

APPROVED 3-26-15

**CASCO TOWNSHIP
ZONING BOARD OF APPEALS
February 19, 2015**

MEMBERS PRESENT: Paul Macyauski, Sam Craig, David Hughes, and Matt Hamlin

EXCUSED: Josiah Jessup

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

PUBLIC PRESENT: Alan Brody

The Meeting was called to order by Chairman Paul Macyauski at 6:57 pm.

The purpose of this meeting is to adjudicate a variance request from the requirements of the Casco Township Zoning Ordinance, to-wit: a request from Alan Brody, of 2500 Lakeview, #3303, Chicago, IL 60614, from Section 3.28B3b(5) which requires a rear setback of 20 feet. The applicant wishes to add an addition to the existing house which would be within 4 feet from the rear lot line. A variance was previously approved by the ZBA in March, 2003, but the proposed addition was not built. The property in question is located at 539 "B" Ave, South Haven, MI 49090 (Parcel #0302-570-168-00). The applicant also needs a variance from Section 8.03 Maximum Lot Coverage which requires a maximum of 25% lot coverage in the Low Density Residential zone. The proposed addition increases the coverage to 27%.

Chairman Macyauski invited Alan Brody to explain his request. Mr. Brody stated that he owns a cottage in Mt. Pleasant and that he would like to build an addition to the North side of the existing home. He further stated that he was granted a variance in 2003 from the setback requirement, but due to unrelated circumstances, he did not go forward with the addition at that time. Mr. Brody also stated that the properties to the East are vacant lots and that he owns 1 vacant lot to the West of the subject property. Mr. Brody indicated that the addition will be built to look like the cottage.

Chairman Macyauski explained the importance of following the 25% Maximum Lot Coverage Ordinance and asked Mr. Brody if he would be willing to make his addition smaller by having the back of the addition even with the existing home rather than extending 6' past the existing home. Mr. Brody stated that he could make the addition smaller than he had planned.

Chairman Macyauski asked Ellingsen to clarify how much over the 25% maximum lot coverage the addition would be and Ellingsen answered that Mr. Brody would be 208 sq. feet over.

Mr. Brody stated that he is willing to shorten the addition by taking 6' off the back of the addition, making the addition even with the home. Ellingsen stated that by making this change, the lot coverage would be 25.87%.

Chairman Macyauski asked for any further comment. There was none.

SECTION 20.08 REVIEW STANDARDS FOR VARIANCES

A. A dimensional variance may be allowed by the ZBA only in cases where the ZBA finds 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. Standard met.
2. The variance is being granted with a full understanding of the property history. yes
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. Standard met
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. – not recurrent / standard met
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 any of the following:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance. Exceptionally narrow lot – standard met
 - b. Exceptional topographic conditions. Standard met
 - c. By reason of the use or development of the property immediately adjoining the property in question. Standard met
 - d. 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

B. In addition to the above outlined standards for a dimensional variance, the Zoning Board of Appeals shall consider the following when deliberating upon a nonconforming lot in a platted subdivision case (see also Section 3.28): Standard met

1. There is no practical possibility of obtaining more land.
2. The proposed use cannot reasonably be located on the lot such that the minimum requirements are met.

A Motion was made by Hughes, seconded by Hamlin to approve a 10' Variance from Section 3.28B3b(5) which requires a rear setback of 20 feet, and a .87% Variance from Section 8.03 Maximum Lot Coverage which requires a maximum of 25% lot coverage in the Low Density Residential zone, to allow a 23' x 33' addition to be built to the existing home located at 539 "B" Ave., South Haven, MI 49090 (Parcel #0302-570-168-00).

A Motion was made by Craig, supported by Hughes, to approve the Minutes from the August 21, 2014 meeting as written. MSC.

A Motion was made by Craig, supported by Hamlin, to adjourn. MSC. Meeting adjourned at 7:35 pm

Minutes prepared by Sue West, Recording Secretary

<u>Paul McCausland</u> [Print Name]	<u>Samuel CRAIG</u> [Print Name]
<u>P. McCausland</u> ZBA Chairman	<u>Samuel Craig</u> ZBA Secretary
Date: <u>3.26.15</u>	Date: <u>3/26/15</u>