

**CASCO TOWNSHIP, ALLEGAN COUNTY**  
**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of Casco Township will conduct a public hearing and regular meeting concerning the following matters on Thursday, April 29, 2021 at 7:00 p.m. at the Casco Township Hall, 7104 107<sup>th</sup> Ave, South Haven, MI 49090, within the Township.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include the following:

Gloria Matlin of South Haven MI has petitioned for a front setback variance at 1198 Cherry Dr (0302-181-245-00). The request is for 15 feet of relief from required 25 feet front setback requirement to construct a garage.

Any other business that may come before the zoning board of appeals

PLEASE TAKE FURTHER NOTICE that the application packet can be reviewed at the Township Hall during regular business hours of regular business days at 7104 107<sup>th</sup> Ave, South Haven.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person concerning the foregoing by the Township Clerk at the address set forth below, during regular business hours of regular business days or by mail to the Township Clerk at the address set forth below, up to the date of the hearing and will also be received by the Zoning Board of Appeals at the hearing.

Casco Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days notice to the Casco Township Clerk. Individuals with disabilities requiring auxiliary services should contact the Casco Township Clerk at the address or telephone number listed below.

Cheryl Brenner  
Casco Township Clerk  
7104 107<sup>th</sup> Ave, South Haven MI 49090  
269-637-4441

Tasha Smalley  
Zoning Administrator  
1-800-626-5964

**CASCO TOWNSHIP  
ZONING BOARD OF APPEALS**

**Agenda**

**Thursday April 29, 2021 7:00PM**

Casco Township Hall  
7104 107<sup>th</sup> Ave. South Haven MI 49090

**Covid restrictions apply – masks are required and social distancing**

1. Call to Order, Roll Call
2. Approval of agenda
3. Public comment (non-agenda items)
4. New Business
  - a. Variance request Gloria Matlin 1198 Cherry St 0302-181-245-00 to erect a 24x24 detached garage; request 15ft of relief; required front 25ft; request 10ft Maple Ave.  
  
open public hearing
    1. Applicant explain request; ZA staff report
    2. correspondence
    3. audience for / against comments
    4. any further discussionclose public hearing
  - b. Discussion / decision of variance request
5. Old Business
  - a. anything else that may come before the ZBA
6. Public comment
7. Approval of previous minutes – April 1, 2021
8. Adjournment

Memorandum: Casco Township Zoning Board of Appeals  
Date: April 15, 2021  
From: Tasha Smalley, Zoning Administrator  
RE: STAFF REPORT - Variance request – front setback

**Meeting date: Thursday, April 29, 2021 7:00PM**

Owner: Gloria Matlin  
Mailing Address: 1947 Farnsworth Ln, Northbrook IL 60062

Subject Property: 1198 Cherry Drive  
Parcel #: 0302-181-245-00

LDR- Low Density Residential District

8.03 District Regulations

Minimum lot area – 20,000 sq ft / s&w 10,000 sq ft  
Minimum lot width – 100 feet / s&w 85 ft  
Front setback – 50 feet / w&s 30 ft  
Side setback – 25 feet / w&s 15 ft  
Rear setback – 40 feet  
Maximum building height 35 feet

3.28 Nonconforming lots, uses, or structures

B3b Min lot width 60 feet  
Min lot depth 100 feet  
Max lot coverage 25%  
Front setback – 25 feet  
Side setback – 20 feet  
Rear setback – 10 feet

Analysis

Property 0302-181-245-00 is a legal non-conforming lot of record  
Lot area: odd shaped: 107x120 (ish)

Proposed detached garage:

24x24 = 576sq ft  
Cherry dr front – 34ft  
Maple Ave front – 10 ft  
North side – 86ft  
East side – 18ft

Applicant is requesting relief from Section 3.28B3b (4) front setback 25ft; request is 15ft of relief; request 10ft from Maple Ave to construct a 24x24 detached garage.

