

CASCO TOWNSHIP
Casco Township Hall
7104 107th Ave. South Haven MI 49090
ZONING BOARD OF APPEALS
Agenda
Thursday June 16, 2022 7:00PM

1. Call to Order, Roll Call
2. Approval of agenda
3. Public comment (non-agenda items).
4. New Business
 - a. Christian Vene of South Haven MI has petitioned for a variance at V/L Adams Rd (0302-062-001-10) to divide the property. The property is zoned LR-A, required lot width is 125 feet; request is 101.7 feet each parcel.
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. Matthew Hamlin of South Haven MI has petitioned for a variance at 925 66th St (0302-010-009-00) to divide property. The property is zoned Ag, required lot area is 3 acres; request is for 1.5 acres.
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
5. Old Business
 - a. anything else that may come before the ZBA
6. Public comment
7. Approval of previous minutes – May 5, 2022
8. Adjournment

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 June 16, 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:

Christian Vene of South Haven MI has petitioned for a variance at V/L Adams Rd (0302-062-001-10) to divide the property. The property is zoned LR-A, required lot width is 125 feet; request is 101.7 feet each parcel.

Matthew Hamlin of South Haven MI has petitioned for a variance at 925 66th St (0302-010-009-00) to divide property. The property is zoned Ag, required lot area is 3 acres; request is for 1.5 acres.

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 mtsallegran@frontier.com. All written comments must be submitted no later than 5:00pm the day preceding the public hearing (*Wed June 15, 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 Zoning
Board of Appeals
Thursday, May 5, 2022, 7 PM**

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

Absent: Alex Overhiser and Matt Super

Also Present: Zoning Administrator Tasha Smalley, Applicant Dan Fleming, and Grant Holmes and Sue Applicants Carl and Herbert Weber, Recording Secretary Janet Chambers

1. **Call to Order:** The meeting was called to order by Chairman Hamlin at 7 PM for the purpose of hearing variance requests by two applicants. Dan and Karen Fleming and Carl and Herbert Weber. (Notice of Public Hearing Attachment 1).
2. **Approval of Agenda:** A motion by Macyauski, supported by Craig to approve the agenda as presented. All in favor. MSC.
3. **Public comment:** None
4. **New Business:**
 - A. **Dan and Karen Fleming of South Haven Michigan have petitioned for variances at 6756 109th Ave. (0302-009-017) to construct an addition to existing residence. The request is for rear setback relief and lot area. 1. The required rear setback is 50 ft., request is 10' of relief. 2. The lot area is not met (5.03). Required lot area 2.5 acres; the lot is 1.04 acres (300' x 150').**

Open public hearing at 7:02 PM.

- **Applicant Explain request, ZA staff report (Attachment 2):** Fleming explained that his whole house is in the rear yard setback and is Grandfathered in. He would like 10' of relief to put a deck on the front of his house.
- **Correspondence:** None
- **Audience for / against:** Jim Ridley lives across the Street from Fleming. Eldon Ridley, Jim's father is also a neighbor of Flemings. Jim Ridley said he and his father are in support of Fleming's request. The Fleming home has been there since way before zoning. There was a similar home built in 1991. Fleming should not be penalized for buying the property in the 70's. Flemings are good neighbors and take care of their property. Flemings are good neighbors who take good care of their property and Ridley has no problem with the variance. The original parcel was there years before zoning.
- **Any further discussion:** None

Close public hearing at 7:04 PM.

- **Discussion / decision of variance request:** Chairman Hamlin read through the standards taking comments from commissioners
 - 1) **Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.** Macyauski said the spirit and intent of the rear yard

setback is intended for new homes. The Zoning Board of Appeals is an opportunity for grandfathered homeowners to come in and request a variance.

- 2) **The variance is being granted with a full understanding of the property history.** Yes. The house was moved onto the property in 1957. The basement was added in 1994. A bedroom and bathroom were added in 2005 and in 2018 a deck was added to the rear.
- 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.** The addition is on the front of the house well outside of the front setback and cannot be seen from the back.
- 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 or recurrent in nature.** Not too many will need to exercise this right, and the whole house is in the setback and may be the only house that is completely within the rear setback.
- 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 part that is extraordinary is that it was grandfathered in with the whole house within the rear setback.
- 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.**

Fleming asked to speak. Fleming said as some of you know I have a low view of zoning. He said he filled out his form with his answers and in #6 where it says preservation of a *substantial* property right....” Fleming questioned the idea that we can determine what a *substantial* property right and not an *unsubstantial* property right is.

Macyauski said if you thought you were going to build a house now completely within the rear setback, it wouldn't happen.

