

**SPECIAL MEETING - Public Hearing  
CASCO TOWNSHIP PLANNING COMMISSION  
April 11, 2018 - 6 PM**

**Members Present:** Chairperson Dian Liepe, David Campbell, Daniel Fleming, Greg Knisley, Dave Hughes and Judy Graff

**Absent:** Lou Adamson is excused

**Staff Present:** Janet Chambers, Recording Secretary

**Also Present:** Approximately 25 interested citizens

**The Public Meeting was called to order at 6:00 PM. There were no changes to the agenda.**

**Reading of Notice of Public Hearing:** Notice of Public Hearing, published in South Haven Tribune on March 25<sup>th</sup>, was read by Chairperson Liepe. (Attachment #1)

**Public comment/correspondence:**

**Special Events Venue**

Patrick Mckearnan, 100 N Shore Dr. W, asked what the purpose of "Special Events Venue" is. He questioned if it was for private weddings or what? Chairperson Liepe stated that family gatherings do not need approval, and a person would be doing it for income. Mckearnan said that if they are renting the space it would be commercial. Anybody who has property has a reasonable expectation not to put up with a business next to them. A personal wedding would not happen that often, but every weekend it would be a reasonable expectation not to put up with weddings, big parties, music festivals, etc. Sound carries and peace and quiet is expected.

Melissa Roessing said she understood Mckearnan's concern. She and her husband bought a farmhouse on 62<sup>nd</sup> Street for farming and wedding venues. Roessing explained she has three small kids and would be living next to the Special Events Venue barn. She would not want a large, huge gathering with loud amplifiers. She would not want parties to go on after 11:00 PM. They would keep it small and simple. They would like to farm, but, must supplement the income.

John Barkley, 646 Waters Edge, said it is good for the township to be built into a 4-season community. This is one way, weddings, wineries, etc. He said it is good idea with reasonable restrictions in ag, and only in daytime hours. They would have to conform to regulations including the noise ordinance. Barkley supports the Special Event Venue Ordinance.

Chairperson Liepe read a letter from Mary Decker, dated April 10, 2018 in opposition to the Special Event Venue Ordinance. (Attachment #2)

Chris Barczyk said he understands the concerns and said he appreciates Special Event Venues being restricted to AG, where there are larger parcels of land. His concern is about frequency and adding amplified music to that. Trying to deal with commercialization could be done similarly to how it is addressed in B&Bs. Setbacks, restrictions of distance between them, saturation, parking, green space buffers, etc., are

defined in B&Bs. He recommended looking at the B&B restrictions for guidance. Barczyk asked if as Special Event Venues come in, and neighbors find it a nuisance, would that be considered when additional requests come in? Would they be only restricted to the criteria listed, or would restrictions be added to address problems that come up?

Chairperson Liepe said they would be considered on a case by case basis.

Theresa Nowak said she lives near Mary Decker and agrees with Decker's letter. She gets a lot of noise from Willow Ranch during Weddings, etc. She felt the ordinance is too vague. Five acres is not a lot of land and noise carries.

### **Questions/comments from Planning Commissioners/Zoning Administrator:**

Fleming stated most notably, noise is the concern and the noise ordinance should take care of that. Because this is a special use, each would be looked into at a case by case basis. If we are going to limit people, we should somehow come up with a way to quantify and come up with a price to compensate. Fleming said he approves of the Special Venue Ordinance.

Graff said they have had property owners request flexibility to supplement their income. Melisa Roessing has not been the only request. We do want to be flexible so property owners in AG can earn other income in addition to the growing season. In Special Use, if standards met, we have an obligation to approve. Special Use goes with land, not one event. That property can be used in this way indefinitely.

Hughes said it is a special use for a specific request. There will be restrictions, but not too restrictive for people to work with. We can make recommendations.

Campbell said Special Event Venues must be owner occupied, with the owner on premises during the event. There have been several requests in last year. Tourism is important to the growth of community. This is an expansion of that and is a way to open up for other uses in the AG community.

Chairperson Liepe said she lives north of 107<sup>th</sup> on 62<sup>nd</sup> and can hear the Gingerman Track on weekends. This is an every weekend thing.

