

**Approved 5/24/18**

**Casco Township Zoning Board of Appeals**

**November 2, 2017 @ 7 PM**

**Members Present:** Chairman David Hughes, Sam Craig, Paul Macyauski and Matt Super

**Absent:** Matt Hamlin

**Also Present:** Vincent Ziolkowski and Cheryl Ivey, applicants

**Staff Present:** Janet Chambers Recording Secretary, Alfred Ellingsen, Zoning Administrator

The meeting was called to order at 7:00 PM.

A request is made from Vincent Ziolkowski and Cheryl Ivey, 733 Chicago Ave. Unit 401, Evanston, IL 60202-2380, for a variance from Section 3.28B3b (4), which requires a minimum front yard setback of 25'. The applicants wish to construct a garage to within 15'8" off Orchard Lake Drive. Therefore, the applicant is requesting a variance of 9' 4". The parcel in question is located at 7188 Orchard Lake Drive, South Haven, MI 49090 (Parcel #0302-180-211-00 in Glenn Shores Subdivision, a Low Density Residential Zone).

Chairman Hughes invited Vincent and Ivey to explain their request. Vincent Ziolkowski said he bought the property in 1999 from Roy Jenks. He had not previously understood where the right-of-way for the road ended, therefore, did not realize where the measurement for setback requirement began. His property has large trees and a septic field restricting where he can position his garage. They currently have two parking spaces off Orchard Lake Drive in front of where the proposed garage would be.

Macyauski questioned the length of the driveway approaching the garage. Macyauski asked if there would be a place for guests to park without being in the right-of-way. Ziolkowski stated there is a separate parking area for guest parking that would not be in the right-of-way. Ziolkowski also stated that his cars are currently parked in what will be the driveway approach to the garage and is not in the right-of-way, but there is an alternate parking area for larger vehicles.

Hughes asked to clarify that cars could still fit in the driveway approaching the garage. Ziolkowski verified their cars fit in the driveway area in front of the proposed garage.

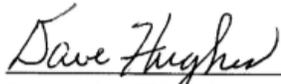
Chairman Hughes read two letters from interested Casco residents. The first letter from Don and Nancy Luke was in support of the variance request (attachment #1). The 2<sup>nd</sup> letter from Mark and Debbie Dickerson was in opposition to the variance request (attachment #2).

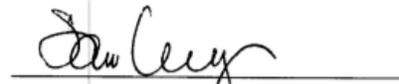
As Chairman Hughes began to cover Section 20.08 Review Standards, Macyauski stated that he had read through the applicant's responses to the Review Standards and agreed that they were "Spot On". He stated that going through the standards again would not be necessary. All present ZBA members had read the applicants responses and agreed. (application – attachment #3)

A motion was made by Matt Super, and supported by Sam Craig to grant a 9' 4" variance from the required 25' front setback for constructing a garage. All in favor. Variance granted.

Because only two of the three ZBA members present at the August 10<sup>th</sup> meeting were present, approval of the August 10, 2017 meeting is postponed until the next meeting.

A motion was made by Super, supported by Macyauski to adjourn. All in favor. Meeting adjourned at 7:25 PM.

  
\_\_\_\_\_  
Dave Hughes, ZBA Chairman

  
\_\_\_\_\_  
Sam Craig, ZBA Secretary

11-2-17  
\_\_\_\_\_  
Date

11/2/17  
\_\_\_\_\_  
Date

Minutes prepared by Janet Chambers, Recording Secretary

- Attachment #1 Letter from Don and Nancy Luke, 10/29/17 in support of variance
- Attachment #2 Letter from Mark and Debbie Dickerson, 10/24/17, in opposition of variance
- Attachment #3 Notice of Public Hearing
- Attachment #4 Application
- Attachment #5 Sketches, maps & photos

Attachment # 1

Don & Nancy Luke  
7170 Orchard Lake Drive  
South Haven, MI 49090  
269-227-3068

October 29, 2017

Casco Township Zoning Board of Appeals  
7104 107<sup>th</sup> Street  
South Haven, MI 49090  
Attention: Alfred Ellingsen and Cheryl Brenner

To Whom It May Concern:

In regards to the variance requested by Cheryl Ivey and Vincent Ziolkowski, we would like to respond favorably.

