

Approved 2019-12-30

Casco Township
Zoning Board of Appeals
Thursday, October 17, 2019, 7 PM

Members Present: Chairman Dave Hughes, Secretary Sam Craig, and Commissioner Matt Super

Absent: Trustee Paul Macyauski and Vice Chair Matt Hamlin

Staff Present: Janet Chambers, Recording Secretary and Tasha Smalley, Zoning Administrator

Also Present: Applicants Kevin Stufflebeam and Linda Lamb and interested Citizens (sign-in sheet attachment #1)

The meeting was called to order at 7:15 PM by Chairman Hughes for the purpose of hearing two variance requests.

A motion by Super, supported by Craig to approve the agenda as printed. All in favor. MSC.

A motion by Super, supported by Craig to approve minutes of 5/2/19. MSC.

There was no public comment.

The first request was from Kevin Stufflebeam, 58 North Shore Drive, parcel 0302-450-001-00 for an 8' side yard setback relief. Stufflebeam would like to repair part of his foundation, rebuild exterior walls and add a partial second story to the dwelling on the southwest corner of the building. The existing building is already 2' from the property line, therefore a variance is needed.

Stufflebeam said the house has been in his family for 35 years. There are structural issues to fix and he would like to upgrade. That area is currently a 3-season room. He would like to make it a bedroom suite and put a bedroom suite on top of it.

Chairman Hughes said the lot is a non-conforming lot of record. The applicant is fixing the foundation and making improvements to the house on the existing footprint. He noted that it would be within the current footprint, which has the Southwest corner within 2' from the side lot line.

Stufflebeam presented photos of the damaged foundation (Attachment #3).

Super asked if Stufflebeam intended to use the house as a STR. He noted that some people come to the ZBA stating it will be a private residence and then use it as a STR, and Super would like to be sure that is not the intent.

There was no written correspondence.

Stufflebeam said he intends to have this is his own residence, and has no intention of using as a STR.

Stufflebeam said, due to existing trees, adding the upper story would not block the view of his neighbors and he spoke to the neighbor directly next to him, Ellen and Dale Rowe, and they were ok with his plans.

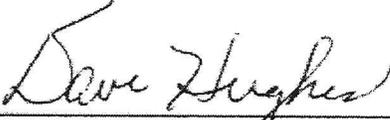
Chairman Hughes invited public comment. There was none.

Public portion of the meeting was closed for deliberation.

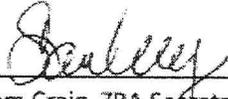
Craig asked to be sure the footprint of the existing house would not change. Stufflebeam confirmed.

Chairman Hughes read the applicants responses to standards (Attachment #4, pages 3 & 4).

A motion by Super, by reasons of the applicant will be staying within the existing footprint, and the fact that it is a non-conforming lot of record, and with the stipulation that while Stufflebeam own the home, it will not be used as a STR. All in favor. Variance granted with the condition that it is not used as a STR.



Dave Hughes, ZBA Chairman



Sam Craig, ZBA Secretary

10-17-19
Date

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The second variance request was from Linda Lamb, 81 North Shore Drive (Parcel 0302-085-010-30) for a rear yard setback. She is requesting a 22' relief to construct a swimming pool in her rear yard.

Lamb said she is requesting a 22' variance. She tried to purchase some of the property behind her, but the owner is only selling the whole 2.5-acre parcel. They were unwilling to split the lot and sell her part of it. The Allegan County Drain Commission has a right-of-way through her property, which prevents her from putting the pool where she originally wanted and where it would be complying.

Hughes asked Lamb when she found out about the easement. Lamb said she just learned about the easement. Permits were obtained and no one caught the fact there was an easement. If the easement had not existed, the pool would have been 10' from her house.

Hughes read the following:

- A letter from Suzanne and Clarence Mark, 7441 Hayes Drive, South Haven, opposing the variance (Attachment #7)
- A letter from Gregory and Julie Galbato, 7440 Eaton Drive, South Haven, opposing the variance (Attachment #8)
- A letter from Stanley and Janet Hunley, 79 Bluff Drive, South Haven, opposing the variance (Attachment #9)
- A letter from Amy O'Sullivan-Wheeler and Jerry Wheeler, 91 North Shore Drive, in support of the variance (Attachment #10)
- A letter from Margaret Woodruff, 7431 Eaton Drive, South Haven, in opposition to variance (Attachment #11)
- A letter from Geoffrey E Heekin, 7335 Eaton Drive, South Haven, in opposition of variance. (Attachment #12)

- A text from Mary Beth & Jeff DePue, Gerald Hall and Carol Ann Napowoci, from A Country Place B&B, 79 North Shore Drive, in opposition of the variance.

