

Approved 10-17-2019

Casco Township Zoning Board of Appeals
May 2, 2019; 7 PM

Members Present: Chairman Dave Hughes, Vice Chair Matt Hamlin, Secretary Sam Craig, Trustee Paul Macyauski and Commissioner Matt Super

Absent: None

Staff Present: Janet Chambers, Recording Secretary and Tasha Smalley, Zoning Administrator

Also Present: Applicant Michael Bannister and 3 interested citizens.

1. **Call to Order, Roll Call:** Chairman Hughes called the meeting to order at 7:00 PM. All present.
2. **Approval of agenda:** A motion by Super, supported by Macyauski to approve the agenda. All in favor. MSC.
3. **Approval of previous minutes:** A motion by Macyauski, supported by Super to approve the minutes of March 28th, 2019. All in favor. Minutes approved as printed.
4. **Public comment:** None
5. **New Business**
 - a. **Variance request Michael Bannister, 7156 Wildwood 0302-180-049-00 side yard setback; request is for 5 feet of relief to construct a detached garage. Required side setback is 10 feet. 2 side yard reliefs.**

1. **Open public hearing, reading of public notice:** The public meeting was opened at 7:05 PM. Public Notice (Attachment #1)

2. **Applicant explain request; ZA staff report:**

Bannister was invited to the table to explain his request. Bannister has owned the property for 29 years. They are spending more and more time there and would like to have a garage. Originally his plan was to put the garage in the front. There were complications with septic and drainage, etc. After looking, measuring, and having the property surveyed they found the garage could be located behind the house. They had the property surveyed three times, the most recent being within the last two weeks. There is a vacant lot to one side of his property and Bill Adelizzi's property bordering on another area. Bill Adelizzi sent a letter (Attachment #2) in support of Bannister's variance request.

Chairman Hughes said commissioners have read the Zoning Administrator's comments, taking into consideration it is a non-conforming lot of record and they have a history on the property. He asked for commissioners' comments.

Super reiterated it is a non-conforming lot of record. Often lots of record must be modified because of the small lot sizes. It is difficult to build something decent without a variance. If the neighbors don't see a problem, Super does not see a problem.

Hamlin asked where Bannister plans to enter the garage.

Bannister said he would drive in from Wildwood.

Hamlin clarified there would not be driving in the 5' area between the garage and road.

Bannister said there would not. The garage will be on an angle to the road and the 5' areas would be at the corners of the garage. No driving would be in the 5' area.

Chairman Hughes asked about water runoff.

Bannister said water will be guttered to the side.

Hughes asked for clarification, being 5' from the property next to Bannister, would there be water running onto the neighbor's property?

Bannister said with the angle of his roof, water runoff would be on his own property, not the neighbors.

3. **Correspondence:** Chairman Hughes read a letter (Attachment #2) from Wm. Adelizzi to Clerk Brenner in support of the applicant's variance request.
4. **Audience for / against comments:** none
5. **Any further discussion:** none
6. **Close public hearing:** The public hearing was closed at 7: 13 PM.

b. Discussion / decision of variance request

Chairman Hughes read through the Standards Section 2008 with the following comments:

1. good
2. ok,
3. asked about drainage,
4. not the case
5. Have the septic and lot of record
6. So many nonconforming LOR
7. Ok
8. Could not see putting it anywhere else
9. Talked about adjoining land and not going to happen

A motion was made by Hamlin, supported by Super to grant the two 5' side yard variances. All in favor. MSC.

6. **Old Business**
 - a. Anything that may come before the commission:
7. **Public Comment:** none
8. **Adjournment:** Meeting was adjourned at 7:18

- Attachment #1: Public notice
- Attachment #2: Adelizzi's Letter in support of variance,
- Attachment #3: Memo ZA Smalley
- Attachment #4: Application (3)
- Attachment #5: Sketches & Plat Map (3)

Minutes prepared by Janet Chambers, Recording Secretary



Dave Hughes, ZBA Chairman



Sam Craig, ZBA Secretary

5-2-19

Date

5/2/19

Date

CASCO TOWNSHIP, ALLEGAN COUNTY
NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of Casco Township will conduct a public hearing and regular meeting concerning the following matter on Thursday, May 2, 2019 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 item to be considered at said public hearing include the following:

Michael Bannister of Glenn MI has petitioned for a dimensional variance at 7156 Wildwood (0302-180-049-00) to construct a detached garage. The request is for 5 feet of relief from required 10 feet side yard setbacks; south/east corner.

