

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 April 21, 2022 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:

Richard and Jean Ruppel of South Haven MI have petitioned for variances at 6288 107th Ave (0302-014-015-00) Zoned AG. 1. decrease required minimum lot width, 250ft required, request 242ft (8ft of relief) 2. decrease minimum lot size, 2.5 acres required, request 1.8 acres (242x330) (0.7 acre of relief)

Dave and Laurel Frogner of Northville MI have petitioned for variances at V/L Beachview Drive/74th Street (0302-380-172-01). 1. Front setback (74th St) required 25ft, request 17ft of relief; 2. Front setback (Beachview Dr) required 25ft, request 5ft of relief; 3. due to the existing shape of the lot, the north width is not the required 60ft, only 37ft; request 23ft of relief north lot width.

Zoning Administrator requests interpretation of 3.28B1 referring to 50feet of lot width to be buildable.

Any other business that may come before the zoning board of appeals

PLEASE TAKE FURTHER NOTICE that the application packets can be reviewed at the Casco Township Hall during regular business hours at 7104 107th Ave, South Haven and on the website www.cascotownship.info.

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 mtsallegan@frontier.com. All written comments must be submitted no later than 5:00pm the day preceding the public hearing (*Wed April 20th 5p*)

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 April 21, 2022 7:00PM

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

4. New Business

Richard and Jean Ruppel of South Haven MI have petitioned for variances at 6288 107th Ave (0302-014-015-00) Zoned AG. 1. decrease required minimum lot width, 250ft required, request 242ft (8ft of relief) 2. decrease minimum lot size, 2.5 acres required, request 1.8 acres (242x330) (0.7 acre of relief)

open public hearing

Applicant explain request; ZA staff report
correspondence
audience for / against comments
any further discussion

close public hearing

Discussion / decision of variance request

b. Dave and Laurel Frogner of Northville MI have petitioned for variances at V/L Beachview Drive/74th Street (0302-380-172-01). 1. Front setback (74th St) required 25ft, request 17ft of relief; 2. Front setback (Beachview Dr) required 25ft, request 5ft of relief; 3. due to the existing shape of the lot, the north width is not the required 60ft, only 37ft; request 23ft of relief north lot width.

open public hearing

Applicant explain request; ZA staff report
correspondence
audience for / against comments
any further discussion

close public hearing

Discussion / decision of variance request

c. Zoning Administrator requests interpretation of 3.28B1 referring to 50feet of lot width to be buildable.

open public hearing

ZA staff report
correspondence
any further discussion

close public hearing

Discussion / decision of interpretation request

5. Old Business

a. anything else that may come before the ZBA

6. Public comment

7. Approval of previous minutes – Apr 7 2022 *(provided when available after the meeting)*

8. Adjournment

Memorandum: Casco Township Zoning Board of Appeals
Date: April 4, 2022
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – lot width and area

Meeting date: Thursday April 21, 2022 7:00PM

Applicant: Matt Hamlin
Mailing Address: 846 64th Street, South Haven MI 49090

Property owner: Richard and Jean Ruppel
Owner address: 6288 107th Ave

Subject Property: 6288 107th Ave
Parcel #: 0302-014-015-00

AG – Agricultural

5.03 District Regulations

Minimum lot area – 2.5 acres
Minimum lot width – 250 feet
Front setback – 50 feet
Side setback – 25 feet
Rear setback – 50 feet
Maximum building height - 35 feet
Lot coverage - 20%

Analysis

Property 0302-014-015-00 is a legal pre-existing conforming lot of record
Lot area: 9.74 acres approx 650x660

Request 242x330 = 1.8ac

The applicant is requesting to reduce the required lot area and lot width 5.03 District Regulations.

Required lot width 250 feet; request is for 242 feet (8 feet of relief).

Required lot area 2.5 acres; request 1.8 acres (0.7 acres of relief).

Current parcel 9.7 acres

Propose 2 divisions and a remainder lot combination

1. 368x330 = 2.7acres
2. 242x330 = 1.8acres
3. remainder 5 acres will be combined with the adjacent parcel (0302-014-017-20; 63 acres Harold Hamlin)

Casco Township Zoning Board of Appeals

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

Application to the Zoning Board of Appeals to authorize a variance from the requirements of the Zoning Ordinance.

