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 Monday August 22, 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:

Kevin Stufflebeam of Allegan MI has petitioned for dimensional variances at 58 North Shore Dr N, 0302-450-001-00) to demo and construct a new home. Required front (First St) setback 25 feet; request is 15 feet of relief (to be 10ft from line). Required side setback is 10 feet; request is 5 feet of relief (to be 5ft from north line). Required water front setback is 200 feet; request is 37 feet of relief (to be 163ft from OHWM).

Robert King of South Haven MI has petitioned for a variance at 1191 Oak St (0302-181-309-00) to construct a 4.5ft fence in required front yard. Required fence height in the required from yard is 3feet; request of 1.5 feet.

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 (*Fri Aug 19, 5pm*).

Casco Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days' notice to the Casco Township Clerk.

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

Tasha Smalley Zoning Administrator 1-800-626-5964

CASCO TOWNSHIP

Casco Township Hall 7104 107th Ave. South Haven MI 49090

ZONING BOARD OF APPEALS

Agenda

Monday August 22, 2022 7:00PM

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

4. New Business

a. Kevin Stufflebeam of Allegan MI has petitioned for dimensional variances at 58 North Shore Dr N, 0302-450-001-00) to demo and construct a new home. Required front (First St) setback 25 feet; request is 15 feet of relief (to be 10ft from line). Required side setback is 10 feet; request is 5 feet of relief (to be 5ft from north line). Required water front setback is 200 feet; request is 37 feet of relief (to be 163ft from OHWM).

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. Robert King of South Haven MI has petitioned for a variance at 1191 Oak St (0302-181-309-00) to construct a 4.5ft fence in required front yard. Required fence height in the required from yard is 3feet; request of 1.5 feet.

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 June 16, 2022
- 8. Adjournment

Memorandum: Casco Township Zoning Board of Appeals

Date: July 29, 2022

From: Tasha Smalley, Zoning Administrator

RE: STAFF REPORT - Variance requests - front, side, water setbacks

Meeting date: Monday, August 22, 2022 7:00PM

Applicant: Kevin Stufflebeam

Mailing Address: 58 North Shore Drive N, South Haven MI 49090

Subject Property: 58 North Shore Drive N

Parcel #: 0302-450-001-00

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%

Front 25 ft

Water front - The front yard setback on lots adjacent to Lake Michigan shall have the minimum setback required by the EGLE. The rear yard setback on lots adjacent to Lake Michigan without EGLE regulation shall be setback from the ordinary high water mark at a distance of 200 feet.

Rear 20 ft Side 10 ft

Analysis

Property 0302-450-001-00 is a legal pre-existing non-conforming lot of record

Lot area: approx 17,429 sq ft

Proposed demo and rebuild new home

Approx 3000sq ft, garage approx 1065sq ft, porch 455sq ft

Not to exceed 25% lot coverage

Applicant is requesting a front yard (First Street) and side setback variance from Section 3.28B3b(4) and waterfront setback 8.03 LDR District Regulation to demo and rebuild a new home.

#1-Front yard (First St) required 25 feet; request is 15ft of relief; to be 10ft from property line.

#2-north side yard required 10 feet; request is 5ft of relief; to be 5ft from property line.

#3-Water front setback is 200ft from OHWM; request is 37ft of relief; to be 163ft from OHWM.

pa or #15731 @ 350-

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:) Demo - Rabuildhon	Parcel #: 0302-450-001-00
Contrary to the requirements of Section(s) SUS	(4) of the Zoning Ordinance, upon the premises known
The following is a description of the proposed use:	
Name of Applicant (if different from the owner)	CEVIN STUFFLEBEAM
Address S& NORTH SHORE DE	N Phone 269-998-4090
City SOUTH HAVEN	State M1 Zip 49090
Email kbeam a charter.	net
Interest of Applicant in the premises:	
Name of Owner(s) KEVIN STL	1FFLEBEAM
Address	Phone
	State Zip
Email	
	7.429 SF (2590 4357.25)
Proposed use of building and/or premises	YEW HOWSE WITH WALKOUT
Present use of building and/or premises	3 SEASONS ROOMS & GARAGE
Size of proposed building or addition to existing	g building, including height 3,000 SF 30.5'
Has the building official refused a permit?	10
If there has been any previous appeal involving appeal and disposition of same. (use separate shee	the premises; state the date of filing, nature of the et)

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

Correct, the house is consistent with the neighbor.

