

**South Haven Charter Township
09761 Blue Star Hwy, South Haven
Zoning Board of Appeals
Thursday August 27, 2026 at 6:30PM
Agenda**

Call to Order

Role Call

Approval of the Agenda

Approval of previous Minutes

Public Comments, Non-Agenda Items

Election of Officers

Public Hearings

Shivelight Holdings LLC, Michael Hubers has petitioned for front, rear and lot area variances to construct a new home at V/L Grand Blvd 80-17-225-026-01. Required front setback 35ft; request 5 feet of relief (to be 30ft from property line) Required rear setback is 50ft; request 5ft of relief (to be 45ft from property line) Required lot area 1acre (43,560sqft); lot size 12,000sqft; request 31,560sqft of relief.

New Business

- a. Discuss/decision Hubers, 80-17-225-026-01
- b. Anything that may come before the ZBA

Old Business

- a. Anything that may come before the commission

Public Comments

Adjournment

**SOUTH HAVEN CHARTER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING**

The Zoning Board of Appeals of South Haven Charter Township will hold a public hearing and regular meeting at the South Haven Township Hall 09761 Blue Star Hwy on Thursday August 27, 6:30pm for the following variance applications:

Shivelight Holdings LLC, Michael Hubers has petitioned for front, rear and lot area variances to construct a new home at V/L Grand Blvd 80-17-225-026-01. Required front setback 35ft; request 5 feet of relief (to be 30ft from property line) Required rear setback is 50ft; request 5ft of relief (to be 45ft from property line) Required lot area 1acre (43,560sqft); lot size 12,000sqft; request 31,560sqft of relief.

PLEASE TAKE FURTHER NOTICE that the application can be reviewed at the Township Hall during the zoning administrator hours Tues's 9-12p and Thurs's 1:30-4p or call 269-637-3305 / 1-800-626-5964 or request by email shtwp.zoninga@gmail.com. Written comment may also be submitted to the zoning administrator.

PLEASE TAKE FURTHER NOTICE that written comments may be submitted to the Township Clerk at the address set forth below, during regular business hours of regular business days or by mail at the address set forth below, up to the date of the hearing and will also be accepted by the Planning Commission at the hearing.

South Haven Charter Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days' notice to the South Haven Charter Township Clerk.

South Haven Charter Township Hall
Brenda Bertorelli, Clerk
09761 Blue Star Highway
South Haven, MI 49090
269-637-3305

SOUTH HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES

Monday November 17, 2025

Draft

Call to Order: 6:40 PM

Role Call:

Lowell Tippman – present (6:43)
Mark Monacelli – present
Eric Leatherberry – absent
Dave Wiatrowski (alternate) – present
Smalley, Zoning Administrator

audience – applicant(s), resident(s)

Approval of the Agenda

Smalley stated to add October 23, 2025 draft minutes to the agenda: approval of the minutes. Motion by Wiatrowski to approve the agenda with the addition, second by Monacelli, 2-0 yes, motion passed.
(Tippman not in attendance for motion)

Approval of the Minutes

Motion by Wiatrowski to approve the minutes of October 23, 2025, second by Monacelli, 2-0, yes motion passed. (Tippman not in attendance for motion)

Motion by Wiatrowski to approve the minutes of November 6, 2025, second by Monacelli, 2-0, yes motion passed. (Tippman not in attendance for motion)

Public Comment non-agenda items - none

Public Hearing – Monacelli read the public notice

Sand Haven Shores Cottages LLC has petitioned for variances to construct homes and detached garages at 78006 20th Ave, 78000 20th Ave, and 78268 20th Ave.

1. 78006 20th Ave; House - Required front setback 35ft; request 15ft of relief (to be 20ft from front property line). Required rear setback is 50ft; request 14.5ft of relief (to be 35'6" from rear property line). Required side yard is 15ft; request 4.5ft of relief (to be 10'6" from west side property line). Detached garage – Required rear setback 15ft; request 1ft of relief (to be 14ft from rear property line).