Knisley said Ellingsen has approved permits for events on property on an occasional basis. People have approached board and asked for Special Event Venues to be addressed. They would be on 5 or greater acres, and between the hours of 7AM to 10 PM. Noise is addressed, parking has been addressed, bathrooms have been addressed. There will be inspections by the health department. Criteria will be gone into. If they are more of a nuisance than expected, more may not get approved. There are items to keep checks and it is a good measure to start.

### **Shared Driveways:**

Scott Mark, from Eaton Park, asked about private roads owned in common or shared driveways, where maintenance is shared and that already exist. Chairperson Liepe explained that this ordinance is for the AG area only. It is not going to affect anything in Eaton Park.

Fleming questioned the wording at the end of page 3 Section F, 2:

The applicant(s) shall agree by applying for or securing a permit to construct the shared driveway to indemnify and **hold the Township harmless from all claims** for personal injury or property damage arising out of the use of the shared driveway or the failure to properly construct, maintain, use, repair, and replace the shared driveway.

Fleming questioned if the township is not liable, why are all the restrictions being put on people.

Campbell said it is not a good practice to say “sign this and cannot be liable”. This was considered by zoning administrator. “Don’t hold us liable” doesn’t work.

Graff said a lot of things were taken out of the original draft to keep it to a minimum.

Campbell said we can’t just think about the owners. Is the road SHAES capable? We have to consider other properties that may be inadvertently affected.

Fleming said It is mainly common sense under #2. Under F.1. they are asked to provide a copy of the maintenance & repairs agreement. Why is township taking the position of referee between the people? This is reinforcing the loop, the government taking care of us more and more.

Knisley if Ellingsen has documents, and properties change hands, he will have principals in a recorded document. Ellingsen knows, and the document is recorded.

Hughes said it is a step needed to having a shared driveway.

### **Planning Commission deliberates and votes**

A motion by Campbell, 2<sup>nd</sup> by Graff to recommend the ordinance amendments on Special Event Venues and Shared Driveways to the Board. All in favor. MSC.

### **Building Height and Nonconforming Lots:**

#### **Public comment/correspondence:**

Norm Fouts said he sent a letter to the PC. (Attachment #3). He said he has done a lot on existing lots of record over the years. He has gone to great lengths, established standards. Someone wants to take something away from me that others enjoy. Health, safety and welfare is not affected. SHAES has full service capability of servicing. He owns lots in several subdivisions that back up to others that are not in “lots of record”. They get to go up to 3 stories, he cannot enjoy the same thing. The proposed ordinance is unlawful, and he objects.

Chris Barczyk said he understands the reasoning for the building height in historically plotted subdivisions., and the discussion during STR ordinance. The welfare of historically plotted, typically smaller homes, 1, 2 and 3 bedrooms. Barczyk did not understand the average grade throughout the township. Someone on 5 or 10 acres, why address that as part of this amendment on Average Grade.

Chairperson Liepe said it was a recommendation of Ellingsen.

Campbell said there was extensive discussion of why to make the change. The statement was, this is the standard being used commonly and has been used. We are bringing document in compliance with standard that has been used.

John Barkley said he noticed two standards on lot width.

Campbell said if you owned 2 lots or 3, it should be *Single* lot of record, 2<sup>nd</sup> part is Section 3 if you have 2 or more lots, you can put one house on those 2 lots.

Chris Barczyk questioned the average grade again.

Campbell said the current zoning (page 3) has a definition for “average grade” for residential properties, we use the front plane of the house. We are modifying the book to bring it into compliance with what we were doing.

Chris Barczyk asked if that means we are not currently enforcing as written? Homes in Pinnacles and homes allowed to build on 74<sup>th</sup> would not be allowed to be built under the current zoning.

Scott Mark questioned whether the township stuck close to lot coverage size of 25%, in a lot of cases, small storage building would not be allowed. Why? Are we going to be that stringent?

Chairperson Liepe said to bring concerns to the township, that’s how things get changed. Personally, she feels we should be able to do what we want with our property. But, we have to follow rules, but ask for variance or things to be changed.