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

We are demolishing an existing non-conforming house, and the new footprint is smaller than the previous house's footprint on the sides and waterfront side.

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.

Correct, it will improve the vicinity and be consistent with the neighborhood. We are behind an adjacent neighbor's sight line.

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.

Correct, It's a small & unusual lot with 3 fronts and waterside.

- 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.

We have several hardships, the lot is narrower than most of my neighbors. We also have an easement in our front yard that restricts us from using the front half of our lot. We have public access on our south side. Also, we have 'Non-Buildable' excessively steep grades on the waterside. So we are pinched both Front & Rear.

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.

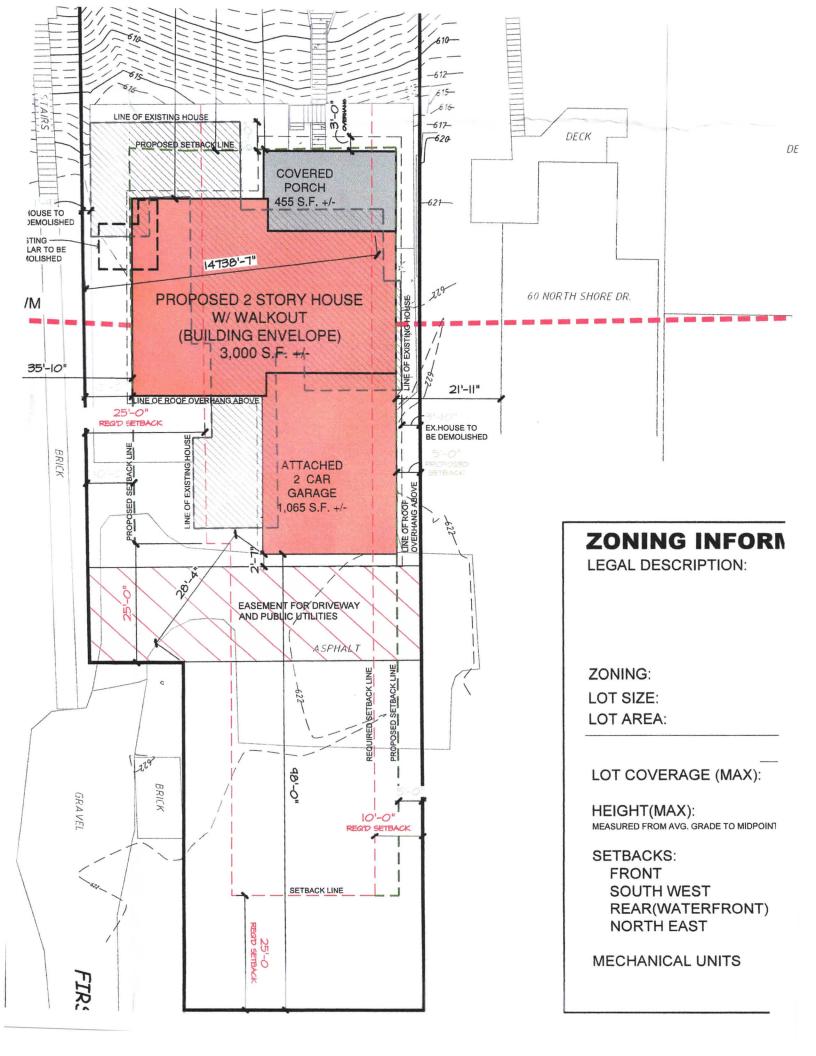
This variance will allow us to stay consistent with the neighborhood.