To the Zoning Board of Appeals: Request is hereby made for permission to:

Extend:	Use:
Erect:	Convert:
Alter: <u>Land Div: Lot frontage + Single</u>	Parcel #: <u>03-02-014-015-00</u>

Contrary to the requirements of Section(s) 5.03 of the Zoning Ordinance, upon the premises known as 6288 107th Ave and described as:
NW 1/4 NW 1/4 SE 1/4 SEC 14 T1N R16W (attach legal description)

The following is a description of the proposed use:

Name of Applicant (if different from the owner) Matthew Hamlin
Address 846 64th St Phone (616) 836-1778
City South Haven, MI 49090 State MI Zip 49090
Email matthew-hamlin@hotmail.com

Interest of Applicant in the premises: Attach excess acreage to farmland

Name of Owner(s) Richard Ruppel & Jean Ruppel
Address 6288 107th Ave Phone (517) 404-7938
City South Haven State MI Zip 49090
Email _____

Approximate property dimensions, size 10 acres

Proposed use of building and/or premises Continue current use

Present use of building and/or premises Residential Home + Farmland

Size of proposed building or addition to existing building, including height NA

Has the building official refused a permit? NA

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

Since a variance cannot be authorized by the Board of Appeals unless it finds reasonable evidence that all of the following conditions exist, it is imperative that you give information to show that these facts and conditions do exist. (Reference Section 20.08 of the Zoning Ordinance for additional requirements).

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.

I believe the ordinance was created to preserve the aesthetics of the rural agricultural district. Splitting will allow for excess acreage to stay in agriculture.

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

The property has not changed since the home was constructed in 1975.

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 this variance will maintain the residence and farmland in current state.

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.

Due that this is an existing home and acreage it is not recurrent

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.

If the regulations are carried out farmland area will be decreased

6. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

Properties in vicinity will appreciate the farmland's continued use while allowing for adequate lot size

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.

The amount of relief requested is consistent
with the current uses

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.

NA

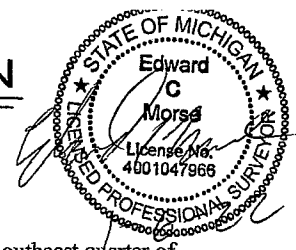
Signature of Applicant & Owners (all owners must sign)

Matthew Howe
Richard Ruppel, Jean Ruppel

Date 2/1/22

Note: Incomplete applications will be returned

PROPOSED LAND DIVISION



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

Parent Parcel 02-014-015-00 ~ The Northwest quarter of the Northwest quarter of the Southeast quarter of Section 14, Town 1 North, Range 16 West.

Division 1 ~ not surveyed at this time ~ The East 242.00 feet of the North 330.00 feet of the West 610.00 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 14, Town 1 North, Range 16 West.

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

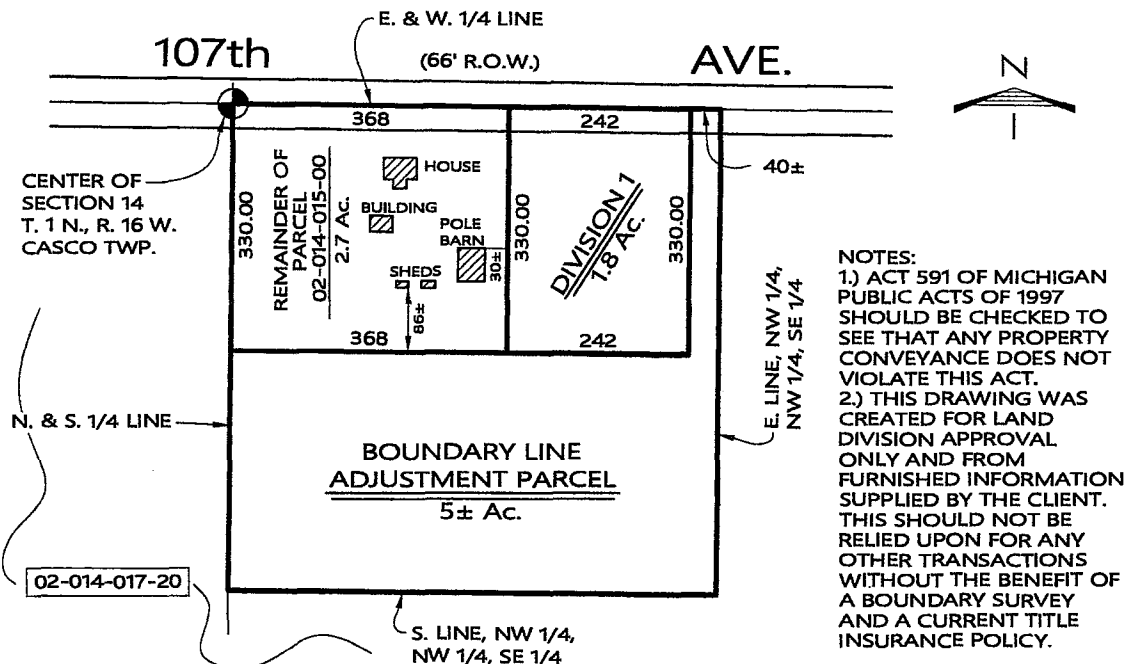
Boundary Line Adjustment Parcel ~ not surveyed at this time ~ The Northwest quarter of the Northwest quarter of the Southeast quarter of Section 14, Town 1 North, Range 16 West, EXCEPT the North 330.00 feet of the West 610.00 feet thereof.