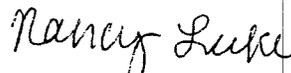
We are neighbors with Cheryl and Vincent. They are great neighbors and have rebuilt a beautiful home. We are confident they will add a garage on their property in good taste.

We recommend they be granted the variance. We would like to point out there are several homes near theirs which have garages closer to the road to include one right next door to them.

Sincerely,



Donald B. Luke



Nancy J. Luke

Attachment #2

Mark and Debbie Dickson

9327 West Gull Lake Drive, Richland, MI

October 24, 2017

Alfred J. Ellingsen  
Casco Township Zoning Administrator  
7104 -- 107<sup>th</sup> Avenue  
South haven, MI 49090

Subject: Zoning Variance in Glenn Shores

Dear Mr. Ellingsen:

I am writing you today in response to the attached notice about a Zoning Variance Request for the house located at 7188 Orchard Lake Drive. The owners want to put in a garage only 15 feet 8 inches from the road instead of the 25 feet set back that is required.

We own a cottage at 1120 Golf Mere in Glenn Shores. We thought it was best to see first-hand what is being requested before stating an opinion, so on the weekend, we drove by 7188 Orchard Lake Drive. After seeing the lot, we do not think a variance should be granted. We feel the 25 foot setback is appropriate and anything less puts the garage too close to the road.

It is our view that variances should be granted only for extenuating circumstances. For example, if you have a small lot and your septic system fails, then a variance to move your drain field closer to the property line could be granted if there is no other recourse. A variance should not be granted just because you do not want the rules to apply to your situation.

Thank you for your consideration.

Respectfully,

  
Mark and Debbie Dickson



**CASCO TOWNSHIP**  
**NOTICE OF PUBLIC HEARING**

The Casco Township Zoning Board of Appeals will hold a public hearing Thursday, 2 November 2017 at 7:00 pm at the Casco Township Hall at 7104 107<sup>th</sup> Ave., South Haven, MI 49090 to deliberate the following request for a variance from the requirements of the Casco Township Zoning Ordinance:

A request from Vincent Ziolkowski/Cheryl Ivey for a variance from Section 3.28B3b(4) which requires a minimum front yard setback of 25 feet. The applicant wishes to construct a garage to within 15 feet 8 inches of Orchard Lake Drive. Therefore, the applicant is requesting a variance of 9 feet 4 inches. The parcel in question is located at 7188 Orchard Lake Drive, South Haven, MI 49090 (Parcel #0302-180-211-00) in the Glenn Shores Subdivision (Low Density Residential Zone).

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 107<sup>th</sup> 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  
Clerk  
Phone-269/637-4441

Alfred J. Ellingsen  
Zoning Administrator  
Fax-269/639-1991

(Please place in the South Haven Tribune for publishing on 15 October 2017)

# Attachment #4

ZONING BOARD OF APPEALS - CASCO TOWNSHIP  
7104 107<sup>th</sup> 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 \_\_\_\_\_

Erect \_\_\_\_\_

Convert \_\_\_\_\_

Alter \_\_\_\_\_

Parcel # 0302- 180 - 211 - 00

3,288336(4)

Contrary to the requirements of Section (s) \_\_\_\_\_ of the Zoning Ordinance, upon the premises known as 7188 ORCHARD LAKE DRIVE and described as: ATTACHED (attach legal description)

The following is a description of the proposed use:

1. Name of applicant: VINCE ZIOLKOWSKI / CHERYL IVEY  
Address: 7188 ORCHARD LAKE Phone: 269. 227. 3758  
City SOUTH HAVEN State MI Zip 49090  
Fax: \_\_\_\_\_

2. Interest of Applicant in the premises: OWNERS

3. Name or Owner: VINCENT ZIOLKOWSKI / CHERYL IVEY  
Address: 7188 ORCHARD LAKE Phone: 269. 227. 3758  
City SOUTH HAVEN State MI Zip 49090  
Fax: \_\_\_\_\_

4. Size of property to be effected by the variance: 17,000 SQ FT

5. Proposed use of building and/or premises: TWO CAR GARAGE

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

7. Size of proposed building or addition to existing building, including height: 24 x 22' = 528 SQ FT - APPROX 15'-0" HIGH

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: 10.2.17  
[Signature] Signature of Applicant

Notes: Incomplete applications will be returned to the applicant.

