

#### **ZONING BOARD OF APPEALS APRIL 30, 2020 – 7:00 P.M.**

1. Call to Order/Roll Call

2. Agenda Changes

3. Approval of Minutes: December 17, 2019

4. New Business

A. Election of Officers

B. Height Variance for 1034 Holland Street

5. Unfinished Business:

6. Communications:

- 7. Public Comments: Use the "raise hand" button in the participants screen in the Zoom interface or enter \*9 if you are calling in by phone to raise hand.
- 8. ZBA Comments:
- 9. Adjourn

#### **Public Hearing Procedure**

Use the "raise hand" button in the participants screen in the Zoom interface or enter \*9 if you are calling in by phone to raise hand.

- A. Hearing is called to order by the Chair
- B. Summary by the Zoning Administrator
- C. Presentation by the Applicant
- D. Public comment regarding the application:
  - Participants shall identify themselves by name and address
  - Comments/Questions shall be addressed to the Chair
  - Comments/Questions shall be limited to **five** minutes
  - 1. Supporting comments (audience and letters)
  - 2. Opposing comments (audience and letters)
  - 3. General comments (audience and letters)
  - 4. Repeat comment opportunity (Supporting, Opposing, General)
- E. Public comment portion closed by the Chair
- F. Commission deliberation
- G. Commission action

#### NOTICE

<del>none. 209-05/-2005 - website. <u>www.saogatockeity.com</u></del>

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or <a href="mailto:monica@saugatuckcity.com">monica@saugatuckcity.com</a> for further information.

This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 restrictions currently in place.

Join online by visiting: https://zoom.us/j/816 9129 5640

Join by phone by dialing: (312) 626-6799
-or(646) 518-9805

Then enter "Meeting ID": **816 9129 5640** 

## <u>PROPOSED</u> Minutes Saugatuck Zoning Board of Appeals Meeting Saugatuck, Michigan, December 17, 2019

The Saugatuck Zoning Board of Appeals met in regular session at 6:00 p.m. at City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Chairperson Kubasiak at 7:00 p.m.

#### Attendance:

Present: Kubasiak, Bouck, Vlasity Absent: Zerfas, Bont, Ludlow, Riekse

Others Present: Zoning Administrator Osman

- **2. Approval of Agenda:** A motion was made by Kubasiak, 2<sup>nd</sup> by Bouck, to approve agenda as presented. Upon voice vote the motion carried unanimously.
- **3. Approval of Minutes:** A motion was made by Kubasiak, 2<sup>nd</sup> by Bouck, approve the August 21, 2019 special meeting minutes as presented. Upon voice vote the motion carried unanimously.

#### 4. New Business:

**A.** Application V190004 / 181 Park Street: A public hearing was scheduled on this date to hear comments regarding additions to existing house along or within current setbacks at 2 feet where 10 feet is required and add ½ story to the elevation. The applicant plans for substantial reconstruction and modifications to the existing structure. The applicant includes a proposal to replace the 14' x 8' shed with a 12' x 20' garage resulting in lot coverage of 27.7% where a maximum of 25% is permitted.

Chairperson Kubasiak opened the public hearing at 7:05 p.m.

ZA Osman described the requested variances and reviewed the ordinance requirements.

Stephen Scheller described the layout of the house, and the challenges of meeting the letter of the ordinances and still have a functional dwelling unit. Some of the existing foundation will be retained.

There being no further comments, Chairperson Kubasiak closed the public hearing at 7:57 p.m.

A motion was made by Bouck, 2<sup>nd</sup> by Vlasity, to approve Application V190004 / 181 Park Street to reconstruct the house on its existing foundation granting an 8-foot setback variance on the south property line, and a 2.7% variance for lot coverage. Upon roll call vote the motion carried unanimously, and established the following findings of fact:

The lot is 37 feet wide, staff knows of only three other platted lots in the city that are this narrow, so the issue is with the land, not the owner.

There are only 3 identified lots of this width in residential zone districts, so it is quite a unique situation and not common.

The garage is a single stall, and the additions are quite modest. It will not be an ostentatious house. It will not be closer to the south property line than the existing house. The property to the south has a large side yard setback, and the encroaching air conditioning unit will be relocated. The owners worked hard to keep the coverage and need for variances to a minimum.

There will be no injustice to the neighbors, and will provide for a floor plan that is functional and structurally stable.