Remainder of Parent Parcel ~ not surveyed at this time ~ The West 368.00 feet of the North 330.00 feet of the West 610.00 feet of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 14, Town 1 North, Range 16 West.

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

Resulting Parcel 02-014-017-20 ~ not surveyed at this time ~ The East half of the East half of the Southwest quarter of Section 14, Town 1 North, Range 16 West, EXCEPT the North 330.00 feet thereof, ALSO the South 30 acres of the West half of the West half of the Southeast quarter of said Section 14, ALSO the Northwest quarter of the Northwest quarter of the Southeast quarter of said Section 14, EXCEPT the North 330.00 feet of the West 610.00 feet thereof.

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



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

MITCHELL & MORSE LAND SURVEYING

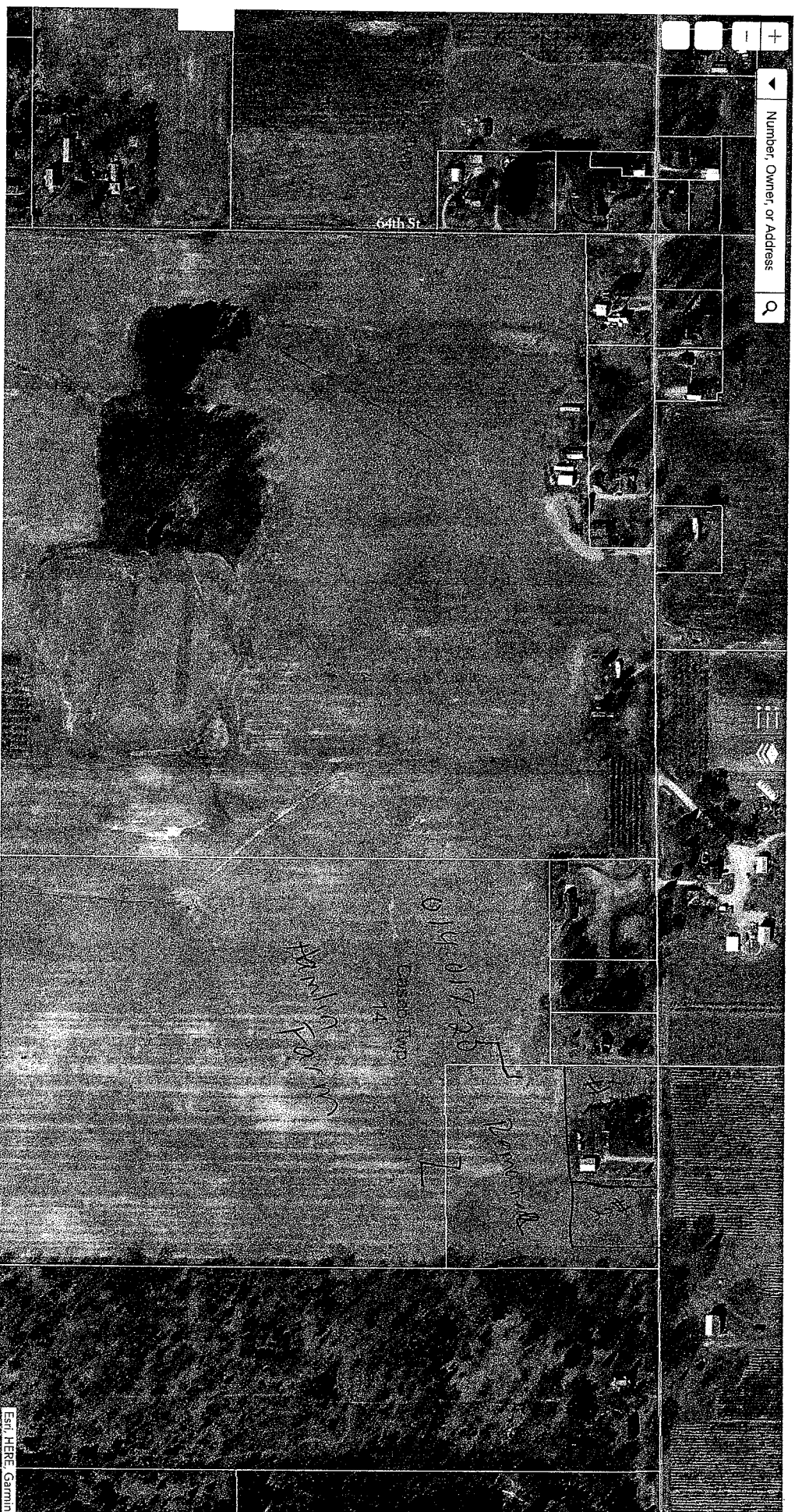
A DIVISION OF MITCHELL SURVEYS, INC.