**Casco Township Zoning Board of Appeals**

*pd ch # 1016  
@700-*

7104 107<sup>th</sup> Ave., South Haven, MI 49090 Zoning Administrator: 269-673-3239

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: <u>GARAGE</u>		Convert: <u>03.02.181.245.00</u>
Alter:		Parcel #: <u>↗</u>

Contrary to the requirements of Section(s) 3, 28B36(4) of the Zoning Ordinance, upon the premises known as 1198 CHERRY DRIVE and described as: NEDERVELD SURVEY DATED 3.23.21 (attach legal description)

The following is a description of the proposed use:

Name of Applicant (if different from the owner) \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Email \_\_\_\_\_

Interest of Applicant in the premises:

Name of Owner(s) Gloria Matlin  
 Address 1198 Cherry DR. Phone 847.951.4040  
 City SOUTH HAVEN State MI Zip 49090  
 Email gloriamatlin@gmail.com

Approximate property dimensions, size 107.75 X 120 X 130 X 17.37 X 79.42 X 53.05

Proposed use of building and/or premises garage

Present use of building and/or premises ~~VACANT~~ SINGLE FAMILY HOUSE

Size of proposed building or addition to existing building, including height 24 X 24

Has the building official refused a permit? No

If there has been any previous appeal involving the premises; state the date of filing, nature of the appeal and disposition of same. (use separate sheet)

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 OUR REQUEST IS CONSISTANT  
WITH THE ADJACENT PROPERTIES

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

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

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 LOCATION IS CONSISTENT WITH  
ADJACENT PROPERTIES. THE PROPOSED LOCATION HAS  
BEEN USED FOR PARKING FOR 20 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 practical.

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 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:

- 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.

VARIANCE IS REQUESTED BECAUSE THE SITE DICTATES  
THE GARAGE LOCATION. THE SEPTIC FIELD, WATER  
PUMP LINE 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. ALL IMPEDEMENTS  
WERE EXISTING WHEN THE PROPERTY WAS 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 CONDITION  
OF THE PROPERTY.

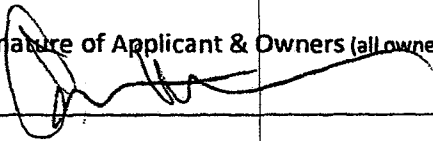
8. The variance if granted, would be the minimum departure necessary to afford relief.

WE ARE REQUESTING A REDUCTION OF THE 25'-0" SETBACK  
TO 10'-0" AS INDICATED ON THE NEDERVELD SURVEY 3.23.21

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

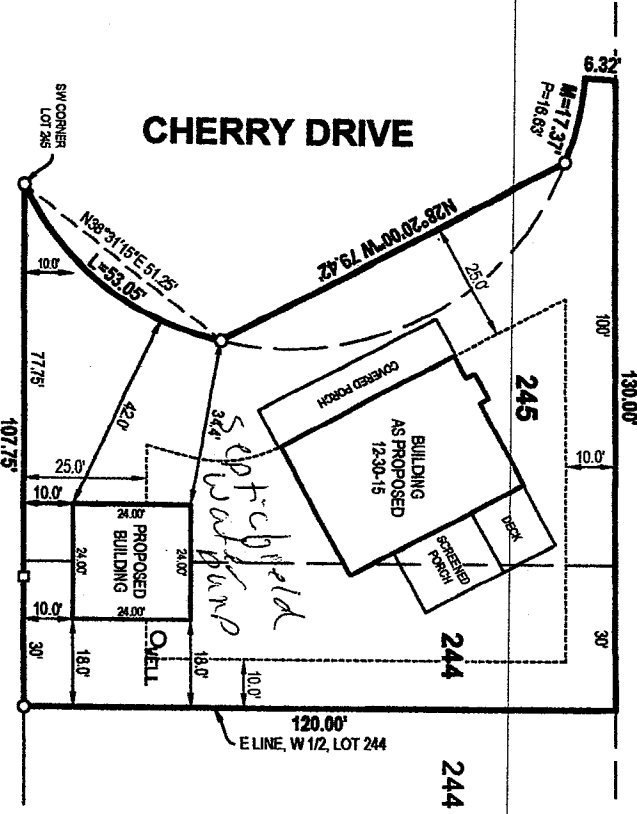
Signature of Applicant & Owners (all owners must sign)



Gloria Martin

Date 3/26/2021

Note: Incomplete applications will be returned



**DESCRIPTION**

DESCRIPTION: Lot 245 and the West half of Lot 244 in "Glenn Shores No. 1", together with a part of Cherry Drive turnout described as, beginning at a point found by commencing at the Southwest corner of Lot 245 in said subdivision, thence North 36 degrees 31 minutes 15 seconds East 51.25 feet to the place of beginning, said place of beginning being on a 60.00 foot radius turnaround; thence North 28 degrees 20 minutes 00 seconds West 79.42 feet to a point on said turnaround, thence on said turnaround on a curve to the right, with a radius of 60.00 feet to the far end of a chord that bears South 28 degrees 20 minutes East 79.42 feet to the place of beginning, all being in Section 6, Town 1 North, Range 16 West, Casso Township, Allegan County, Michigan.

