

Approved 08-10-2017

Casco Township Zoning Board of Appeals

June 5, 2017 @ 7:00 PM

Members present: Chairman David Hughes, Sam Craig, Matt Hamlin, Paul Macyauski, and Matt Super

Also Present: Brian Prevost, applicant

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

The meeting was called to order at 7:15 PM.

A request from Brian Prevost, 35 Redbud Lane, Nashville, IN 47448, for a variance from Section 3.28B3b(4) which requires a minimum front yard setback of 25 feet. He applicant wishes to construct a covered porch to within 18 feet of East Drive. Therefore, the applicant is requesting a variance of 6.5 foot. The parcel in question is located at 540 East Drive, South Haven, MI 49090 (Parcel #0302-570-136-00) in Mt. Pleasant Subdivision (Low Density Residential Zone).

Chairman Hughes invited Prevost to explain his variance request. Mr. Prevost would like to extend his 8' deck 2' out and cover it. Eventually, he may like to enclose it in for a two-season room. He spoke to his neighbors and they did not object and agreed it would be an improvement esthetically.

Ellingsen said he sent out 62 letters concerning the variance and did not receive any objections.

Chairman Hughes went through Section 2.08 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. **Yes**
 2. The variance is being granted with a full understanding of the property history. **Yes, it is in a Historically Platted Subdivision of non-conforming lots**
 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. **It will not. It is an improvement esthetically.**
 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. **It 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 the property, that do not generally apply to other property or uses in the vicinity in the same Zoning District. **Yes. It is a small corner lot**

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. **Yes Parking off road further back**

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

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

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. **There is not**
2. The proposed use cannot reasonably be located on the lot such that the minimum requirements are met. **It cannot.**

A motion by Craig, supported by Hamlin to approve a 6.5' variance from the required 25' setback. All in favor, variance granted.

A motion by Super, supported by Hamlin to approve minutes of April 27 as written. All in favor. MSC. Minutes April 27,

A motion by Super, supported by Macyauski to adjourn. All in favor. Meeting adjourned at 7:26 PM.

Minutes prepared by Janet Chambers, Recording Secretary