

Approved 3/28/2019

Casco Township Zoning Board of Appeals
February 6, 2019; 7 PM

Members Present: Chairman Dave Hughes, Vice Chair Matt Hamlin, Secretary Sam Craig, and Matt Super

Absent: Paul Macyauski

Staff Present: Janet Chambers, Recording Secretary and Alfred Ellingsen Building Inspector and Zoning Administrator

Also Present: Applicants Jeff and Melissa Roessing and 5 interested children

The meeting was called to order by Chairman Hughes at 7:00 PM for the purpose of hearing a variance request from Jeff and Melissa Roessing, 342 62nd Street, South Haven Michigan 49090 for a variance from Section 3.08G which requires a 30-foot rear yard setback for an accessory building. The parcels in question are located at 342 62nd Street, South Haven, Michigan (Parcels # 0302-026-001-00 & #0302-026-002-00) and are approximately 7 acres in total. The applicant wishes to complete an unfinished existing building to use as an open-air Special Event Venue for weddings or other gatherings. It appears the structure may have begun as a building for farm use but was never completed. A portion of the land to the west was subsequently sold and the setback to this unfinished building (17 feet) was not taken into consideration. Therefore, an 18-foot variance is requested.

The public notice (attachment #1), published in the January 20, 2019 South Haven Tribune, was read by Chairman Hughes.

Chairman Hughes invited Jeff and Melissa Roessing to explain their request. Commissioners had copies of the application (attachment #2)

Jeff Roessing said they bought the Zink farm on 62nd Street on approximately 7 acres. They hope to have a small farm and adjacent to it a Special Event Venue. Barn weddings are popular as are outdoor weddings. The Roessings would like to have something in the middle with an open-air pavilion, and a roof to get out of the weather. They started the process to get a special use permit in September. The setback is based on the size of an accessory building and 35' would be required for their structure. Roessing tried to purchase more land adjacent to the back of their property, but the owner, Tony Brush, was not interested in selling a piece of his land. He did however express to Roessing that he did not object to the variance. The Brush property behind him is 13 acres of farmland.

Chairman Hughes invited questions from the board and public.

Chairman Hughes asked for clarification about the property division. Roessing said the property was divided prior to him purchasing his property, at which time the setback requirement was overlooked. This resulted in the need for the variance.

Hamlin asked about the trees on the southwest of the property. Roessing said most of the trees are on the Brush property. Some of the trees on the Roessing property had to be removed for fire safety.

Chairman Hughes sked if Ellingsen if the variance would be an 18', because it measures 17'9". Ellingsen said it would be best to go to an 18' variance on west side of property.

Chairman Hughes went through Section 20.08 Review Standards:

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. *yes***
 - 2. The variance is being granted with a full understanding of the property history. *Yes. The property was divided without consideration of the rear setback prior to Roessing buying the property.***
 - 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. *Yes. It is open farmland around the Roessing 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 practicable. *It is not***
 - 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. *No it is not***
 - 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. *As mentioned previously it is surrounded by open land***

7. **That the variance is not necessitated as a result of any action or inaction of the applicant.** *Property division was done previously to the Roessings purchasing the property*

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

- 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.** *They attempted to purchase more land but were not able to.*

 2. **The proposed use cannot reasonably located on the lot such that the minimum requirements are met.** *no*

A motion was made by Hamlin, supported by Craig to grant the 18' rear setback. All in favor. MSC.

Chairman Hughes asked for a motion to approve the October 18, 2018 ZBA minutes. Motion by Super, supported by Hamlin. All in favor. Minutes of October 18, 2018, approved as printed.

Chairman Hughes said Tasha Smalley, the new Zoning Administrator hired through Michigan Township Services, asked if there is any night of the week the ZBA members are generally free for meetings. It was decided that Thursday or Wednesday work as ZBA meeting nights. Hughes will let Smalley know. Smalley will be responsible for scheduling the meetings.

Motion to adjourn was made by Super, supported by Hamlin. Meeting adjourned at 8:35 pm.