Smalley said the ordinance called it a burden. It could be a huge burden if the variance was denied.

- 7) **That the variance is not necessitated as a result of any action or inaction of the applicant.** Correct. He is just trying to add on to the front of the house.

Isaac Fleming said if the whole addition was within rear setback, we are adding to the front. We are not encroaching as much as the current footprint. He said he did not think a variance request should be required.

Macyauski said the ordinance was written in 2006 and Fleming's house was grandfathered in. The purpose of variances was to give people in this situation some relief.

Isaac Fleming said it seemed rights were taken away but given back for a cost.

Macyauski said when the amount of the fees was discussed and decided they calculated the cost to the township of bringing the ZBA in and publishing the public notice. It was costing the township every time they gave a variance prior to the fee being raised.

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.** NA

Smalley reminded commissioners they are also considering a variance for lot size. 2.5 acres is the required minimum lot size, and 1.04 acres is what he has.

A motion by Macyauski to grant the setback variance and minimum area variance. Supported by Craig. All in favor. Variances granted.

B. Carl Weber and Herbert Weber of South Haven MI have petition ed for variances at V/L Maple Street and McMullan Way (0302-760-157-00) to construct a new residence and detached garage. Front setback (Maple St.) required 25 ft., request 12 ft. of relief (house); Front setback (Maple St.) required 25 ft., request 4 ft. of relief (detached garage).

Open public hearing at 7:19 PM

- **Applicant explain request; ZA staff report (Attachment 3):** Grant Holmes and Sue Colburnact, who would like to purchase the property were present to represent the property owners Carl Weber and Herbert Weber. Holmes explained the garage door is entered from Maple Street. It is not a 2-car garage or even a 1-car garage. It will be used for storage and the design will emulate the house. There is a berm on neighboring property. It is bermed up to offset looking at the back of the garage. They have reduced the size of the garage to meet lot coverage requirements. The lot is 51 x 125. There are 2 front yard setbacks. There is a gravel area for parking. Setbacks are 25' on each front yard setback. This only leaves 15' for building. They have a smaller footprint with 2 bedrooms and 2 bath. Their plan is for a 28' house. There was a variance granted at 480 Beach Glass Street, which is a similar example on a corner lot of Beach Glass and Maple.
- **Correspondence:** 2 letters were received. One from Kelvin O'Meara & Melissa Loew (Attachment #4) in opposition to the variance request. A second letter was received from Sergio Pereira (Attachment #5) in support of the request.
- **Audience for / against comments:** None
- **Any further discussion:** None

Close public hearing at 7:28 PM

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

Macyauski said he wants to get cars off the street. McMullin Way has less traffic than Maple. Elm & Maple are the main traffic roads. Ten feet is the minimum setback for the smallest accessory building. Discussion ensued about options to keep garage further from Maple. After discussing options, the applicant agreed to turn the garage 45 degrees, which would meet the 25' setback from Maple Street. The applicant would still need the front setback (Maple Street) for the house.

Because there were only 3 commissioners present, the decision would need to be unanimous. Holmes said he will amend his site plan with the garage turned. No cars would be parking on Maple Street.

2. **The variance is being granted with a full understanding of the property history.** Yes
3. **Granting the variance will not cause a substantial detriment to property or improvement in the vicinity or in the district in which the subject property is located.** There is a similar variance on Beach Glass Street.
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 or recurrent in nature.** Exceptional narrowness would only allow a 25' wide home.
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 properties 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 narrowness and two front setbacks make it difficult to have a typical 24' wide home. With setbacks they could only have a 15' wide home.
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. There is a similar situation on Beach Glass.
7. **That the variance is not necessitated as a result of any action or inaction of the applicant.**
It is on a historically platted lot and is a single lot of 51' x 125'.

8. **The variance if granted, would be the minimum departure necessary to afford relief.** The applicant is turning his storage building so as not to need a second variance.
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.** He needs 10' more to meet minimum requirements. Neighboring property has already been purchased.

- **Discussion / decision of variance request:**

Motion by Macyauski 12' for home, deny request for setback garage, support Sam. All in favor.

5. **Old Business:** None
6. **Public comment:** None
7. **Approval of previous minutes – April 21, 2022:** postponed until next meeting
8. **Adjournment:** Motion by Hamlin, supported by Macyauski to adjourn. Meeting adjourned at 7:43 PM.