234 VETERANS BLVD.
SOUTH HAVEN, MICHIGAN 49090
OFFICE: (269) 637-1107
FAX: (269) 637-1907

CLIENT **MATT HAMLIN**
DATE **1-6-22** JOB NO. **21-1208** SHEET **1** OF **1**
DWG. BY **J. MITCHELL** DWG. CK _____ DESC. BY _____ DESC. CK _____
BEING IN THE **SE 1/4** SECTION **14**, T. **1 N.**, R. **16 W.**
CASCO TWP. **ALLEGAN** CO., MICHIGAN
SCALE **1"=200'** BOOK **453** PAGE **9** REVISION _____

EDWARD C. MORSE
PROFESSIONAL
SURVEYOR

GEORGE J. MITCHELL
PROFESSIONAL
SURVEYOR



Memorandum: Casco Township Zoning Board of Appeals
Date: April 4, 2022
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – front setback and north line width

Meeting date: Thursday, April 22, 2022 7:00PM

Owner: Dave and Laurel Frogner
Mailing Address: 787 Springfield Drive, Northville MI 48167

Representative: Jim Frogner

Subject Property: V/L Beachwood and 74th Street
Parcel #: 0302-380-172-01

MDR- Medium Density Residential District

9.03 District Regulations

Minimum lot area – 7,500 sq ft

Minimum lot width – 75ft

Front setback – 50 ft

Side setback – 15 ft

Rear setback – 30 feet

Maximum building height 35 feet

3.28 Nonconforming lots, uses, or structures

B3b Min lot width 60 feet

Min lot depth 100 feet

Max lot coverage 25%

Front setback – 25 feet

Side setback – 20 feet

Rear setback – 10 feet

Maximum building height 35 feet

Analysis

Property 0302-380-172-01 is a legal non-conforming lot of record
Lot area: odd shaped lot: $54 \times 112 + 37 \times 103 = 5804$ sq ft

Proposed: New single family residence

Approx $28 \times 50 = 1400$ sq ft (2-stories, garage on main level)

Lots 172 and 173 were combined 12/20

Requests from Nonconforming 3.28B3b #1 and #4

1. Front setback (74th St) required 25ft, request 17ft of relief; 8ft from property line
2. Front setback (Beachview Dr) required 25ft, request 5ft of relief; 20 feet from property line – 2nd story deck
3. due to the existing shape of the lot, the north width is not the required 60ft, only 37ft; request 23ft of relief north lot width.

Casco Township Zoning Board of Appeals

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

Application to the Zoning Board of Appeals to authorize a variance from the requirements of the Zoning Ordinance.

To the Zoning Board of Appeals: Request is hereby made for permission to:

Extend: the North and South setbacks	Use: SFR
Erect: a 1,400 sf single family residence	Convert: N/A
Alter: N/A	Parcel #: 02-380-172-00 & 02-380-173-00:

02-380-172-01

Contrary to the requirements of Section(s) 5.06 of the Zoning Ordinance, upon the premises known as Frogner Residence (attach legal description) 3.28 B3b #1 + #4

The following is a description of the proposed use:

Name of Applicant: Dave & Laurel Frogner

Address: 787 Springfield Dr Phone 248-704-4379

City: Northville State: Michigan Zip: 48167

Email: davefrogner@gmail.com

Interest of Applicant in the premises:

Name of Owner(s) Dave & Laurel Frogner

Address 787 Springfield Dr Phone 248-704-4379 City: Northville State MI Zip 48167

Davefrogner@gmail.com Email

Approximate property dimensions, size: 54' x 103'

Proposed use of building and/or premises: Single family residence

Present use of building and/or premises Vacant

Size of proposed building or addition to existing building, including height 1400 sf , 20' high

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.

SEE ATTACHED JUSTIFICATION FOR THE STANDARDS

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 practical.

-
-
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.

-
-
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.

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.

Signature of Applicant & Owners (all owners must sign)

David Fryer
Laurel Fryer

Date 10/12/22

Note: Incomplete applications will be returned

January 19, 2022

Sec. 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.

YES: Granting of this variance request will not be contrary to the public interest because others with irregular lots have also received the same consideration without impact to public lands.

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

YES: The vacant lots were purchased in May 2021 by the Frogner for their retirement home. In June 2021, Allegan County approved a Lot Combination for Lots 72 & 73. The lot combination resulted in an irregular-shaped lot of only 5,804 square feet or .13 acre.

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.

YES: Granting of these variance requests will not result in any detrimental impact to adjacent lots or the immediate neighborhood. The lot is heavily wooded and provides a natural buffer on the west (from 74th Street), mature native vegetation on the north along with a 6' wood fence. These elements will buffer and provide screening from the adjacent lots on the north and east. In addition, the adjacent lot on the east is only twenty (20) feet wide, thus unbuildable.

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.