- 7. That the variance is not necessitated as a result of any action or inaction of the applicant Correct, we are trying to build a new house small than the existing house.
- 8. The variance if granted, would be the minimum departure necessary to afford relief.

 Yes. We are requesting minimum departure necessary to afford relief.
- 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.

There is no possibility of obtaining more land.

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.
Sig	nature of Applicant & Owners (all owners must sign)
	te: Incomplete applications will be returned



Memorandum: Casco Township Zoning Board of Appeals

Date: July 29, 2022

From: Tasha Smalley, Zoning Administrator

RE: STAFF REPORT - Variance request - fence height

Meeting date: Monday, August 22, 20222 7:00PM

Owner: Robert King

Mailing Address: 1191 Oak Road, South Haven MI 49090

Subject Property: 1191 Oak Road

Parcel #: 0302-181-309-00

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 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

Analysis

Property 0302-181-309-00 is a legal conforming lot/parcel of record

Lot area: odd shaped lot: 120x243x123

Proposed fence

4.5 feet along Oak Road within front setback; 3 ft is required. The request is 1.5 feet of height relief. The blue is fenced area. Yellow is full property.

3.32B a fence may not exceed 3 ft in height within any required front yard setback (front yard setback is 25 ft)

Request from 3.32Fence #B to erect a fence that exceeds the height of 3 feet; fence height request is 4.5 feet; 1.5 feet of height relief.

The fence cannot block clear vision from road and/or driveways.

pd ch # 1189 @ 200 -S.S.

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: A 4.5 FOOT ALUMINUM FENCE	Convert:
Alter:	Parcel #: 02-181- 309-00
Contrary to the requirements of Section(s) 3:328 as 1191 OAK 2D. SOUTH HAVEN, MI LOTS 309 & 310 GLENN SHORES NO	
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) ROBERT M.	KING
Address 1191 OAK ROAO	Phone (269) 605-9994
	State MI Zip 49090
Email Creeksideinglen	e hotmail.com
Approximate property dimensions size	20' × 254' × 123'
Proposed use of building and/or premises	ANT A FENCE TO KEEP MY DOE FROM RUNNING AWAY.
	ESIDENTIAL
Size of proposed building or addition to existing	building, including height FENCE 4.5 FT HIGH
Has the building official refused a permit?	VO
If there has been any previous appeal involving appeal and disposition of same. (use separate shee	the premises; state the date of filing, nature of the

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.

THE FENCE WILL BE ATTRACTIVE AND THE STALE OF THE POSTS WILL NOT BLOCK VISIBILITY FOR AMY PARTIES. THE GOAL IS TO BE ABLE TO LET MY DOG OUTSIDE WITHOUT HER LISTUING THE YARD SO THAT SHE WILL NOT BE A PUBLIC NUISANCE.

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

THE FENCE IS MEANT TO COMPORT WITH THE DESIGN OF THE

HOUSE AND THE NAUTURE OF THE NEIGHBORHOOD. SINCE THERE
IS ALREADY A ROCK WALL IN PLACE, HAVING A FENCE
DOES NOT SEEM TO BE AN ISSUE IN THE NEIGHBORHOOD

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 FENCE WILL NOT OBSTRUCT VIEWS FROM ANY OTHER HOUSE OR INTERFERE WITH ANYONE ELSE'S PROPERTY. IT WILL PREVENT MY DOG FROM ESCAPING AND RUNNING AROUND ON OTHER PEOPLE'S PROPERTY.

4. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practical.

MY HOUSE IS ON AN ODDLY SHAPED SMALL LOT AT THE END OF A CUL DE-SAC ON A PRIVATE DIRT ROAD. IT IS NOT LIKELY THAT OTHER LOTS WILL HAVE THE SAME ISSUES AS MOST ARE REGULAR RECTANGLE LOTS.

- 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.

AS STATED ABOVE, MY LOT IS AN ODDLY SHARED PARCEL. AS A RESULT, THE HOUSE IS CLOSER TO THE EDGES OF THE LOT. PUTTING THE FENCE 25 FEET FROM THE PROPERTY LINE WOULD MEAN IT WOULD BE ON THE FRONT PORCH, SO I CANNOT COMPLY WITH THAT PART OF THE REGULATION.