Attachment #1 Notice of Public Hearing
Attachment #2 Application for Roessing Variance

Minutes prepared by Janet Chambers, Recording Secretary



Dave Hughes, ZBA Chairman



Sam Craig, ZBA Secretary

3-28-19

Date

3/28/19

Date

CASCO TOWNSHIP
NOTICE OF PUBLIC HEARING

The Casco Township Zoning Board of Appeals(ZBA) will hold a public hearing Thursday, 7 February 2019 at 7:00 pm at the Casco Township Hall at 7104 107th Ave., South Haven, MI 49090 to adjudicate the following request for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from Jeff & Melissa Roessing, 342 62nd Street, South Haven, Michigan 49090 to grant a variance from Section 3.07G which requires a 30 foot rear yard setback for an accessory building. The parcels in question are located at 342 62nd Street, South Haven, MI 49090(Parcels 0302-026-001-00 & 0302-026-002-00) and are approximately 7 acres in area. The applicant wishes to complete an unfinished existing building to use as an open air event structure for weddings or other gatherings. It appears that the structure may have been begun as a building for farm use, but was never completed. A portion of the land to the west was subsequently sold and the distance from the new lot line to this unfinished building (17 feet)was not taken into consideration. Therefore, a 13 foot variance is requested.

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
Dep. Zoning Administrator
Fax-269/639-1991

(Please place in the South Haven Tribune for publishing on 20 January 2019)

ZONING BOARD OF APPEALS - CASCO TOWNSHIP RAH 1.9.19
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 Special Use - 15.03

Erect _____

Convert _____

Alter _____

Parcel # 0302-026-002-00

Contrary to the requirements of Section (s) 5.03 of the Zoning Ordinance, upon the premises known as Roessing's property and described as: 342 62nd St. South Haven (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: Jeff and Melissa Roessing
Address: 342 62nd Street Phone: 616-335-0797
City South Haven State MI Zip 49090
Fax: _____

2. Interest of Applicant in the premises: Requesting permission for pre-existing barn to be used for a Special Events venue (15.03). ^{20-30 yrs}

3. Name or Owner: Jeff and Melissa Roessing
Address: 342 62nd Street Phone: 616-335-0797
City South Haven State MI Zip 49090
Fax: _____

4. Size of property to be effected by the variance: Parcel # 0302-026-002-00 is 3.33 acres
Our total property is 7.37 acres.

5. Proposed use of building and/or premises: Special use - as an event and wedding venue (but the northern 2 acres are serving as our farm)

6. Present use of building and/or premises: Agricultural

7. Size of proposed building or addition to existing building, including height: The existing building (pavilion) is 50' x 80'. Height 23 1/2'.

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) NO

Date: 1/8/19
Jeff Roessing Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

* The area by the proposed venue would not be a logical place for a dwelling unit should the 43 acres ever be sold to someone who would wish to build on it. As it stands, Tony Brush owns the land and has shared with us that he has no intent of selling (we tried to purchase 1/8th acre behind the venue to create the 50 ft setback but he declined to sell). He did say he was fine with us having the venue there but he doesn't want to sell land.

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 spirit of the ordinance of setback lines is to provide a measure of distance and privacy for neighbors (adjacent property holders). Due to the shape and use of the land adjacent to the requested variance the spirit is not being contradicted. The adjacent property consists of 43 acres of farmland, with 30 acres to the south of us and 13 located behind our property forming a kind of L shape. *

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

From what we can ascertain, the variance is needed because around 15 to 20 years ago 43 acres of this 50 acre property was sold (to Brush) and there was a failure to create the required 50 foot rear setback from the existing barn on the seven remaining acres at 342 62nd Street.

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 variance will not cause detriment to the property or the vicinity in any way.

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.

Correct

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 problem does lie in the shape of the property or the narrowness (17'3") of the space between the existing barn/pavilion and the rear property line. However, this problem pre-dated our purchase of the property and was an error that we were not responsible for.

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 right to pursue a business according to section 15.03 of the Casco Township Zoning Ordinance.

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

The set back mistake was pre-existing. We did not build the barn in its proximity to the rear property line.

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

Yes, very much! This variance would permit us to proceed with our special use request from the Planning Committee.

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.

