

CASCO TOWNSHIP
Casco Township Hall
7104 107th Ave. South Haven MI 49090
ZONING BOARD OF APPEALS
Agenda
Thursday October 10, 2024 7:00PM

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

Phyllis O'Brien Trust of Naperville IL has petitioned for a variance at 870 N Blue Star Hwy 0302-062-010-00 to reconstruct a swimming pool within the required side setback. The required side setback is 25 feet; request 5 feet of relief (20feet front property line).

open public hearing

Applicant explain request
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 9/12/24
8. Adjournment

Draft

Casco Township Zoning Board of Appeals

September 12, 2024

7:00 PM

Casco Township Hall

Present: Chairman Matt **Hamlin**, Vice Chair Alex **Overhiser**, Matt **Super**, Dian **Liepe**

Members Absent: Paul **Macyauski**

Also Present: Zoning Administrator Tasha **Smalley**, Recording Secretary Jennifer **Goodrich**, Basel and Hilaneh **Aqel**, Steven and Tom **Dekoning**.

1. Call to order: Meeting was called to order by Chairman **Litts** 7:00PM
2. Review and approve agenda: A motion was made by **Liepe** to approve the agenda, supported by **Overhiser**. All in favor. Motion carried.
3. Public comment: None
4. New Business

a. Basel and Hilaneh **Aqel** of Ada MI are petitioning for a variance at 7211 Sunbluff Ct 03-02-063-005-11 to construct a Single Family Residence within the required front Setback. The required Setback is 50'. The applicants are requesting 25' of relief (25' from the front property line).

Open Public Hearing – 7:01

Basel **Aqel** explained that the parcel has three fronts and one side with the private road Sunbluff Ct serving two parcels. Mr. Aqel wants to be a good neighbor to **Tucker**, who has property to the north of **Aqel**. **Aqel** would like to swap the front and rear setbacks so that he is further from the **Tucker** property and closer to Sunbluff Ct. This would also give **Aqel** additional privacy and more room to install the septic and the well in his backyard.

Hamlin asked what the front yard setbacks in other districts were. **Smalley** responded that the LR-B district, just South of 107th Ave., has 25' front setback. **Hamlin** asked how close of a front yard setback variance request had been previously granted and the consensus was 20-21'.

Hamlin asked if the garage could face Bluestar and **Aqel** responded that the house was too wide to fit that orientation. **Liepe** commented that at least the Private Road only services two parcels so there wouldn't be much traffic. **Aqel** stated that he had talked to **Tucker** and that his neighbor is happy with the idea.

Correspondence – None

Draft

Comments – None

Close Public Hearing – 7:15

Discussion: **Hamlin, Overhiser, Super, and Liepe** agree that there are safety concerns regarding structures being too close to roads and being able to safely park your vehicle in front of a structure without hanging out into the Road Right of Way (ROW). The ZBA members also agreed that in this scenario there are only two properties being serviced by the private road and that 25' was ample distance to safely park a vehicle and not obstruct traffic.

Hamlin read through the facts of finding and stated that the standards had been met.

Hamlin made a motion to approve **Aqel's** variance request for 25' of relief from the front yard setback requirements. **Overhiser** seconded the motion. All in favor. Motion carried.

b. Steven **DeKoning** of South Haven MI, is petitioning for a variance at 1095 Bluestar Hwy 03-02-006-021-10 to construct a Detached Garage within the required front Setback. The required Setback is 50'. The applicants are requesting 38' of relief (12' from the ROW of the Private Road Lake Michigan Ave.)

Open Public Hearing – 7:13

DeKoning explained that he needs extra storage for his seasonal vehicles in the winter; a Jeep, Jet-ski, etc. His property is on Lake Michigan and is bisected by Lake Michigan Dr. He is the next to last property on Lake Michigan Dr. The last property is only occupied a couple of weekends out of the year.

DeKoning's house is on the west side of the road but he would like to build a garage on the east side of the road. There is not much space available on the west side of the road due to the well and septic/drainfield locations. There is also a 50' wide x 70-90' deep Ravine on the east side of the property and some 100+ year old trees; both of which limit the available building footprint for the proposed 24 x 32 Accessory Building.

The Board members discussed changing the door locations, removing trees, bringing in fill and changing the size of the building. The idea of spinning the structure slightly to run more parallel to the road and move the NW front corner further away from the street seemed to be the best choice. There are concerns that some of the neighboring properties could be developed thereby increasing traffic and making 10' of clearance from the trafficked area an unsafe distance. As previously discussed, variances have been approved at 20-21' from the ROW. The Board members agreed that the garage should not be any closer than 20' from Lake Michigan Dr.

Correspondence – None

Comments – None

Draft

Close Public Hearing – 7:31

Discussion: **DeKoning** remarked that he planned to install three 8' Garage Doors on the street side of the garage. **Hamlin**, **Overhiser**, and **Super** all recommended that **DeKoning** install as wide and tall OH garage doors as possible (recommending two 10 x 12's, rather than three smaller ones), from previous experience backing trailers and full size vehicles into their Garages and Barns.

