



## **Saugatuck Zoning Board of Appeals Meeting October 12, 2023, Minutes**

The Saugatuck Zoning Board of Appeals  
Met in regular session at 7:00 p.m.  
City Hall, 102 Butler Street, Saugatuck, Michigan.

- 1. Call to Order** by Vice Chairman Bouck at 7:00 p.m.

**Attendance:**

Present: Vice Chairman Bouck, Board Members Barna, Crawford, Hundreiser, & McPolin.

Absent: Chairman Kubasiak, Board member Bont.

Others Present: Director of Planning, Zoning, & Project Management Ryan Cummins, Deputy Clerk and DPW Administrative Assistant Sara Williams, City Attorney Jacob Witte

- 2. Agenda Changes/Approval of Agenda:** Approved.

*Motion by Hundreiser, second by McPolin to approve the agenda for October 12, 2023, meeting as presented. Upon voice vote, motion carried 5-0.*

- 3. Approval of Minutes:** Approved.

*Motion by Crawford, second by Hundreiser, to approve the minutes from August 10, 2023, as submitted. Upon voice vote, motion carried 5-0.*

- 4. Public Comments:**

- Helen Baldwin (Saugatuck City Council Member, 787 Manchester) – Fully supports project at 750 Park Street and asks for the board's approval.
- Ryan Heise (Saugatuck City Manager) – Thanked the ZBA Board for the work they do with the City. Explained history of AT&T project for Mount Baldhead Park at 750 Park Street.

- 5. Unfinished Business:** None.

- 6. New Business:**

**A. 750 Park Street – Extend a lawful nonconforming use to occupy additional land or air space outside the building:**

1. The Public Hearing was called to order by the Vice Chair at 7:07 p.m.

2. Summary by Director of Planning, Zoning & Project Management Ryan Cummins.

The applicant requests a dimensional variance to construct a new platform and additional equipment at 750 Park Street, which extends a lawful nonconforming use to occupy additional land or air space outside the building. The request relates to Section 154.174(D)(1) of the Zoning Ordinance.

*Extending use within a structure. Any lawful nonconforming use may be extended throughout any internal parts of a building which were manifestly arranged or designed for such use at the effective date of this chapter, or amendment thereto, but no such use shall be extended to occupy any portion of a building which was not manifestly arranged or designed for the use at the effective date of this chapter, or amendment thereto, nor shall the use be extended to occupy any land or air space outside the building.*

The property is located in the Conservation, Recreation, and Camp Zoning District. The City-owned lot is just under 14 acres in size and is part of a network of parcels making up Mount Baldhead Park. The telecommunications facility infrastructure and tower were constructed prior to zoning requirements that prohibited the use in the Conservation, Recreation, and Camp Zoning District.

3. Presentation by the Applicant:

Todd Wells, AT&T telecom attorney, presented the application for 750 Park Street. He thinks that this may be one of AT&T's best moments ever because of the number of issues that have unfortunately happened at Oval Beach and the inability to provide for anyone a wireless service signal that is necessary for the First Net responders such as the federal government, state government, county, city, and EMS people. He says it looks like an ideal proposal, it makes no visual changes to the RE dome, or to anything that is visual. The only thing it does do is it adds minimal equipment that they are going to put in a remote northwest corner, behind the existing building for their transmission equipment. Without being able to place the transmission equipment in that location, their equipment would not work. Everything that you would normally see would be hidden within the dome. Everything that is on the ground would be covered by arborvitae that would conceal the equipment, so the area is not easily visible by the public. He believes that they have presented a very aesthetically pleasing proposal. It is exactly as your administration suggested. It's about safety, saving lives, and FirstNet, and they are pleased to be part of the project and also provide funding to the city.