Attachment 1: Notice of public hearing

Attachment 2: Application and Zoning Administrator report for Fleming variance

Attachment 3: Application and Zoning Administrator report for Weber variance

Attachment 4: Letter from Kelvin O-Meara and Melissa Loew, 5/4/2022, In opposition to Weber variance

Attachment 5: Letter from Sergio Pereira, 5/2/2022, In support of Weber variances

Attachments available at Casco Township Hall upon request

Minutes prepared by Janet Chambers, Recording Secretary

Memorandum: Casco Township Zoning Board of Appeals
Date: May 27, 2022
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – lot area

Meeting date: Thursday June 16, 2022 7:00PM

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

Subject Property: 925 66th Street
Parcel #: 0302-010-009-00

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 0302-010-009-00 is a legal pre-existing conforming lot of record
Lot area: 80 acres, approx 1300x2620

Request $320 \times 220 / 185 = 1.5$ acres

The applicant is requesting to reduce the required lot area 5.03 District:

1. Required lot area 2.5 acres; request 1.5 acres of relief (1.5 acres)

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>Lot Size</u>	Parcel #: <u>010-009-00</u> <u>02-0000000000</u>

Contrary to the requirements of Section(s) 5.03 of the Zoning Ordinance, upon the premises known as 925 66th St South Haven, MI 49090 and described as:

(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 _____
 City South Haven State MI Zip 49090
 Email matthew-hamlin@hotmail.com

Interest of Applicant in the premises:

Name of Owner(s) Matthew Hamlin, Creola Hamlin, Steve Baker, Moll'ss, Ba
 Address 846 64th St Phone (616) 836-1778
 City South Haven State MI Zip 49090
 Email matthew-hamlin@hotmail.com
 Approximate property dimensions, size 1.5 acres (80 acres)
 Proposed use of building and/or premises Residential Dwelling, Farm Storage & Farm land
 Present use of building and/or premises Residential Dwelling, Farm Storage & Farm land
 Size of proposed building or addition to existing building, including height NA
 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)

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 rural agricultural district. Decreasing the lot size from the standard will maintain rural character.

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

The property has not changed in 50+ years

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 the 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 farm outbuildings 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 and there will be a loss of farm support buildings

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.

Property use will not change from current state neighboring properties will appreciate continued use.

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

No action or inaction has created
this need

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

The amount of relief requested is consistent
with 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.

