

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 May 5, 2022 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:

Dan and Karen Fleming of South Haven MI have petitioned for variances at 6756 109th Ave (0302-009-017-00) to construct an addition to existing residence. The request is for rear setback relief and lot area. 1. The required rear setback is 50ft, request is 10ft of relief; 2. The lot area is not met (5.03). Required lot area 2.5acres; the lot is 1.04acres (300x150).

Carl Weber and Herbert Weber of South Haven MI have petitioned for variances at V/L Maple St and McMullan Way (0302-760-157-00) to construct a new residence and detached garage. Front setback (Maple St) required 25ft, request 12ft of relief (house); Front setback (Maple St) required 25ft, request 4ft of relief (detached garage);

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

PLEASE TAKE FURTHER NOTICE that the application packets can be reviewed at the Casco Township Hall during regular business hours at 7104 107th Ave, South Haven and on the website www.cascotownship.info.

PLEASE TAKE FURTHER NOTICE that written comments may be submitted to the Township Clerk at the Township Hall, by mail, to address below, or email to the zoning administrator mtsallegran@frontier.com. All written comments must be submitted no later than 5:00pm the day preceding the public hearing (*Wed May 4, 5pm*)

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.

Cheryl Brenner
Casco Township Clerk
7104 107th Ave, South Haven MI 49090
269-637-4441

Tasha Smalley
Zoning Administrator
1-800-626-5964

CASCO TOWNSHIP
Casco Township Hall
7104 107th Ave. South Haven MI 49090
ZONING BOARD OF APPEALS
Agenda
Thursday May 5, 2022 7:00PM

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

4. New Business
 - a. Dan and Karen Fleming of South Haven MI have petitioned for variances at 6756 109th Ave (0302-009-017-00) to construct an addition to existing residence. The request is for rear setback relief and lot area. 1. The required rear setback is 50ft, request is 10ft of relief; 2. The lot area is not met (5.03). Required lot area 2.5acres; the lot is 1.04acres (300x150)
open public hearing
Applicant explain request; ZA staff report
correspondence
audience for / against comments
any further discussion
close public hearing
Discussion / decision of variance request

 - b. Carl Weber and Herbert Weber of South Haven MI have petitioned for variances at V/L Maple St and McMullan Way (0302-760-157-00) to construct a new residence and detached garage. Front setback (Maple St) required 25ft, request 12ft of relief (house); Front setback (Maple St) required 25ft, request 4ft of relief (detached garage)
open public hearing
Applicant explain request; ZA staff report
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 – Apr 21 2022 *(provided when available after the meeting)*
8. Adjournment

Memorandum: Casco Township Zoning Board of Appeals
Date: April 18, 2022
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – rear setback and lot area

Meeting date: Thursday May 5, 2022 7:00PM

Applicant: Dan and Karen Fleming
Mailing Address: 6756 109th Ave, South Haven MI 49090

Subject Property: 6756 109th Ave
Parcel #: 0302-009-017-00

AG – Agricultural

5.03 District Regulations

Minimum lot area – 2.5 acres
Minimum lot width – 250 feet
Front setback – 50 feet
Side setback – 25 feet
Rear setback – 50 feet
Maximum building height - 35 feet
Lot coverage - 20%

Analysis

Property 0302-009-017-00 is a legal pre-existing non-conforming lot of record
Lot area: 300x150=1.04 acres

The applicant is requesting:

1. Rear setback variance to add a 31x20 addition to existing home per 5.03 District Regulations rear setback is 50feet; request is for 10 feet of relief (40 feet rear lot line)

2. Per **Sec. 5.03. - District regulations.**

No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

The legal existing parcel is not 2.5 acres, does not meet lot area; request relief. 3.28 Non-conforming 3.28A#1 states in part... existing lot to continue, but not encourage expansion. The parcel is not changing, will remain the same. 3.28B does not address relief for parcels not in a platted subdivision.

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: <u>Residence</u>	Use:
Erect:	Convert:
Alter:	Parcel #: <u>03-02-009-017-00</u>

Contrary to the requirements of Section(s) 5.03 of the Zoning Ordinance, upon the premises known as 6756 109th Ave and described as: _____ (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) Dan + Karen Fleming
 Address 6756 109th Ave Phone 269 227 3725
 City South Haven State MI Zip 49090
 Email securingtheblessings@gmail.com
 Approximate property dimensions, size 150' x 300'
 Proposed use of building and/or premises residence
 Present use of building and/or premises residence
 Size of proposed building or addition to existing building, including height 20x25 height approx. 18'
 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.

Yes

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

the house moved onto property in 1957, basement added in 1994, bedroom/bathroom added around 2005, deck added to rear in 2018.

