

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 matters on Thursday September 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 items to be considered at said public hearing include the following:

Basel and Hilaneh Aqel of Ada MI have petitioned for a variance at 7211 Sunbluff Ct 0302-063-005-11 to construct a single family residence within the required front setback. The required front setback is 50 feet; request 25 feet of relief (25 feet front property line).

Steven DeKoning of South Haven MI has petitioned for a variance at 1096 Blue Star Hwy 0302-006-020-10 to construct a detached garage within the required front setback. The required front setback is 50 feet; request 38 feet of relief (12 feet from right-of-way, private road Lake Michigan Ave)

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 mtsalleghan@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 mtsalleghan@frontier.com. All written comments must be submitted no later than 5:00pm the day preceding the public hearing (*Wed Sept 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.

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

Tasha Smalley
Zoning Administrator
1-800-626-5964

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

1. Call to Order, Roll Call

2. Approval of agenda

3. Public comment (non-agenda items)

4. Public Hearing

1. Basel and Hilaneh Aqel of Ada MI have petitioned for a variance at 7211 Sunbluff Ct 0302-063-005-11 to construct a single family residence within the required front setback. The required front setback is 50 feet; request 25 feet of relief (25 feet front property line).

open public hearing

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

close public hearing

Discussion / decision of variance request

2. Steven DeKoning of South Haven MI has petitioned for a variance at 1096 Blue Star Hwy 0302-006-020-10 to construct a detached garage within the required front setback. The required front setback is 50 feet; request 38 feet of relief (12 feet from right-of-way, private road Lake Michigan Ave)

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 8/8/24

8. Adjournment

Draft

Casco Township Zoning Board of Appeals

August 8th, 2024

7:00 PM

Casco Township Hall

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

Members Absent: Paul **Macyauski**

Also Present: Zoning Administrator Tasha **Smalley**, Recording Secretary Jennifer **Goodrich**, Thomas **Pile**, Barbara **Idzkowski** and a member of the Sleepy Hollow Condo Association Board.

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

a. Thomas **Pile** Jr. and Barbara **Idzkowski**, of St. Johns MI, are petitioning for a variance at 7406 Orchard 03-02-403-001-00 to construct a Screened in Porch within the required front Setback. The required Setback is 25'. The applicants are requesting 14' of relief (11' from the front property line).

Open Public Hearing – 7:05

Pile presented his request, stating that there was a deck in this location when they purchased the home in 2019. The deck had rotted out and was removed. The proposed porch will be in the same location, facing Critchfield Rd.

Smalley commented that there is a provision in the Zoning Ordinance that would allow an open porch to project 10' into the setback, but since this porch was screened in “enclosed” that it would require this variance. **Hamlin** asked if the Porch could be fully enclosed if the variance was granted. **Smalley** stated that it would be allowed.

Correspondence:

Hamlin presented an e-mail from the Gardner Management Company, employed by the Sleepy Hollow Resort; and Smalley's response(s).

A member of the Sleepy Hollow Condo Association Board stated that he had no objection to the porch as long as it did not impede ingress and egress to the other Critchfield Road properties.

Draft

Hamlin asked if the lots on Critchfield Road owned by Sleepy Hollow were buildable. The board member responded that no improvements had been made to the properties.

Close Public Hearing – 7:15

Super remarked that he had no problem with granting the variance. **Hamlin** commented that usually his major concerns are the safety of the people using the Road and the potential to devalue the neighbor's property. Since **Pile** and **Idzkowski** own the house across the street and Critchfield Road doesn't have any other dwellings on it **Hamlin** also has no problem with granting the variance; as the Porch will not be impeding any ones view, line of sight, or obstruct the Ingress or Egress of other property owners.

Hamlin read through the facts of finding and stated that the standards had been met.

Liepe made a motion to approve **Pile's** variance request for 14' of relief from the front yard setback requirements. **Overhiser** seconded the motion. All in favor. Motion carried.

5. Old Business: None

6. Public comment: None

7. Approval of Minutes:

A motion was made by **Super** to approve the May 22nd 2024 ZBA Meeting minutes, supported by **Overhiser**. All in favor. Motion carried.