Don Sappanos said in non-conforming lots, like Miami Park, garages if not attached or no breezeway, garages underneath is a good use for smaller lots. You say you are not concerned about the view. What about the mega castles on lake? If you are not worried about a view, what are you worried about. Non-conforming lots have been picked on for a long time, by the same people every time. He said he feels targeted. You should be held liable, sued individually, and as a group. Nice position, not legal. Property zoned for multi-family, says it is commercial use. You are making a big mistake. There will be a law suit.

Chairperson Liepe asked that three letters from the public be read:

Maureen Perideaux, April 9, 2018, Regarding Building Height and Grade (Attachment #4)

Michael Lynch, April 10, 2018, in support of Building Height Ordinance amendment (Attachment #5)

Carol Leneway, April 4, 2018, in opposition to Building Height Amendment (Attachment #6)

### **Planning Commission deliberates and votes:**

Fleming said property flooding does not have anything to do with height. Something else about grade, if you shorten building height will encourage people to build up the grade. Fleming said, regarding the letter from Lynch, we want to preserve..... That is a public use, public uses must be compensated. Not the way it should work constitutionally. Fleming would like to go back to the original ordinance. Average grade was a conflict in our own document.

Campbell said, as someone living in a historically platted subdivision, 1979 when they built their house, there was 45 homes, 1,000 sq ft. and do not, at this point, have newer construction comparable to mega homes in Miami Park, not as much vacant land. The building height limit was 25', 2006 it jumped to 35'. Bottom line, next time township may decide to change it to 45' or 50.' It's not about the view. It's about the neighborhood. He would not like mega homes coming into the vacant lots. We have a right to use property as we purchased it.

Graff said on page 2, 3 B "*in an existing platted subdivision*" was omitted and the omission needs to be corrected as follows:

In the case where several contiguous nonconforming lots *in an existing platted subdivision* must be combined the resultant buildable lot or lots shall satisfy the following standards:

Chairperson Liepe asked if there were any objections. We are looking at building height in platted subdivisions. There were no objections. She asked if the average grade amendment was ok with commissioners and if there were any objections.

Campbell said, in regard to someone who mentioned "targeting", we have made an attempt for balance. To protect those owners who have built by the then guidelines, which have been increased by 10%. We have to set a standard. On other hand, if someone buys 30 lots, they should be able to build the house they want to, maybe then within the 35'. Bottom line, we have to protect historically platted subdivisions. Campbell said he is feeling comfortable with the building height amendment.

Graff agreed with Campbell.

Fleming asked, who are "we"? If we want to preserve anything, like neighborhoods, we should buy it.

Campbell said if they want to come in and build, they should be prepared to buy the lots. There must be some reasonable standards. Bottom line, reasonable test in everything.

Chairperson Liepe said it is important, coming from different backgrounds, that we value each other's comments. We are free to disagree, agree to disagree, and support each other. We have spent a lot of time and discussion and I think we are probably ready to make a decision.

Campbell made a motion to recommend the changes in building height and grade to the township board, with the phrase that Graff noted had been omitted added back in.

Supported by Hughes, Liepe–yes, Campbell–yes, Knisley–yes, Fleming-no, Graff-yes, Hughes-yes. MSC.

**Closing comments and adjournment of Special meeting:** A motion by Graff, supported by Campbell to adjourn. All in favor. Public Hearing adjourned at 7:15.

Next Meeting: Regular meeting, May 9, 2018, 7 PM

Attachment #1: Notice of Public Hearing

Attachment #2: Mary Decker, April 10, 2018, Opposition to Special Event Venue Ordinance

Attachment #3: Norm Fouts, April 9, 2018, Opposition to Building Height amendment

Attachment #4: Maureen Perideaux, April 9, 2018, Re: Building Height & Grade

Attachment #5: Michael Lynch, April 10, 2018, in support of Building Height Ordinance amendment

Attachment #6: Carol Leneway, April 4, 2018, in opposition to Building Height Amendment

Attachment #7: Darren Massey, April 9, 2018, in opposition of building height and average grade amendments

Minutes Prepared by Janet Chambers, Recording Secretary

**NOTICE OF PUBLIC HEARING & SPECIAL MEETING  
CASCO TOWNSHIP**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Casco Township Planning Commission at a Special Meeting and time for the purpose of receiving comments regarding proposed Amendments of the Township Zoning Ordinance for Casco Township, Allegan County. The public hearing will be held on Wednesday, 11 April 2018 at 6:00 PM at the Casco Township Hall, 7104 107<sup>th</sup> Ave., South Haven, MI 49090.

