

Approved 04-07-2022

Casco Township
Zoning Board of Appeals
January 24, 2022, 7 PM

Present: Chairman Matt Hamlin, Vice Chair Paul Macyauski, Secretary Sam Craig, Alex Overhiser, and Matt Super

Absent: None

Also Present: Zoning Administrator Tasha Smalley, Recording Secretary Janet Chambers, and applicant Supervisor Overhiser

1. **Call to Order:** The meeting was called to order at 7:00 PM.
2. **Approval of Agenda:** A motion by Macyauski, supported by Super to approve the agenda. All in favor. Agenda approved with the addition of election of officers added to old business.
3. **Public comment** (non-agenda items)
4. **New Business:**
 - a. **Variance request from Matthew Hamlin, 986 66th Street (02-009-001-00) land division: minimum lot width and minimum lot size.** Public Notice (Attachment 1)
 1. **Decrease required minimum lot width, from the required 250' to 220' resulting in 30' of relief.**
 2. **Decrease required minimum lot size of 2.5 acres to 1.46 acres resulting in 1.04 acres of relief.**

Open Public Hearing: The public hearing was opened at 7:03 PM. Chairman Hamlin recused himself as a member of the ZBA for the purpose of the variance request, as he is the applicant.

1. **Applicant explain request and ZA Staff report** (ZA report Attachment 2) (application & photos Attachment 3): Hamlin explained there is a home, 2 out buildings and a barn on a parcel of land he owns. He farms the land around the homestead. Due to the cost of ownership, Hamlin would like to sell the homestead, but maintain as much of the tillable farmland to continue farming. This would be 50' of road frontage and 2 ½ acres. Hamlin provided a list (Attachment 3) of 16 parcels that are less than 2 ½ acres in his area. Numerous people buy farmland that has an existing homestead, and the excess land becomes a burden, and farmers end up parking farm equipment along the edges of yard.

Craig asked if the parcels under 2 ½ on Hamlin's list were split prior to the zoning ordinance.

Discussion ensued about when the ordinance was written, when it was 3 acres, and why it is at 2 ½ acres currently.

Macyauski said farmers do not want to get into property management or residential homes business. If a farmer wants to divide an existing homestead off from his farmland, he has no

problem with that. But, if someone wanted to build a new home, they should be compliant with the ordinance.

Smalley said the setbacks were met.

Hamlin added when someone wants to buy a parcel with a homestead, but does not intend to farm the land, the land is just let go and grows back into pucker brush. A home buyer does not want the excess farmland.

2. Correspondence: None.

Macyauski read through the standards, answering the standards as follows and invited input from all ZBA members.

Section 2.08. Review Standards for Variance

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.** Hamlin has given a good a presentation of his request and how he plans to use the property. He will continue farming the land and maintaining the rural character of AG.
2. **The variance is being granted with a full understanding of the property history.** The parcel had an existing homestead. Would be different if he wanted to sell a piece of land off for a new house.
3. **Granting the variance will not cause a substantial detriment to property or improvements in the vicinity or the district in which the subject property is located.** He will continue to farm the property as he always has.
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.** It is an existing home already on acreage.
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:** This would be acreage he could not farm if he had to sell 2 ½ acres with the house.
 - 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.**
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.** Macyauski said Mr. Hamlin went through a list (attachment 3) of property owners in the area that have sold off homesteads less than 2 ½ acres.
 7. **That the variance is not necessitated as a result of any action or inaction of the applicant.** He is trying to maintain as much tillable acreage to continue farming
 8. **The variance, if granted, would be the minimum departure necessary to afford relief.** This is not a new build. Super added, it would be a different thing if he was building a new home to sell off. He is keeping the tillable land.
- 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):** N/A

A motion by Super, supported by Overhiser, to grant the variance request because standards have been met. Roll Call Vote: Macyauski-yes; Super-yes; Overhiser-yes, Craig-yes. Variant granted 4-0.

3. Audience for / against comments:

4. Any further discussion:

Close Public Hearing: The public hearing was closed at 7:24 PM. At this time Chairman Hamlin is taking part as a ZBA member.

5. Old Business:

- a. **Anything else that may come before the ZBA:** Election of officers
 - A motion by Macyauski, supported by Super to nominate Hamlin as Chairman. Roll call vote: Macyauski-yes; Super-yes; Hamlin-yes; Craig-yes All in favor. MSC
 - A motion by Hamlin, supported by Craig to nominate Macyauski as Vice Chairman. Roll call vote: Macyauski-yes; Super-yes; Hamlin-yes; Craig-yes All in favor. MSC
 - A motion by Macyauski, supported by Hamlin to nominate Craig as Secretary. Roll call vote: Macyauski-yes; Super-yes; Hamlin-yes; Craig-yes All in favor. MSC.

Supervisor Overhiser said the Planning Commission might want to consider an amendment to the Ordinance regarding dividing off less than 2 ½ acres when this situation comes up in the future. or

Discussion ensued about a new standard that would allow a farmer to buy acreage, with a preexisting homestead, allowing the farmer to sell off the home and keep the farmland.

6. Approval of previous minutes – Jan 3, 2022 A motion by Super, supported by Craig to approve minutes of January 3, 2022. All in favor. Minutes approved as presented.

7. Adjournment: The meeting was adjourned at 7:37 PM

Attachment #1: Public Notice

Attachment #2: Zoning Administrator report (3 pages)

Attachment #3: Application, photos (6 pages)

Minutes prepared by Janet Chambers, Recording Secretary