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.

WE BELIEVE THE REQUEST IS CONSISTENT WITH THE ADJACENT PROPERTIES.

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

WE REQUEST A VARIANCE ON THE SETBACK REQUIREMENT WITH THE FULL UNDERSTANDING OF THE HISTORY OF 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.

THE PROPOSED GARAGE IS CONSISTENT WITH THE ADJACENT PROPERTIES. THE LOCATION SELECTED FOR THE GARAGE HAS BEEN USED AS PARKING FOR OVER THIRTY YEARS

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.

WE BELIEVE THE SPECIFIC SITE CONDITIONS DICTATE THE LOCATION OF THE PROPOSED GARAGE,

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 VARIANCE IS BEING REQUESTED BECAUSE THE SITE  
DISTURBS THE GARAGE LOCATION, THE SEPTIC FIELD AND  
SEVERAL LARGE TREES WOULD BE IMPACTED

- 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.

TO THE BEST OF OUR KNOWLEDGE WE HAVE DONE NOTHING  
TO IMPACT THE PROPERTY, THE SEPTIC FIELD, TREES AND  
PLANNING AREAS WHERE THERE WHEN WE PURCHASED

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

WE HAVE DONE NOTHING TO IMPACT THE VARIANCE.  
WE BOUGHT THE PROPERTY AS IS  
THE PROPERTY.

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

REDUCTION OF THE 25'-0" SETBACK TO 15'-6" AND  
15'-7" AS INDICATED ON THE SURVEY PREPARED  
BY NEDERVELD 9.25.17

- 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.

WE CAN NOT PURCHASE ANY ADDITIONAL PROPERTY  
IN THE ADJACENT AREA.

70-477/719 2674

VINCENT ZIOLKOWSKI  
CHERYL LIVEY  
733 CHICAGO AVE UNIT 401  
EVANSTON, IL 60202-2380

Date 10.3.17

PAY TO THE ORDER OF CASO TOWNSHIP \$ 700.00

SEVEN HUNDRED & 00/100 Dollars

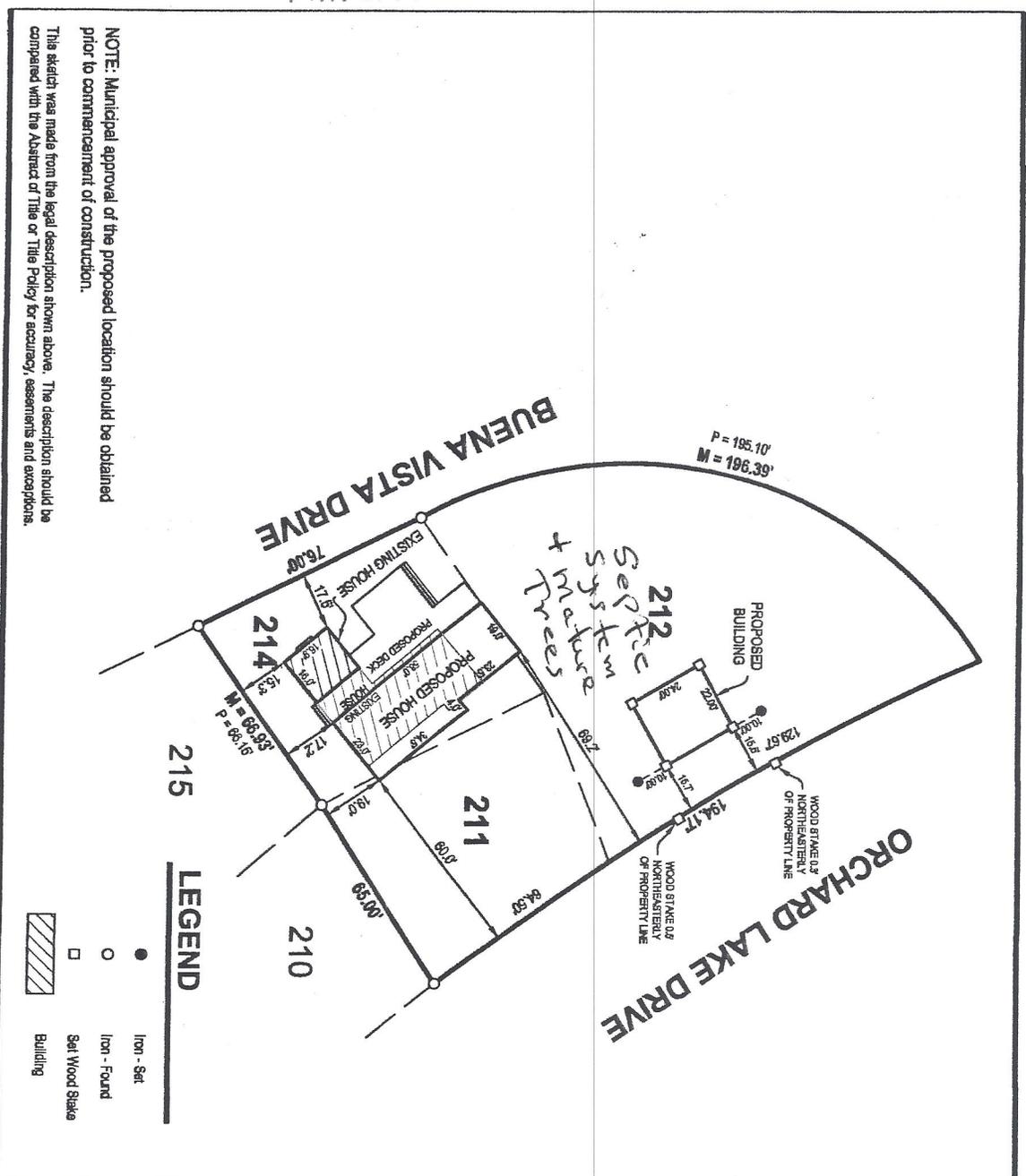
usbank.