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

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:

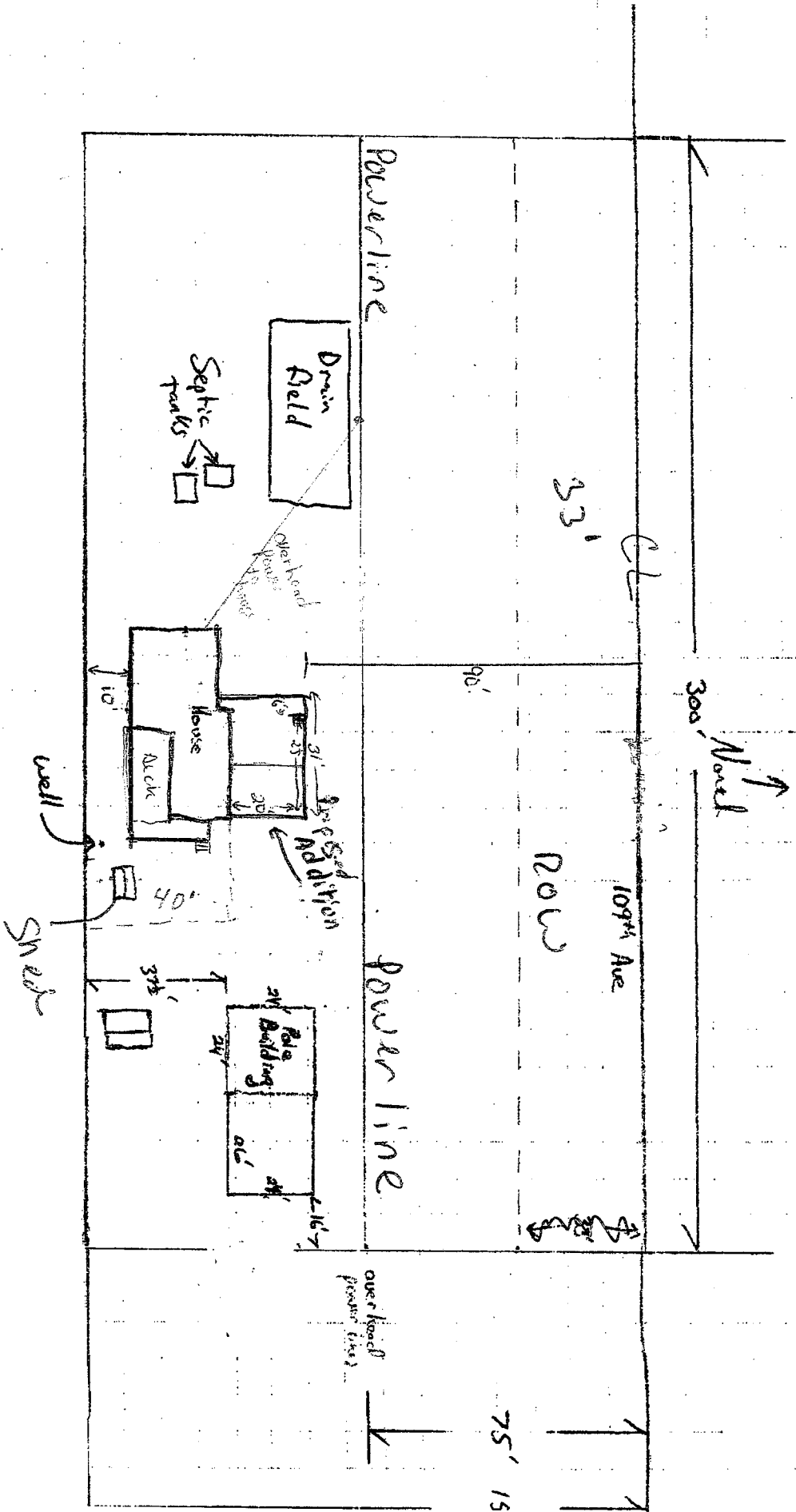
- Exceptional narrowness, shallowness or shape of a specific property on the date of this ordinance.
- Exceptional topographical conditions.
- By reason of the use or development of the property immediately adjoining the property in question.
- Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.

~~No~~ Yes

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.

