

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 Thursday, April 1, 2021 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:

Stuart and Zoe Baum of South Haven MI has petitioned for a fence height variance at 1123 Edgewater Terrace (0302-180-160-00). The request is for 1.5 feet of relief from required 3 feet in height (proposed fence 4.5ft)

Any other business that may come before the zoning board of appeals

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

Memorandum: Casco Township Zoning Board of Appeals
Date: March 12, 2021
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – fence height

Meeting date: Thursday, April 1, 2021 7:00PM

Owner: Stuart and Zoe Baum
Mailing Address: 1123 Edgewater Terrace Drive, South Haven MI 49090

Subject Property: 1123 Edgewater Terrace Drive
Parcel #: 0302-180-160-00

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 0302-180-160-00 is a legal non-conforming lot of record
Lot area: pie shaped lot: Edgewater Terrace frontage 130ft; Terrace Drive 200ft

Proposed fence

4.5 feet along Terrace drive within front setback; 3 ft is required. The request is 1.5 feet of height relief. The dark red line is fence for this variance request. Yellow is outline of existing deck.

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

3.32E double front lot; a fence up to 7 ft in height may be erected in the rear yard; as determined by ZA (see attached determination)

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

pd # 5672
@ 700 -

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 aluminium post fence	Convert:
Alter:	Parcel #: 02-180-160-00

Contrary to the requirements of Section(s) 3.32 B of the Zoning Ordinance, upon the premises known as 1123 Edgewater Terrace, South Haven MI and described as:
Land situated in the state of Michigan, County of Allegan, Township of Casco. Parcel
2: Lot(s) 160 and 161 of Glenr Shores according to the plat thereof recorded in liber 5 (attach legal description)
of plats, page 42 of Allegan County records.

The following is a description of the proposed use:

Name of Applicant (if different from the owner) _____
Text _____
Address _____ Phone _____
City _____ State _____ Zip _____
Email _____

Interest of Applicant in the premises:

Name of Owner(s) Stuart and Zoë Baum
Address 1123 Edgewater Terrace Phone 773-315-1149
City South Haven State MI Zip 49090
Email stuartbaum@largerpond.com zme1@uchicago.edu

Approximate property dimensions, size 130' x 145.10' x 139.50'

Proposed use of building and/or premises We want to have a fence to keep our dogs from running away

Present use of building and/or premises Residential

Size of proposed building or addition to existing building, including height fence 4.5 ft. high

Has the building official refused a permit? no

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)

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 style of the posts will not block visibility for any parties. The goal is to be able to let our dogs outside without them escaping by jumping over a smaller fence. The fence will be inside the current fence line in the front yard, giving more room outside that property edge.

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 nature of the neighborhood. Since there is already a smaller fence 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 our dogs 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.

Our house is on an oddly shaped (triangular) small lot rather than a regular rectangle lot. It is not likely that other lots will have the same issues.

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, our lot is an oddly shaped triangular parcel. As a result, the house is closer to the edges of the lot than would be the case on a normal rectangular lot. Putting the fence 25 feet from the property line would mean it would be inside the house, so we 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.
We are trying to be proactive and work with the Zoning Board. We are asking before construction.
-

8. The variance if granted, would be the minimum departure necessary to afford relief.
The fence height restrictions only apply to the front yard property line. The remainder of the fence on the side yard already complies with the zoning rules, as does the style and location of the fence.
-

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.
As stated above, the lot is a small triangle, and the house is situated too close to the property lines to allow for the 25 foot setback required by the rules.
-

Signature of Applicant & Owners (all owners must sign)