Smalley reported that she has another variance application. That meeting is scheduled for September 12th, 2024.

8. Meeting Adjourned at 7:20 pm

Attachments: available upon request

Minutes prepared by:

Jennifer Goodrich, Recording Secretary

Memorandum: Casco Township Zoning Board of Appeals
Date: August 26, 2024
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – front setback

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

Owner: Basel and Hilaneh Aqel
Mailing Address: 5090 Quiggle Ave SE, Ada MI 49301

Subject Property: 7211 Sunbluff Ct (*old 700 Blue Star Hwy*)
Parcel #: 0302-063-005-11

LR-A Lakeshore Residential District

7.03 District Regulations

Minimum lot area – 30,000 sq ft
Minimum lot width – 125 feet
Front setback – 50 feet
Water side – EGLE setback
Side setback – 25 feet
Rear setback – 50 feet
Maximum building height 35 feet

Analysis

Property 0302-063-005-11 is a legal conforming parcel of record
Lot area: 489x115; 57,463 sqft, 1.3 acres

Request: Front setback variance, 7A.03 required 50ft; request 25ft of relief;
to be 25ft to front (Sunbluff Ct).

Applicant wish to swamp front and side setback, to be farther away from
north property and closer to road. This parcel has 3 fronts and 1 side. This is
a private road serving two parcels.

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: <u>Dwelling</u> | Convert: |
| Alter: | Parcel #: <u>02-063-005-11</u> |

Contrary to the requirements of Section(s) 7A.03 of the Zoning Ordinance, upon the premises known as 7211 Sunbluff Ct and described as: 0302-005-11 See attached survey (attach legal description & site plan)

The following is a description of the proposed use:

Name of Applicant (if different from the owner) Basel AQEL
 Address 5090 Quigley Ave se Phone 616 2936701
 City ADA State MI Zip 49301
 Email basel@wireless-land.com

Interest of Applicant in the premises:

Name of Owner(s) Basel AQEL

Parents Address _____ Phone 616-293-6701

City _____ State MI Zip 49301

Email basel@wireless-land.com

Approximate property dimensions, size 116' X 489', 1.37 Acres

Proposed use of building and/or premises Single Home - Build a home

Present use of building and/or premises Vacant lot

Size of proposed building or addition to existing building, including height 3,000 SQF

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) NO

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.

Will not be asking to change front set back to 25' & Rear set back to 50', still observing the spirit of the ordinance

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

Yes, we Decided the Land 2 years Ago,

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.

NO, switching set back, gives my neighbor more space, & further back from him.

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.

NO, Single Family Home is within the allowed regulation.

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.

NO - only switching set backs

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 Single Family Home is allowed

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

NO

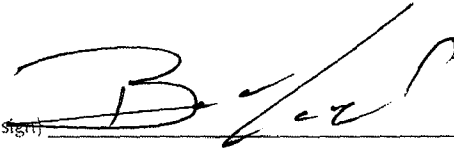
8. The variance if granted, would be the minimum departure necessary to afford relief.

Yes

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.

NO

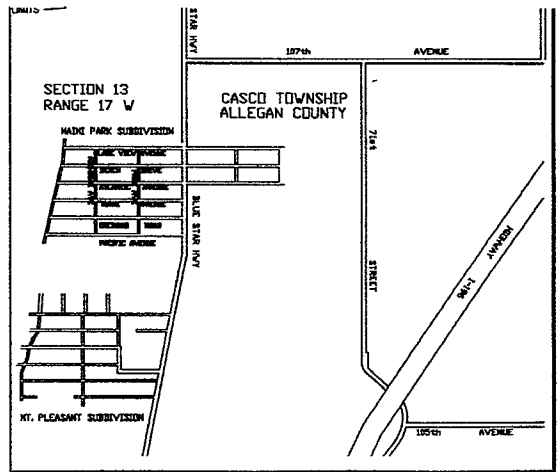
Signature of Applicant & Owners (all owners must sign)