Yes

1.04 acres - 300 Y150
 300ft frontage



Dan Fleming
 6752 109th

USES		AG
P = Permitted by right	SU = Special Use	
Home occupations, in accordance with the requirements of Section 3.18		P
Long-term rental		P
Medical marihuana grower		P
Open space developments with a minimum parcel size of 40 acres, in accordance with Section 15.03.X		SU
Ponds in compliance with Section 3.27		P
Private K-12 schools, in accordance with Section 15.03.AA		SU
Public K-12 schools		P
Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds, in accordance with Section 15.03.CC		SU
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, in accordance with Section 15.03.DD		SU
Riding stables and horse boarding, in accordance with Section 15.03.EE		P
Roadside stands which sell products primarily grown or produced on the premises		P
Sawmills, in accordance with Section 15.03.FF		P
Short-term rental		P
Single-family detached dwellings		P
Special events venue		SU
Utility and public service buildings, in accordance with Section 15.03.JJ		SU
Veterinary hospitals and clinics, in accordance with Section 15.03.LL		SU
Wind energy conversion systems, in accordance with Section 15.03.PP		SU
Wireless communication towers and buildings, in accordance with Section 15.03.QQ		SU

(Ord. No. O21918-2, § 8, 1-24-2018; Ord. No. O416-2-18, § 4, 4-16-2018; Ord. No. 1182021-1, § 2, 1-18-2021)

Sec. 5.03. District regulations.

X No building or structure, nor the enlargement of any building or structure, shall be erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.

Agricultural (AG) District	
Minimum lot size	2.5 acres
Minimum lot width	250 feet
Front yard setback	50 feet*
Width to depth ratio	1:4
Side yard setback	Residential buildings—25 feet
	Main buildings for nonresidential uses—50 feet
Rear yard setback	50 feet
Maximum height of all buildings**	35 feet

2. A 12-foot long pole attached to one safety station.

K. No pond shall be used or maintained unless adequate public health measures are periodically taken to ensure that the existence or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.

L. The discharge pipe from any pond without a direct outlet to an established drain shall not exceed two inches in diameter. The discharge pipe shall be constructed with galvanized iron or such other standard and durable material as may be approved by the Zoning Administrator.

M. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon adjacent properties.

Sec. 3.28. Nonconforming lots, uses or structures.

A. Intent.

1. Within the zoning districts established by this Ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land, and structures, and characteristics of use which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their expansion or continuation except in compliance with this Section.
2. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance or an amendment to this Ordinance except in compliance with this Section.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming lots of record.

1. A single lot of record is not contiguous with another lot or lots under the same ownership. Where a single lot of record in a platted subdivision (in existence at the time of the adoption or amendment of this Ordinance) does not meet the minimum requirements for lot width, lot depth, or lot area, that single platted lot of record may be used for any purposes permitted by the zoning district in which the lot is located, provided that:
 - a. The minimum lot width shall be 50 feet;

Memorandum: Casco Township Zoning Board of Appeals
Date: April 18, 2022
From: Tasha Smalley, Zoning Administrator
RE: STAFF REPORT - Variance request – front yard variance

Meeting date: Thursday May 5, 2022 7:00PM

Owner/Applicant: Carl Weber and Herbert Weber
Mailing Address: 67647 Baseline Rd, South Haven MI 49090

Representative: Grant Holmes or Michael Mason (realtor)

Subject Property: V/L Maple Street and McMullan Way
Parcel #: 0302-760-157-00

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 Non-Conforming Lots, Uses or Structures

B#1 a-d Lot width 50 ft

Lot depth 100 ft

Lot coverage – 25%

Front 25 ft

Rear 20 ft

Side 10 ft

Analysis

Property 0302-760-157-00 is a legal pre-existing non-conforming lot of record
Lot area: 51x125 (single lot of record, owner in 2006 did not own an adjacent lot)

Proposed project – construct a single family home and a detached garage

Setbacks – house

Front Maple St **13 feet

Front McMullan Way 25+ feet

South side 10 feet

West side 30+ feet

Setbacks – detached garage

Front Maple St **21 feet

Front McMullan Way 100+ feet

South side 10 feet

West side 10 feet

The applicant is requesting front yard setback variances 3.28 B#1d(1) to construct a single family home and detached garage. Required front setback is 25 feet. House request is for 12 feet of relief. Garage request is 4 feet of relief.
Lot coverage is less than 25%

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:	North setback (Maple Street side) to allow house to be 13' from Maple Street.	Use:	Current: Vacant; Proposed: Single Family Residential
Erect:	New single family residence with 1-car detached garage.	Convert:	
Alter:		Parcel #:	02-760-157-00

Contrary to the requirements of Section(s) 3.28B1 of the Zoning Ordinance, upon the premises known as Lot 157 McMullan Way, Casco Twp and described as: LOT 157 SUNSET SHORES SEC 24 T1N R17W. (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) Carl R Weber and Herbert W Weber

Address 67647 Baseline Rd Phone 269-359-3046

City South Haven State Mi Zip 49090

Email herbert1952@att.net, cc2weber@yahoo.com

Approximate property dimensions, size 51' x 125'

Proposed use of building and/or premises Single Family Residential

Present use of building and/or premises Vacant

Size of proposed building or addition to existing building, including height 1592 Square Feet (inc. decks, garage, porches); approx. 24' height

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.