The proposed changes to the Zoning Ordinance involve the following(In summary):

TO AMEND SECTION 2.02, DEFINITIONS – A TO AMEND DEFINITION ‘AVERAGE GRADE’; TO AMEND SECTION 2.03, DEFINITIONS – B TO ADD DEFINITION ‘BUILDING HEIGHT, NONCONFORMING LOTS OF RECORD’; TO AMEND SECTION 2.17, DEFINITIONS – P TO ADD DEFINITION ‘PRIVATE ROAD’; TO AMEND SECTION 2.19, DEFINITIONS – S TO ADD DEFINITIONS ‘SHARED DRIVEWAY’, AND ‘SPECIAL EVENTS VENUE’; TO AMEND SECTION 3.28.B, NONCONFORMING LOTS OF RECORD TO INCLUDE LANGUAGE PERTAINING TO BUILDING HEIGHT; TO ADD SECTION 3.39, SHARED DRIVEWAYS; TO AMEND SECTION 5.02, PERMITTED USES AND SPECIAL USES TO INCLUDE A NEW SPECIAL USE CALLED ‘SPECIAL EVENTS VENUE’; AND TO AMEND SECTION 15.03, SPECIFIC USE STANDARDS TO INCLUDE A NEW SUBSECTION UU CALLED ‘SPECIAL EVENTS VENUE’.

There will be an opportunity for public comment on the proposed Zoning Ordinance amendments at the public hearing, or comments may be submitted in writing or via fax and must be received no later than the day of the hearing. Written comments may be sent to the Casco Township Planning Commission, Casco Township Offices, 7104 107<sup>th</sup> Avenue, South Haven, MI 49090. Copies of the proposed changes may be viewed at the Casco Township offices during normal business hours.

Necessary and reasonable aids for disabled persons will be made available with sufficient notice to the Clerk.

Cheryl Brenner  
Casco Township Clerk  
Phone-269/637-4441

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

**(Publish in the South Haven Tribune on 25 March 2018 )**





----- Original Message -----

Subject: Re: Zoning

From: "Mary" <mldphoto1@yahoo.com>

Date: Tue, April 10, 2018 9:39 pm

To: supervisor@cascotownship.org

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Thanks. Wish I could be at meeting, but will be out of town. Those on planning commission should consider whether they would approve of this if the barn in question were next door to them. I shot weddings for upwards of 20 years, and while they are joyful and lovely, they are not quiet, and can bring in hundreds of extra people. Unless the ordinances are restrictive to attendance numbers, and all acoustic, I can't see them being anything but a nuisance to neighbors. We on the southern and eastern boundaries of Casco township have had our quality of life severely compromised by the goings on at Willow Ranch in the past, and while they totally ignored noise ordinances of Lee Township, you can understand why we might be leery of anything featuring amplified music. Also, as I mentioned, Gingerman is quite noisy. Thank you for your consideration. Also curious why nobody I have talked to in Casco has heard anything about this meeting. I only found out about it this afternoon.

Sent from my iPad

**From:** Norman Fouts  
**Sent:** Monday, April 9, 2018 4:36 PM  
**To:** ivestbear@yahoo.co  
**Subject:** Building height - existing lots of record