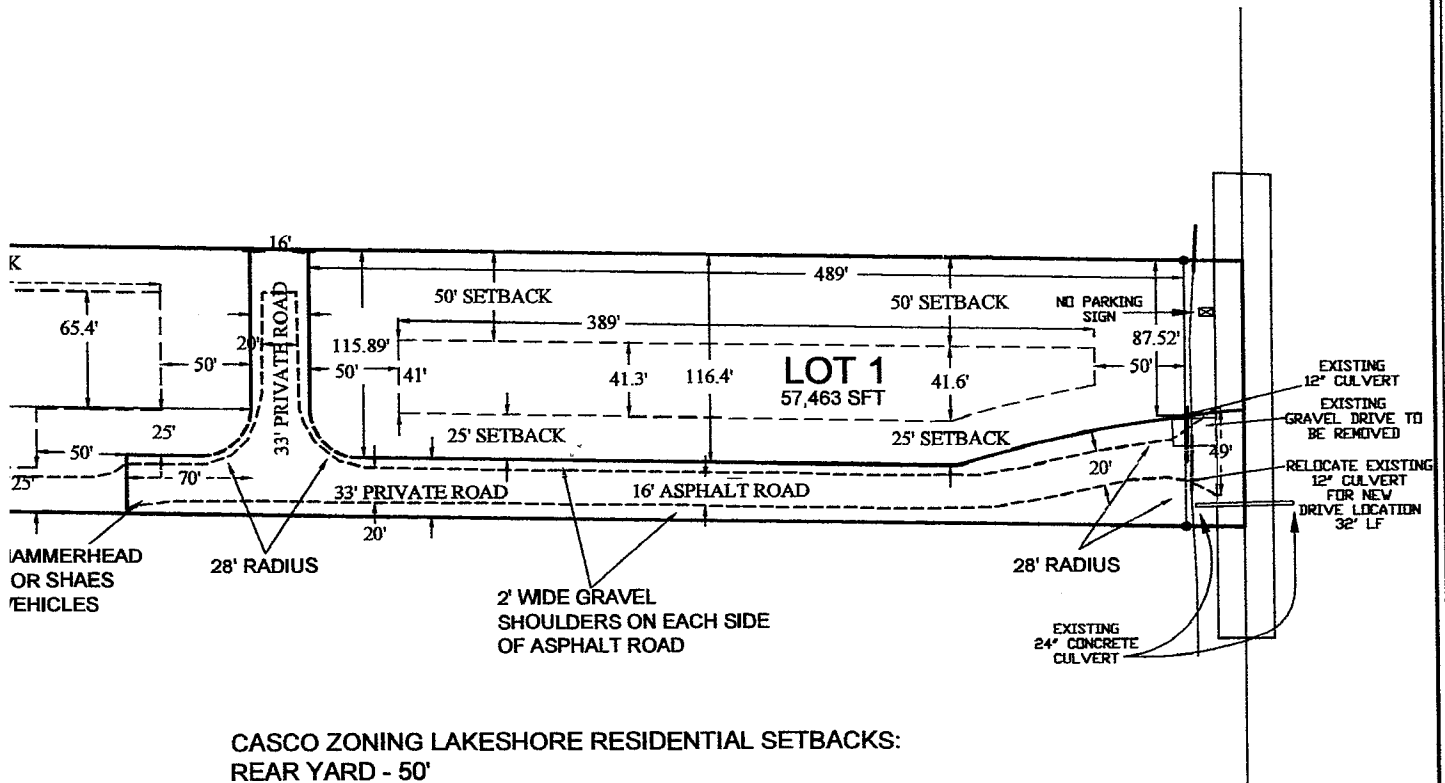
Date

8/15/2024

Note: Incomplete applications will be returned



VICINITY MAP
NO SCALE



CASCO ZONING LAKESHORE RESIDENTIAL SETBACKS:
 REAR YARD - 50'
 SIDE YARD - 25' W/ NO PUBLIC SEWER, 15' W/ PUBLIC SEWER
 FRONT YARD - 50' W/ NO PUBLIC SEWER, 25' W/ PUBLIC SEWER
 ** WITH TWO FRONT YARD SETBACKS, NO REAR SETBACKS, TWO
 SIDE YARD SETBACKS SHALL BE USED FOR LOT 1.