Memo 7188 OPENED LAKE

*[Handwritten Signature]*



Security Features  
Look for them on back.



NOTE: Municipal approval of the proposed location should be obtained prior to commencement of construction.  
 The sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, assessments and exceptions.

**LEGEND**

- Iron - Set
- Iron - Found
- Salt Wood Stake
- ▨ Building

**DESCRIPTION**

Located in Casco Township, Allegan County, Michigan.  
 Lots 211, 212 and 214 of Glenn Shores Plat, according to the recorded plat as recorded in Liber 5 of Plats, Page 42.

By: *Scott A. Hendges*  
 Scott A. Hendges Licensed Professional Surveyor No. 47983  
 SCALE: 1" = 40'

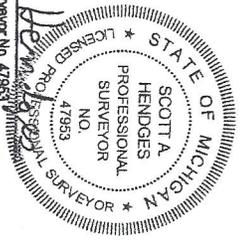
Rod Obolink Builders, Inc.  
 Rod Obolink  
 668 W. 32nd Street  
 Holland, MI 49423

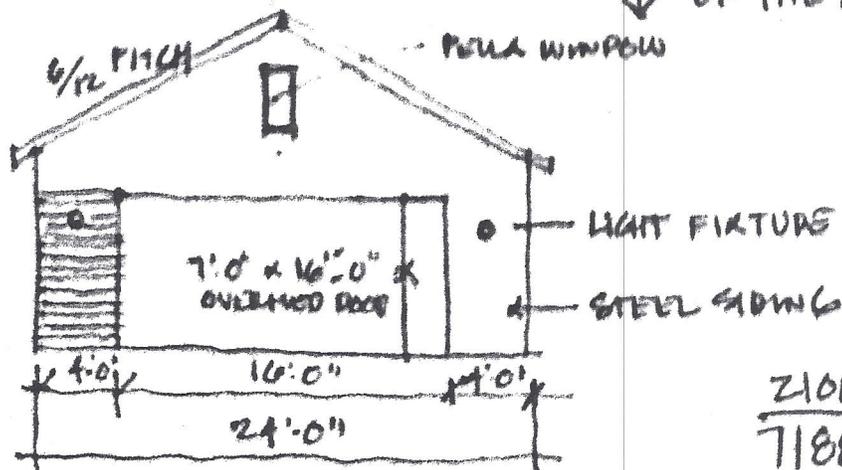
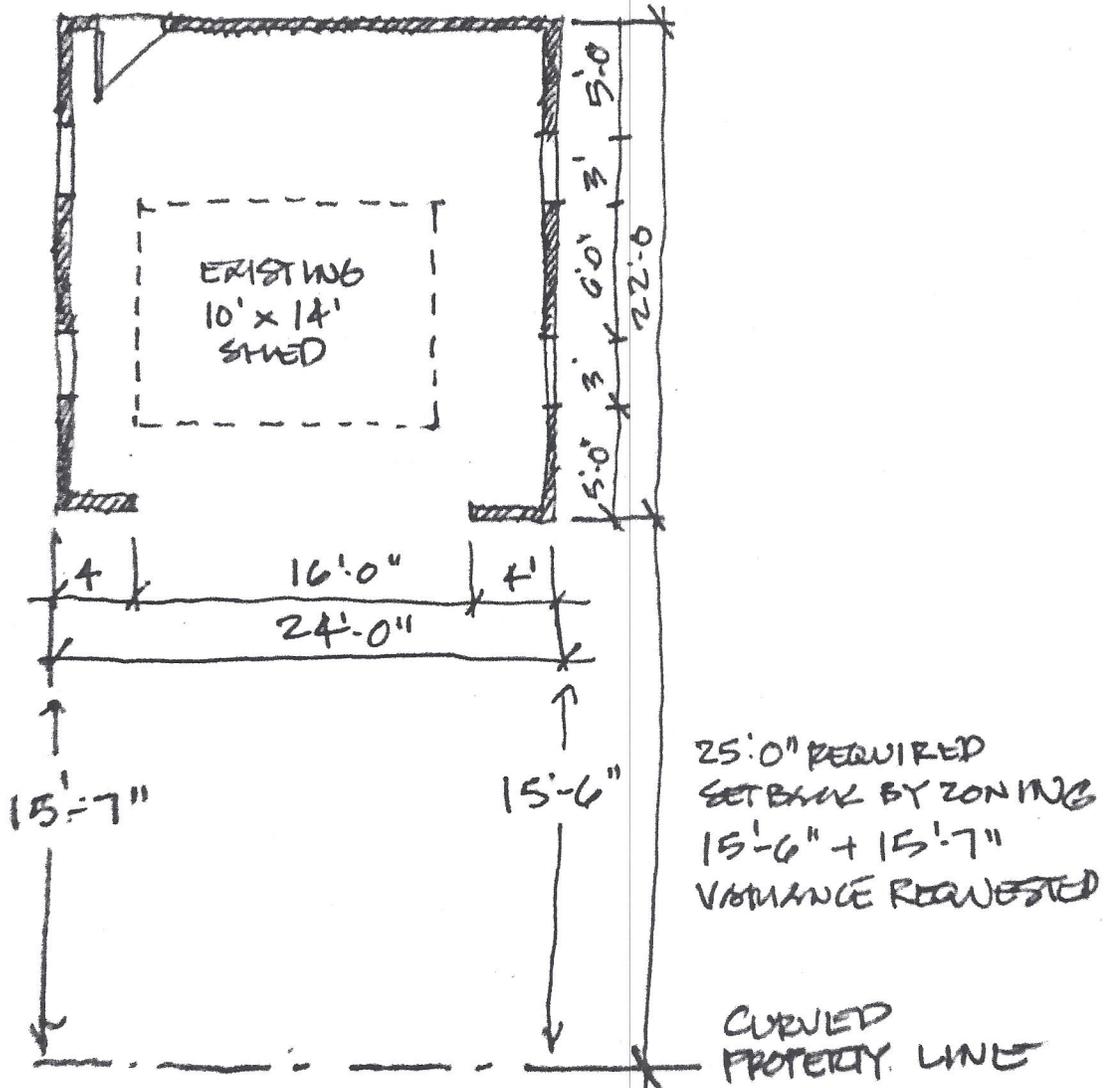
Zakowski Residence  
 7188 Orchard Lakes Drive