Correct

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

Yes

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, in fact a similar residence, located at 480 Beach Glass, was granted a variance to be 11' from Maple Street in 2013. This will be similar, but even further from Maple Street at 13' distance.

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.

Current regulations would only allow for a 15' wide home to be built based on setback requirements but a min. of 24' wide home width is required.

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.

A. Exceptional narrowness due to dual front set backs on McMullan Way and Maple Street result in a 15' wide building envelope. The proposed variance will allow a traditional-style home to constructed that meets the Township's width requirement.

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.

Yes as this will allow for a typical-style (width) home to be constructed.

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

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.

No, this lot needs another 10' of width to meet setback and minimum building width requirements per the ordinance. If the owner to the south sold 10' to combine with this lot, then that neighboring lot would become unbuildable with a similar issue as it is also only approx. 50' wide.

Signature of Applicant & Owners (all owners must sign)

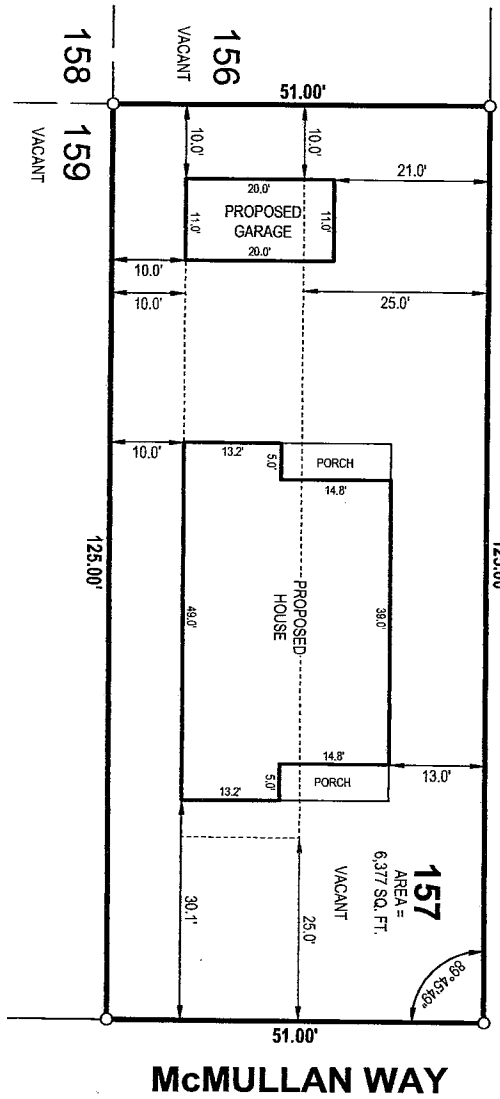
<i>Carl R Weber</i>	dotloop verified 04/07/22 5:40 AM EDT RXQR-ZXBM-KX6j-WCFM
<i>Herbert W Weber</i>	dotloop verified 04/06/22 5:17 PM EDT TKXC-ANBA-NWOY-WM0F

Note: Incomplete applications will be returned



Grant Holmes OR Michael Mason is authorized to attend the meeting on our behalf.





MAPLE STREET

McMULLAN WAY

DESCRIPTION

The land is described as follows:

Real Estate Located in the Township of Casco, County of Allegan, State of Michigan and described as: Lot Numbered 157, Sunset Shore Subdivision, Section 24, Township 1 North, Range 17 West, Casco Township, according to the Plat thereof recorded in Plat Book 5, Page 21, Allegan County Records.

(Meridian Title Commitment No. 229390, dated March 8, 2022)

Area of Proposed footprints = 1592 Sq. Ft.
(Including decks, garage, and porches)

Area of Unit 157 = 6377 Sq. Ft.

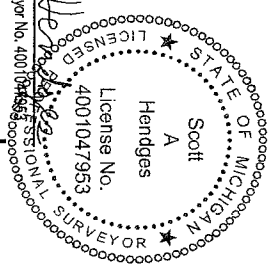
Percentage of proposed footprint (including deck, garage, and porches) compared to the size of the Unit = 24.9%

LEGEND

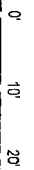
- Iron - Found
- Zoning Setback

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon. This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 4001047953



SCALE: 1" = 20'



NORTH

Arterra Realty
 Michael Mason
 426 South Main Street #101
 Rochester, MI 48307
 McMullan Way

DRAWN BY: TF DATE: 3/22/2022 PRJ #: 22200384.2
 REV. BY: KV REV. DATE: 4/1/2022 1 OF 1

NEDERVELD
 391 Howe Blvd
 Holland, MI 49423
 4891 Arden, Chicago, Cedarburg, Grand Rapids, Indianapolis, St. Louis