PLEASE TAKE FURTHER NOTICE that the application packet can be reviewed at the Township Hall during regular business hours of regular business days at 7104 107th Ave, South Haven.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person concerning the foregoing by the Township Clerk at the address set forth below, during regular business hours of regular business days or by mail to the Township Clerk at the address set forth below, up to the date of the hearing and will also be received by the Zoning Board of Appeals at the hearing.

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. Individuals with disabilities requiring auxiliary services should contact the Casco Township Clerk at the address or telephone number listed below.

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 2, 2019 7:00PM

Casco Township Hall

1. Call to Order, Roll Call
2. Approval of agenda
3. Approval of previous minutes
4. Public comment
5. New Business
 - a. Variance request Michael Bannister, 7156 Wildwood 0302-180-049-00 side yard setback; request is for 5 feet of relief to construct a detached garage. Required side setback is 10 feet. 2 side yard reliefs.
 1. open public hearing
 2. Applicant explain request; ZA staff report
 3. correspondence
 4. audience for / against comments
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 6. close public hearing
 - b. Discussion / decision of variance request
6. Old Business
 - a. anything that may come before the commission
7. Public comment
8. Adjournment

Memorandum: Casco Township Zoning Board of Appeals
Date: April 9, 2019
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request -- side yard variance

Meeting date: Thursday, May 2, 2019 7:00pm

Applicant: Michael Bannister
Mailing Address: 538 North Kensington Ave, LaGrange Park IL 60526

Subject Property: 7156 Wildwood
Parcel #: 0302-180-049-00 (048-00, recent lot combo)

LDR- Low Density Residential District

8.03 District Regulations

Minimum lot area – 20,000 sq ft / s&w 10,000 sq ft

Minimum lot width – 100 feet / s&w 85 ft

Front setback – 50 feet / w&s 30 ft

Side setback – 25 feet / w&s 15 ft

Rear setback – 40 feet

Maximum building height 35 feet

3.28 Non-Conforming Lots, Uses or Structures

B3b Lot width 60 ft

Lot depth 100 ft

Lot coverage – 25% (3,468.75 sq ft)

Front 25 ft

Rear 20 ft

Side 10 ft

*Approved
Unanimous*

Analysis

Property 0302-180-049-00 (048-00, recent lot combo) is a legal pre-existing non-conforming lot of record

Lot area: 185x75 = 13,875 sq ft (approx)

Proposed garage

20x21x22=420 sq ft

Setbacks = Wildwood Dr - 69 ft

Ferndell Ave – 160 ft

Side – 5 ft

Side – 5 ft

Two fronts yards, two side yards, no rear yard (Def Lot Lines, pg 2-15)

The applicant is requesting side yard setback variances. 3.28 B3b(6). The applicant wishes to construct a garage. Required side setback is 10 feet. Request is for 5 feet of relief (garage to be 5 feet from side property lines).

ZONING BOARD OF APPEALS - CASCO TOWNSHIP
7104 107th Ave., South Haven, MI 49090 (Ph.-269/637-4441; Fax- 269/639-1991)

PAID
Cr # 8263 @ 700
D.S.

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 _____

Erect ✓ garage

Alter _____

Parcel # 0302-180 - 049 - 00

Use _____

Convert _____

5.2.19
Revised
Siteplan

Contrary to the requirements of Section (s) 3.28 B3 b(4) of the Zoning Ordinance, upon the premises known as 7156 Wildwood and described as: Lot 48+49, Glenn Shores Subd, being NW 1/4 of Sect 6, Town 1, Range 16 West (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: Michael Bannister
Address: 7156 Wildwood Phone: 336-416-8102
City Glenn State MI Zip 49090
Fax: _____

2. Interest of Applicant in the premises: Variance of 8' @ NW Corner
8' of relief

3. Name or Owner: Michael Bannister
Address: 7156 Wildwood Phone: 336-416-8102
City Glenn State MI Zip 49090
Fax: _____

4. Size of property to be effected by the variance: 15,000 Sq Ft (13750 = 2590)

5. Proposed use of building and/or premises: New Garage

6. Present use of building and/or premises: None

7. Size of proposed building or addition to existing building, including height: 20' W x 21' Deep x 22 Tall

8. Has the building official refused a permit? No

9. If there has been any previous appeal involving the premises; state the date of filing, nature of appeal and disposition of same: (use separate sheet) None

Date: 10/02/18
Michael Bannister Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

This application must be accompanied with a fee of \$ ~~200.00~~ payable to Casco Township.

