

Approved 2-7-2019

Casco Township Zoning Board of Appeals
October 18, 2018; 7 PM

Members Present: Chairman Dave Hughes, Secretary Sam Craig, Paul Macyauski, and Matt Super

Absent: Vice Chair Matt Hamlin

Also Present: Dan Way representative for applicant Nick Ivanovich, Chad Maniscaleo and Amy Maniscaleo and 1 interested citizen (sign-in sheet attachment #1)

The meeting was called to order by Chairman Hughes at 7:02 PM for the purpose of hearing a variance request from Nick Ivanovich, 760 W 275 S., Hebron, IN 46341 from Section 3.28B1d(1) which requires a 25' front yard setback for a nonconforming lot of record. The parcel in question is a 50' wide corner lot (NE corner of Maple and Sunset Lane), locate in Sunset Shores Subdivision (Parcel #0302-760-039-00). The applicant wishes to build a single-family residence and future garage 14' from Sunset Lane. Therefore, an 11' variance is requested.

The public notice (attachment #2), published in the September 30th, 2018 South Haven Tribune.

Chairman Hughes invited Dan Way, representative for Nick Ivanovich to explain his request.

Way stated he had a letter from Ivanovich authorizing Way to represent Ivanovich at this ZBA meeting (attachment #2)

Chad Maniscaleo and Amy Maniscaleo, who will purchase the lot from Ivanovich were also in attendance.

Way stated Ivanovich is requesting the same variance granted the owners of Lot 47 at an earlier variance request.

Hughes stated the reason for a 25' setback is to allow firetrucks access and so that parking is not in the street.

Maniscaleo said they intend to put a gravel pad in the location of the future garage and would not park on the street.

Chairman Hughes invited public comment.

Rich Runion, 487 Sunset Lane, lives north of Ivanovich's lot on Sunset. He said his only concern is being able to get in and out. The garage is too close to Sunset and he wanted to make sure he can get in and out if cars should park in front of the garage. The garage will be 4' to 5' closer than the garage from the previously granted variance.

Maniscaleo said they would enter the garage from the end, not from the side of the garage facing Sunset Lane.

Chairman Hughes went through the review standards as follows:

- 1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.**
It will not. It is a non-conforming lot of record.
- 2. The variance is being granted with a full understanding of the property history.** Yes. It is a non-conforming lot of record.
- 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
- 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.** Not a problem
- 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.**
 - b. Exceptional topographic 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.**It is a non-conforming Lot of Record and a corner lot.
- 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 previously granted variance was similar. Hughes stated this request would be determined on its own merit.
- 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. Yes
- A. In addition to the above outlined standards for a dimensional variance, the Zoning Board of Appeals shall consider the following when deliberating upon a nonconforming lot in a Platted subdivision case (see also Section 3.28)

1. There is no practical possibility of obtaining more land.

No

2. The proposed use cannot reasonably be located on the lot such that the minimum requirements are met.

No

A motion was made by Super, supported by Craig to grant the 11' front yard setback variance. All in favor. Variance granted.

A motion by Super, supported by Craig to approve minutes of August 16, 2018. All in favor. Minutes approved as printed.

A motion by Super, supported by Craig to adjourn. All in favor. Meeting adjourned at 7:25 PM

Minutes prepared by Janet Chambers, Recording Secretary

Attachment #1: Sign-in Sheet

Attachment #2: Notice of Public Hearing

Attachment #3: Letter from Ivanovich authorizing Way to represent him

Attachment #4: Application



Dave Hughes, ZBA Chairman



Sam Craig, ZBA Secretary

10-18-18

Date

10/18/18

Date

CASCO TOWNSHIP
NOTICE OF PUBLIC HEARING

The Casco Township Zoning Board of Appeals(ZBA) will hold a public hearing Thursday, 18 October 2018 at 7:00 pm at the Casco Township Hall at 7104 107th Ave., South Haven, MI 49090 to adjudicate the following requests for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from Nick Ivanovich, 760 W 275 S, Hebron, IN 46341 to grant a variance from Section 3.28B1d(1) which requires a 25 foot front yard setback for a nonconforming lot of record. The parcel in question is a 50 foot wide corner lot (NE corner, Maple & Sunset Ln.) located in the Sunset Shores Subdivision(Parcel # 0302-760-039-00). The applicant wishes to build a single family residence and future garage 14 feet from Sunset Lane. Therefore, an 11 foot variance is required. Total building coverage cannot exceed 25%(1750 sq. ft.) of lot area(7000 sq. ft.).