Not applicable

BLACK SHEEP SHELTER
PH 416-366-6656 616-335-0797
342 62ND ST
SOUTH HAVEN, MI 49080

133

74-84897724

CHECK AMOUNT

1/9/19 Date

Pay to the Order of Casco Township \$ 700.00
Seven hundred and 00/100 Dollars

Phone
Rate
Service
Number on back



United
UNITED WAY

For Variance application
[Redacted]

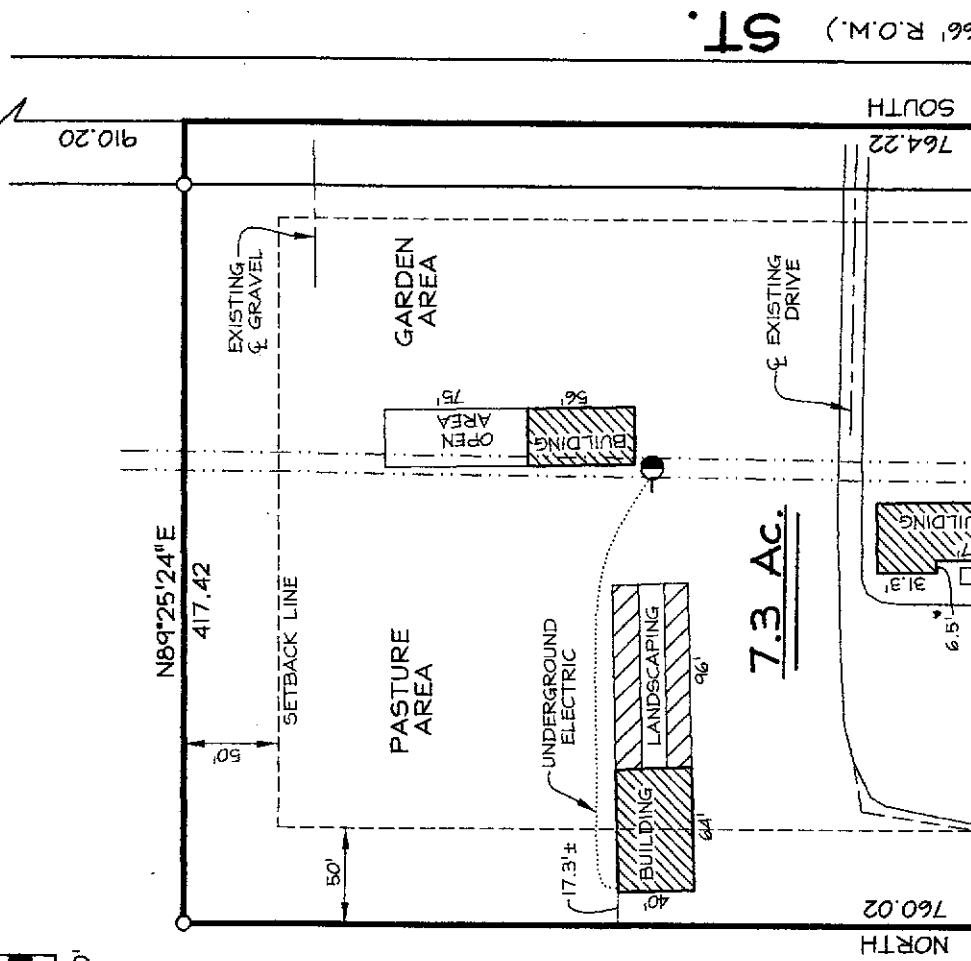
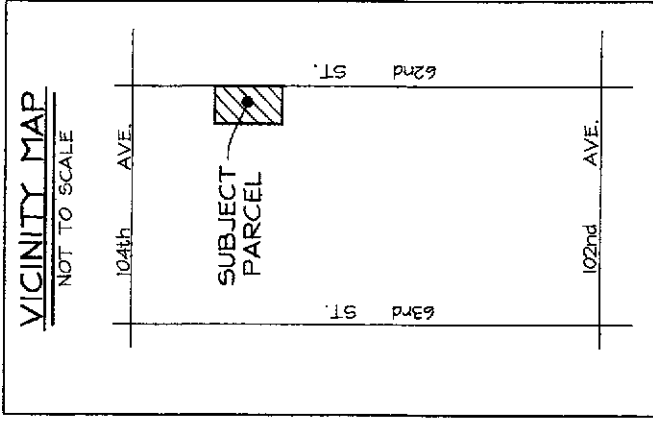
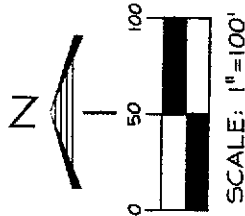
[Signature]