7211 Sunbluff
 RECORD DRAWING 08/14/24

----- = EDGE OF GRAVEL (AS-BUILT)

| | | | |
|--|----------|---|--------|
| MERRITT MIDWEST INC. | | BASEL AQEL CASCO TOWNSHIP SITE | |
| MERRITT MIDWEST, INC. CIVIL ENGINEERING AND SURVEYING ARCHITECTURE 12500 75TH STREET SCOTTSVILLE, IN 47470 TEL: 204-433-4285 FX: 204-433-4286 | | SITE PLAN/LAND DIVISION | |
| DATE | SCALE | SHEET | OF |
| 12/15/20 RP | 1" = 50' | 1 | 20-295 |
| DESIGN | CHECK | DATE | BY |
| | | | |
| APPROVED | DATE | BY | |
| | | | |

Memorandum: Casco Township Zoning Board of Appeals
Date: August 26, 2024
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – front setback

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

Owner: Steve and Lisa DeKoning
Mailing Address: 1096 Blue Star Hwy, South Haven MI 49090

Subject Property: 1096 Blue Star Hwy, Casco Township
Parcel #: 0302-006-020-10

LR-A Lakeshore Residential District

7.03 District Regulations

Minimum lot area – 30,000 sq ft

Minimum lot width – 125 feet

Front setback – 50 feet

Water side – EGLE setback

Side setback – 25 feet

Rear setback – 50 feet

Maximum building height 35 feet

3.07G Accessory buildings setback – side 10ft (under 960 sqft)

Analysis

Property 0302-006-020-10 is a legal non-conforming parcel of record
Lot area: 114x388, 1.4 acres

Request: Front setback variance, 7A.03 required 50ft; request 38ft of relief;
to be 12ft to front setback (private road easement Lake Michigan Ave).

Applicant wishes to construct a detached garage, 24x32. The property is
bisected by the private road easement; and there is a ravine that takes up
about 57ft of the property, the need to be closer to the road.

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: <u>detached garage</u> | Convert: |
| Alter: | Parcel #: <u>02-006-020-10</u> |

LRA 7A.03 Front

Contrary to the requirements of Section(s) 7A.03 Front of the Zoning Ordinance, upon the premises known as 1096 Blue Star and described as: attached (attach legal description)

The following is a description of the proposed use:

Name of Applicant (if different from the owner) _____

Address _____ Phone _____

City _____ State _____ Zip _____

Email _____

Interest of Applicant in the premises:

Name of Owner(s) Steve + Lisa DeKoning

Address 1096 Lake Michigan Ave Phone 269 779 7515

City South Haven State MI Zip 49090

Email sdeKoning63@yahoo.com

Approximate property dimensions, size 114.05' X 385.36'

Proposed use of building and/or premises Storage

Present use of building and/or premises Residential

Size of proposed building or addition to existing building, including height 32'x24' - 768sqft

Has the building official refused a permit? N/A Have not applied

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) NO

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.

A Garage is not considered an ordinance obstruction

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

Yes, property history does not allow for garage location anywhere else

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 Garage variance should increase the value of the property

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 Variance request will not have a negative effect on the property

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.

The Topographical nature of the property with the Rawlins canal Road/easement force the request for the variance

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.

The variance does not affect surrounding Properties.

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

Correct

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

N/A

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.

No possibility of obtaining more
land or different location.

Signature of Applicant & Owners (all owners must sign)