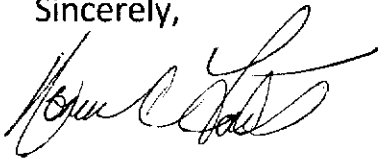
April 9, 2018

Casco Township Planning Commissioners  
Ladies and Gentlemen,

In reviewing the latest proposal for existing lots of record, "building height", the first questions that come to mind are: why is this being proposed and who did the proposing? Why is it ok for Lakefront McMansions to have the building height they desire and not the entire rest of the Township? The history of the Township's attitude toward existing lots of record has been and now continues to be that of "**deprivation of fee simple rights**". With the initial proposed expansion of public sewer and water service into Casco Township, the engineering firm made their cost estimates based on the utilization of these lots of record in platted subdivisions and to participate in the costs. As a result of and in conjunction with this planning, a sub-district of R2-A was formulated to accommodate and regulate FAIRLY the utilization of these lots. Not long afterwards a newer Planning Commission decided to do away with this R-2A district, saying that it was illegal. It was not. The Casco Township Board went along with this **take away**, saying that a new classification would be put in it's place. **A long nine years later** and many Zoning board of Appeals hearings on the lots of record, a new language was put into place that satisfied the Planning Commission and the Township Board. It still encumbered the small lot owners in that it required a thousand square feet of space on the first floor usually requiring the use of a second floor and disallowed building on a single lot less than fifty feet in width denying fee simple rights. Now, the "Planning Commission" in it's infinite wisdom, wants to take away additional rights from these lot owners. **I strongly object.** The legal basis and justification for zoning rules and regulations is simply that of "**health, safety and welfare**". The reasoning behind height restrictions (other than in a homeowners association) is directly related to **fire safety**, I.E. what the service height capability is for the fire apparatus of the servicing fire department. This service height capability **doesn't change from Zone to Zone**. Depriving existing lots of record the right to the same height allowance as the rest of the zones within the Township **constitutes A**

**TAKING**, illegal under Michigan Law and Federal law under the Fourteenth Amendment to the Constitution that guarantees **EQUAL PROTECTION UNDER THE LAW**. The "Clean hands doctrine" **further** tells Government entities they are not allowed to ignore these laws when implementing rules and regulations. This rule is "**arbitrary and capricious**" as written and constitutes a **TAKING**. Do not expect myself and others to sit quietly if you proceed with this unlawful act.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Fouts", written in a cursive style.

Norman C. Fouts  
09200 68<sup>th</sup> Street  
South Haven, Michigan 49090

Sent from [Mail](#) for Windows 10

4/9/2018 9:45 PM

Hi Dian.

I am unable to make it to Wednesday's meeting, however, I wish that the following be read into the public record.

As the Planning Commission considers residential building heights, it is imperative to consider grading. Several newer homes in Miami Park have substantially increased the grade of the of the lots prior to construction to the detriment of neighboring properties.

The photo below illustrates how two lots on Beach Street that were significantly raised prior to construction. Water from these properties washes over the road and on to other properties. The vacant lot in the middle has been virtually turned into a bowl. If/when that lot is built someone will likely be filling in that area too, further contributing to the drainage problems in our neighborhood. What's in place to prevent that property owner from grading the now-empty lot even higher than these two newer homes and allowing water to flood the adjacent properties and the road? We have nothing in place to prevent this.

You may recall from my comments at recent Planning Commission and Board meetings that we have a dire situation in Miami Park when it comes to drainage. In particular, my home sits at low spot where a county drain starts. My sump pump runs every single day. When we have storms and major snow melts, my pump discharges water every 5-7 minutes. Water flows toward my property from all four directions. It is not fair to allow new construction to dump excess water onto neighboring property — mine or anyone else's

The Planning Commission must consider the welfare of existing homes in determining acceptable residential heights. Allowing newer homes to increase the grade for better views is done at great expense to existing homeowners.

I implore you disallow grade increases that have detrimental effects on neighboring properties and our roads.

Respectfully,  
Maureen Perideaux  
7258 Beach, South Haven, MI 49090



*Photo: The north side of Beach where newer homes have built of the grade without regard to the effect of water runoff on neighboring properties and roads. Space between houses approximately 100'.*

**From:** michael lynch [<mailto:mlyncharch@comcast.net>]  
**Sent:** Tuesday, April 10, 2018 4:33 PM  
**To:** Liepe, Dian <[liepe@anr.msu.edu](mailto:liepe@anr.msu.edu)>  
**Cc:** [graffj@i2k.com](mailto:graffj@i2k.com)  
**Subject:** Casco Township Proposed Zoning Ordinance Changes

Dear Ms. Liepe,

I am attaching a letter of support for the proposed Zoning Ordinance Amendments to the Casco Township Zoning Ordinance addressing Average Grade, Minimum and Maximum lot sizes, set backs and lot coverage and Building Heights.