DRAWN BY: HM DATE: 09/27/2016  
 REV. BY: HM REV. DATE: 02/20/17  
 REV: STINKED PROPOSED BUILDING

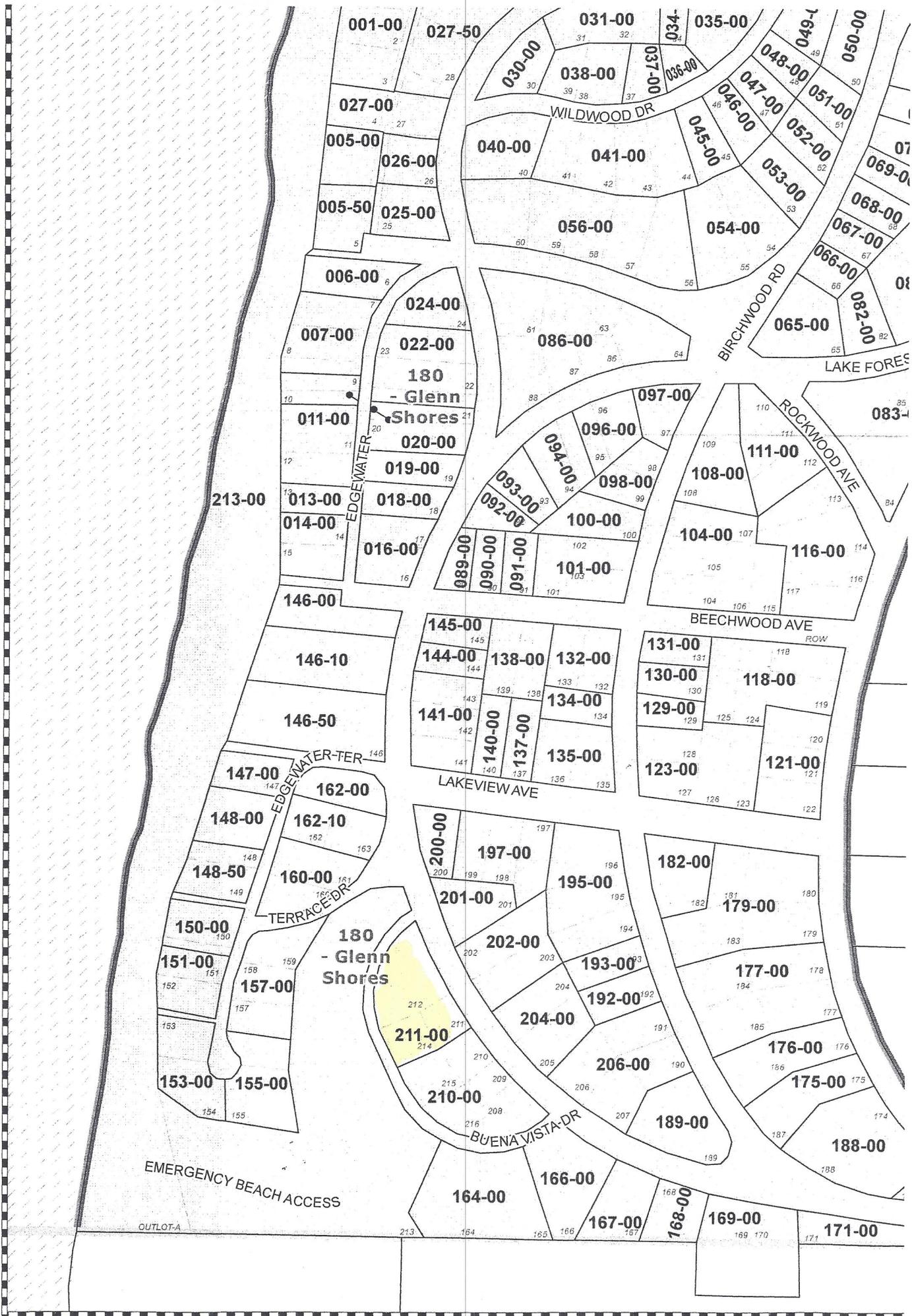
PRJ #: 16201433.1  
 1 OF 1

**NEDERVELD**  
 www.nederveld.com • 800.227.1888  
 347 Hoover Blvd  
 Holland, MI 49423  
 Ann Arbor, Chicago, Columbus, Grand Rapids, Kalamazoo, St. Louis





