

CASCO TOWNSHIP  
ZONING BOARD OF APPEALS  
Thursday, May 14, 2020, 7 PM

1. **Call to Order, Roll Call:** The meeting was called to order by Chairman Hughes at 7 PM.  
**Roll Call:** Chairman Hughes, Secretary Sam Craig, Board Rep. Paul Macyauski, ZBA member Matt Super, Zoning Administrator Tasha Smalley and Recording Secretary Janet Chambers (virtually). Matt Hamlin was absent.
2. **Approval of Agenda:** Motion by Macyauski, Supported by Super to approve agenda with tabling of by-laws discussion. Roll call vote: Hughes yes, Craig yes, Macyauski yes, Super yes. All in favor roll call vote. MSC.
3. **Approval of previous minutes:** A motion by Super, supported by Craig to approve minutes of March 19, 2020. Hughes yes; Craig yes; Macyauski yes; Super yes. MSC. Minutes approved as printed.
4. **Public Comment:** None
5. **New Business:**
  - a. **Election of officers.** A motion by Hughes, supported by Macyauski to keep same officers as follows: Dave Hughes as Chairman, Matt Hamlin as Vice Chairman; and Sam Craig as Secretary. Roll call vote: Hughes yes; Craig yes; Macyauski yes; Super yes. MSC.
  - b. **Variance request Lotak Trust, 1140 Edgewater Terrace 0302-180-146-00 to move dwelling away from bluff and front setback request for 18 feet of relief (Re-do from March 19, 2020).**
    1. **Open public hearing:** Chairman Hughes opened the public hearing at 7:00 PM. The purpose for re-doing the front yard (lake side) variance owned by Lotak Trust, 1140 Edgewater Terrace (0302-180-146-00) was because after the after the original Notice of Public Hearing had been published, a survey was done and the property owner realized the setback request needed to be for 18', not 13' as published. The request was republished as an 18' request to allow public input on an 18' setback.
    2. **Applicant explain request: ZA staff report (Attachment #2):** none
    3. **Correspondence:** none
    4. **Audience for / against comments:** None
    5. **Any further discussion:** Macyauski noted that discussion was had at the ZBA May 14, 2020 meeting. The purpose for redoing this setback variance

request is to allow public input for an 18' setback variance. There was no public comment.

6. **Close Public Hearing:** Public Hearing was closed at 7:06 PM
- c. **Discussion / decision of variance request.** A motion by Macyauski, supported by Super to approve an 18' front yard variance request
- d. **Variance request 8.03 (water side setback 200 ft.) Alphone Ilekis to erect a swimming pool at 42 North Shore Drive 02-085-012-00. Required water side set back (from ordinary high-water mark) is 200 feet; request is for an 11.55 foot relief:**
  7. **Open public hearing:** Public hearing was opened at 7:08 by Chairman Hughes.
  8. **Applicant explain request: ZA staff report (Attachment #3):** Chairman Hughes invited Ilekis to explain his request. Ilekis said accessed to his property is a shared easement with the neighbor to the north of property. There had been a 3-story house on the property, which has been knocked down. There is a depression in ground where that house had been. Ilekis said the property is not in high risk erosion or critical dune area. The property is pie shaped with very little road frontage, forcing them to locate their house further back on the property. Ilekis would like to build mainly a one-story home, with the only portion having two being guest rooms above the garage. He would like to build a 20 x 40 pool for his grandchildren. Because of the shape of his yard the applicant would like to locate his pool 11.5 feet beyond the required setback. His neighborhood has newer homes, and most with pools. Ilekis said his home and pool will be in keeping with the character of the neighborhood, does not have safety issues. His home will be 5,000 to 5,500 square feet. Because of the triangular lot, part of the pool (11.5 ft.) would be beyond setback. Most of neighbors seem to have pools.

Discussion continued about possible locations for the house and pool. Ilekis said he wanted green space between the house and pool for the grandchildren to play. Ilekis said he would be filling in the depression where the old house existed and bringing the slope to that of neighbors on both sides.