YES: Granting of this variance request is to allow an irregular and unusual shaped lot to be developed for a single family residence. The property development regulations for Casco Twp are typical and correct insofar as a typical shaped or square lot that can meet code regulations. In this case, a lot combination was approved by Casco Twp and made two (2) nonconforming and irregular shapes lots into one lot that has radically differing lot dimensions on the road frontage and rear lot line.

David and Laurel Frogner
787 Springfield Dr
Northville, Michigan 48167
248.704.4379 davefrogner@gmail.com

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.

YES: Granting of this variance request will allow development for a single family residence on an irregular shaped lot that has a property line adjacent to 74th Street running at a 30 degree angle. That created a narrow width dimension on the lot's property line that will not allow any development without a variance.

b. Exceptional topographic conditions.

YES: Granting of this variance request will allow the existing native trees to remain along the site perimeter. The mature trees provide a buffer and screening from the adjacent lots and 74th Street that mitigates any negative impact to neighboring sites.

c. By reason of the use or development of the property immediately adjoining the property in question.

YES: The corner lot is adjacent to a larger lot on the north that supports a single family residence rear yard. The area along the common lot line supports mature native trees and vegetation that provides buffering and screening of both the existing and proposed structures. A new proposed 6' solid fence on the subject property's north and east property lines will provide more privacy as well as buffering the adjacent lots. The 6' fence and existing trees provide a solid screening to both lots, thus any negative impact is mitigated and there is no negative impact. As previously stated, the vacant lot to the east is only 15' in width, thus cannot be developed and provides space between the proposed residence and the existing residence further to the east.

d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

YES: The corner lot has frontage on both Beachview and 74th Street. Typically, corner lots are larger; however, in this case the owners purchased two substandard size lot and obtained a lot combination from the Property Appraiser enlarging the (now) single lot. The 74th Street right-of-way is 35' to the property line. The ROW easement area supports mature native trees that provide screening of the intended development of the single family residence. Thus the request for a reduced setback from 74th Street is both reasonable and typical. Without the variance, the owner cannot construct their new residence.

David and Laurel Frogner
787 Springfield Dr
Northville, Michigan 48167
248.704.4379 davefrogner@gmail.com

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: Granting of this variance request will preserve privacy and preserve any rights the adjacent lots have by keeping the mature trees and the installation of a 6' solid wood fence.

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

YES: Granting of this variance request is necessary to develop the single family residence and is not a result of actions by the owner. In fact the applicant purchased two nonconforming lots and joined them together by obtaining lot combination approval from Casco Twp. The combined lots have an irregular shaped lot line and dimensions that limit development of a typical size residence. The applicant is proposing a single family residence of approximately 1,400 square feet which is typical and reasonable.

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

YES: Granting of this variance request is the minimum that will allow development of a single family residence on a lot that has an unusual and irregular shape that severely constrains design options for a single family residence. Approval of the variances will allow the perimeter trees to remain buffering the proposed single family residence-thus the request for the reduced setbacks are the minimum necessary.

David and Laurel Frogner
787 Springfield Dr
Northville, Michigan 48167
248.704.4379 davefrogner@gmail.com

January 19, 2022

Summary of Variance Request

Site History

The two vacant lots were purchased in May 2021 by the Frogner for their retirement home. In June 2021, the Frogner through their agent (Frogner Consulting, LLC), application was made to Allegan County to allow the two substandard lots to be combined into one lot. Allegan County approved the lot combination request for Lots 72 & 73. The combination resulted in an irregular-shaped lot of only 5,804 square feet or .13 acre.

Request

The lot is heavily wooded which provides a natural buffer on the west (from 74th Street), mature native vegetation on the north along with a 6' wood fence. These elements will buffer and provide screening from the adjacent lots on the north and east. In addition, the adjacent lot on the east is only twenty (20) feet wide, thus unbuildable.

Granting this request will allow an irregular and unusual shaped lot to be developed for a single family residence that otherwise could not be developed, thus left off the tax rolls. The property development regulations for Casco Twp are typical and correct insofar as a typical shaped or square lot that can meet code regulations. In this case, a lot combination was approved by Casco Twp and made two (2) nonconforming and irregular shapes lots into one lot that has radically differing lot dimensions on the road frontage and rear lot line. The lot combination resulted in two substandard and undevelopable lots to be combined into a single lot that would allow a single family residence, if the variance request is approved.

In practical terms and general planning principles, if a nonconforming site element (in this case the 2 lots) is combined with another similar element and decreases the nonconformity, this meets the general intent of most planning principles and zoning code regulations. In this case the need for the two variances is due to the irregular shaped lot lines and the fact this is a corner lot which requires a greater side setback than an interior lot. The proposed single family residence is 1,400 square feet as shown on the site plan. Granting of these variance requests will not result in any detrimental impact to adjacent lots or the immediate neighborhood.