I will not be able to attend the Special Meeting / Public Hearing of the Casco Township Planning Commission at 6:00 PM on Wednesday, 11 April 2018. I would appreciate it if you would take the time to consider my correspondence supporting the proposed Amendments.

Please feel free to share my letter with others on the Planning Commission and Township Board and to read it during the Public Comments / Correspondences portion of the Special Meeting.

Respectfully,

Michael R. Lynch

631 Lake Shore Drive

South Haven, MI 49090

6220 Cedar Run NE

Ada, MI 49301,

<CASCO TOWNSHIP ZONING LETTER-10APRIL2018.pdf>

**Liepe, Dian**

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**From:** Carol Leneway <cpropa@aol.com>  
**Sent:** Wednesday, April 4, 2018 10:35 PM  
**To:** supervisor@cascotownship.org; Liepe, Dian; cascoclerk@gmail.com; skwirely@frontier.com; dhughes@shps.org  
**Cc:** Cpropa@aol.com  
**Subject:** Home heights: It is all about THE VIEWS  
**Attachments:** 645 Lakeshore spring 2017.jpg

Dian, Allen and Alfred,

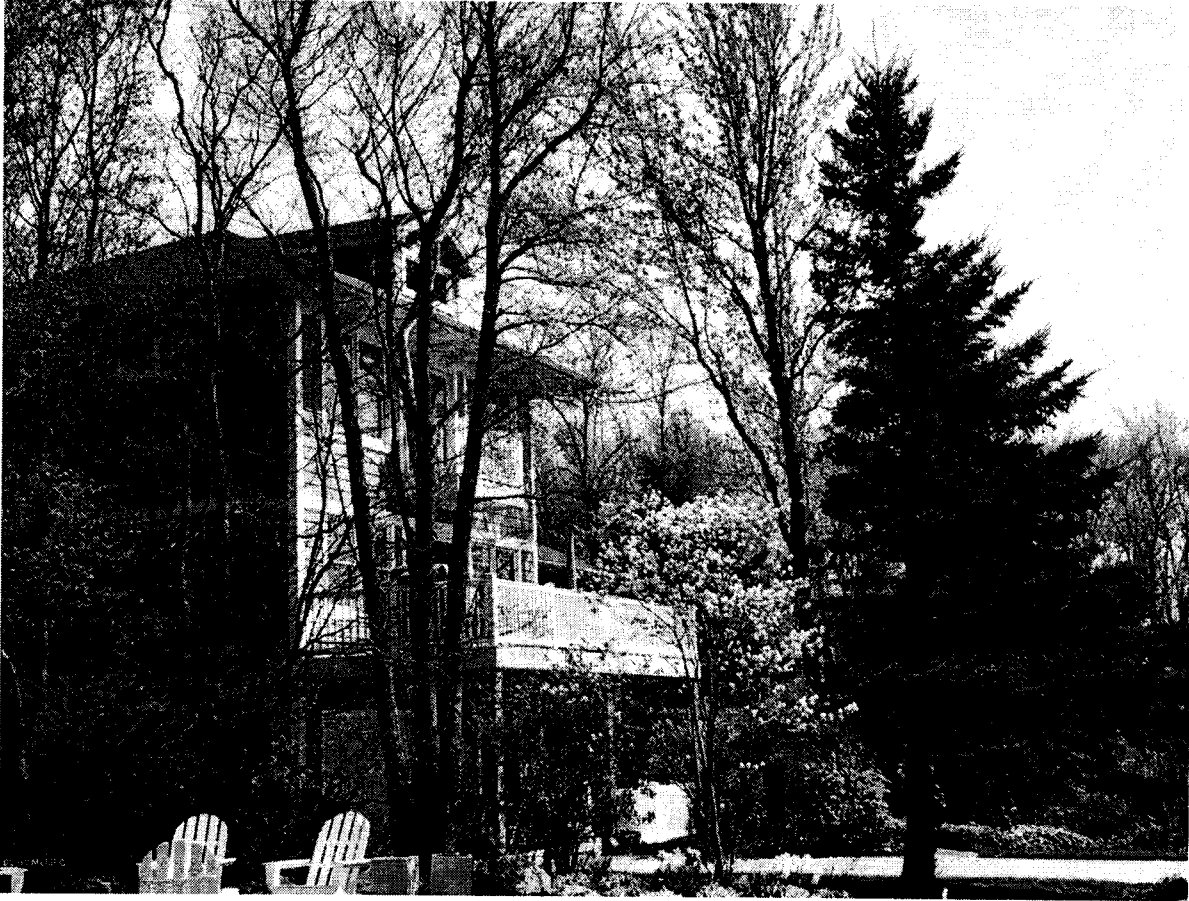
In 2002 we constructed our dream home at 645 Lakeshore Drive. It is placed on a 60 foot frontage (two lot) parcel. In order to conform to Casco Township zoning and DEQ requirements, plus high water tables which had caused existing closest neighbor's flooding of basement/crawl space construction, destroying HVAC's (George Sipes and Bill Jackson/Maureen Perideaux residences) at that time, we were required to use slab construction. Being mindful of the residence square footage footprints to parcel square foot ratio stipulations written into the ordinance, we had to navigate how to build a desirable livable space, capturing Lake Michigan views with off street parking. The result was to build a house atop a garage as recommended by the DEQ. Since the 26 X 26' footprint gave us a very limited 676 square footage per level, we built a three story house, placing the main living space on the middle level and bedrooms on the third level with attached screened porches and decks. This resulted in an efficient use of space suitable for family living, conformity to ordinances and regulations plus a fabulous view of Lake Michigan. This view was the main reason for building our house here in the first place. And, these lake views are the primary source of home values west of Blue Star Highway. The same house built east of Blue Star Highway would be beautiful, but lack comparable value.