Hamlin read through the facts of finding and stated that the standards had been met.

Liepe made a motion to approve **DeKoning's** variance request at 20' of relief from the front yard setback requirements. **Super** seconded the motion. All in favor. Motion carried.

5. Old Business: None

6. Public comment: None

7. Approval of Minutes:

A motion was made by **Super** to approve the August 8th, 2024 ZBA Meeting minutes, supported by **Liepe**. All in favor. Motion carried.

Smalley reported that she has another variance application for next months meeting.

8. Meeting Adjourned at 7: pm

Attachments: available upon request

Minutes prepared by:

Jennifer Goodrich, Recording Secretary

Memorandum: Casco Township Zoning Board of Appeals
Date: September 27, 2024
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – side setback

Meeting date: Thursday October 10, 2024 7:00PM

Owner: Phyllis O'Brien Trust
Mailing Address: 25W201 Fairmeadow Lane, Naperville IL 60563

Subject Property: 870 N Blue Star Hwy
Parcel #: 0302-062-010-00

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 0302-062-010-00 is a legal conforming parcel of record
Lot area: approx 185x670, 2.02acres

Request: Side setback variance, 7A.03 required 25ft; request 5ft of relief; to be 20ft to side property line.

Applicant would like to replace an existing pool/deck. The existing deck is 10ft and pool is 13 feet to south side line. The new pool request is 20feet and there will not be a deck, just an at grade patio (that is required 5ft).

WE HAVE SUBMITTED A BUILDING PERMIT APPLICATION TO REPLACE AN ABOVE-GROUND POOL WITH AN IN-GROUND POOL

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>SIDE YARD SET BACK FROM 25' TO 20' TO POOL EDGE *</u>	Parcel #: <u>03-02-062-010-00</u>

Contrary to the requirements of Section(s) 7A.03 of the Zoning Ordinance, upon the premises known as B70 BLUE STAR HWY and described as: INCLUDED ON ATTACHED SURVEY (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) PHYLLIS L O'BRIEN TRUST PHYLLIS O'BRIEN JAMES GUZDZIOL TRUSTEES

Address 25W 201 FAIRMeadow LN Phone 630 886 3111

City NAPERVILLE State IL Zip 60563

Email JIM.GUZDZIOL@COMCAST.NET

Approximate property dimensions, size _____

Proposed use of building and/or premises RESIDENCE WITH ABOVE-GROUND POOL

Present use of building and/or premises RESIDENCE WITH IN-GROUND POOL

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

Has the building official refused a permit? NO, BUT REQUIRES ZONING VARIANCE

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 PREVIOUS APPEAL

* PLEASE NOTE THAT SETBACK ON THE EXISTING ABOVE-GROUND POOL IS 10' TO THE WOODEN DECKING AND 13' TO THE POOL EDGE. THEREFORE WE ARE INCREASING THE SETBACK FROM WHAT IS CURRENTLY PRESENT.

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.

THERE IS AN EXISTING ABOVE-GROUND POOL DECK THAT IS 9 FEET FROM LOT LINE AND THE POOL EDGE IS 13 FEET FROM THE LOT LINE. THE PROPOSED IN-GROUND POOL WOULD BE 20 FEET FROM THE LOT LINE, IMPROVING THE AESTHETICS CONSIDERABLY.

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

RESIDENCE WAS THE OLD HILTOP TAVERN, BUILT IN 1928.

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.

NO NEGATIVE IMPACT ON THE ADJACENT 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 practical.

No

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 LOT WIDTH IN THE BACKYARD IS 97 FEET RATHER THAN 125' BASED ON THE CURRENT ORDINANCE

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.

THE PROPOSED LOCATION OF THE NEW POOL AND LANDSCAPE STILL ALLOWS FOR AMPLE ACCESS ON THE GRAVEL ROAD ON THE NORTH SIDE OF THE LOT FOR BLUFF MAINTENANCE AND EMERGENCY ACCESS TO THE ADJACENT PROPERTY TO THE SOUTH.

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.

