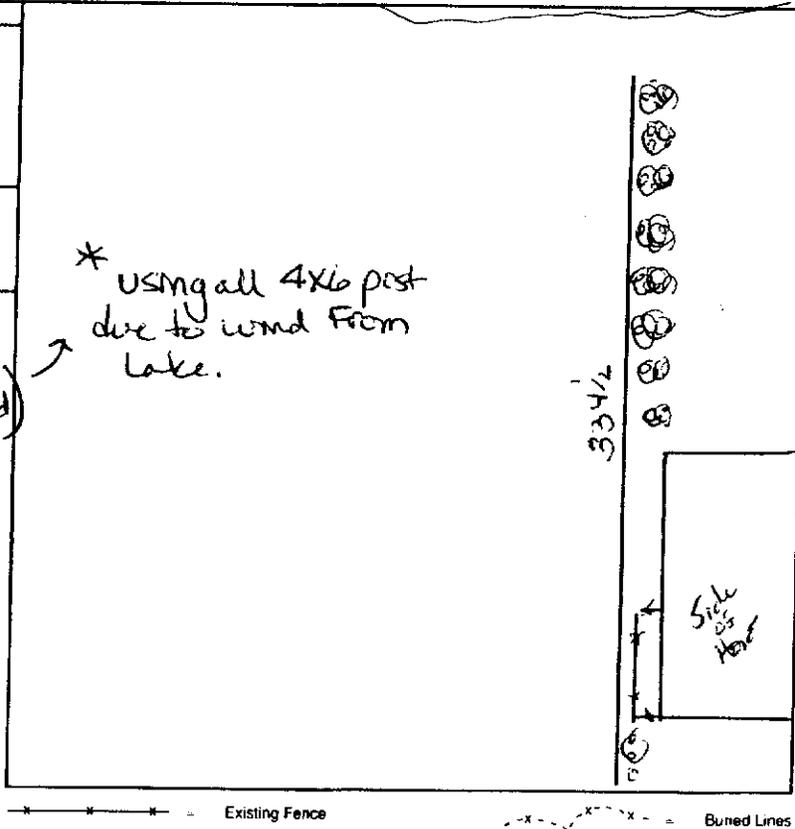
CUSTOMER Doug & Ellie Callander HOME # _____
 ADDRESS 630 Waters Edge WORK # _____
 CITY South Haven ZIP CODE 49090 FAX # _____
 CONTACT PERSON: _____ CELL # 998-3311
 JOB SITE: _____ E-MAIL ellieCallander@gmail.com

DESCRIPTION

Style 6" Dogear
 Type of Fence Treated
 Color _____
 Height _____

Pre-assembled _____
 Custom Built _____

Total Footage 334 1/2
 Post Cap Style N/A
 Post Size 4x6 (For Wind)
 Post Size-Gate _____
 Post Size-Gate _____
 Walk Gate _____ Size _____
 Drive Gate _____ Size _____
 Good Side In _____ Out
 Concrete Footing
 6" X 24"
 8" X 36"
 Other



- CHECK ALL THAT APPLY
- Removal Included
 - Haul Away
 - Fence Tight to Ground
 - Top Level
 - Fence to Follow Grade
 - Customer To Clear Fence Lines
 - Posts Tamped
 - Posts Cemented 2' Inground
 - Customer to Mark Private Underground Lines
 - Core Drill
 - Air Hammer
 - Handpunch through Asphalt
 - Customer to Mark Sprinkler Lines

Kalamazoo Fence:

SALES AGREEMENT: Kalamazoo Fence agrees to guarantee the above fence to be free from defects in material and workmanship for one year. (Wood fence warranty does not include rotting, warping, chipping, shrinkage, or cracking which are the natural properties of wood.)
 Payment terms: 1/2 Deposit is required, with balance due upon completion of installation. Upon default in payment, all material will remain the property of Kalamazoo Fence, along with the right to access and removal granted to Kalamazoo, Fence. Any monies past due will be charged 2% Finance Charge (\$2.00 minimum charge) per month, which is 24% annual percentage rate. The buyer assumes all liabilities to collect balance due. Kalamazoo Fence will assume the responsibility for having public underground utilities located and marked. Kalamazoo Fence will assume no responsibility for any unmarked buried lines or objects or underground sprinkler lines.
 (All agreements contingent upon weather conditions, accidents, or delays beyond our control.)
 PROPERTY LINES, PLAT RESTRICTIONS AND ZONING REQUIREMENTS ARE THE FULL RESPONSIBILITY OF THE BUYER.

Date Nov 17th 2017
 By [Signature]
 (Authorized Agent)

Total Sale: \$ _____
 (tax included)
 Deposit: \$ _____
 Balance Due: \$ _____
 on completion of work.

I Have Read And Agree To Sales Agreement Above
 Date 12/1/2018
 Buyer Signature: [Signature]

Price good for 30 days