Motion by Wiatrowski to open the public hearing at 6:52pm, second by Monacelli. 3-0 yes, motion passed.

No correspondence received

Dan Williamson, Lakeside Ave – no objection to the setbacks; concern with the driveway easement between the house and the garage, need to make sure the driveway is clear for access in the winter. Concern with sand drifts with construction of the homes.

Motion by Monacelli to close the public hearing at 7:07pm, second by Wiatrowski, 3-0 yes, motion passed.

Fact of Finding: 24.07 A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
– the small lots, sand dune, topography, driveway not in the right-of-way.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
- house and garage allowed uses
 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
-No special privilege given. A house and garage is allowed by right.
 4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not a permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- not a use variance, dimensional for setback.

Motion by Monacelli to approve the variance requests, House – 1. request 15ft of relief front setback; 2. request 14.5ft of relief rear setback; 3. request 4.5ft of relief west side setback with condition: the lots and parcels are combined and divided to create one parcel of no less than 1 acre and no less than 100feet of road frontage. Second by Wiatrowski. Roll Call vote: Tippman-Yes; Monacelli-Yes; Wiatrowski-Yes, 3-0 motion passed.

Motion by Monacelli to approve the variance request, Detached garage – request 1ft of relief rear setback. second by Wiatrowski. Roll Call vote: Tippman-Yes; Monacelli-Yes; Wiatrowski-Yes, 3-0 motion passed.

Sand Haven Shores Cottages LLC has petitioned for variances to construct homes and detached garages at 78006 20th Ave, 78000 20th Ave, and 78268 20th Ave.

2. 78000 20th Ave; House – Required rear setback 50ft; request 30ft of relief (to be 20ft rear property line); Detached garage – Required front setback 35ft; request 23ft of relief (to be 12ft from front property line).

Motion by Monacelli to open the public hearing at 7:24pm, second by Wiatrowski. 3-0 yes, motion passed.

No correspondence received.

Tippman had concern as to why the lots are not already combined into one parcel. Smalley stated the lots/parcels are required to be combined to create the required parcel prior to building permit being issued.

Wiatrowski commented that the site plan is hard to read with the overlay.

Motion by Monacelli to close the public hearing at 7:38pm, second by Wiatrowski. 3-0 yes, motion passed.

Fact of Finding: 24.07 A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

A. A written application for a variance is submitted, demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
– the small lots, sand dune, topography, driveway not in the right-of-way.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
- house and garage allowed uses, and commonly enjoyed.
3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
-No special privilege given. A house and garage is allowed by right.
4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not a permitted use of lands, structures or building in other zoning districts shall be considered grounds for the issuance of a variance.
- not a use variance, allowed use

Motion by Monacelli to approve the variance request, House – Request 30ft of relief rear setback with condition: the lots and parcels are combined and divided to create one parcel of no less than 1 acre and no less than 100feet of road frontage. Second by Wiatrowski. Roll Call vote: Tippman-Yes; Monacelli-Yes; Wiatrowski-Yes, 3-0 motion passed.

Motion by Monacelli to approve the variance request, Detached garage – request 23ft of relief front setback. Second by Wiatrowski. Roll Call vote: Tippman-Yes; Monacelli-Yes; Wiatrowski-Yes, 3-0 motion passed.

Sand Haven Shores Cottages LLC has petitioned for variances to construct homes and detached garages at 78006 20th Ave, 78000 20th Ave, and 78268 20th Ave.

3. 78268 20th Ave, House – Required front setback 35ft; request 23ft of relief (to be 12ft from front property line).

Motion by Monacelli to open the public hearing at 7:43pm, second by Wiatrowski. 3-0 yes, motion passed.

No correspondence received.

Motion by Monacelli to close the public hearing at 7:38pm, second by Wiatrowski. 3-0 yes, motion passed.