David and Laurel Frogner
787 Springfield Dr
Northville, Michigan 48167
248.704.4379 davefrogner@gmail.com

The lot has a side corner property line adjacent to 74th Street running at a 30 degree angle. That created a narrow width dimension on the lot's north property line that is too narrow and thus, would not allow development without more variances. The placement of the proposed single family residence is sited in the least obtrusive area that allows necessary development with minimal variances. In addition, the adjacent lot on the east is only twenty (20) feet wide, thus unbuildable.

The area along the north lot line supports mature native trees and vegetation that provides buffering and screening of both the existing structure on the north and the proposed structure. The 6' fence and existing trees provide a solid screening to both lots, thus any negative impact is mitigated and there is no negative impact. The vacant lot to the east is only 15' in width, thus cannot be developed and provides space between the proposed residence and the existing residence further to the east.

This corner lot has frontage on both Beachview and 74th Street. Typically, corner lots have greater setbacks and are larger in size; however, in this case the owners purchased two substandard size lots and obtained a lot combination from the Property Appraiser enlarging the (now) single lot. The 74th Street right-of-way is 35' to the property line. The ROW easement area supports mature native trees that provide screening of the intended development of the single family residence. Thus the request for a reduced setback from 74th Street is both reasonable and typical. Without the variance, the owner cannot construct their new residence.

Approval of the variances will allow the perimeter trees to remain buffering the proposed single family residence-thus the request for the reduced setbacks are the minimum necessary.

Thus, it is with great respect the applicant requests approval of the two variances to allow their dream retirement home.

David and Laurel Frogner
787 Springfield Dr
Northville, Michigan 48167
248.704.4379 davefrogner@gmail.com



BEACHVIEW DRIVE

DRIVE



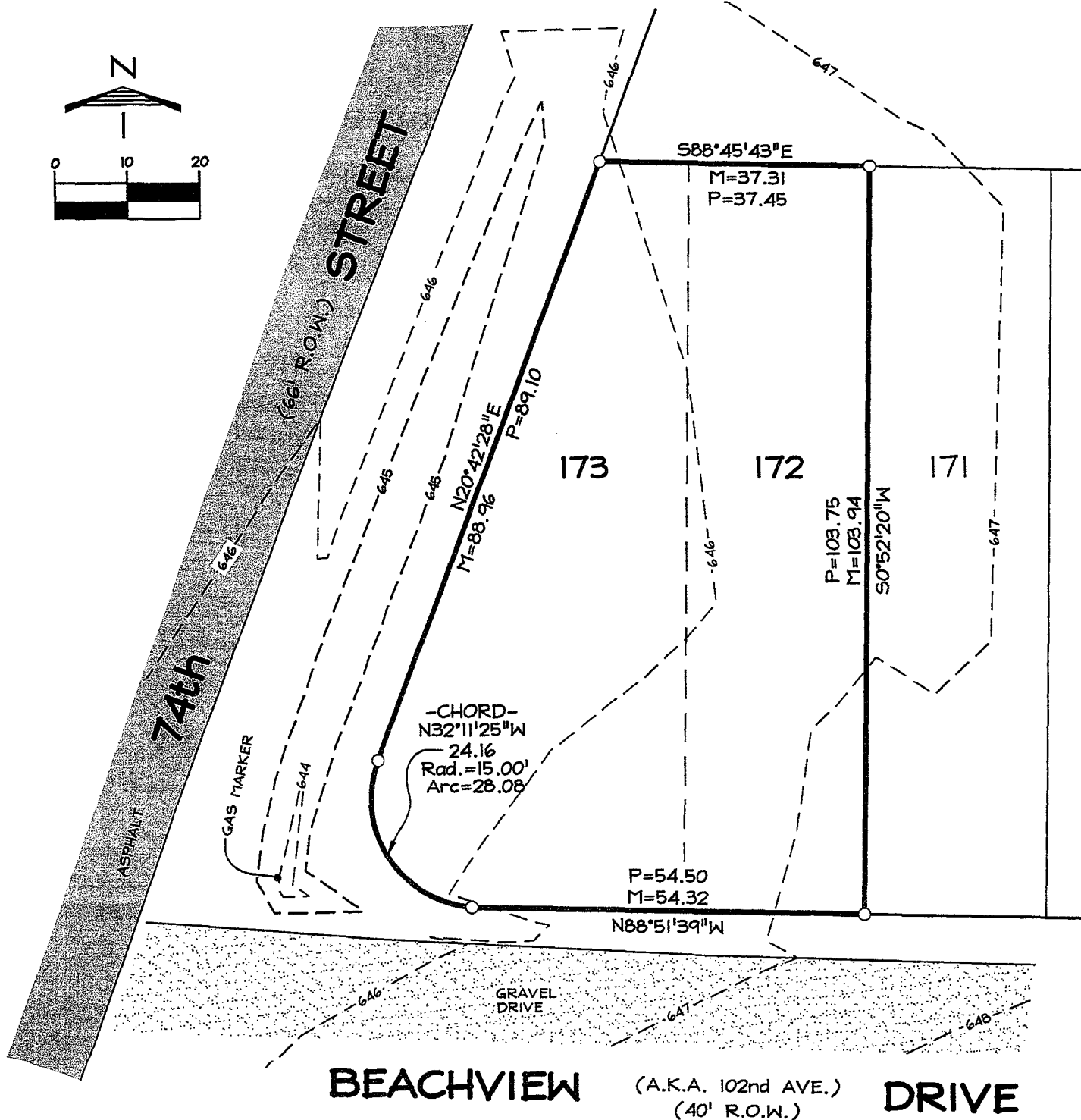
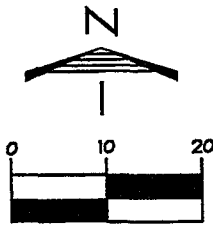
14512570