Hilario Clark

SITE PLAN

342 62nd STREET SOUTH HAVEN, MI

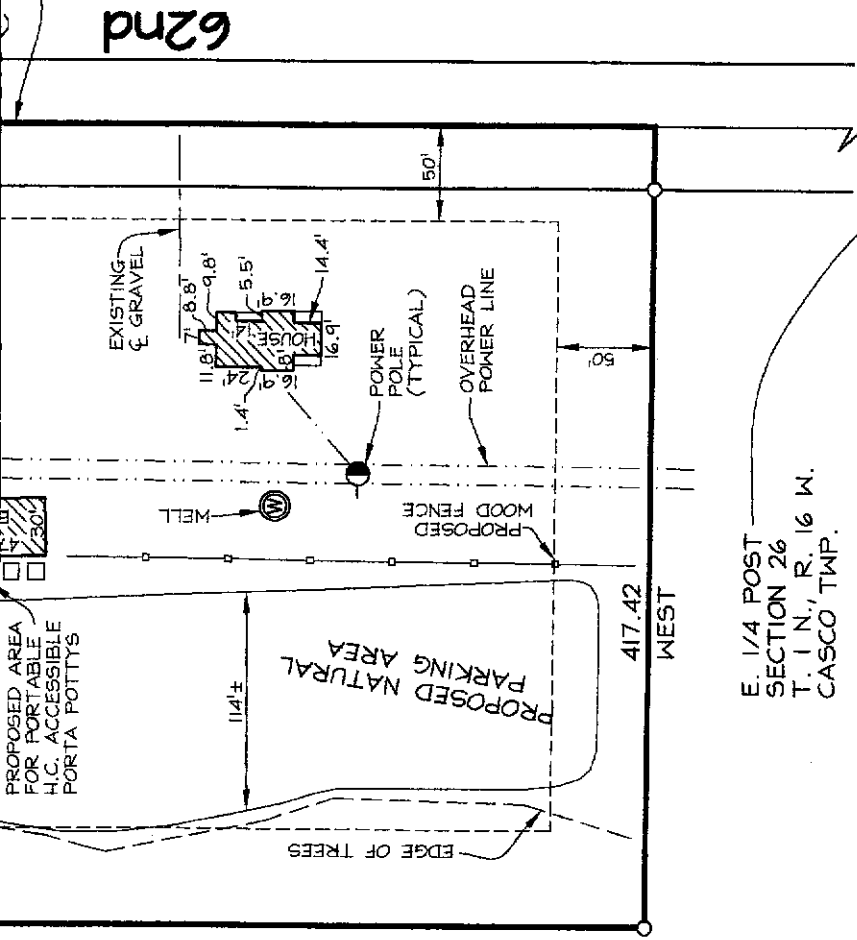
NE CORNER
SECTION 26
T. 1 N., R. 16 W.
CASCO TWP.



- 1.) PARCEL IS ZONED AGRICULTURAL AS WELL AS SURROUNDING PARCELS.
- 2.) LIGHTING FOR PARKING LOT WILL BE PROPOSED SOLAR POWERED.

ST. 66' R.O.M.)
EAST SECTION LINE

SLEDDING
 FRONT - 50'
 SIDE - 50'
 REAR - 50'



62nd

E. 1/4 POST
 SECTION 26
 T. 1 N., R. 16 W.
 CASCO TWP.

DESCRIPTIONS:

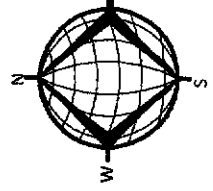
SITUATED IN CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

#02-026-002-00: BEGINNING 910.20 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWN 1 NORTH, RANGE 16 WEST; THENCE SOUTH 346.80 FEET; THENCE WEST 417.42 FEET; THENCE NORTH 346.80 FEET; THENCE EAST TO THE PLACE OF BEGINNING.

#02-026-001-00: COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWN 1 NORTH, RANGE 16 WEST; THENCE SOUTH 1256.80 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 417.42 FEET; THENCE WEST 417.42 FEET; THENCE NORTH 413.22 FEET; THENCE EAST 417.42 FEET TO THE PLACE OF BEGINNING.