Fact of Finding: 24.07 A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
 2. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.
 - the small lots, sand dune, topography, driveway not in the right-of-way.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
 - house and garage allowed uses, and commonly enjoyed.
 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
 - No special privilege given. A house and garage is allowed by right.
 4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not a permitted use of lands, structures or building in other zoning districts shall be considered grounds for the issuance of a variance.
 - not a use variance, allowed use

Motion by Wiatrowski to approve the variance request, House – Request 23ft of relief front setback with condition: the lots and parcels are combined and divided to create one parcel of no less than 1 acre and no less than 100 feet of road frontage. Second by Monacelli. Roll Call vote: Tippman-Yes; Monacelli-Yes; Wiatrowski-Yes, 3-0 motion passed.

Any other business that may come before the board - none
Public Comments - none

Adjournment

at 7:55 pm

Respectfully Submitted by:

Tasha Smalley

Zoning Administrator

MEMORANDUM: August 6, 2026

TO: South Haven Charter Township Zoning Board of Appeals

FROM: Tasha Smalley, Zoning Administrator

RE: Variances – front, rear, lot area

Hearing on **Thursday August 27, 2026, 6:30pm**

Applicant Name: Shivelight Holdings LLC, Michael Hubers

Property Address: V/L Grand Blvd

Parcel number: 80-17-225-026-01

Zoning: Art. VII – Low Density Residential

Sec. 7.04 – Dimensional Requirements

Minimum lot area with sewer & water – 20,000sq ft

Without - 1 acre

Minimum lot width with sewer & water – 100ft

Without - 150ft

Front setback – 35 ft from street right-of-way

Side setbacks – 15 ft

Rear setback – 50 feet

Waterfront – 50 ft established shoreline

Applicant is requesting a variance from Section 7.04, Low Density Residential, Dimensional Requirements, front yard setback 35ft (measured from right-of-way) and rear 50 feet to construct a new single-family home, and lot area

Required front setback 35ft; request 5 feet of relief (to be 30ft from property line)

Required rear setback is 50ft; request 5ft of relief (to be 45ft from property line)

Required lot area 1acre (43,560sqft); lot size 12,000sqft; request 31,560sqft of relief.

24.07 A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

A. A written application for a variance is submitted, demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a unique situation that a precedent will not be established for

other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the provisions of this Ordinance.
 3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
 4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not a permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
-

South Haven Charter Township
09761 Blue Star Hwy South Haven Michigan 49090
Phone (269) 637-3305 shtwp.zoninga@gmail.com
Zoning Department 111 Grand St Allegan MI 49010 1-800-626-5964 mtsallegan@frontier.com

Zoning Board of Appeals
Variance Application

Date Received: 7/6/26
Payment: \$750.00 check

Property Owner:
Name Shivelight Holdings, LLC
Address 222 Saint Andrews Dr
Bolingbrook, IL 60440

Telephone: 847-594-2089
Email: michaelhubers@hotmail.com

Applicant (if different than owner) _____
Address _____ Telephone: _____

Email: _____

Address Grand Blvd.
Parcel Number 80-17- 225-026-01

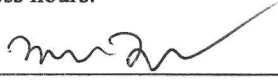
SECTION OF THE ZONING ORDINANCE WHICH APPLIES OR WHICH IS CONTESTED:

Article 7.04, Section(s): 7.04
Zoning District: LDR
Describe variance request: Our variance request is to move our front and rear setbacks 5 feet outward (Front setback from 35 down to 30 feet and rear setback from 50 feet down to 45 feet) to accommodate the building of our cabin.

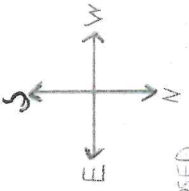
A. DIMENSIONAL VARIANCES

Describe the unique or unusual conditions not pertaining to other properties within the Zoning District: This lot is smaller than a traditional lot for this zoning district.