VARIANCE NO.	REQUIRED	PROPOSED	VARIANCE
1.	WEST 25'	8'	17'
2.	SOUTH 25' (2ND FLOOR BALCONY)	20'	5'

SP 1 of 1

MICHIGAN PLAT OF SURVEY & TOPOGRAPHIC SURVEY

SEE SHEET 2 FOR DESCRIPTION



SURVEY NOTES:

- 1.) THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING.
- 2.) BEARINGS ARE REFERENCED TO PREVIOUS SURVEYS IN THE AREA.
- 3.) THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE

Casco Township
7104 71st Street South Haven MI 49090
269-637-4441

Zoning Department 111 Grand St Allegan MI 49010 1-800-626-5964

Text interpretation for: current text

B. Nonconforming lots of record.

1. A single lot of record is not contiguous with another lot or lots under the same ownership. Where a single lot of record in a platted subdivision (in existence at the time of the adoption or amendment of this Ordinance) does not meet the minimum requirements for lot width, lot depth, or lot area, that single platted lot of record may be used for any purposes permitted by the zoning district in which the lot is located, provided that:

- a. The minimum lot width shall be 50 feet;
- b. The minimum lot depth shall be 100 feet;
- c. The maximum lot coverage for all buildings shall be 25 percent; and
- d. The setbacks for the main building shall be a minimum of:
 - (1) Twenty-five feet for the front setback;
 - (2) Twenty feet for the rear setback; and
 - (3) Ten feet for each side setback.

This ordinance went into effect Nov 2006.

This determination is based on the width/length and ownership of the "lot" in Nov 2006?

To be "buildable" does the "lot of record" need to be 50ft at/on Nov 2006 and the owner on Nov 2006 not own an adjacent lot?

Mr. Smith owns lot 5 in ABC plat, parcel #02-000-005-00 and owns no other lots/parcels. Is this lot required to be 50ft to be buildable today?

What if?

In 2020 someone bought lot 6 and 7 (both owned by separate people in Nov 2006) together are 50ft; the lots in Nov 2006 are each 25ft; can two 25ft lots in different ownership in 2006 be combined today to be buildable (50ft) by right.

Mr. Smith owns Lot 7 in ABC plat, 02-000-007-00. Mr. Smith does not own any other lots/parcels. Lot 7 must be 50x100 to be buildable (today)?

If Mr. Smith's Lot 7 is 40x100, could he purchase 10ft today from a neighbor to have 50ft to build by right?

Current Definition:

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

Sec. 3.28. - Nonconforming lots, uses or structures.

A. Intent.

1. Within the zoning districts established by this Ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land, and structures, and characteristics of use which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their expansion or continuation except in compliance with this Section.
2. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance or an amendment to this Ordinance except in compliance with this Section.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming lots of record.

1. A single lot of record is not contiguous with another lot or lots under the same ownership. Where a single lot of record in a platted subdivision (in existence at the time of the adoption or amendment of this Ordinance) does not meet the minimum requirements for lot width, lot depth, or lot area, that single platted lot of record may be used for any purposes permitted by the zoning district in which the lot is located, provided that:
 - a. The minimum lot width shall be 50 feet;
 - b. The minimum lot depth shall be 100 feet;
 - c. The maximum lot coverage for all buildings shall be 25 percent; and
 - d. The setbacks for the main building shall be a minimum of:
 - (1) Twenty-five feet for the front setback;
 - (2) Twenty feet for the rear setback; and
 - (3) Ten feet for each side setback.
2. Where the setbacks cannot be met on the nonconforming lot, the owner may request a variance from the Zoning Board of Appeals under Chapter 20.
3. Contiguous nonconforming lots in common ownership.
 - a. For any two or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they meet

the following:

- (1) Are in the same or substantially the same ownership;
 - (2) Are adjacent to each other or have continuous frontage; and
 - (3) Individually do not meet the lot width or lot area requirements of this Ordinance.
- b. In the case where several contiguous nonconforming lots in an existing platted subdivision must be combined, the resultant buildable lot or lots shall provide a:
- (1) Minimum lot width of 60 feet;
 - (2) Minimum lot depth of 100 feet;
 - (3) Maximum lot coverage for all buildings of 25 percent;
 - (4) Front setback of 25 feet;
 - (5) Rear setback of 20 feet; and
 - (6) Side setback of ten feet.
- c. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width or lot area requirements.
4. The maximum height of all buildings shall be 35 feet.
5. Fire pit. A fire pit shall not be less than 25 feet from any structure or building or combustible materials and have a setback of 15 feet from a property line. The maximum size shall be three feet wide by two feet high, and be in full compliance with all other regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.