Therefore, I am in favor of maintaining the current zoning height for Casco Township. It is an acknowledgement of the value of Lake Michigan views and impact of the added valuations on the tax base. The very fact that numerous residences have been constructed under this regulation is proof that there has been wisdom in current language, reason to continue and leave the zoning intact. If any doubt, I recommend standing on the front levels of a single story vs a three story residence, direct your gaze west and compare the views in order to clarify what I am saying. Do this at sunset! There is no comparison! This view is Casco Township's lakeshore signature asset. Embrace it.

Please read my comments at the April 11th meeting on this subject and distribute to Trustees, Zoning and Planning Commission members.

Thank you,

Carol Leneway





Email for Public Comment concerning April 11 Casco Zoning Ordinance proposed Amendments:

To the members of the Casco Planning Commission and the Casco Board:

As an owner of several parcels in Miami Park including on Lakeview Avenue and as a new homeowner at 7242 Miami Street in Miami Park, I write to voice my strong opposition to the proposed Zoning Ordinance changes regarding changes of definition of "Average Grade" and the definition of "Building Height, Nonconforming Lots of Record."

In my opinion, this is a massive invasion of our property rights as an owner of multiple lots that are Nonconforming Lots of Record. Casco is flagrantly decreasing the value of my property through this proposed change. The fact that this change is not being applied throughout the township shows the "specific targeting" that this ordinance seeks to place on certain property owners.

I was sitting in the Casco Planning committee meeting when this "Average Grade and Building Height topic" was first brought up and discussed by Lynee Wells (the Williams & Works planner hired to specifically help the Planning Commission on the Rental portions of the Zoning Ordinance discussions) and quickly seized upon by Judy Graf as a new Cause of the Day. I heard complaints about "3 story doublewides" being built solely for renting and putting 25 people in them. This statement is a fallacy. Several tall homes in Miami Park house full-time residents or residents who do not rent. (Please also see attached the letter below sent to you on 12/9/2017 from builder American Living, Inc. who built the white Lakeview Ave. home that was spoken about by a resident of Beach Street and who also happened to build my 7242 Miami Street home.)