ADDITIONAL INFORMATION FOR APPLICATION TO BOARD OF APPEALS

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.

within public interest and is consistent with other Set Backs in the Sub Division

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

The reason for the request is that Septic Field limits the Set Back.

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.

consistent with other properties

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.

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 include:

- 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.

Mounded Septic Field Limits
Depth from Road.

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.

Yes

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.

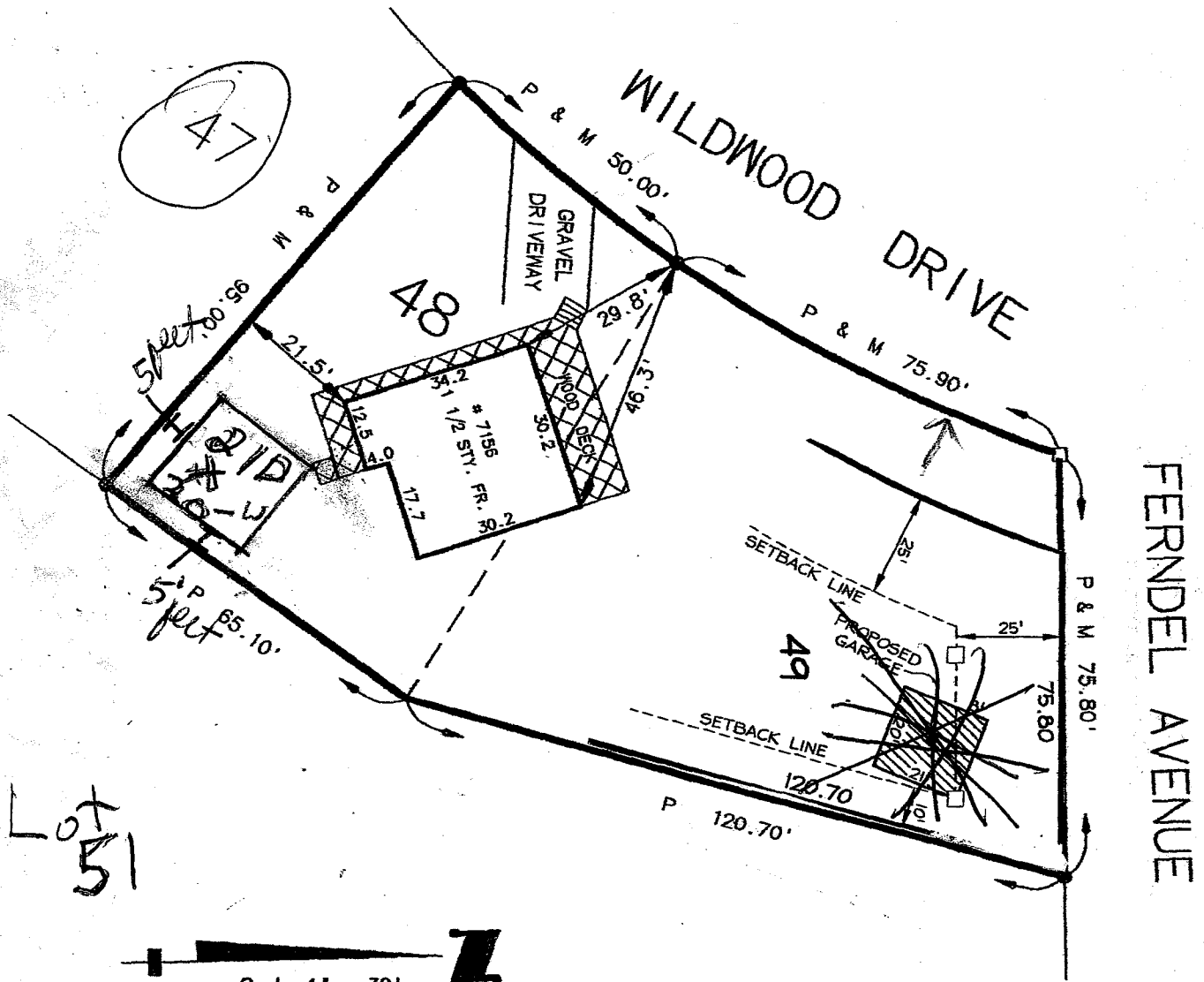
Can Not Acquire more Land

This is to certify to Homefinders of Saugatuck that we have examined the premises described below and that the buildings and surface improvements are located entirely on said described property and do not encroach on any adjoining lands nor do adjacent buildings encroach on said described property except as shown on print of survey. This examination was prepared for the mortgagee in connection with a new mortgage, and no responsibility is extended herein to the present or future land owner. This survey is not to be used for construction of buildings or fences.

