

**APPROVED 5-28-15**

**CASCO TOWNSHIP  
ZONING BOARD OF APPEALS  
April 16, 2015**

**MEMBERS PRESENT:** Paul Macyauski, Sam Craig, Josiah Jessup, David Hughes and Matt Super

**ALSO PRESENT:** Susan West, Recording Secretary

**PUBLIC PRESENT:** Julia Sherwood

Meeting was called to order by Chairman Paul Macyauski at 7:00 pm to adjudicate a request from John Brush, of 6578 111<sup>th</sup> Ave., Fennville, MI 49408, acting as agent for Thomas Blaising, of 8195 Waterwood Dr., Kalamazoo, MI 49048 to grant a variance to Section 3.28B3b(4) which requires a front yard setback of 25 feet in a platted subdivision in the Lakeshore Residential A zone. The applicant wishes to construct an attached garage to the front of an existing dwelling at 912 Adams Road, South Haven, MI 49090 (Parcel #0302-470-011-10).

Chairman Macyauski explained that this meeting is a continuance of the March 26, 2015 Meeting because this request was not properly adjudicated.

Chairman Macyauski invited John Brush and Thomas Blaising to the table to explain their request. John Brush stated that the Blaisings have owned the subject property for 20 years and have been trying to sell same for the past two years. Attached hereto as Attachment 1 is a letter dated April 13, 2015, from their realtor, David S. Kreager, of Lake to Lake Realty, 8599 N. 32<sup>nd</sup> St., Richland, MI 49083, stating that this property has been shown to prospective buyers approximately 14 to 16 times in the last six months and that concern regarding the absence of a garage and the limited storage space has been expressed many times. Because this property has not sold, the Blaisings have decided to sell their home in Kalamazoo, Michigan and live in the cottage on Adams Street year round. Mr. Brush further stated that Thomas Blaising has retired and that his wife will be retiring in the near future and that Mr. Blaising has had health problems in the past. Mr. Brush also stated that the Blaisings want a two car garage to allow for safe entry to the cottage and that the garage needs to be able to accommodate someone with a walker should one be needed in the future.

Mr. Brush provided three pictures of the subject property for review and same are attached hereto as Attachment 2.

Chairman Macyauski asked if the well is located in the road right-of-way and Mr. Blaising answered that it is so that the well can be the required distance from the septic.

Mr. Brush stated that the neighbors to the North are 38' from the road, which is 20' closer than the existing Blaising home.

Mr. Blaising stated that he understands the ZBA has a tough job, especially considering all the small lots along the Lake, and with the erosion of the bluff. He further stated that his home had to be moved two times because of bluff erosion in the past.

Chairman Macyauski asked for public comment. There was none.

Chairman Macyauski stated that since the last meeting, he has viewed the property again, and realizes that the 7' variance that was discussed at the previous meeting was not going to work. Chairman Macyauski also stated that he drove by many other properties that had living space above the garage.

Chairman Macyauski asked Julia Sherwood, of 916 Adams Road, South Haven, MI 49090, and property owner to the North of the subject property, if they obtained a variance when their home was built. Mrs. Sherwood answered that their home was built before the current Ordinance and that they were advised by the ZBA at the time that a variance was not necessary.

Super stated that he drove by the subject property and that he believes that, contingent upon the trees being removed and the electric pole being moved, a 20' garage would be ideal and that a 22' garage should be the maximum. Further, Super stated that he did not previously know that the home had to be moved away from the bluff two times.

Craig asked what the height of the addition will be. Brush answered that he didn't know yet, but that they hope to stay within the peak of the existing home.

Craig asked where the electric pole will be moved to. Brush answered that it will be moved to the opposite side of the road.

Jessup asked how far back from the road is the existing fence. Brush answered that the fence is 14' from the road.

Julia Sherwood asked for clarification on Chairman Macyauski's statement that he has seen many homes with the garage under the living area and whether the Blaisings could build a garage underground. Chairman Macyauski stated that he did not mean that the garage is underground, but rather living areas are being constructed on top of garages. Craig then asked if the Blaisings

want to build an addition and not just a garage. Brush answered that they want to build an addition.