Lisa Delon

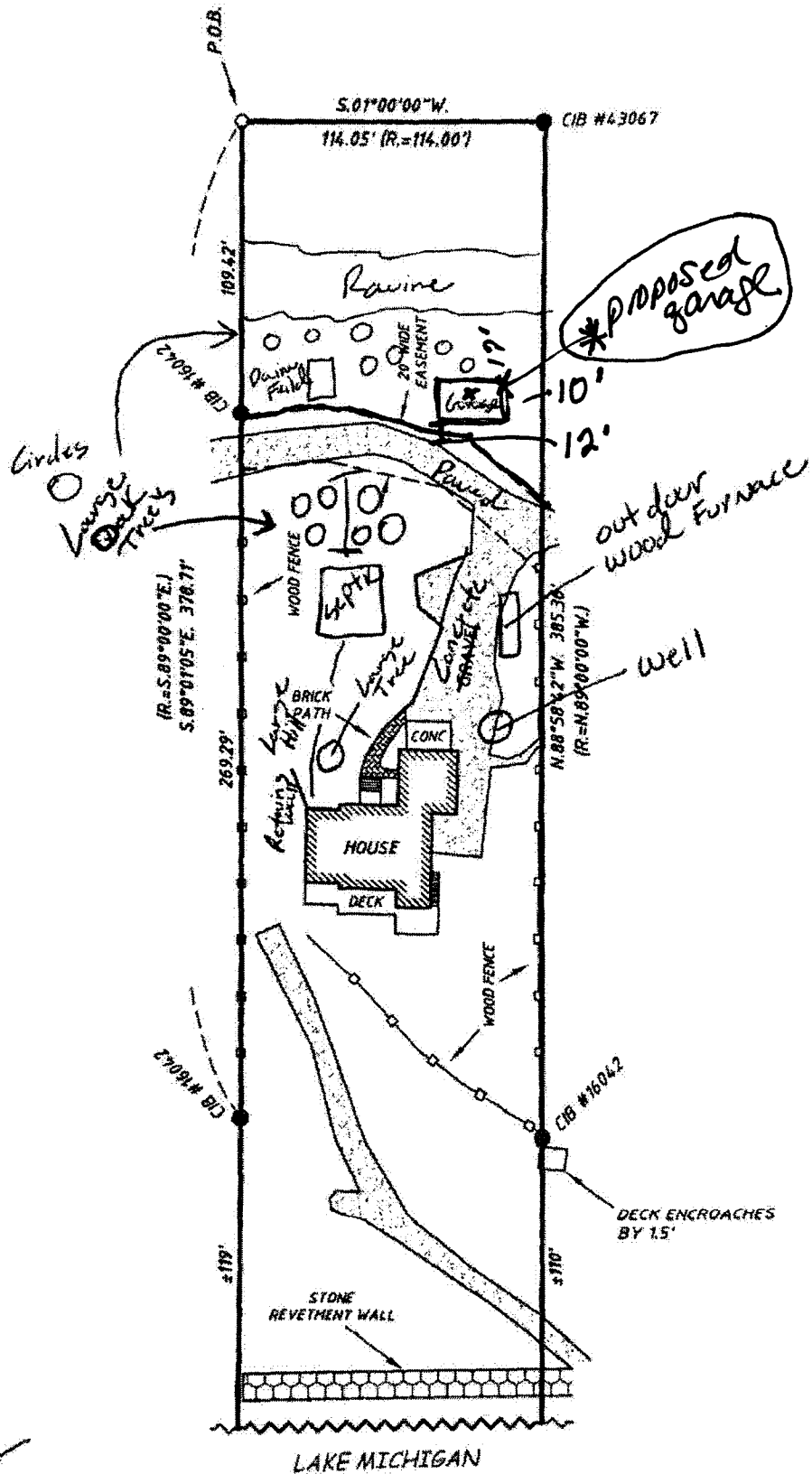
[Signature]