**B. 2020 Schedule of Meetings:** A motion was made by Kubasiak, 2<sup>nd</sup> by Bont, to approve the 2020 Schedule of Meetings as presented. Upon voice vote the motion carried unanimously.

5. Unfinished Business: None

6. Communications: None7. Public Comments: None

8. ZBA Comments: None

**11. Adjournment:** Chairperson Kubasiak adjourned the meeting at 8:10 p.m.

Respectfully Submitted,

Monica Nagel, CMC City Clerk

#### BACKGROUND REPORT ZONING BOARD OF APPEALS APRIL 30, 2020

**APPLICATION: V200001** 

#### 1034 HOLLAND ST 57-100-005-00

#### LAUGHNER STEVEN T

**REQUEST:** Demolish existing house, build new house at approximately 30 feet in height, where a maximum of 28 feet is allowed.

Ed Zwyghuizen, on behalf of owner of property, Steve Laughner, known as **1034 HOLLAND ST** has submitted an application to the Zoning Board of Appeals for a variance. The purpose of this report is to provide a review of the application, standards for consideration, and any available history of zoning activity for this parcel.

**BACKGROUND:** The property is approximately 0.12 and is located in the **CR-COMM RES R-1 zone district.** It is located in the Flint Assessor's Plat created in 1971 and approved by City (then Village) of Saugatuck, and by the State of Michigan.

The applicant proposes to demolish the existing house and build a new house at approximately 30 feet in height, where a maximum of 28 feet is allowed.

benefit the appeal and value of the neighborhood.

Section 154.155 (B) provides the standards that must be met in order for the Board to grant a dimensional (non-use) variance:

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.

**Comment**: The current house is in dangerous condition and is held in place by a tree. A single family dwelling is a permitted use in this zone district. Setback requirements and those created by the flood plain location limit the footprint of the house to an unreasonably small house, the existing house encroaches into the side yard.

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.

**Comment**: The architect and the owners worked hard to get the height to the lowest possible level without compromising the minimum reasonable floor area. Other homes in the area are



higher than the proposed new home. The height at the peak will not exceed 32 feet and all the setbacks will be met.

3. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.

**Comment**: The property is unique because of its size, shape, and topography. The creation of this plat in 1971 posed challenges that are unique to this plat only and this lot in particular.

4. That the problem is not self-created or based on personal financial circumstances. **Comment**: The situation is created by the platters of the subdivision and is not based on personal financial circumstances.

Possible motion: Move to approve/deny application V200001 for a new house at 1034 Holland Street with an average height of not more than 30 feet resulting in a variance of 2 feet. The proposed home will meet all the setback requirements.

4.4 E 13851 Being in the Nor SAUGATUCK VILL 0.5 N650 17:05"W N21º20-02"E. 52.56 N14º24-25"E-38.09" N14º17-00"E-32.87 RIVER N17º19'-15"E 34.92' N17219'-15"E 12.11.24 12.00 1.24 N700 42: 43" REFERENCE MONUMENT SITE 19-15'W 16.73' FROM TRUE CORNER # 36 '64 '85. \* 248.19 AGE ō M. 10.1503. 50.19. N190.15-11"E 9 M. 61 - 65 - 20 M 2 N750 04: 33"W 82.15.22"W #442:1/6 389W 0 N. 81; 85 358N N63646:06"W 16.78 5884 02-19"W Nese 30:00"# N87º 43-15"E If Section-9, T3N, RIGW EGAN COUNTY, MICHIGAN 39.65:11 8 \$24830:00 W FLINT PARK (PRIVATE) 4 S 19951-38"W 3.3" N. 08-12:08. M. 18-28. 2504 05.M œ E HOLLAND W.28-500 562N N19845-43.5 510. 5 MESESC.00" W 28.5 REFERENCE MONUMENT N679.43-15"E 62.22" FROM TRUE CORNER 22/130 - Siga 46143"W 210"
- Name 24" 105"W 210"
- Name 25" 4489; 90"
- SEE DETAIL OF LOT-3 STREET (EXISTING PUBLIC ROAD) O, 243.74 NORTH AGNES LINE, SEC. STREET PLACE OF BEGINN 10 305.9 87%