The new Casco Short-term Rental Regulatory Ordinance sets rental caps at 12 people per house. The SIZE or HEIGHT of the house doesn't make any difference if max occupancy for rentals is followed as required by the Casco Short-term Rental Regulatory Ordinance. Homes are built, lived in, may rent, may not rent, may sell to someone who doesn't rent, etc. The home behind my 7242 Miami Street home on Orchard was a rental the last couple seasons, then sold late last year and now it is not a rental home. This will always be a fluid process throughout Casco. No one in Casco seemed to stop the Boardwalk Development bulldozing tons of soil to make stadium seating for "walk out style homes" off the western-facing/back portion of most Boardwalk Bluff homes that are 35 feet high or higher on the western face. But see, Boardwalk doesn't allow Renting so those home heights are just fine in the opinion of some in the community advocating for this ordinance change as that isn't an area for specific targeting.

This whole section of ordinance appears to simply target mainly one road in Casco - Lakeview Avenue in Miami Park and potentially lots on Pacific, Orchard, Miami, Atlantic and Beach that are 1-2 lots off Lake Michigan. Ask yourself "Why do people want to build 3 story homes up to the current 35 foot maximum?" The plain and simple answer is to SEE Lake Michigan. A secondary reason is most of the 3 stories home I am aware of on Lakeview have no basements due to water table issues so building up makes sense so that a homeowner can still have a garage below. I expect this Planning Commission and Casco Board to immediately ask the Assessor to cut most undeveloped Lakeview Avenue property assessments if this Zoning Ordinance is passed due to the reduction in my property value stemming from this change in building height requirements and cutting off my parcel's Lake Michigan view. That is why I paid what I paid for the parcel. If this is such an issue, where is the call to condemn or eminent domain all homes in Casco that are currently up to the 3 story/35 foot maximum. The only reason that has been given for this potential change is tied to trying to "stop renting." Residential home height restrictions will not stop renting.....

The Planning Commission and the Casco Board have worked for 18 months and come up with a compromise solution for renting. Some in this township refuse to see that there was a compromise.

This specific zoning change targeting a very small portion of Casco solely is plain and simply UNFAIR and has nothing to do with Renting as has been well discussed by public comment in multiple Planning Commission meetings.

Since my family first stepped foot in Casco Township, we have heard many comments from Casco representatives such as "We need more sewer hookups to pay our sewer bonds" or "We need a higher millage rate for improved road repair." But at every turn, many in Casco have failed to see what is a major driver of the residential tax base in this area to help pay sewer bonds and provide more road improvement tax dollars. There is precious little commercial tax base and a growing portion of the AG base relies on tourists for versions of Agri-tourism (apple picking, orchards, Pop-up restaurants, vineyards, etc). Decreasing the value of homes to be built on Lakeview Ave and for homes 1-2 lots off Lake Shore Drive isn't going to help build the residential tax base and provide the 12-18 new sewer hookups needed annually.

This is another blatant attack on property rights, this time specifically targeted mainly to certain areas of Miami Park.

There is no need to change these two parts of your otherwise satisfactory Zoning Ordinance for residential heights in Nonconforming Lots of Record areas of the township. Other than Lynee Wells bringing this up and Judy Graf jumping all over this issue and trying to tie it to Renting, there has been no groundswell of residents demanding action. Any and all complaints about building height have been tied to renting which has been dealt with through the Rental Regulatory Ordinance process. If anything the Anti-renters simply see this as a way to harm certain property owners again mainly in Miami Park. Ask yourself a simple questions, what is more valuable and thus has a higher taxable value - a 2.5 story home that can't see the Lake or a 3 story home that has views of Lake Michigan from the 3rd story. The direct damages to me, my family and my neighbors are clear to see....and again for no valid reason than a now non-existent claim against homes that may rent or may not rent in the future.

Please stop this and I urge you not to make these un-necessary changes.

I am more than happy to speak with anyone on this issue and can be reached via the below information.

Regards,

Darren Massey

Darren & Karen Massey  
7242 Miami Street