Date 8/16/21

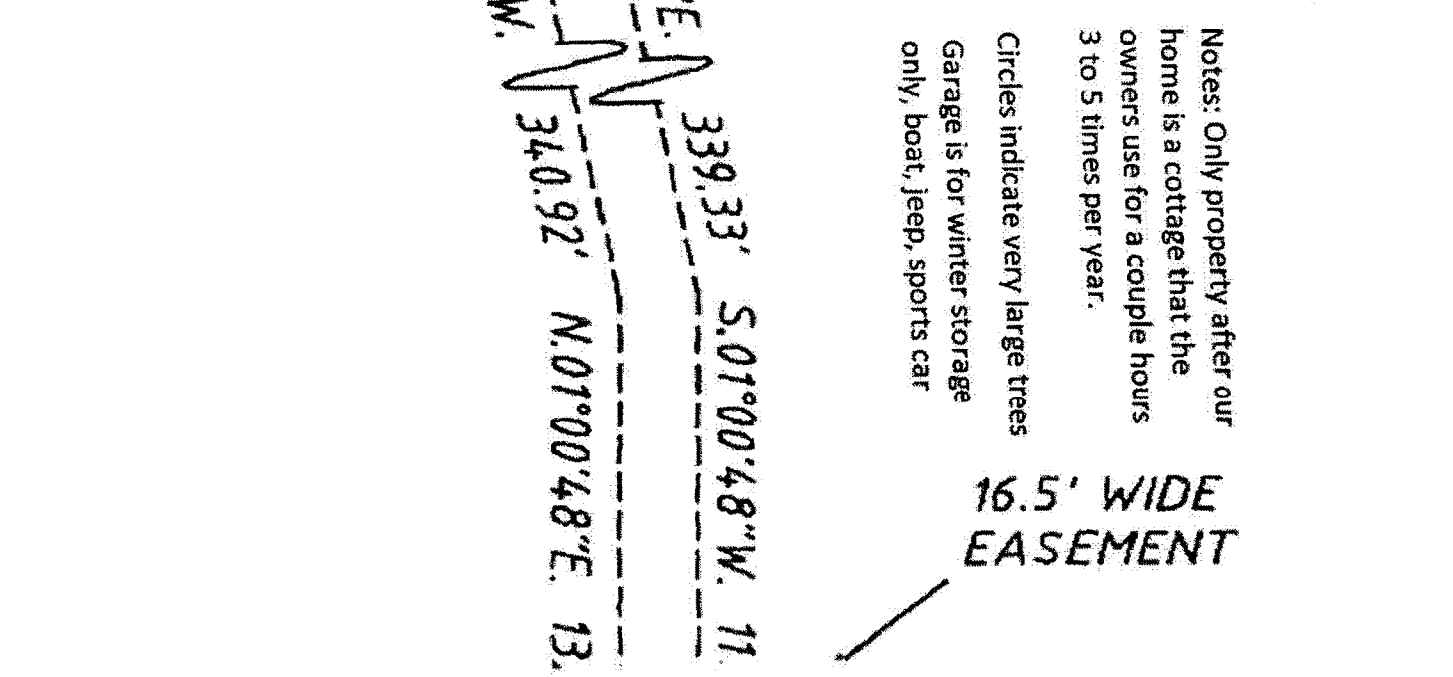