C. Nonconforming uses—Change or discontinuance.

1. Except as noted in Subsection 2 below, the nonconforming use of a building or structure or of any land or premises shall not be:
 - a. Re-established after it has been changed to a conforming use; or
 - b. Re-established after being abandoned or discontinued for a continuous period of 12 consecutive months, or for 18 months within any three-year period. A nonconforming use shall be determined to be abandoned or discontinued if one or more of the following conditions exist, and are deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, sanitary sewer, gas, and electricity to the property, have been disconnected;
 - (2) The property, buildings, and grounds have fallen into disrepair;
 - (3) Signs or other indications of the existence of the nonconforming use have been removed;
 - (4) Equipment or fixtures which are necessary for the operation of the nonconforming use have been removed; or
 - (5) Other actions have been taken which, in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner to abandon the nonconforming use.
2. The Zoning Administrator may permit a nonconforming use to be converted to a more conforming use which is less intensive or objectionable. In considering this permission, the Zoning Administrator shall use the following standards in making the decision.

- a. The building or premises may be changed to a permitted use for the zoning district in which the existing nonconforming use is located. The new use must meet all applicable Ordinance requirements.
 - b. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restrictive zoning district than that in which it is located.
3. The Zoning Administrator must document the rationale for permitting the conversion of a nonconforming use and place that documentation in the records of the Township. This documentation shall also be provided to the Planning Commission.

D. Nonconforming buildings or structures.

1. Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the building or structure, the building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions.
 - a. No nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but it may be altered to decrease its nonconformity.
 - b. Should a nonconforming building or structure be destroyed by any means, it may only be rebuilt as permitted in Section 3.28.E.2.
 - c. Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located.

E. Repairs and maintenance.

1. Except as provided by Section 3.28.E.2, all repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life, except for repairs necessary to maintain public safety.
 2. Nonconforming buildings or structures damaged by fire, wind, explosion, act of God, or public enemy may be restored or repaired if the cost does not exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction. If the cost of restoration or repair would exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, the restoration or repair shall be permitted only if it complies with the requirements of this Ordinance.
 3. Residential nonconforming dwellings damaged by fire, wind, explosion, Act of God, or public enemy may be restored or repaired provided that the reconstruction takes place within the confines of the original nonconforming building height and footprint.
 4. If a nonconforming building or structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored or repaired, except in conformity with this Ordinance.
- F. Any buildings, structures, or uses which fail to conform to the predecessor of this Ordinance, were not constructed or used legally, were not permissible nonconforming buildings or structures or uses thereunder,

or which violated the predecessor of this Ordinance, shall not be considered nonconforming buildings or structures under this Ordinance. The buildings, structures, or uses shall be considered illegal and subject to the enforcement provisions of this Ordinance.

- G. Structures, buildings, or uses nonconforming because of height, area, or parking and loading space only may be extended, enlarged, altered, remodeled, or modernized provided there is compliance with all height, area, and parking and loading sections with respect to the extension, enlargement, alteration, remodeling, or modernization, and the Zoning Administrator determines that the extension, enlargement, alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming because of parking and loading sections and which is thereafter made conforming or less nonconforming by the addition of parking or loading space shall not thereafter be permitted to use such additionally acquired parking or loading space to meet requirements for any extension, enlargement, alteration, remodeling, modernization, or change of use which requires greater areas for parking or loading space.
- H. No nonconforming use of any building or structure or of any lot or parcel which is nonconforming for reasons other than height, area, or parking and loading space shall be extended or enlarged unless all extensions or enlargements do not exceed 50 percent of the area of the original nonconforming use and unless such extension or enlargement is authorized by the Zoning Board of Appeals as a matter for decision pursuant to Section 20 of the Zoning Act (MCL 125.290). In considering such authorization, the Zoning Board of Appeals shall consider the following standards:
1. Whether the extension or enlargement will substantially extend the probable duration of the nonconforming use; and
 2. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with this Ordinance.

(Ord. No. Q31819-2, § 1, 3-18-2019; Ord. No. Q31819-3, § 2, 3-18-2019; Ord. No. 1182021-1, § 3, 1-18-2021)