#### GEN1 ARCHITECTURAL GROUP

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www.gen1-architectural.com

To: Zoning Board of Appeals

Project: 1034 Holland St. Saugatuck, Michigan

**Project Number: 19-827** 

**Date:** March 4, 2020

#### Request Description:

The owners request a variance that would allow a new home to be built at 1034 Holland St. Due to the unusual shape of the lot, its' size and narrow frontage, and the fact that the property contains a very steep slope going down to a 100 year flood plain, the owners cannot build a home that fits their needs as a typical one or two story home. The design for the new home contains four (4) floors, allowing for a livable square footage comparable to that of an average home. The planned home cannot be built without exceeding the zoned average height of 28', creating an average height that will depend on the final grading and sides and the riverside base of the home, but most likely around 32 ft. The site currently has an older existing home on it that would be removed to allow for the construction of the new residence. This current home is in a non-livable state. It sits on a crumbling foundation, and the entire home is leaning toward the river. In several spots the home is utilizing large trees, which are preventing the entire home from collapsing. This current home is in violation of current zoning regulations, as some portions are within the 7 ft. setbacks at the front of the property. A house of similar size and shape being built today would not be allowed per current zoning. This is the reason, as mentioned above, that the owners request the variance to allow for the new home to be taller in order to fit well within current zoning requirements (with the exception of the average height requirement) on all sides yet continue to allow for all living spaces needed by the owners.

#### Dimensional Variance Request Standards per Section 154.155(B)

- (1): The property lines are on a diagonal angle, and are quite narrow (see attached plans.) As stated previously, a new home cannot be built on the site without designing it with much fewer sq. ft. than an average home. The lot will require the narrower, taller structure that is being proposed. This taller design fulfills all of the setback requirements, but would be in violation of the average height regulations. Rather than fewer floors with larger sq. footage on each floor, the new design calls for four floors, each with smaller sq. footages, to fit onto the lot. (Refer to attached plans for reference of square footage.)
- (2): Approving this variance request will allow the owners to remove an aging, unsafe structure and replace it with a new building that fulfills their needs in a home, fits well within the setbacks of this uniquely-shaped lot, is constructed to fit into the property's steep slope, and whose entire construction will remain above the 100 year flood plain of the Kalamazoo River.
- (3):The property is unique, with narrow frontages and diagonal lot lines. The lot also contains a very steep slope from the top (front) of the property down to the bottom (river side) of approximately 30 ft. The narrow, diagonal lot, the steep hill, as well as the close proximity to existing homes on either side of the property, would prevent a one or two-story home with a reasonable square footage from being built. As previously mentioned, the existing older home on the lot is structurally unsafe and would be in violation of current setback regulations were it to be built today.
- (4): The needs of the property owners require a home with a reasonable, average square footage. Due to the nature of the lot, a home with a square footage comparable to the average home of today would not work if not allowed to be built slightly taller than current zoning allows. There are no circumstances other than the unique size and shape of the lot that requires a variance. The owners plan a home similar in size to existing homes nearby, which due to this lot's specifications will require a more narrow, taller structure.