4. Public comment regarding the application:

a. Supporting comments: Russ Gardner (City Council Member, 245 Spear): Says that he is the one that kind of got this project started to preserve and also get this sit listed on the National Register of Historic Places. He thanked AT&T and said that they have been great to work with. Gardner leads the Friends of Baldhead group that works with AT&T to get this to work for everyone. They are in the process of figuring out how to move the

antenna inside of the radar in order to accommodate what has been said on the call. He is in full support of the project. He noted challenges with the site itself, as it is located on a dune which is receding to the east on a continuous basis, the building needs to be stabilized, and the tower structure will need some attention in the near future. He says that is something from a City Council standpoint as well as a protector of the site that needs to be discussed. He appreciates the ZBA Board looking at this and again says he is in support of the project. It is a priority for the City but must be done thoughtfully and respectfully to the site.

b. Opposing comments (audience and letters): None.

c. General comments (audience and letters): None.

d. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by the Chair at 7:25 p.m.

6. Commission deliberation:

The board went into deliberation and discussed a dimensional variance to construct a new platform and additional equipment at 750 Park Street, which extends a lawful nonconforming use to occupy additional land or air space outside the building. The request relates to Section 154.174(D)(1) of the Zoning Ordinance.

**ZBA Findings of Fact:** *Note: Applicant must show practical difficulty by demonstrating that all four standards are met.*

**Standard 1:** *“That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.” § 154.155(B)(1). Barna, Bouck, Crawford, McPolin, Hundreiser, & McPolin found this standard is met because:*

The Board may consider conformity unnecessarily burdensome based on the historic use of Mount Baldhead as a telecommunications facility. In this case, there are no options whatsoever to expand in a conforming manner.

The overall project scope is minor compared to the size of the subject parcel. It would be unreasonable to prohibit additional equipment within the immediate vicinity of the tower facility and cellular antennas within the radar dome itself.

**Standard 2:** *“That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.” § 154.155(B)(2). Barna, Bouck, Crawford, Hundreiser, & McPolin found this standard is met because:*

The request is not extreme, as there will be no increase in tower size and a minimal increase in the ground equipment area. The variance will do substantial justice to the owner, the City of Saugatuck, and its constituents. The project will address the lack of cellular service and public safety concerns that result from these deficient conditions. Justice for nearby property owners will be ensured because the project and improvements will be unnoticeable, and countless residents and visitors will benefit from improved cellular services.

**Standard 3:** *“That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.” § 154.155(B)(3). Barna, Bouck, Crawford, Hundreiser, & McPolin found this standard is met because:*

The site is unique as it is a high point in the area that has always been recognized as appropriate and feasible for telecommunication services. The site is unlike any other telecommunication facility location in the vicinity due to its size and elevation.

**Standard 4:** *“That the problem is not self-created or based on personal financial circumstances.” § 154.155(B)(4). Barna, Bouck, Crawford, Hundreiser, & McPolin found this standard is met because:*

The problem is not self-created, as the use is considered a lawful nonconformity established prior to the current zoning restrictions. The priority of the project is not revenue-focused but for the purpose of public safety and general public benefit.

7. Commission action: ZBA Decision (Approve):

*Motion by McPolin, second by Hundreiser, to approve a dimensional variance to construct a new platform and additional equipment at 750 Park Street, which extends a lawful nonconforming use to occupy land or air space outside the building based on the positive findings documented in the staff memo provided to the Board for its October 12, 2023, meeting. Upon roll call vote, motion carried 5-0.*

**7. Communications:** None.

**8. ZBA Comments:**

Board members welcomed Nicholas Barna as a new alternate member to the Zoning Board of Appeals.

**9. Public Comments:**

- Helen Baldwin (Saugatuck City Council Member, 787 Manchester) – Thanked the board for their service and appreciates them for seeing this for the project that it is, she is very excited about it.

**10. Adjournment:** *Motion by McPolin, second by Crawford to adjourn. Motion carried 5-0. The meeting was adjourned at 7:34 pm by Vice-Chair Bouck.*

Respectfully Submitted,  
Sara Williams  
City Deputy Clerk