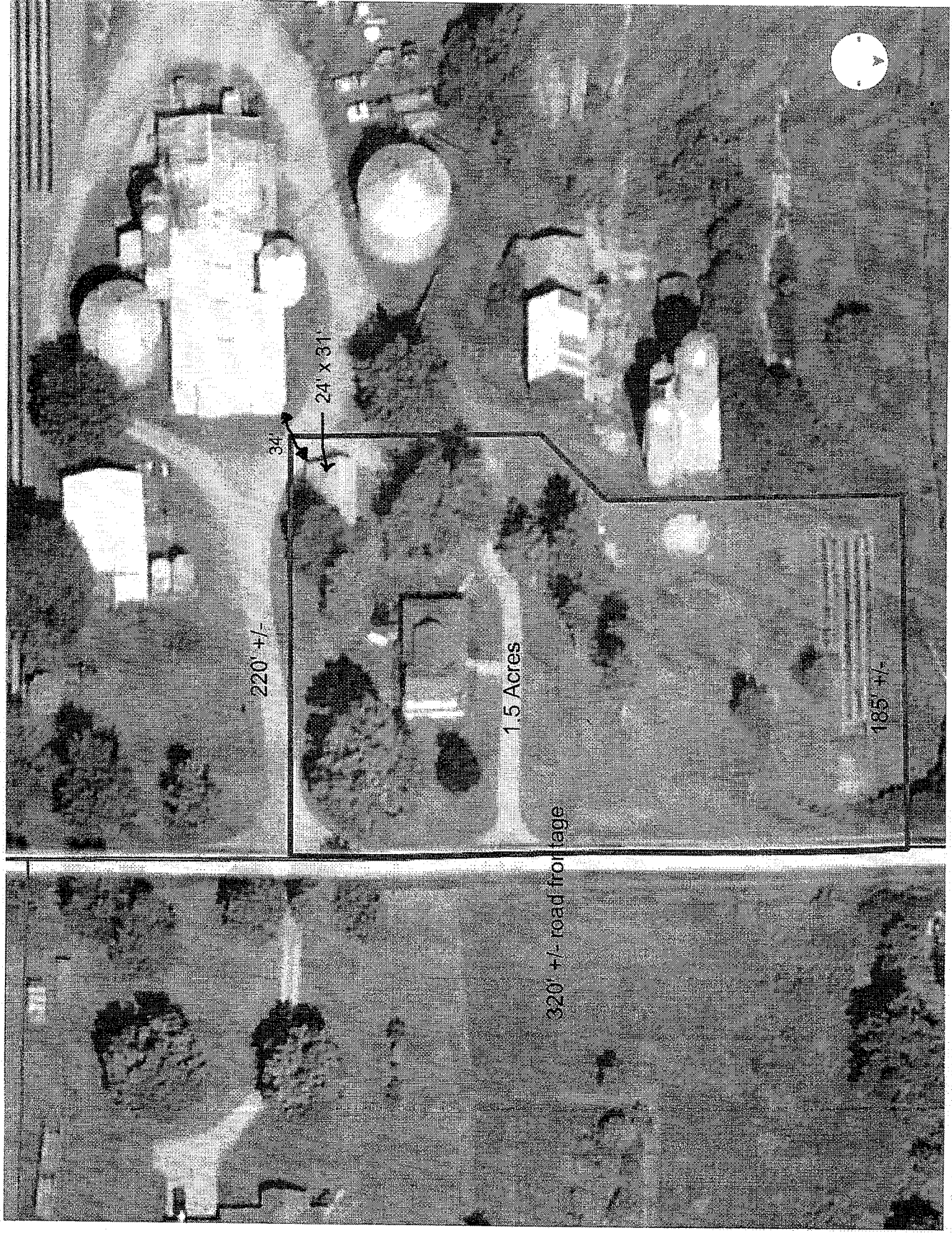
NA

Signature of Applicant & Owners (all owners must sign)

Matthew Jones
Jan Blum Melissa Butler Date 5/25/22

Note: Incomplete applications will be returned

Curtis Hamilton 5/25/2022



Memorandum: Casco Township Zoning Board of Appeals
Date: May 27, 2022
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – lot width reduction

Meeting date: Thursday June 16, 2022 7:00PM

Owner: Christian Vene
Mailing Address: 239 65th St, South Haven MI 49090

Subject Property: V/L Adams Road
Parcel #: 0302-062-001-10

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

Analysis

Property 0302-062-001-10 is a legal conforming lot of record
Lot area: $203.4 \times 658.377 = 3.1$ acres

The applicant is requesting to reduce the required lot width 7A.03 Lakeshore Residential District:

1. Required lot width 125 ft; request 23.3ft relief (101.7 ft 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:	Use: <u>Residential</u>
Erect:	Convert:
Alter: <u>Divide</u>	Parcel #: <u>03-02-062-001-10</u>

Contrary to the requirements of Section(s) 7A-03 of the Zoning Ordinance, upon the premises known as Adams Road and described as: See 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) Christian Vene

Address 239 65th Street Phone (269) 455-8106

City South Haven State MI Zip 49090

Email Venechristian@yahoo.com

Approximate property dimensions, size 3.1 acres

Proposed use of building and/or premises Residential 2 parcels

Present use of building and/or premises Residential 1 parcel

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

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)

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 #1

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

Property has been vacant for several decades.

3. Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or in the district in which the subject property is located.

It will make the bluff remediation more affordable for each owner and result in an improvement for the entire neighborhood.

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.

Probably Not as most parcels on the street are already built.

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.

Not to my knowledge.

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.

Not to my knowledge.

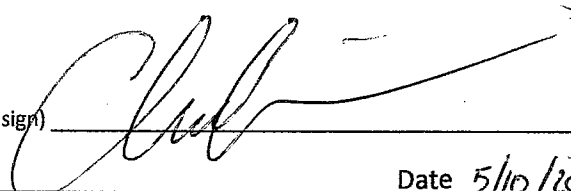
8. The variance if granted, would be the minimum departure necessary to afford relief.

It definitely would be, allowing the enormous cost of bluff protection (in excess of \$500K) to be split in half.

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.

N/A.

Signature of Applicant & Owners (all owners must sign)



Date 5/10/2022

Note: Incomplete applications will be returned

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

Granting the Ordinance would in fact normalize an already existing situation,
as parcels to the South: 02-062-002-12 has 89.36' Frontage on Adams Road
02-062-002-13 has less than 125' Frontage on Adams Rd

and Cedar Bluff subdivision, within 300' to the North of subject subdivision, has
many parcels with Frontage on Adams road ranging from 50' to 100'.

Consequently, this variance would be consistent with adjoining parcels both South
and North of the subject parcel

Underlying Reasons for this project

There is a need to stabilize the bluff. I have gotten two quotes approximating \$500,000 to do this work.