Chairman Macyauski stated that after seeing the property again and considering the proposed 24' x 24' garage (14' relief from the Ordinance), he is not concerned with the parking off the street issue and that he believes the spirit of the ordinance would be observed. Macyauski further stated that the addition would only be 2' – 3' closer to the street than the neighboring home.

Brush stated that he always recommends to his clients that they build a 24' x 24' garage and that he has never built one smaller.

## **SECTION 20.08 REVIEW STANDARDS FOR VARIANCES**

A. A dimensional variance may be allowed by the ZBA only in cases where the ZBA finds that ALL of the following conditions are met:

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

**2. The variance is being granted with a full understanding of the property history.** The additional information (ie: the cottage has had to be moved twice due to erosion of the buff) provided at this meeting gives a full understanding of the property history.

**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.** Not a detriment.

**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.** No – each request is based on its own merit / not reoccurring

**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.** Exceptionally narrow lot

**b. Exceptional topographic conditions.** The distance from the bluff is regulated by the DEQ

**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.**

**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.** Standard met

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

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

**B. 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.** Standard met

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

Chairman Macyauski stated that he believes the required standards have been met and that the original request was for a 16.6' variance and now the request is for a 14' variance.

A motion was made by Super to grant a 12' Variance, contingent upon the trees in the front yard being removed and the electric pole being moved. There was no 2<sup>nd</sup> to this motion.

Chairman Macyauski asked for further comment/discussion or for another motion to be made.

Chairman Macyauski stated that the neighbors to the North (the Sherwoods) don't meet the required 50' from the road right-of-way. Mrs. Sherwood asked for clarification on how to measure the road right-of-way. Super answered that the road right-of-way is from the center of the road and measures back 33 feet towards the home. Blaising stated that when Adams Street was repaved, the center of the road moved further to the West.

Hughes stated that in light of the safety factors and lots of record, he is making a Motion to grant a 14' variance from Section 3.28B3b(4) to allow the Blaisings to build a 24' x 24' garage with living area above. The Motion was supported by Craig, With four Commissioners voting in favor and one Commissioner voting against, the Variance was granted.

The Minutes from the March 26, 2015 Meeting will be approved at the next meeting so that an amendment may be made to same.

A motion to adjourn was made by Craig and 2<sup>nd</sup> by Jessup. All in favor, Meeting adjourned at 7:52 pm.

Minutes prepared by Sue West, Recording Secretary

**Attachment #1:** Letter from David S. Kreager, of Lake to Lake Realty, 8599 N. 32nd St., Richland, MI 49083, dated April 13, 2015

**Attachment #2:** Three pictures of the subject property for review

Attachment 1



National Marketing. Local Expertise.

April 13, 2015

Tom & Jan Blaising  
8195 Waterwood Drive  
Kalamazoo, MI 49048

Dear Tom & Jan:

I understand that you're working through a process with Casco Township to obtain a variance which would allow you to do some renovations at your 912 Adams Road property. As you know, in the six months that I represented that property for sale, we had considerable interest from prospective buyers. It was shown, either by me or other real estate agents, approximately 14-16 times. There was a long list of attributes that appealed to buyers, and only a short list of concerns. One of the concerns most often expressed was the absence of a garage, which would allow for both covered parking and additional storage. In reviewing my notes, that concern was expressed approximately ten times. It makes infinite sense to include that in your renovations, as it would offer protection from the elements for your vehicle and belongings, and also remove those from the view of others.

Best wishes on your project!

Regards,

A handwritten signature in black ink, appearing to read "DKreager", is written over the typed name.

David S. Kreager, CFP, ABR  
Broker/Owner



UTILITY POLES AND

TREES TO BE REMOVED

EAST OF HOUSE



FLOOR OF HOUSE  
33" ABOVE  
GRADE



Attachment 2



NORTH SIDE  
OF HOUSE

NORTH  
PROPERTY  
LINE