

DRAFT

CASCO TOWNSHIP
ZONING BOARD OF APPEALS
November 5, 2015, 7:00 PM

MEMBERS PRESENT: Chairman Paul Macyauski, Josiah Jessup, Matt Super

ALSO PRESENT: Steve Bos from Van Dam & Krusinga and Janet Chambers, Recording Secretary

PUBLIC PRESENT: None

Meeting was called to order by Chairman Macyauski at 7:00 PM. The purpose of this meeting is to adjudicate a request from Van Dam & Krusinga, 7858 Ravine Rd., Kalamazoo, MI 49009, acting as agent for Dr. Charles Zeller. The variance is from Section 3.07D which states "No detached accessory building shall be located in any required front yard setback of a lot or parcel". The required front yard for this parcel is 25 feet as declared in Section 3.28B3b(4). The parcel is located at 424 Lakeshore, South Haven, MI 49090 (Parcel #0302-760-072-00). The applicant wishes to construct a second story addition to an existing garage to within 16 feet of the front lot line. Therefore, a 9 foot variance is requested.

The meeting was called to order by Chairman Paul Macyauski at 7:00 PM. Chairman Macyauski stated that the request was to build a second story over an existing unattached garage for storage. He asked that Commissioners read over Section 20.08 Review Standards for Variances and ask any questions they have.

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.** It will not be contrary to public interest
- 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.** It will not
- 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.** 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 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:**
Already a garage in that footprint.

- a. **Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.** No
 - b. **Exceptional topographic conditions** N/A
 - 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.** No
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.** Same footprint as existing garage
7. **That the variance is not necessitated as a result of any action or inaction of the applicant.**
8. **The variance, if granted, would be the minimum departure necessary to afford relief.**
- 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)**
- 1. **There is no practical possibility of obtaining more land.**
 - 2. **The proposed use cannot reasonably located on the lot such that the minimum requirements are met.**

Super asked if the addition was going to be used as a home business. Bos stated that it was for storage and crafts. Chairman Macyauski added that the application states that it is going to be additional storage, but even if the applicant choose to use it for a home based business in the future they would need to get a permit separate from the zoning change request.

Chairman Macyauski asked for a motion to approve the request for a variance from Section 307D. A motion was made by Super, supported by Craig to Grant the request for variance to 3.07 D. All in favor. Variance granted.

Chairman Macyauski asked for a motion to approve the request for a variance from 3.28B3b(4). Motion was made by Super, supported by Craig to grant the variance. All in favor. Variance granted.

Chairman Macyauski asked commissioners to review the minutes of the July 9, 2015 meeting. A motion by Super, 2nd by Jessup to approve minutes. All in favor. MSC.

Motion to adjourn by Super, 2nd by Jessup to adjourn. All in favor. Meeting adjourned at 7:25 PM.

Minutes prepared by Janet Chambers, Recording Secretary.