Discussion ensued about disturbing the bluff, landscaping and erosion issues. Ilekis said the side of the pool would serve as a retaining wall. Currently there is a wall retaining the dune, pipes and timbers buried in the ground. Ilekis plans to regrade to the slope of neighbors, and create a natural grass area. The pilons will remain.

John Spalding from the design group explained the drawings. He stated they would be improving the nature of the ridge and does not create a safety hazard. It would be in keeping with neighborhood. The main reason for the variance request is the triangular shape of the lot.

Discussion ensued about the close proximity of the neighbor's cottage. The pool would be only 15' away from the cottage. Ilekis stated a pool is at ground level and will not affect the view of the neighbor.

Frank Conklin asked to speak. He stated he has been selling property for 45 years. Most sunsets are toward the north. It would be better to have a pool there than a building. It will not block view of sunsets. Conklin added 5 or 6 years ago the water was 100' further out. It is a cycle and some day would be further out.

Commissioners discussed noise that comes with having a pool, and the neighboring cottage being only 15' away.

9. **Correspondence:** Chairman read 3 letters from citizens. First was from Joshua Weiner, 50 North Shore Drive (Attachment #4) in support of the variance. A letter from Lyla Niffenegger, 36 North Shore Drive (Attachment #5), in opposition to the variance. The third letter from David Bergman, (Attachment #6) opposed to variance because of the stability of the bluff.

**10. Audience for or against comments:** None

**11. Any further discussion:**

12. **Close public hearing:** Chairman Hughes closed the public hearing at 8:05 PM. And commissioners went through the standards.
  1. Discussion on erosion and requests to move houses. Ilekis stated erosion that is going on has nothing to do with his lot and what he is planning to do.
  2. Yes
  3. Super expressed concerns about the proximity of the pool to the neighbor's house and to the bluff. Swimming pools are typically party time.
  4. Ok

5. Macyauski said it would not be reasonable to ask the homeowner to build a smaller house, if they are planning less than 25% lot coverage. Zoning Administrator calculated lot coverage and said the proposed plan is for under 25% lot coverage.
  6. Macyauski said they (Casco) have been struggling with setbacks for 25 years. In high risk erosion areas, the DEQ allows people to build 65' from the bluff. In LDR we are saying 200'. Granting a 12' setback from 200' requirement is really not that much. The applicant is not really asking for more relief than others have in that neighborhood.
  7. No. Putting a swimming pool in and making some adjustments to sustain the integrity of the bluff.
  8. Macyauski asked if some type of buffering would be between him and neighbors to the south. Ileki said there would be a head height natural screen. There would not be a fence.
  9. There is no land available for purchase there.
- e. **Discussion / decision of variance request:** Macyauski asked if standards were met. Craig said he was not sure it was the least amount of variance possible. Hughes said we are going to have to trust that the applicant will be careful and maintain the stability of the bluff. Zoning Administrator asked if pool would be put in prior to house. Ileki said it would be simultaneously. The slope will be a 1 to 2 slope consistent with neighbors.
- f. Hughes asked for a motion. A motion by Craig, supported by Macyauski variance of 12' be granted from the front yard setback (lake side). A roll call vote as follows: Hughes yes; Craig yes; Macyauski yes; Super no. Variance granted 3 – 1.

**6. Old Business:**

- A. **Discuss by-laws** (tabled until another time)
- B. **Anything else that may come before the ZBA:** None

**7. Public Comment:** None

**8. Adjournment** at 8:46 PM.

**Attachment #1: Notice of Public Hearing published in South Haven Tribune**

**Attachment #2: Lotak Trust variance request**

**Attachment #3: Alphone Ilekis variance request**

**Attachment #4: Joshua Weiner, 50 North Shore Dr., in support of variance**

**Attachment #5: Lyla Niffenegger, 36 North Shore Drive, in opposition to variance**

**Attachment #6: David Bergman, opposed to variance.**

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Dave Hughes, ZBA Chairman

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Sam Craig, ZBA Secretary

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Date

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Date

**Minutes prepared by Janett Chambers, Recording Secretary**