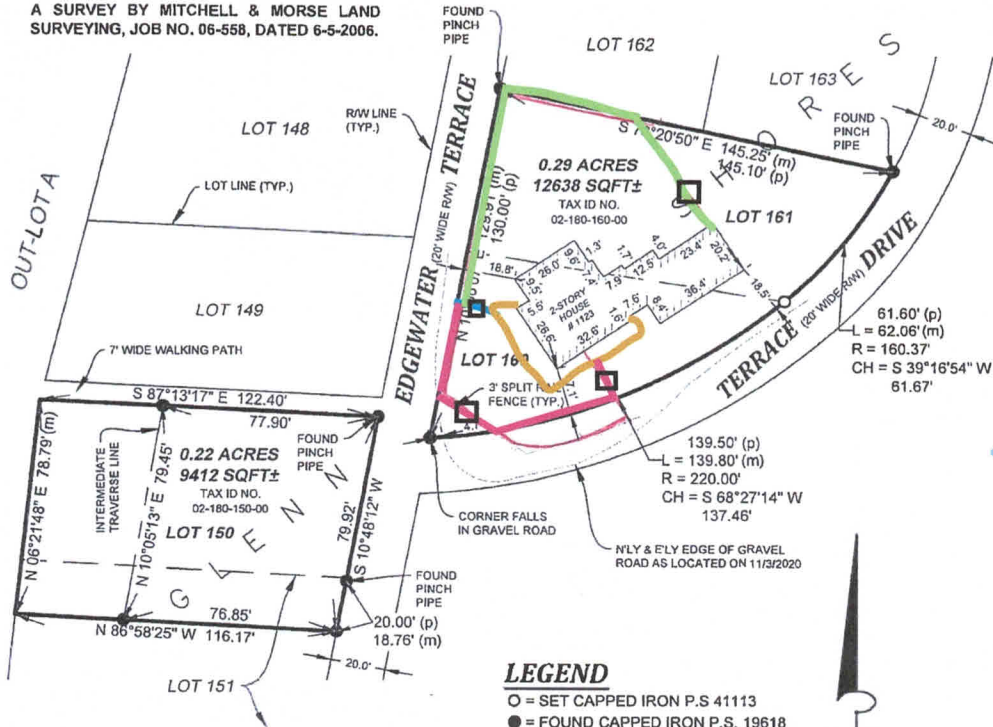


Date 2/15/21

Note: Incomplete applications will be returned

CERTIFICATE OF SURVEY

NOTE: THIS IS A RETRACEMENT SURVEY OF A SURVEY BY MITCHELL & MORSE LAND SURVEYING, JOB NO. 06-558, DATED 6-5-2006.



LEGEND

- O = SET CAPPED IRON P.S. 41113
- = FOUND CAPPED IRON P.S. 19618 OR AS NOTED
- (p) = PLATTED DISTANCE
- (m) = MEASURED DISTANCE

DESCRIPTION PER CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 031129665SMT REV. 1, COMMITMENT DATE: OCTOBER 14, 2020 (TAX ID NO. 02-180-150-00, 02-180-160-00):

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF ALLEGAN, TOWNSHIP OF CASCO.

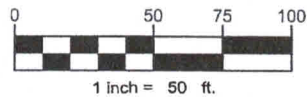
PARCEL 1: LOT(S) 150 AND THE NORTH 20 FEET OF LOT 151 OF GLENN SHORES ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 5 OF PLATS, PAGE 42 OF ALLEGAN COUNTY RECORDS.

PARCEL 2: LOT(S) 160 AND 161 OF GLENN SHORES ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 5 OF PLATS, PAGE 42 OF ALLEGAN COUNTY RECORDS.

SUBJECT TO THE EXCEPTIONS SET FORTH IN THE ALTA COMMITMENT FOR TITLE INSURANCE NUMBER 031129665SMT REVISION 1, DATED OCTOBER 14, 2020.

THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED. HAVE BEEN COMPLIED WITH.

BEARINGS ARE RELATED TO A SURVEY BY MITCHELL & MORSE LAND SURVEYING, JOB NO. 06-558, DATED 6-5-2006.



REV. 1 - HOUSE LOCATION ADDED, TITLE COMMITMENT DESCRIPTION ADDED - AH 11/16/2020.

W+ WIGHTMAN
BENTON HARBOR KALAMAZOO ALLEGAN ROYAL OAK
269.927.0100 269.327.3532 269.673.8465 248.791.1371
www.gowightman.com

CLIENT: STUART BAUM
JOB No: 202263
DATE: NOVEMBER 3, 2020
SCALE: 1" = 50'
DRAWN BY: AH
CHECKED BY:

Greg Vaughn
GREG VAUGHN
P.S. 41113

CASCO TWP., ALLEGAN CO., MICHIGAN

SECTION 5, T. 01 N. R. 16. W.

202263



Allegan County GIS Services assumes no liability for the conclusions drawn from the use of these data.

1 inch = 47 feet

Map Printed: 3/12/2021

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.

