

Approved 09/21/2023

## Casco Township Zoning Board of Appeals

April 20, 2023

7:00 PM

### Casco Township Hall

Present: Chairman Matt **Hamlin** Vice Chair Paul **Macyauski**, Alex **Overhiser**, Dian Liepe and Matt **Super**

Absent: None

Also Present: Zoning Administrator Tasha **Smalley**, **Recording** Secretary Jennifer Goodrich, Applicant Megan **Sharp** with Abundant Life LLC (ABL), several people in the audience

- Call to Order:

The meeting was called to order by Chairman Matt **Hamlin** at 7:00 PM for the purpose of hearing variance requests by ABL. Henry **Cisco's** Sand Mine variance request will be postponed until the Planning Commission gives approval for the Special Land Use (SLU).

- Approval of Agenda:

A motion by **Macyauski**, supported by **Hamlin** to approve the agenda as amended. All in favor. Motion passed.

- Public comment:

Erwin **Watson** stated that he was 100% against a variance being granted to ABL and had questions regarding the last time the Zoning Ordinance was updated and when Public Hearings take place.

- New Business:

A. Election of Officers - Postponed

B. Abundant Life Homes of Grand Haven MI - 6789 103rd Ave (03-02-028-015-00)

Has petitioned for two side setback variances for a proposed land division with existing homes. The required side yard setback is 25'; requested relief of six' (to be 19ft from the property line).

Open public hearing at 7:05 PM

Megan **Sharp** was present to explain ABL's request, ZA staff report states that ABL would like to divide the property into four parcels. The property currently has two pre-existing homes. Due to the placement of the homes the required side yard setback cannot be obtained between the two homes. (6789 and 6787 103rd Ave.)

**Sharp** explained that MI State Housing Development Authority (MSHDA) Federal Housing Authority (FHA) and US Department of Housing and Urban Development (HUD) loans are not an available option for the current residents or potential buyers unless the property can be divided. A dividing line between the existing homes would also help alleviate some ongoing disputes between the neighbors.

**Macyauski** asked if the remaining pads from a previous home on Parcel D would be removed. **Super** asked why the entire property had not been cleaned up, as required of the previous owner. **Sharp** replied that ABL had not received

any notice that the property was out of compliance, but ABL would clean it up. Smalley suggested that clean up could be a condition of ZBA approval.

**Overhiser** asked if ABL planned to remove the two existing trailers that were currently being occupied. **Sharp** responded that the current tenants have leases/contracts that will be upheld until they expire or are broken. At this point ABL does not intend to remove/replace the dwellings until the tenants move out or are evicted.

**Hamlin** asked how long ABL had owned the property. **Sharp** responded approximately six months. **Hamlin** stated that the current tenants could only have approximately six months or less left on the current contracts and the ABL should just wait and not renew those contracts. Then they could remove the trailers and not need the variance(s).

- Correspondence: None
- Audience for / against:

Erwin **Watson** stated that the homes should be condemned and removed as they are not habitable. If they were to remain, they should be inspected and approved by the Allegan County Health Department. Blight, Guns, and Drugs were some of the other concerns brought up.

- Any further discussion: None

Close public hearing at 7:30 PM.

**Sharp** is unsure if the current homes have their own septic and well, or if they are sharing systems. **Macyauski** thinks it would be wrong to approve a variance with possible septic and well issues. **Hamlin** remarked that as long as the parcels were cash purchases, no one would require testing of the systems.

- Discussion / Decision of variance request:

Vice Chair **Macyauski** read through the standards taking comments from commissioners

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of the Ordinance is observed.

Yes. This is currently non-conforming (two residences on one parcel)

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

Yes. ABL understands that the property has some issues with previous occupants and blight and wants to improve the property. Hamlin stated that minimal improvement has been seen in the past six months.

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. Will not cause detriment.

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 or recurrent in nature.

No. It is not.

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.

Yes. The existing dwellings are too close together to add a dividing line and meet the setbacks on both sides.

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.

No. They could just put a fence up to define boundary.

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

No. Pre-existing before ABL purchased the property.

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

Yes. Macyaiski stated the ABL had done a good job providing reasonable evidence why they are requesting a variance and requesting the minimum amount of relief.

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. n/a

A motion *was made* by **Macyauski** to deny the variance request because the applicant did not meet the standards to grant variance request. Supported by **Overhiser**. Roll Call Vote. 5-0 Yes (to deny)

**Macyauski** stated he would like the Planning Commission to look into a possible amendment for lot width.

- Old Business: none
- Public comment: none
- Approval of previous minutes – October 10, 2022, **Hamlin** made a motion to approve the minutes as submitted, supported by **Overhiser**. All in favor. Motion passed.
- Meeting adjourned at 7:50 PM.

Attachments available at Casco Township Hall upon request

Minutes prepared by:

Jennifer Goodrich, Recording Secretary