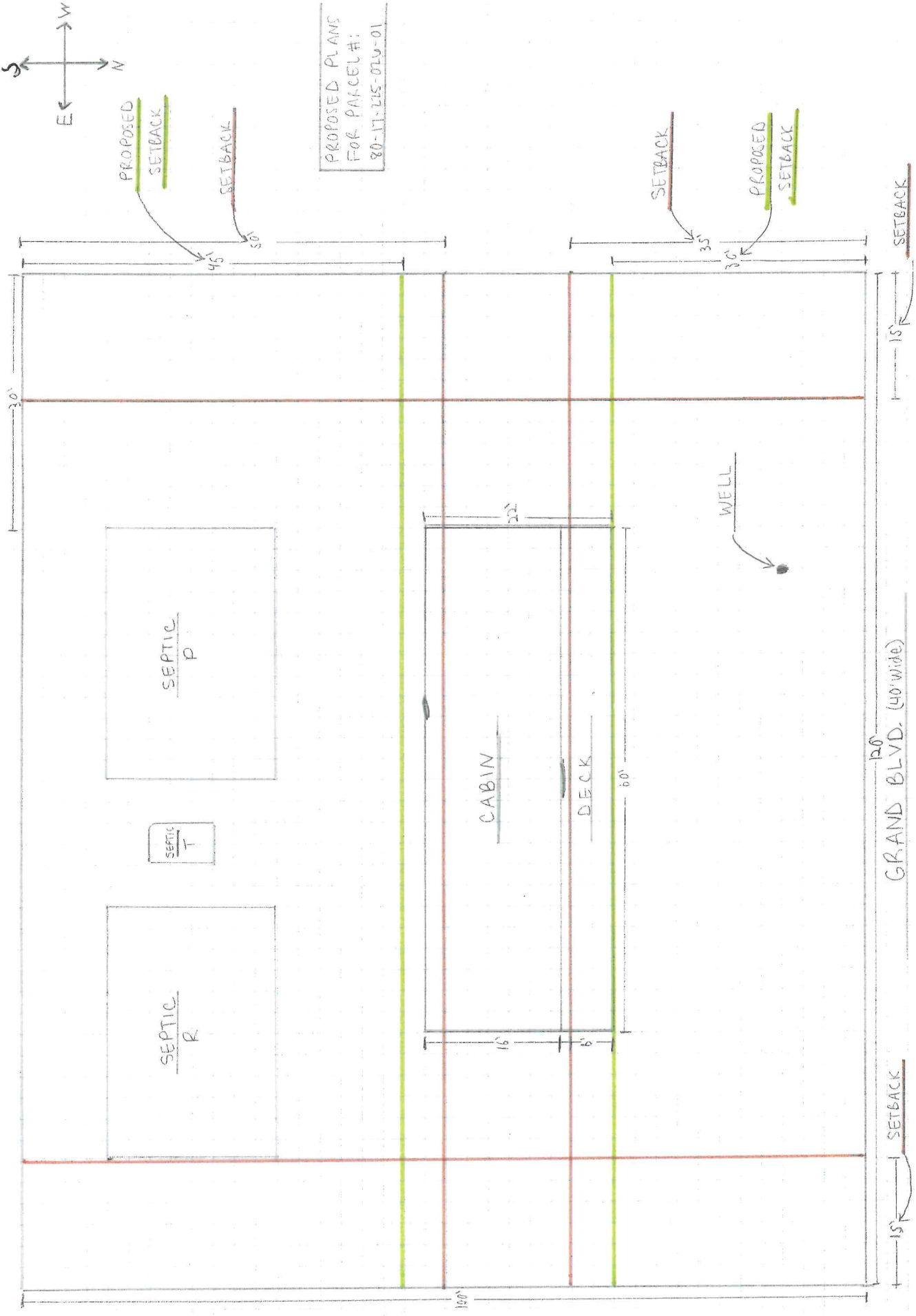
The applicant/owner hereby grants permission for the members of the Zoning Board of Appeals, Zoning Administrator or other Township official to enter in and view the property subject to this appeal during regular business hours.

Signature of the Owner:  Date: 7-5-2026
(required even if not applicant)

Signature of the applicant (if different): _____ Date: _____



PROPOSED PLANS
FOR PARCEL #:
80-17-225-010-01



120' GRAND BLVD. (40' wide)

15' SETBACK

15' SETBACK

15' SETBACK