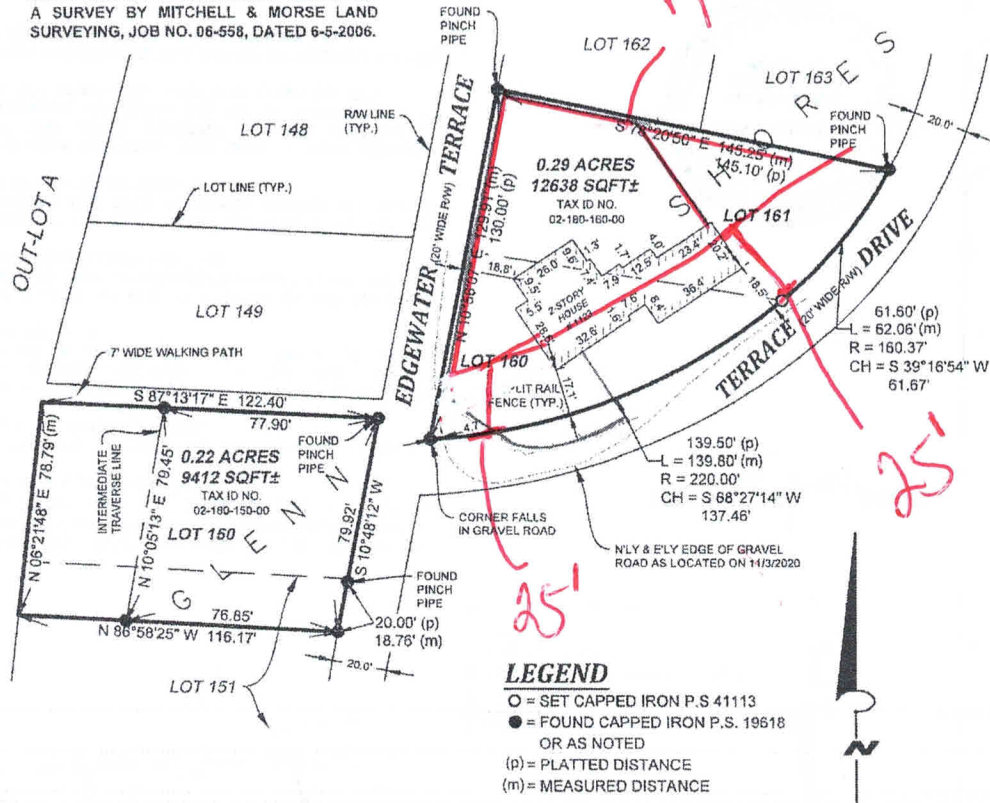
F. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque.

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. 031819-3, § 3, 3-18-2019; Ord. No. 111620, § 2, 11-16-2020)

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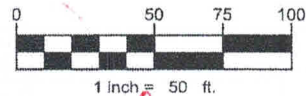
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Greg Vaughn
GREG VAUGHN

P.S. 41113

CASCO TWP., ALLEGAN CO., MICHIGAN

SECTION 6, T. 01, N., R. 16, W.

202263

1123 EDGEWATER TERRACE SOUTH HAVEN, MI 49090 (Property Address)

Parcel Number: 02-180-160-00

Property Owner: BAUM STUART & ZOE**Summary Information**

> Residential Building Summary

- Year Built: N/A
- Bedrooms: 3
- Full Baths: 2
- Half Baths: 0
- Sq. Feet: 2,511
- Acres: 0.215

> Assessed Value: \$389,700 | Taxable Value: \$192,764

> Property Tax information found

Owner and Taxpayer Information

Owner	BAUM STUART & ZOE 2204 W 111TH ST CHICAGO, IL 60643	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2020

Property Class	RESIDENTIAL - IMPROVED	Unit	02 CASCO TOWNSHIP
School District	District 80010	Assessed Value	\$389,700
MAP #	1263/160&161	Taxable Value	\$192,764
LAKEVIEW	1	State Equalized Value	\$389,700
ACTION	Not Available	Date of Last Name Change	01/21/2021
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
INPUT	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information**Homestead Date** 12/13/2016

Principal Residence Exemption	June 1st	Final
2020	100.0000 %	-
2019	100.0000 %	100.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2019	\$364,800	\$364,800	\$189,170
2018	\$364,400	\$364,400	\$184,737
2017	\$333,000	\$333,000	\$180,938

Land Information

Zoning Code	R-2 LO	Total Acres	0.215
Land Value	\$390,000	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	GLEN SHORES	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	130.00 ft	72.00 ft
Total Frontage: 130.00 ft		Average Depth: 72.00 ft

Legal Description

LOTS 160 & 161 GLENN SHORES SEC 6 T1N R16W.

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
11/20/2020	\$685,000.00	WD	HOORN DUANE J TRUST	BAUM STUART & ZOE	MULTIPL SALE ARMS L	4564/61