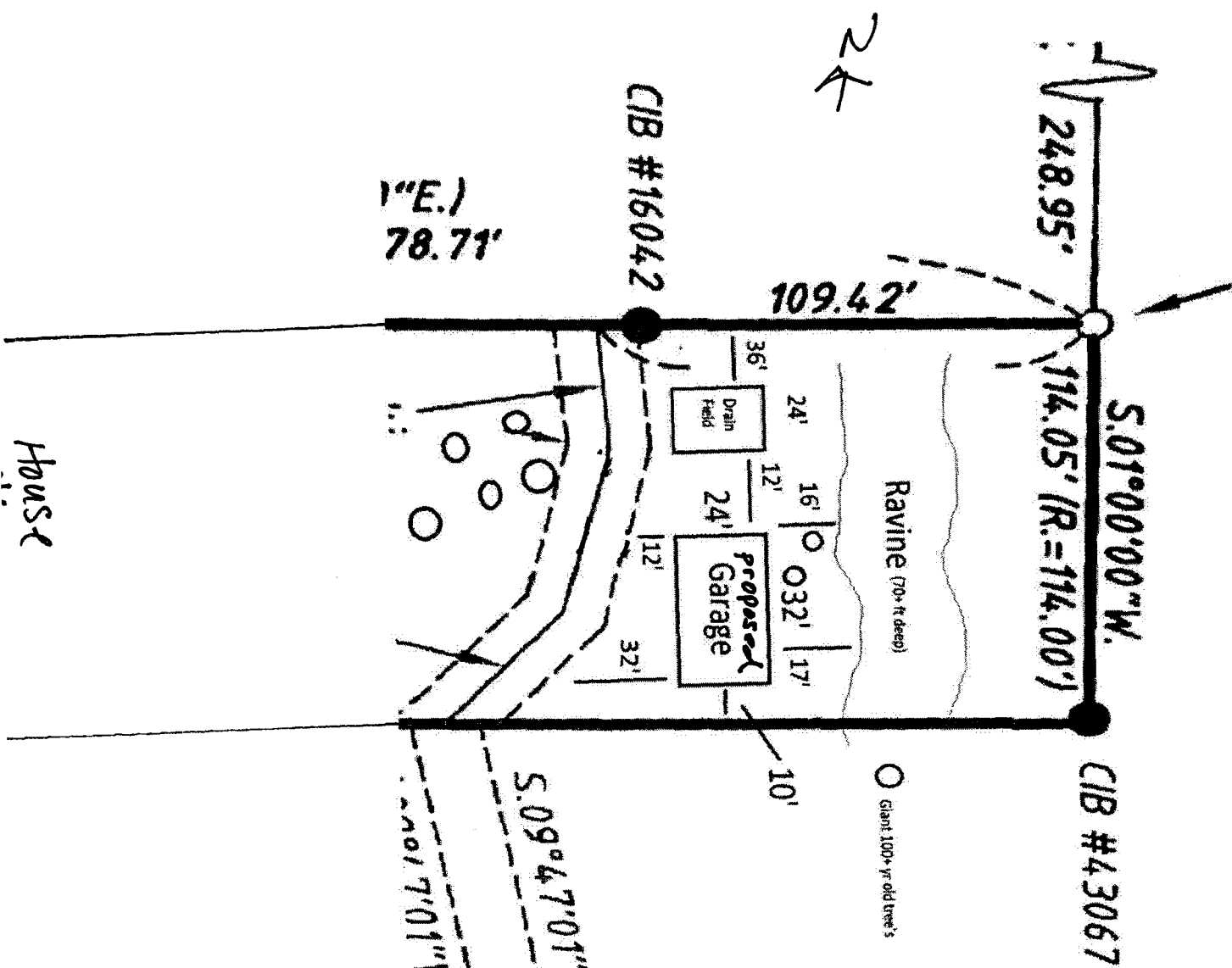
Note: Incomplete applications will be returned

