

APPROVED 6-12-2014

**CASCO TOWNSHIP
ZONING BOARD OF APPEALS
May 8, 2014**

MEMBERS PRESENT: Paul Macyauski, Sam Craig, and Josiah Jessup

EXCUSED: David Hughes

ALSO PRESENT: Alfred Ellingsen, Zoning Administrator and Sue West, Recording Secretary

PUBLIC PRESENT: Bob and Sharon Curtis of 468 Beach Glass Lane, South Haven, MI

The Meeting was called to order by Chairman Paul Macyauski at 7:01 pm. The purpose of this meeting is to adjudicate a variance request from Kevin Muntter, of 3136 Hunters Dr., Jenison, Michigan 49428 after the fact for a 10' x 11' storage shed already constructed on the property located at 474 Boodys Way, South Haven, Michigan 49090(Parcel # 0302-760-116-00) in the Low Density Residential District. The building is within 4 feet of the south side lot line and the minimum side yard requirements for accessory structures is 10 feet as stated in Section 3.07G.

A letter dated May 8, 2014 was received by fax from Laurie and Kevin Muntter indicating that they are unable to attend the meeting, along with three copies of photos of the shed (Attachment 1)

Chairman Macyauski reviewed the request with Sharon Curtis who was acting as agent for the applicant. Sharon Curtis stated that the shed is already there on a slab of cement approximately 4' – 5' from the line and that the shed was being used for storage because there is no room for a garage.

Chairman Macyauski asked if Bob and Sharon Curtis were the neighbors to the South. Sharon Curtis answered that they were and that the Henkels were neighbors to the North.

Chairman Macyauski asked who had the cement slab for the shed poured. Sharon Curtis answered that the Muntters had it poured.

Sharon Curtis further stated that she believes the shed provides privacy to the property owners to the South. Chairman Macyauski asked for clarification on who the lot owners are to the South. Sharon Curtis answered that there was the Muntter lot, then an empty lot, and then the Curtis lot.

Sharon Curtis stated that she was surprised at the 10' setback requirement and that at her former residence in Portage, MI the setback is only 3'. Chairman Macyauski stated that previously the setback requirement was less than 10' but that back in 2006 the requirement became 10' so that emergency vehicles could have access if needed.

Sharon Curtis stated that the shed is a nice looking shed that matches the house and that it is made out of wood so rust will never be an issue.

Chairman Macyauski asked for public comment. There was none.

Chairman Macyauski noted that two letters of support were received: 1. Letter dated April 30, 2014 from Bob and Sharon Curtis, of 468 Beach Glass Lane, South Haven, MI 49090 (Attachment 2) and 2. Letter dated April 25, 2014 from Laurel and Tom Henkel, of 615 Jennings Landing, Battle Creek, MI 49015 (Attachment 3). No letters of objection were received.

SECTION 20.08 REVIEW STANDARDS FOR VARIANCES

A. A dimensional variance may be allowed by the ZBA only in cases where there is reasonable evidence presented by the applicant that ALL of the following conditions are met:

- 1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.** Chairman Macyauski stated that in his opinion, this is not a health or safety issue.
- 2. The variance is being granted with a full understanding of the property history.** Chairman Macyauski stated that the Board Members have the full 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.** Chairman Macyauski stated that obviously the shed is not a detriment to the property. The shed matches the house, etc.
- 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.** Does not apply
- 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 or conditions include:**
 - a. **Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.** Chairman Macyauski stated that the 50' Standard was met and that it is an exceptionally narrow lot.
 - b. **Exceptional topographic conditions.** Standard met.
 - b. **By reason of the use or development of the property immediately adjoining the property in question.** Standard met.

c. **Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.** Standard met

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. Standard met.

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

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

Chairman Macyauski asked for additional comments from the Board. There were none. Chairman Macyauski indicated that with three Board Members in attendance, there is a quorum, but that the vote must be unanimous.

A Motion was made by Craig, supported by Jessup to grant a 6' Variance to Section 3.07G to Kevin Muntter, of 3136 Hunters Dr., Jenison, Michigan 49428 for a 10' x 11' storage shed already constructed on the property located at 474 Boody's Way, South Haven, Michigan 49090(Parcel # 0302-760-116-00) in the Low Density Residential District. All in favor. Variance granted.

A Motion was made by Craig, supported by Jessup, to approve the Minutes from the November 12, 2013 meeting. MSC.