The Zoning Board of Appeals may modify any of the variance requests to comply more fully with Section 20.08 and to make findings based upon competent, material and substantial evidence.

The applications and any pertinent information may be viewed at the Township Hall at 7104 107th Ave., South Haven, MI 49090 during regular office hours. Written or faxed comments may be made to the address above or numbers below and oral comments may be made in person at the hearing.

Necessary and reasonable aids for disabled persons will be made available with sufficient notice to the Clerk.

Cheryl Brenner
Casco Township Clerk
Phone-269/637-4441

Alfred J. Ellingsen
Zoning Administrator
Fax-269/639-1991

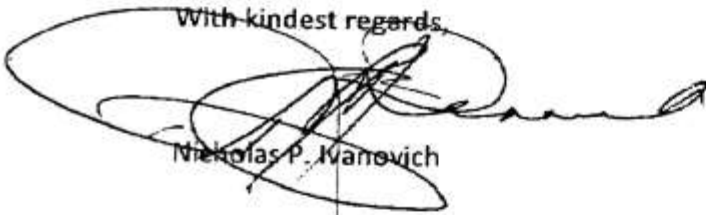
(Please place in the South Haven Tribune for publishing on 30 September 2018)

October 02, 2018

To Whom It May Concern;

Due to a scheduling conflict, I, Nicholas P. Ivanovich, will not be able to attend the variance meeting on October 18, 2018 in South Haven. I hereby authorize Dan Way to represent me and act on my behalf.

With kindest regards,

A handwritten signature in black ink, appearing to read "Nicholas P. Ivanovich", is written over the typed name. The signature is stylized and somewhat illegible due to overlapping loops.

Nicholas P. Ivanovich

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

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 _____

Parcel # 0302-760-039-00

Contrary to the requirements of Section (s) 3.28 B 1 D (1) of the Zoning Ordinance, upon the premises known as Non-conforming lots of record and described setback (attach legal description) as 25' for first lot back Lot 39 Sunset Shore Sec 24 T1 N R 17 W

The following is a description of the proposed use:

1. Name of applicant: NICK IVANOVICH
Address: 760 W 275 S Phone: 219-746-6024
City: HEBRON State: IN Zip: 46341
Fax: _____

2. Interest of Applicant In the premises: TO Build

3. Name or Owner: Same as I
Address: _____ Phone: _____
City: _____ State: _____ Zip: _____
Fax: _____

4. Size of property to be effected by the variance: 50x140

5. Proposed use of building and/or premises: Vacation Home

6. Present use of building and/or premises: vacant lot

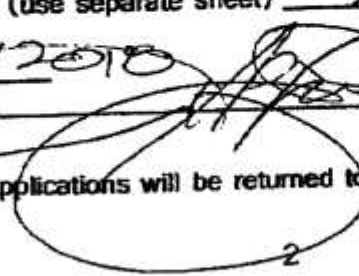
7. Size of proposed building or addition to existing building, including height: See attachment 24x65' with porch (8x24) and future garage 24x16. House itself is 32'. Main Floor 1057 sq ft upper is 644 sq ft total 11,701 sq ft - all porches 544 sq ft 3 bed 2.5 bath

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) To my knowledge - NO

Date: 09/07/2018
Signature of Applicant: [Signature]

Notes: Incomplete applications will be returned to the applicant.



This application must be accompanied with a fee of \$ 250.00 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.

The variance would help with other corner lots in the subdivision

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

lot 47 in Sunset Shores was granted a variance similar to what I am requesting.

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.

Home will conform to 25% coverage of lot and address to height requirements.

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.

Request for a variance on the west side of the corner lot to build a modest 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 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.

The home would conform with the standards of other homes in Shured Acres and similar vacant lots.

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.

Lot 47 was granted similar variance. would adhere to 25% lot coverage

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

No action taken

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

It would allow me to build a modest home.

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.

Adjacent lots owned by other people.