#### Use Variance Request Standards Per Section 154.55(C)

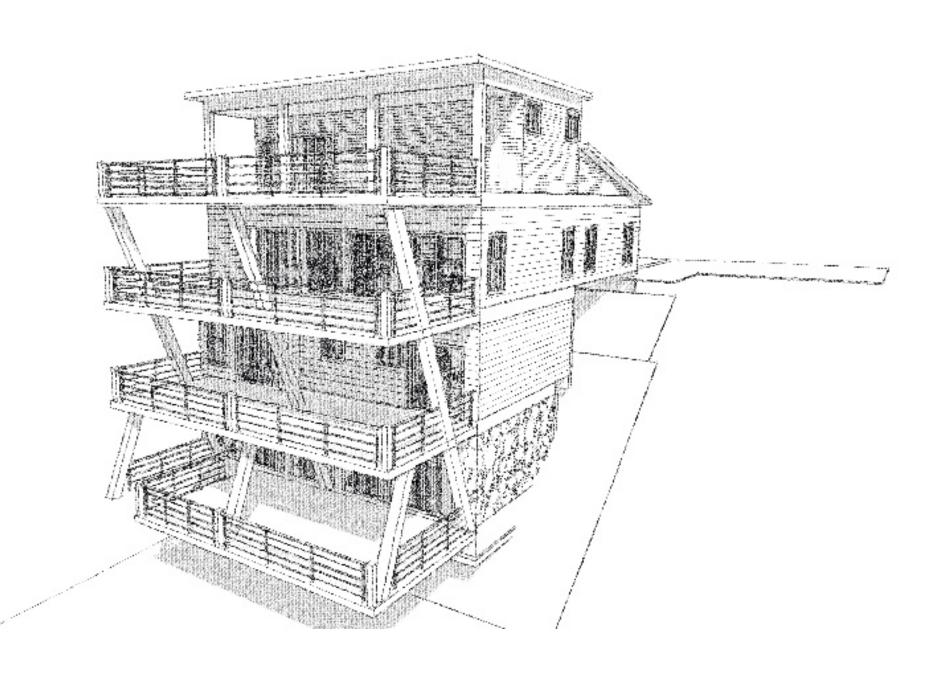
(1): As previously stated, the property in question is unique in several ways. First, the property lines of the lot are on a diagonal, with existing homes built very near to the property lines. Second, the lot is extremely narrow in width, 55' at the front (east) and 50' at the river side (west.) Third, the property features a prominent steep slope across its entire width. And fourth, a sizable portion of the property lies in the 100 year flood plain of the Kalamazoo River, which it borders, approximately 45' (see attached site plan.) All of these factors, coupled with the City of Saugatuck's zoning regulations, place a strict limitation on the size and shape of any home built on it.

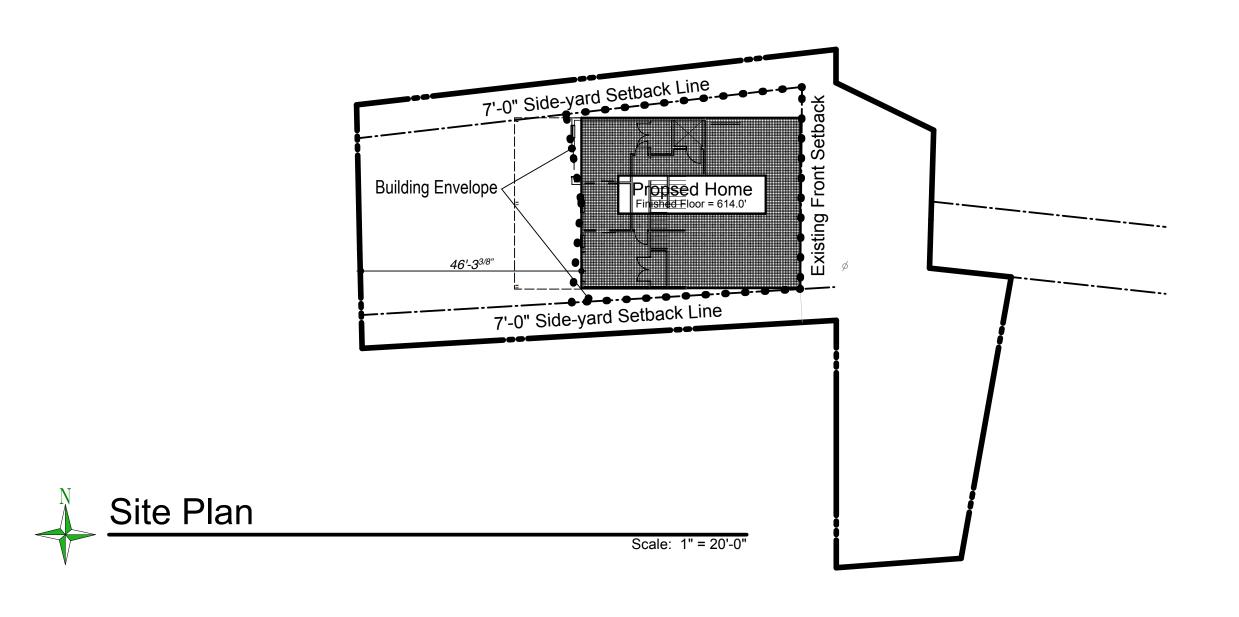
- (2): In order to build a home on the property that meets their personal criteria, and is of a reasonable size comparable to the average square footage of homes in the area, the home will by necessity have a very narrow footprint which will limit its design and total square footage. Adjacent homes, as well as the existing older home to be removed, were built before current zoning regulations were in place and would not meet certain regulations (such as setback requirements) if they were built today. The owner's new home will meet those regulations, with the exception of the average height requirement. The variance to exceed that height requirement is necessary to build a modern new home on this smaller lot with unique properties as described above.
- (3): There are no factors that would negatively alter the immediate surrounding area. As viewed from the front, the new home will not be taller than the existing adjacent homes. The new home will be similar in square footage to nearby homes. The variance request will also allow for the removal of the existing home, which is old and unsafe for habitation. The removal of the aging, vacant home will immediately improve the neighborhood by eliminating an unsafe structure that is currently non-occupiable and deteriorating. The neighborhood will then be further improved with the addition of a new home that fits well on its lot between the existing homes, a home that is inhabitable and safe. Improvements in landscaping around the new home will also further benefit the appeal and value of the neighborhood.
- (4): This situation was not created by the owners' need to build a home that is much too large or would need to be "shoehorned" into this smaller lot and its' unique qualities. The proposed new home, as stated earlier, will be a reasonably-sized structure for this property. Its' size will be in keeping with the size of existing homes nearby. The only reason for the variance request is to allow the owners to construct a home that will fit very nicely into the lot, not overwhelm it. The variance, if approved, will allow for the slightly taller structure to contain all of the features necessary to satisfy the owner's needs, as well as create an attractive modern home that will be highly marketable to any possible future owners.