LEGEND

FOUND IRON - O



MITCHELL & MORSE LAND SURVEYING

234 VETERANS BLVD SOUTH HAVEN, MICHIGAN 49090
 OFFICE: (269) 637-1107 FAX: (269) 637-1907

PREPARED FOR:

JEFF ROESSING

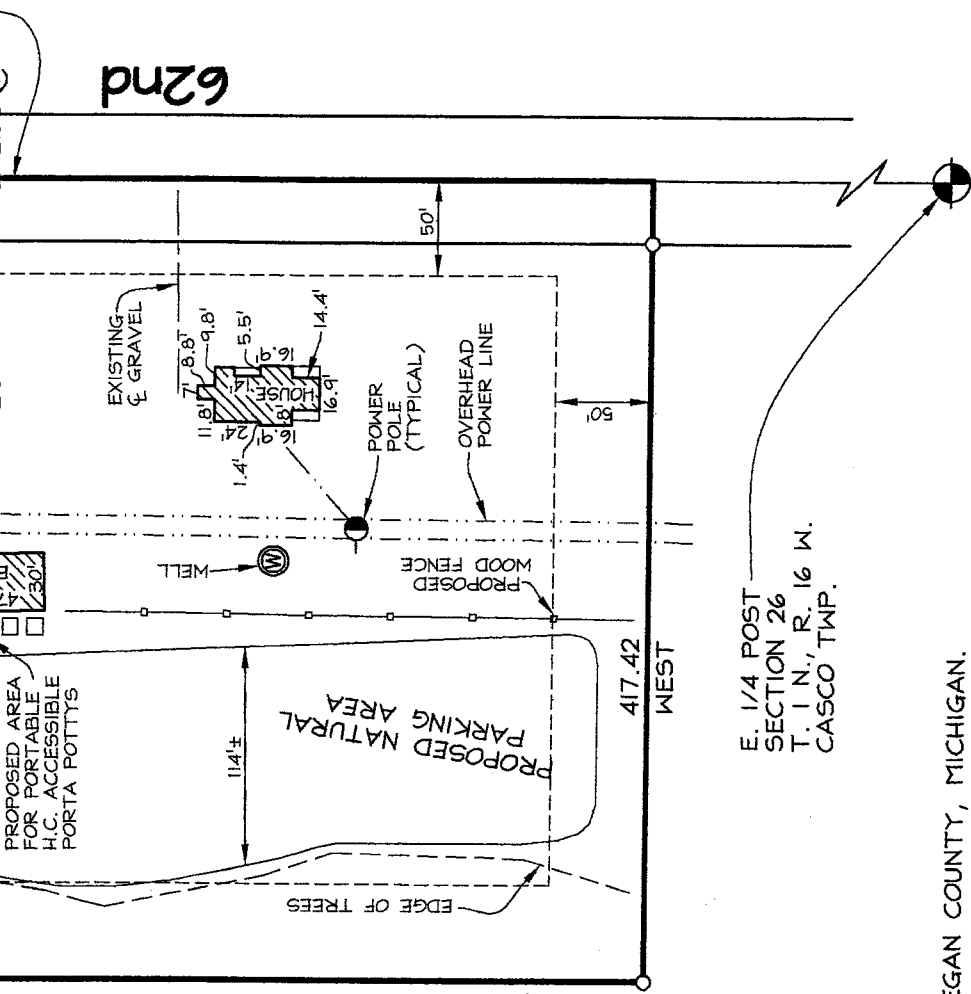
PROJECT NO. 18-642

DATE 7-30-18

BOOK FILE PAGE FILE REVISION 11-29-18

DRAWN BY J. MITCHELL SHEET 1 OF 1

FRONT - 50'
 SIDE - 50'
 REAR - 50'



E. 1/4 POST
 SECTION 26
 T. 1 N., R. 16 W.
 CASCO TWP.

DESCRIPTIONS:

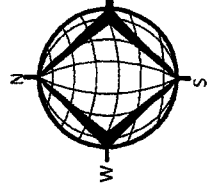
SITUATED IN CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

#02-026-002-00: BEGINNING 910.20 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWN 1 NORTH, RANGE 16 WEST; THENCE SOUTH 346.80 FEET; THENCE WEST 417.42 FEET; THENCE NORTH 346.80 FEET; THENCE EAST TO THE PLACE OF BEGINNING.

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LEGEND

FOUND IRON - O



MITCHELL & MORSE LAND SURVEYING

234 VETERANS BLVD SOUTH HAVEN, MICHIGAN 49090
 OFFICE: (269) 637-1107 FAX: (269) 637-1907

PREPARED FOR:

JEFF ROESSING

PROJECT NO. 18-642

DATE 7-30-18

BOOK FILE PAGE FILE REVISION

11-29-18

DRAWN BY J. MITCHELL SHEET 1 OF 1