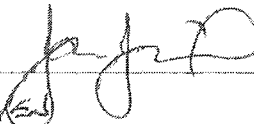
IF GRANTED, WE WOULD BE MORE COMPLIANT WITH THE
CURRENT ORDINANCE THAN THE EXISTING STRUCTURE

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)

Phyllis O'Brien PHYLLIS O'BRIEN



JAMES GUZDZIOL

Date 9/16/24

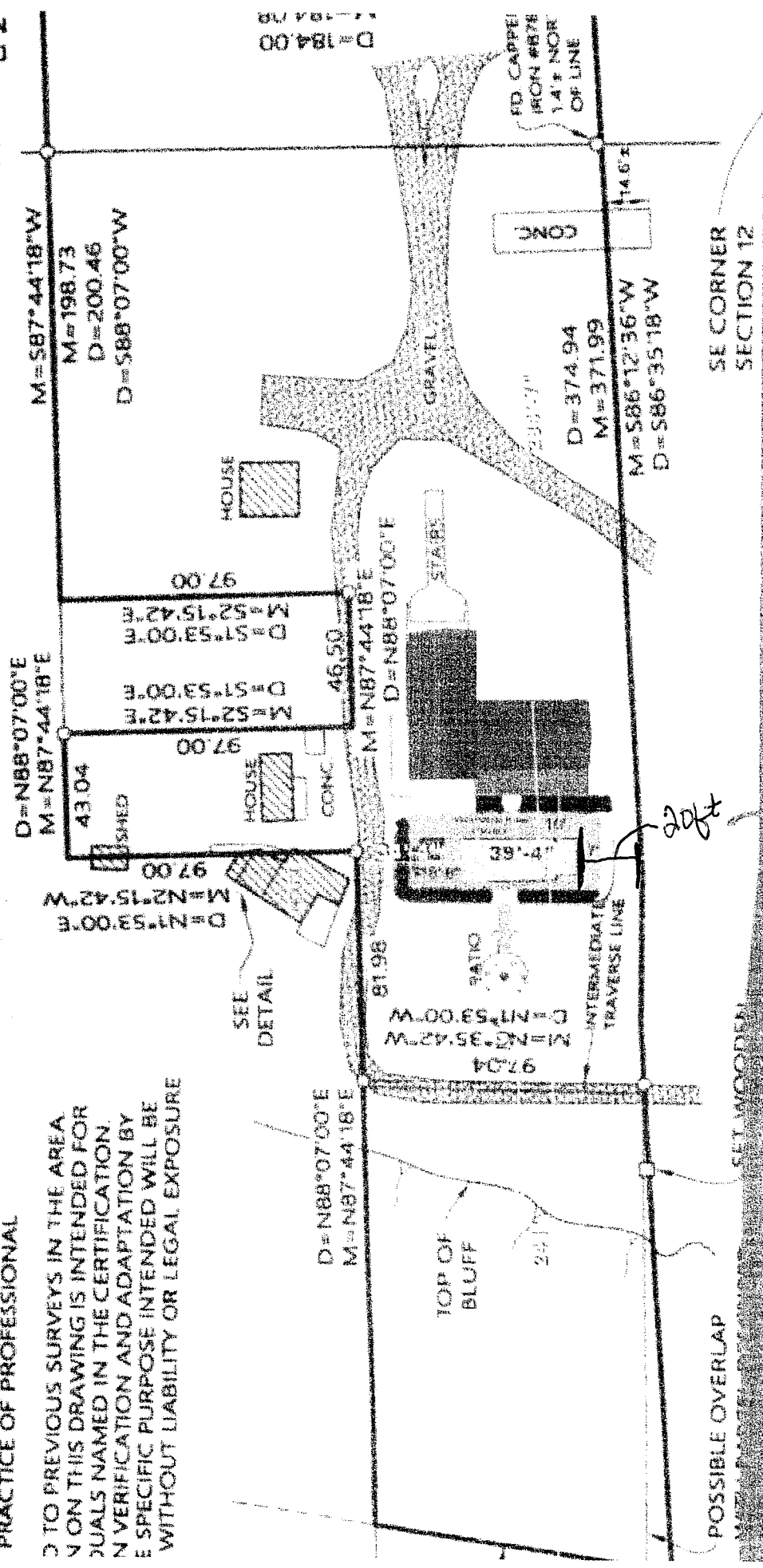
Note: Incomplete applications will be returned

TRUSTEES
PHYLLIS O'BRIEN TRUST

PROPOSED IN GROUND RECORD

N&E & TAG/SE SIDE 18" WILLOW 200'AL - 59.60'
 N&E & TAG/E GUARD RAIL POST - 567'AL - 178.85'
 W. 1/4 POST, SEC. 7, T. 1 N., R. 16 W., -880'AL - 300.75'

PRECISION OF EACH CORNER IS WITHIN PRACTICE OF PROFESSIONAL SURVEYOR TO PREVIOUS SURVEYS IN THE AREA. THIS DRAWING IS INTENDED FOR PROFESSIONALS NAMED IN THE CERTIFICATION. VERIFICATION AND ADAPTATION BY PROFESSIONAL SURVEYOR WILL BE WITHOUT LIABILITY OR LEGAL EXPOSURE.



POSSIBLE OVERLAP

SE CORNER SECTION 12

SET WOODEN

TOP OF BLUFF

SEE DETAIL

20ft

D=184.00
 M=198.73
 D=200.46
 D=588°07'00\"/>

D=174.75
 M=198.73
 D=200.46
 D=588°07'00\"/>