LEGAL DESCRIPTION

Lots 48 and 49, Glenn Shores Subdivision, being in the Northwest 1/4 of Section 6, Town 1 North, Range 16 West, Casco Township, Allegan County, Michigan.

NOTE: This property does not lie within the 100 year flood plain as denoted on the U.S. Department of Housing and Urban Development Flood Insurance Map Community Panel No. 26004 0005 A.



Cancel Garage on Lot 49
 Back Deck Stairs Removed
 + Relocated To Right Hand Side of Deck

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7104 107th Ave, South Haven MI 49090
269-637-4441

Tasha Smalley
Zoning Administrator
1-800-626-5964

William Adelizzi

From: William Adelizzi
Sent: Tuesday, April 02, 2019 5:02 PM
To: William Adelizzi; 'Mike Bannister'
Subject: Bannister Garage

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

RE: Bannister Request

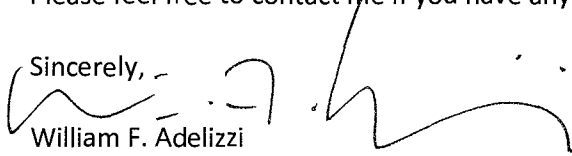
Dear Cheryl,

This letter is to confirm that as an adjoining property owner at 7158 Wildwood, I am not opposed to the Bannister garage being 5' away from the property line as opposed to the required 10'.

I support the Bannister project.

Please feel free to contact me if you have any questions.

Sincerely,



William F. Adelizzi
7158 Wildwood
South Haven, MI 49090
847/561-0005



William Adelizzi
Chief Executive Officer
Direct: 847-487-3909

March 26, 2019

Casco Township, Allegan County
7104 107th Avenue
South Haven, MI 49090

Attention: Cheryl Brenner, Casco Township Clerk
Tasha Smalley, Zoning Administrator

Re: Public Hearing on April 11, 2019
Michal Bannister, Glenn, MI
Petition for a dimensional variance at 7156 Wildwood (0302-180-049-00) to construct a detached
Garage

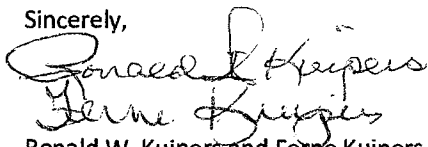
We have owned the property at 7149 Ferndell, Glenn, MI (which is located directly next door to the above referenced property) since 1984. We and the Bannisters have enjoyed what we believe to be, a mutually respectful and enjoyable neighborly friendship since the Bannisters purchased said property. And we hope that relationship will continue for many years to come.

While we understand the Bannisters wish to construct a garage to protect their cars, motorcycle, miscellaneous yard equipment, etc., we have great concern about what the construction of said structure would do to impact our own property and safety:

- (1) There is consistently a little water in the ditch on Ferndell that fronts both the Bannisters' lot and our lot which, according to our understanding, is proof that it's a wetland and, therefore, should NOT be built on.
- (2) The extra water due to the trees being removed and from the runoff from the new driveway and the garage roof will change the hydrology of the soil. This, we believe, will possibly kill our existing trees and holly bushes (which we just had planted last year) or cause their lower anchor roots to rot because of the higher water table. This will make the trees, especially, have a shallower root system which could cause them to blow over and as a result, possibly damage our home and property.
- (3) We also have great concern about the safety issue the construction of said garage would present in the driveway's close proximity to the stop sign at the intersection of Wildwood and Ferndell. We, as well as some of our other neighbors, have young children and grandchildren who enjoy the freedom of playing outdoors. The proposed garage would block a clear sight line at that corner, creating what we believe to be a point of concern for safety, especially during the summer months when even more cars, motorcycles and golf carts travel through our subdivision.
- (4) Lastly, we want to reiterate that we truly understand the reasoning for the Bannisters wanting to construct a garage on their property and they have every right to do so, as long as it does not impact our property and safety concerns. When Mr. Bannister told us about his plans last fall, we suggested that he attach the garage to his home which, most likely, would not affect our home, property and safety concerns as aforementioned. His comment was that it would be too costly for him to exercise that option and, while we do understand his desire to obtain his goal in the least expensive way possible, as his next door neighbors we also have the right to protect our interests.

We plan to attend the April 11th Public Hearing, however, in the event we are unable to be there, we hope that you will present this letter so that all in attendance will hear our concerns.

Sincerely,



Ronald W. Kuipers and Ferne Kuipers
7149 Ferndell
Glenn, MI
(630) 624-0358