ZIOLKOWSKI / IVEY  
7188 ORCHARD LANE  
PROPOSED GARAGE  
10.2.17



**180 - Glenn Shores**

EMERGENCY BEACH ACCESS

OUTLOT-A

**180 - Glenn Shores**

**151-00**  
151  
152  
153  
154  
155

**153-00**  
154  
155

**157-00**  
157  
158  
159

**150-00**  
150

**148-50**  
149

**148-00**  
148

**147-00**  
147

**146-50**  
146

**146-10**  
146

**146-00**  
146

**016-00**  
16  
17

**014-00**  
14

**013-00**  
13

**011-00**  
11

**020-00**  
20

**022-00**  
22

**007-00**  
7

**006-00**  
6

**025-00**  
25

**005-50**  
5

**027-00**  
27

**001-00**  
1

**211-00**  
211  
212  
214

**210-00**  
210  
215

**202-00**  
202

**201-00**  
201

**200-00**  
200

**141-00**  
141

**140-00**  
140

**144-00**  
144

**145-00**  
145

**091-00**  
91

**090-00**  
90

**093-00**  
93

**094-00**  
94

**096-00**  
96

**086-00**  
86

**024-00**  
24

**007-00**  
7

**005-50**  
5

**026-00**  
26

**027-50**  
28

**031-00**  
31

**167-00**  
167

**166-00**  
166

**164-00**  
164

**206-00**  
206

**204-00**  
204

**192-00**  
192

**193-00**  
193

**195-00**  
195

**197-00**  
197

**135-00**  
135

**134-00**  
134

**138-00**  
138

**132-00**  
132

**101-00**  
101

**100-00**  
100

**098-00**  
98

**099-00**  
99

**097-00**  
97

**086-00**  
86

**041-00**  
41

**040-00**  
40

**056-00**  
56

**041-00**  
41

**038-00**  
38

**031-00**  
31

**168-00**  
168

**169-00**  
169

**171-00**  
171

**189-00**  
189

**187-00**  
187

**175-00**  
175

**176-00**  
176

**177-00**  
177

**179-00**  
179

**182-00**  
182

**123-00**  
123

**129-00**  
129

**130-00**  
130

**131-00**  
131

**104-00**  
104

**108-00**  
108

**111-00**  
111

**109-00**  
109

**097-00**  
97

**086-00**  
86

**054-00**  
54

**041-00**  
41

**040-00**  
40

**038-00**  
38

**031-00**  
31

**169-00**  
169

**168-00**  
168

**171-00**  
171

**189-00**  
189

**187-00**  
187

**175-00**  
175

**176-00**  
176

**177-00**  
177

**179-00**  
179

**182-00**  
182

**123-00**  
123

**129-00**  
129

**130-00**  
130

**131-00**  
131

**104-00**  
104

**108-00**  
108

**111-00**  
111

**109-00**  
109

**097-00**  
97

**086-00**  
86

**054-00**  
54

**041-00**  
41

**040-00**  
40

**038-00**  
38

**031-00**  
31

**169-00**  
169

**168-00**  
168

**171-00**  
171

**189-00**  
189

**187-00**  
187

**175-00**  
175

**176-00**  
176

**177-00**  
177

**179-00**  
179

**182-00**  
182

**123-00**  
123

**129-00**  
129

**130-00**  
130

**131-00**  
131

**104-00**  
104

**108-00**  
108

**111-00**  
111

**109-00**  
109

**097-00**  
97

**086-00**  
86

**054-00**  
54

**041-00**  
41

**040-00**  
40

**038-00**  
38

**031-00**  
31

**169-00**  
169

**168-00**  
168

**171-00**  
171

**189-00**  
189

**187-00**  
187

**175-00**  
175

**176-00**  
176

**177-00**  
177

**179-00**  
179

**182-00**  
182

**123-00**  
123

**129-00**  
129

**130-00**  
130

**131-00**  
131

**104-00**  
104

**108-00**  
108

**111-00**  
111

**109-00**  
109

**097-00**  
97

**086-00**  
86

**054-00**  
54

**041-00**  
41

**040-00**  
40

**038-00**  
38

**031-00**  
31