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.

OTHER HOUSES IN THE SUBDIVISION HAVE FENCES.

7.	That the variance is not necessitated as a result of any action or inaction of the applicant.		
	I AM TRYING TO BE PROACTIVE AND WORK WITH THE 20NING BOARD PRIOR TO ANY CONSTRUCTION.		
8.	The variance if granted, would be the minimum departure necessary to afford relief. THE FENCE HEIGHT RESTRICTIONS MOSTLY APPLY TO THE FRONT YARD PROPERTY LINE. THE SET BACKS ARE A		
	PROBLEM DUE TO THE ODD SHAPED LOTS AND WHERE THE HOUSE HAD TO BE BUILT IN 1969S).		
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. THE HOUSE IS ON AN ODOLY SHAPED SMALLER LOT ATTHE END OF A CHLOE-SAC AND IS SITUATED TOO CLOSE TO THE CUL-DE-SAC TO ALLOW FOR THE 25' SETBACK REQUIRED BY THE RULES.		
Sig	gnature of Applicant & Owners (all owners must sign) Lolent M. King. Date 1/12/2022		

Note: Incomplete applications will be returned

ter or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the Department of Environmental Quality, Waste Management Division.

- E. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section.
- F. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division.

Sec. 3.32. Fences.

- A. Fences shall not be constructed in any public right-of-way.
- B. Unless provided for elsewhere in this Ordinance, a fence may not exceed a height of three feet within any required front yard setback area, or a height of seven feet in any other area. For waterfront lots, a fence may not exceed a height of three feet within any front or rear yard setback area, or a height of seven feet in any other area.
- C. Fence height shall be measured from average grade within five feet of the fence on the ground to top of fence.
 - D. Razor wire is prohibited in the Township.
- E. In the case of a double frontage (through) lot in any residential district, a fence up to seven feet in height may be erected in the rear yard, as determined by the Zoning Administrator, but shall not block clear vision for area driveways or roadways.
- F. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque.
- G. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque. Fences used for agricultural purposes shall not exceed eight feet in height. (Ord. No. O31819-3, § 3, 3-18-2019; Ord. No. 111620, § 2, 11-16-2020)

Sec. 3.33. Greenbelts, buffers and landscaping.

It is the intent of this provision to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping as greenbelt buffer zones between potentially incompatible uses and residential dwellings. Landscaping is also viewed as a critical element contributing to the aesthetics, development quality, stability of property values,

Supp. No. 2

Piece of beginning: 3:92' steel of the HE-Care on Section line of Section-6, T.I.H., RIGH CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN Being in the Northwest Quarter of Section-6, Town I North, Range IS West KREWPEC HNE 22 BO SIEBELINK 246 PENN APIERALSK REMACK 235 2 226 & C 18181 HOWITT 247 AN ZOERE 111 46 CHUBERT 248 LISTON MAPLE AVENUE 267 AV15 266 GAULT (arrore) 283 URBAT RUTH 265 284 Corrosa 268 250 EARY 251 (private) 269 222 254 HLADIK 31180 半世中 217 37 281 P MITH 252 270 263 221 DRIVE A8 280 4/262 1408 21792 27/04N CIRBY 253 220 BERGS 261 279 ROAD HICKORY BACHER 8 IRON:WOOO 260 WSA 194 GLENN SHORES NSON 7,50.22 AVENUE FERNOEL AVENUE FERNOELL SHORES GLENN MERHARSNET PROPOSED FENCE AREA 6 LOTS PROPERT 58 7 57 BOW MAN - LIVA SOL SUPER ridge ton 1, Casee 122-111 | HENCE 145'1 351-79-111 145'1 351-79-111 101 SHORES BEECHWOOD RGESS. 1454 1474 39738 AVENUE SENN -128 LAKEVIEW AVENUE 180 W. VAN ZOEREN

31101103

IVO. I

GLENIN

KUISERT