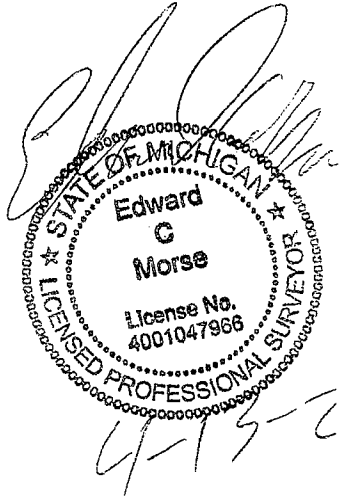
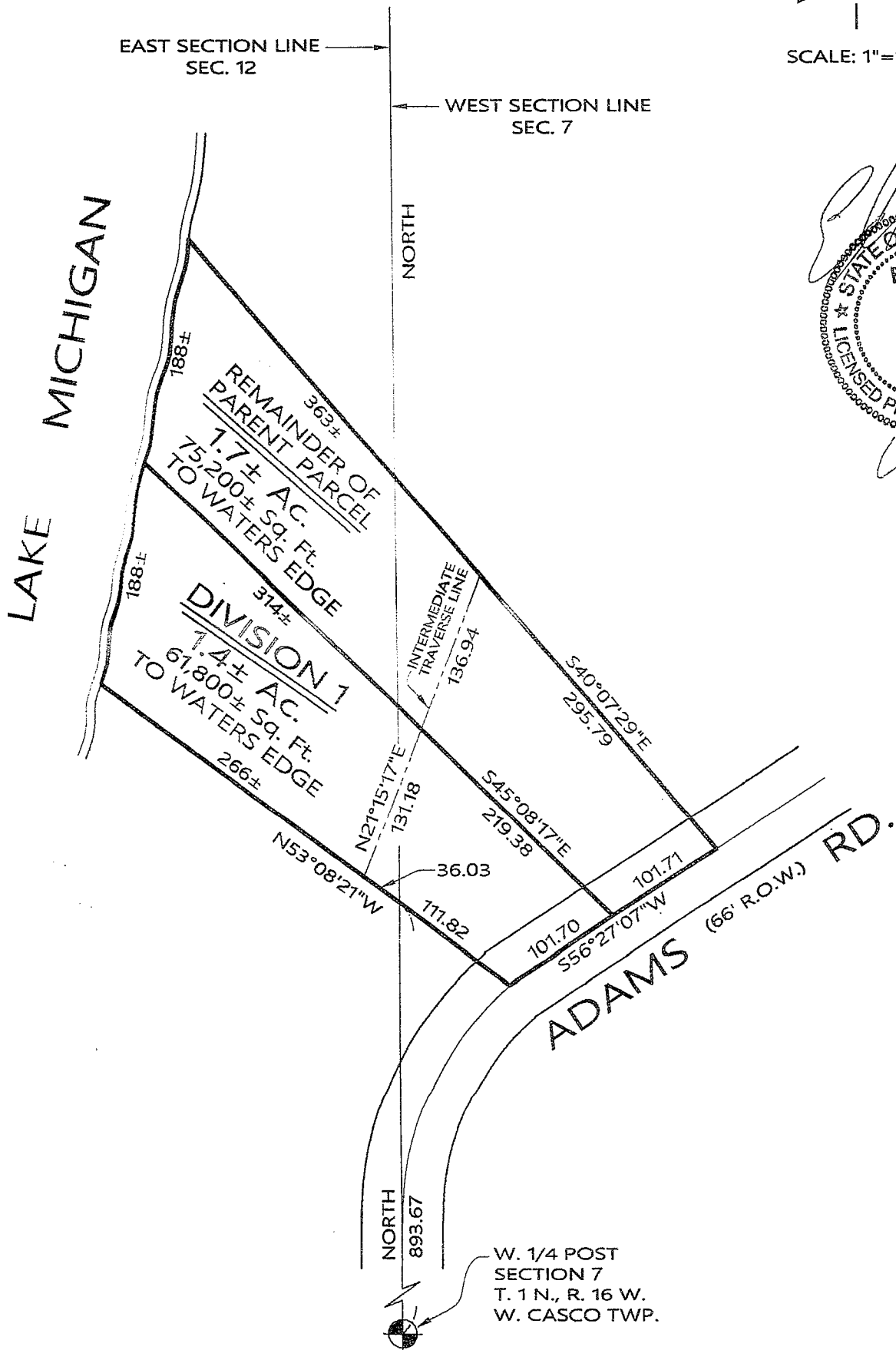
By dividing the property in half, the cost of this work will be divided by two owners.

The end result will be 2 buildable properties which will allow the owners to safely build a new home.

This will in turn result in the township to rightfully levy a much higher property tax on the new properties.



SCALE: 1"=120'



LAKE MICHIGAN

LAKE

NORTH



SCALE: 1"=120'

SETBACKS

FRONT - 50'

SIDE - 25'