Ellingsen stated that there is a possible upcoming variance request. He will confer with Attorney Bultje regarding same. If a meeting is required, there is a target date of June 12, 2014 at 7:30 pm.

Ellingsen will contact Allan Overhiser regarding getting a replacement Board Member for Lewis Adamson.

A Motion was made by Craig, supported by Jessup to adjourn. MSC. Meeting adjourned at 7:25 pm

Minutes prepared by Sue West, Recording Secretary

Attachment 1: Letter dated May 8, 2014 from Laurie and Kevin Muntter, of 474 Beach Glass Lane, South Haven, MI, along with three copies of photos of the shed

Paul Macyski
(Print Name)

Samuel Craig
(Print Name)

P. Macyski
ZBA Chairman

Samuel Craig
ZBA Secretary

Date: 11.12.13

Date: 1/12/13

Dear Mr. Ellingsen and Casco Board of Appeals,

May 8, 2014

I am writing this letter to regretfully inform you that I am unable to attend the meeting tonight regarding the request for variance that we submitted for our shed located at 474 Boody's Way (Beach Glass Lane) in the Sunset Shores Subdivision. I had planned on attending but now my husband is going to be out of town for the evening and so am unable as I need to take my oldest daughter to soccer. I believe that we should be all set as we have already provided all the paperwork and documentation, but I am also sending some photos of the shed on the property.

Thanks for your attention to this matter,

Laurie Munter

Laurie and Kevin Munter

474 Beach Glass Lane

South Haven, MI 49090

616-662-5468





4/25/14

Casco Township Zoning Board
7104 107th Ave.
South Haven, MI 49090

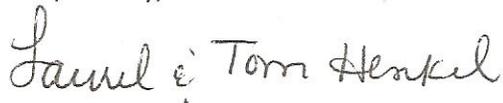
To Whom It May Concern:

This letter is to express our opinion regarding the variance request of Kevin & Laurie Muntter for 474 Boody's Way. We own lot 112 (480 Beach Glass Lane) and are "next door neighbors". The structure that is in question can be seen from our driveway.

We find the structure to be aesthetically pleasing to the eye and blends well with surrounding building and wooded environment. It is our understanding that the Muntters placed a great deal of faith and financial resources with the company that designed and erected the structure.

We support an approved variance request for the Muntters. Laurie Muntter has served on the HOA board for the Sunset Shores neighborhood and has been advocate for the beautification, maintenance & security of the neighborhood. It is our opinion that the failure to meet the side yard requirements were an innocent oversight by the builder.

Respectfully,



Laurel & Tom Henkel
(Lot 112)
480 Beach Glass Lane

Home Address: 615 Jennings Landing
Battle Creek MI 49015
269-317-1607

To: Variance Appeals Board

From: Bob and Sharon Curtis

468 Beach Glass Lane

South Haven, Michigan 49090

Re: Laurie and Kevin Muntter Variance

Date: April 30, 2014

We support the approval of the variance request. According to our measurements, the Muntter's building is placed, at least, five feet within the property line. In our previous home (Portage, Michigan), the set-back requirement was only three feet. According to our experience, a ten foot set-back is unrealistic and un-necessary. Three feet allows for maintenance of the back side while on ones own property. On a 50 foot lot, placing a storage building in ten foot from the line would look awkward and out of place. Presently, the building 'fits' the lot (not too large) and looks appealing by repeating the home's color and style.

In addition, within our association where the lots could be small; such a building placed near the property line allows privacy for the owner and their neighbor. The storage building blocks activities from the neighbor's view and allows them greater enjoyment in their backyard; something people desire. Our neighbor's will be installing a fence on our mutual property line in the near future. We welcome the construction because presently we feel we are intruding on the activities in their backyard when we come around the corner of our garage. The Muntter's neighbors will not have that problem if the variance is granted, because they will have a visual barrier (like a fence) already in place when they build a home there (something we would have welcomed). A fence can be on the line and is anchored into the ground. This storage building is not anchored into the ground and is much further in than a fence. Consequently, to us, if a fence is allowed on the line; a storage building should definitely be allowed near the line.

Laurie works hard on the Board of the Sunset Shore Property Owner's Association and is always trying to enhance the community. We are positive that allowing this building to remain in place, also, enhances the community for the two neighbors involved and the community as it is viewed from the road.

Thank you for your consideration and hopefully support of our views.

Bob + Sharon Curtis