CHAD MANISCALCO
6188 QUEEN VICTORIA LN
KALAMAZOO, MI 48809
268-372-3478
MS24115108247

9-5-18
Date

2275
74-1679/2724

Pay to the
Order of

Casco Township
Three hundred forty one Dollars

KELLOGG COMMUNITY
PO Box 148 East Green, Michigan

For

Paul Anne

[Signature]

MEMO

NICHOLAS IVANOVICH
760 W 275 S
HEBRON, IN 46341

2-2988/710

1467

PAY TO THE
ORDER OF

Three hundred forty one Dollars

DATE

09/07/18

\$ 341.00

BMO Harris Bank



BMO Harris Bank N.A.
Chicago, Illinois

MEMO

Letter to Anne

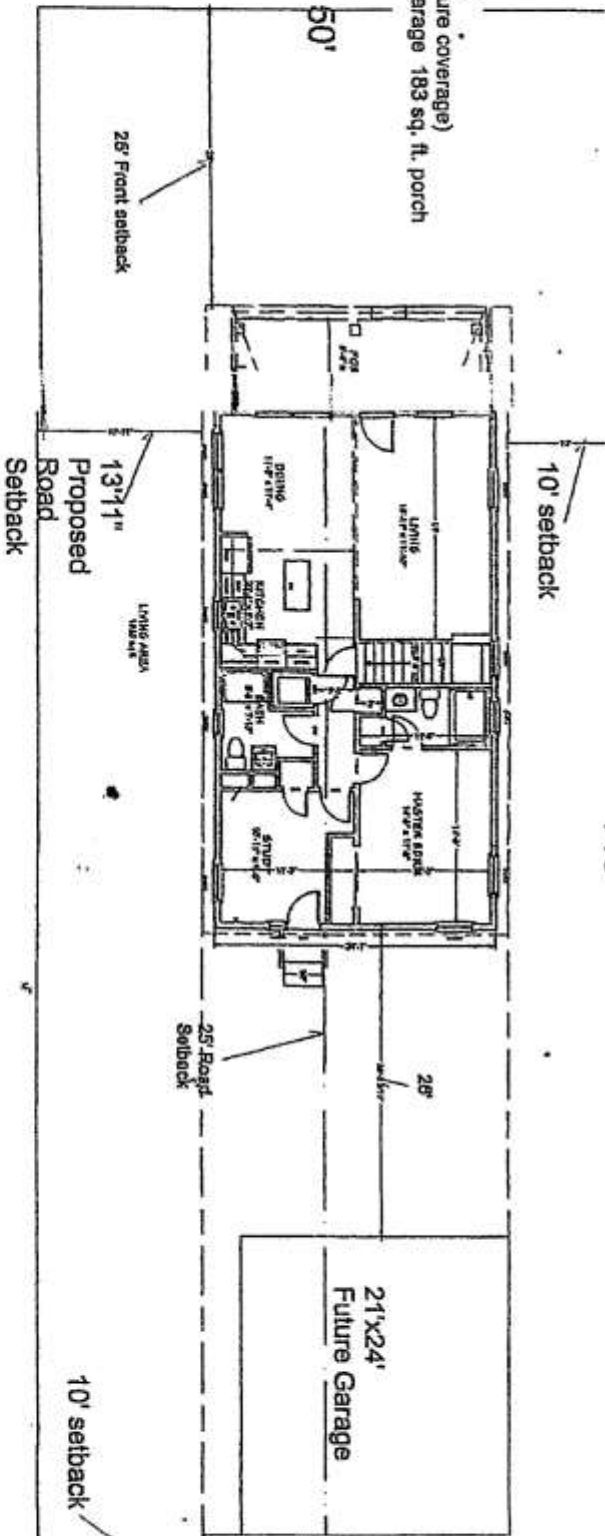
[Signature]

OPTIONAL FORM NO. 10

Property Information

Lot 47, Sunset Shore Subdivision
Tax ID# 03-02-760-047-00
Section 24, Casco Twp., Allegan Co.
50'x140' - 7000 sq. ft. (24.9% structure coverage)
1614 sq.ft. living space, 504 sq.ft. garage 183 sq. ft. porch

Maple St



Property Information

Lot #39 Sunset Shores
Tax ID # 0302-760-039-00

Section 24 Casco Twp., Allegan Co.

50 X 140 - 7000 sq.ft. (25% structure coverage)

1057 sq.ft. main floor 372 sq.ft. Garage

317 sq.ft. porches

1057 main + 317 porches + 372 fut. Gar. = 1746 sq.ft.

Maple St