Lamb was invited to respond to the correspondence. She said she was insulted that people thought this was going to be a STR. This will be her retirement home and will not be a STR.

Chairman Hughes invited public comment.

Jason Dedic, 81 North Shore Drive, said he is the contractor and explained the issue. A drain runs across the back of the B&B. Dedic said he has addressed the erosion issue. He has installed silt fences and erosion barrier to protect the stream. The Allegan County Health Department is keeping an eye on the project. Originally, he was granted a permit to put the pool in the back of the house. About a month ago he became aware of the easement, which put a stop to the pool being in the building envelope. They made the pool smaller. The drain easement was done in 2013, which means no permanent structure could be placed within that easement.

Craig asked how long the silt fence would be required. Dedic said it is required to be there until construction is finished, landscaping put in, and the bank is fully controlled. Dedic added they are using gutters to control water runoff from the buildings.

John Malmstrom, 67 Bluff Drive, South Haven, said he sold the property to Lamb 3 years ago, and she knew well that the easement existed on the property. He said Lamb was made aware of the easement.

Smalley verified the easement was on the deed.

Thomas Doyle, 739 Eaton Drive, South Haven said the house is beautiful. He said Lamb is in the real estate business and understands issues before buying a piece of property. She is a knowledgeable purchaser. While variances are valuable and necessary for hardships, a variance which enriches a person at a cost to others, which the neighbors believe it will be, should not be granted. He added that if this is her retirement home, and has 6 bedrooms, it could easily be a STR.

Lamb responded; this will be her retirement home. She has worked 7 days a week to have her dream retirement home, she has rental properties, but this is where she wants to live.

Phillip Kayse, 40 Columbine, said he built in 2011. He had vision of bigger home but stayed within the ordinance. He said he has no problem with rentals, and Lamb has a lovely home. He felt she should have done her homework first. He would not approve a variance, should have done homework. Kayse reiterated that the builder said they were infringing upon his space. They are. There is a known right-of-way. A pool is not a life or death situation.

Lamb agreed, he is probably right, but the grandkids are counting on a pool.

Public portion of the hearing was closed at 8:20.

Super reiterated she wanted to put a pool in, but because of the easement she can't. She wants us to give her an easement to move the pool to a different spot. You tried to purchase more property, but the guy would not sell you part of his property, and you do not want to buy the whole thing.

Chairman Hughes went through the standards as listed on Lambs application (Attachment #6)

A motion by Craig to approve the variance, with the condition that the owner provide monthly reports to the township from the SESE inspections and the township be notified of any violation. A second condition of the variance approval is that Lamb does not use the property as a STR as long as she owns the property. Motion supported by Super. All in favor. Variance granted with the condition that SESE inspections be provided monthly to the township and the property is not used as an STR as long as Lamb owns the property.



Dave Hughes, ZBA Chairman



Sam Craig, ZBA Secretary

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Commissioners agreed that Thursdays at 7:00 is a good time for ZBA meetings. They also agreed meetings need to be scheduled when there are more than three-member present.

Meeting adjourned at 8:50.

- Attachment #1: Public Sign-in Sheet
- Attachment #2: Notice of public hearing
- Attachment #3: Photos of Stufflebeam's foundation damage
- Attachment #4: Stufflebeam application (15 pages)
- Attachment #5: Stufflebeam's photos of foundation damage (2 pages)
- Attachment #6: Lamb application (8 pages)
- Attachment #7: Letter from Suzanne and Clarence Mark in opposition to the Lamb variance
- Attachment #8: Letter from Gregory and Julie Galbato in opposition to Lamb variance
- Attachment #9: Letter from Stanley and Janet Hunley in opposition to Lamb variance
- Attachment #10: Letter from Amy O'Sullivan in support of Lamb variance
- Attachment #11: Letter from Margaret Woodruff in opposition to Lamb Variance
- Attachment #12: Letter from Geoffrey Heekin in opposition of the Lamb Variance

Minutes prepared by Janet Chambers, Recording Secretary