**LEGEND**

○ Iron - Found  
 □ Sea Wood Stake  
 Zoning Setback

NOTE: Improvements shown hereon are from previous Nederveeld Survey 152013953, dated 12-30-15  
 NOTE: Care has been taken to meet proper setback requirements. However, municipal approval of the proposed location should be obtained prior to commencement of construction.  
 This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

By: *Scott A. Hendiges*  
**PRELIMINARY**  
 Scott A. Hendiges Licensed Professional Surveyor No. 47933  
 SCALE: 1" = 30'

Rod Obchik Builders, Inc.  
 Romina Laeuw  
 858 W. 32nd Street  
 Holland, MI 49423

Marilyn Residence  
 1198 Cherry Drive

DATE: 11-16-2020  
 REV. BY: JV  
 REV. DATE: 03-23-21

FPL # 202000032  
 1 OF 1

**NEDERVEELD**  
 Holland  
 367 Hoover Blvd.  
 Holland, MI 49423  
 www.nederveeld.com • 602.221.088

Draft

CASCO TOWNSHIP  
ZONING BOARD of APPEALS  
Thursday, April 1, 2021

1. **Call to Order:** The meeting was called to order by Matt Hamlin at 7 PM.  
**Present:** Sam Craig, Paul Macyauski, Matt Super, Matt Hamlin, Zoning Administrator Tasha Smalley, Applicant Zoe Baum and Recording Secretary, Janet Chambers.  
**Absent:** Alex Overhiser
2. **Approval of Agenda:** Motion by Macyauski, supported by Super, to approve the agenda. All in favor. Agenda approved as presented.
3. **Approval of Minutes from Thursday, May 14, 2020:** Motion by Macyauski, supported by Super to approve minutes of May 14, 2020 meeting. All in favor. Minutes approved as presented.
4. **Public Comment:** None
5. **New Business:**

- a. **Election of officers:** Motion by Super, supported by Craig to nominate Matt Hamlin, as Chairman. All in favor. MSC

A motion made by Super, supported by Hamlin, to nominate Paul Macyauski as Vice Chair. All in favor. MSC.

A motion made by Super, Supported by Macyauski to nominate Sam Craig as Secretary. All in favor. MSC.

- b. **Variance request Baum, 1123 Edgewater Terrace 0302-180-160-00 to erect a 4.5-foot fence in the required front yard (25 feet); 3 feet required; 1.5 ft of relief requested.** (Application Attachment 1)

**Open public hearing:** The public hearing was opened at 7:03 PM.

1. **Applicant explains request; ZA staff report:** Applicant Zoe Baum was invited to explain her request. She said they have two dogs, and the current fence is not tall enough to keep them in. She would like to put a 4.5-foot so they cannot jump over. The fence will be a decorative aluminum and see through. Over time the road gravel has pulled back from original right of way (cutting off the corner of Baum's yard at Edgewater Terrace and Terrace Drive). The fence will be backed up to be kept out of the road.

Zoning Administrator Smalley said the property is a legal non-conforming lot of record. The lot is pie shaped with 130 ft. frontage on Edgewater Terrace



and 200' on Terrace Drive. The request is for 1.5' of relief. Section 3.32B requires a fence not to exceed 3 ft. in height within any required front yard.

2. **Correspondence:** A letter was received from Dave Campbell stating he looked over the variance request and was in support of Baum's request and welcomed her to the neighborhood. His only concern was Section 3.19 concerning clear vision, and with growth in the neighborhood he questioned how many more variances would come in if approved. (Attachment 2)
3. **Audience for/against comments:** None
4. **Any further discussion:** Macyauski said he felt the spirit of the ordinance was for health and safety. The request is for a see-through fence and therefore will not impede vision and safety.

**Close Public Hearing:** The public hearing was closed at 7:08.

- c. **Discussion / decision of variance request:** A motion was made by Super that because the fence will not impede clear vision, as required in Section 3.32; and the variance request agrees with the spirit and intent of the ordinance the request for 1.5' relief to the 3-foot height limit be granted. Supported by Craig. MSC
6. **Old Business:**
    - a. **Anything else that may come before the ZBA:** Smalley said there is another variance request coming up. Commissioners agreed on Thursday, April 29<sup>th</sup> at 7:00 PM for that meeting.
  7. **Public Comment:** None
  8. **Adjournment:** Meeting adjourned at 7:25 PM.

Attachment 1: Application and Zoning Administrator's report

Attachment 2: Letter from Dave Campbell

Minutes prepared by Janet Chambers, Recording Secretary