CERTIFICATE OF SURVEY

LEGEND

- - FOUND SURVEY MARKER
- - FOUND CONCRETE MONUMENT
- - SET 1/2" IRON BAR
- ⊗ - SET X IN CONCRETE
- - SET 3" WOOD STAKE
- P. = PLATTED DISTANCE
- M. = MEASURED DISTANCE
- R. = RECORD DISTANCE
- C. = COMPUTED DISTANCE



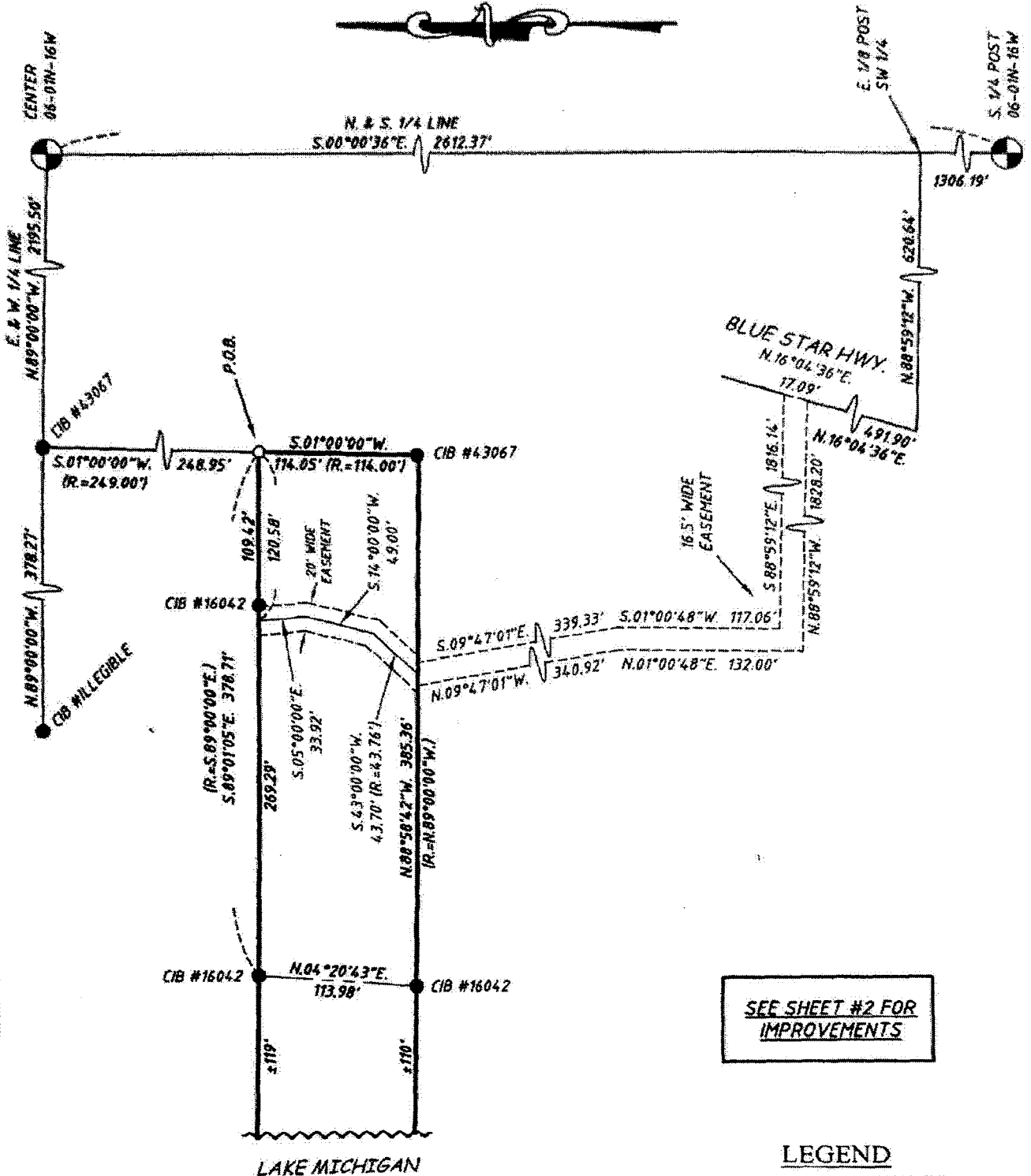


Notes: Only property after our home is a cottage that the owners use for a couple hours 3 to 5 times per year.

Circles indicate very large trees
Garage is for winter storage only, boat, jeep, sports car

**16.5' WIDE
EASEMENT**

CERTIFICATE OF SURVEY



SEE SHEET #2 FOR IMPROVEMENTS

LEGEND

- = FOUND SURVEY MARKER
- = FOUND CONCRETE MONUMENT
- = SET 1/2" IRON BAR
- ⊠ = SET X IN CONCRETE
- = SET 3" WOOD STAKE
- P. = PLATTED DISTANCE
- M. = MEASURED DISTANCE
- R. = RECORD DISTANCE
- C. = COMPUTED DISTANCE

8:14

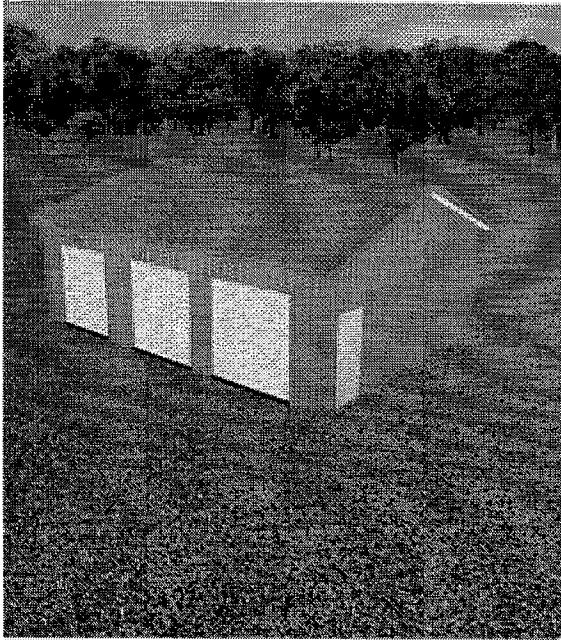


< Back

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24 x 32



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