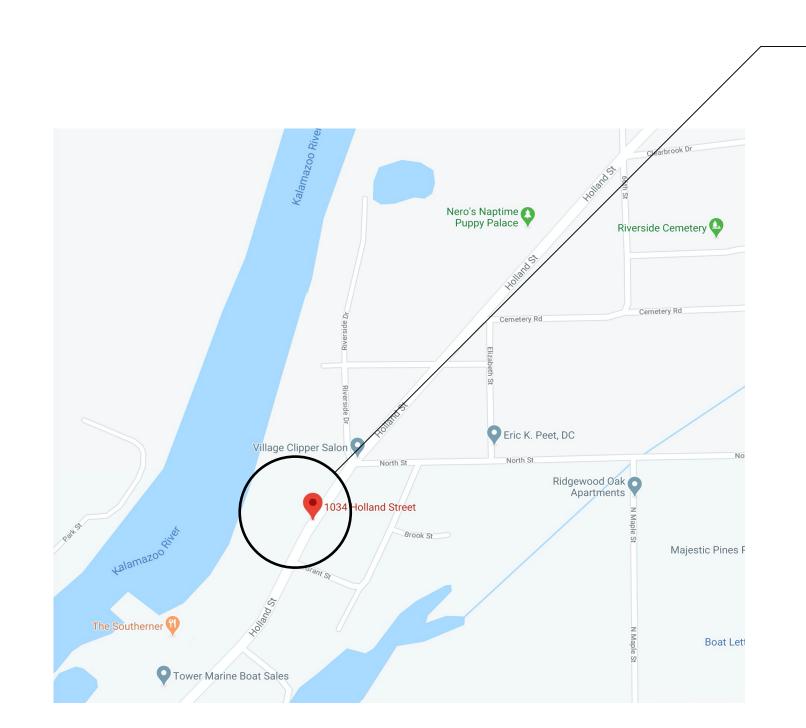
## New Custom Home

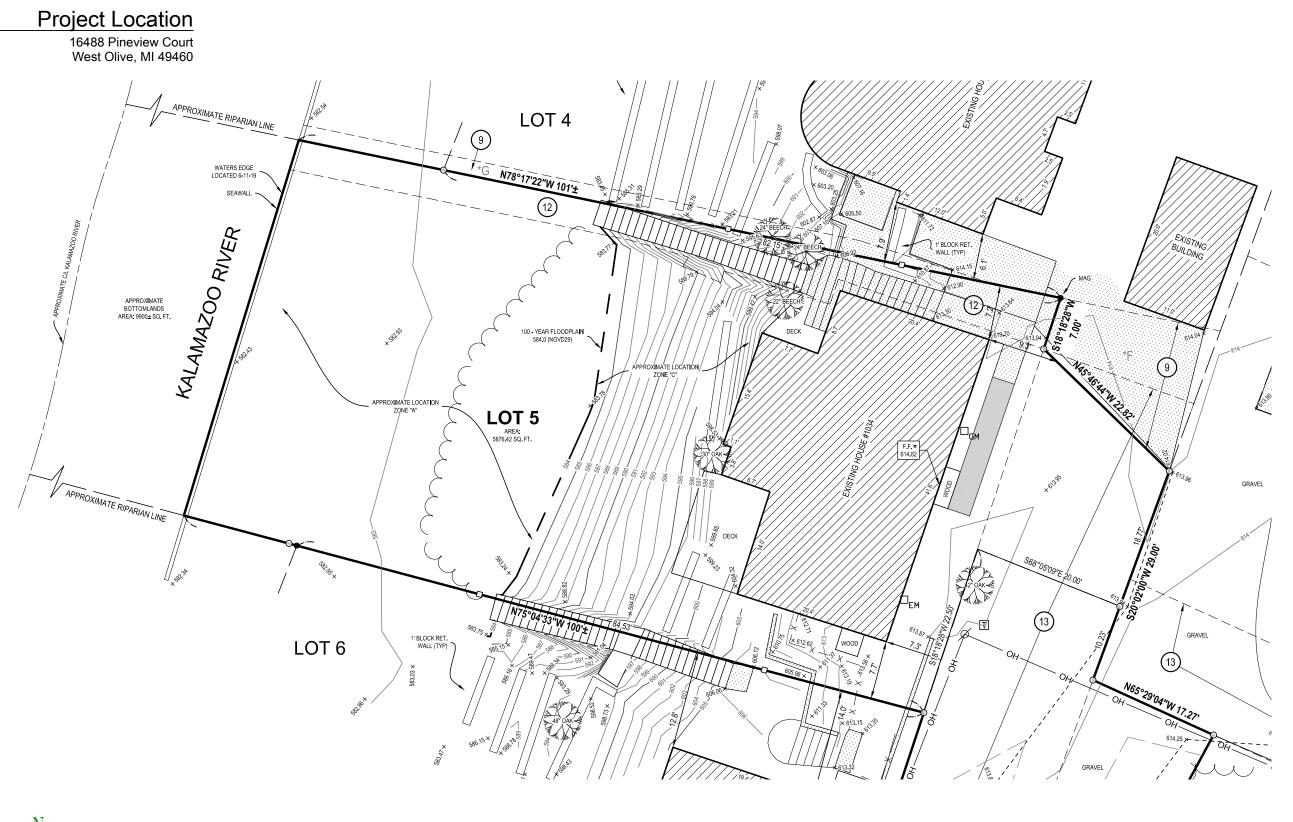
1034 Holland Street Saugatuck, MI 49453

Not Included:









Site Location Map

Site Plan

### Sheet Index

- T1 Title, Site Plan, Location Map, Sheet Index, Notes
  - Foundation Plan, Notes
- A2 Main Level Floor Plan, Notes
- Bonus Room Plan, Notes
- Roof Plan, Details, Notes
- A5 Exterior Elevations, Notes
- A6 Exterior Elevations, Notes
- Wall Sections, Details, Notes
- A8 Framing Details, Notes
- S1 Roof Framing Plan

## **Project Information**

Governing Codes:

• Michigan Residential Code 2015; Incorporating the 2015 International Residential Code

• Michigan Plumbing Code 2015

• Michigan Mechanical Code 2015

• Michigan Electrical Code 2017

• ICC/ANSI A117.1-2013

Code of Ordinances: City of Saugatuck, MI

Enforcing Agency: City of Saugatuck, MI

Zoning: R2- Riverside Residential

SITE ADDRESS: 1034 Holland Street, Saugatuck MI

Building Construction Type: VB Use Group: Residential (R-2)

## Structural Design Notes

1,500 - 2,000 PSF SOIL BEARING: 2,500 PSF (not exposed to weather)

3,500 PSF (exposed to weather) REINFORCING STEEL: 40,000 PSI • STRUCTURAL STEEL: 36,000 PSI • STRUCTURAL LUMBER: 1,000 PSI (Fb)

1,000,000 (E) 40 PSF • FLOOR LOAD: SNOW LOAD:WIND LOAD: 50 PSF

## House Area (Sq.Ft. Calculations)

90 MPH, Exposure "A"

Square Footage Totals Main Level:

1,080 sq. ft. 576 sq. ft. House: Main Floor: House: Garage Deck: 505 sq. ft.

Square Footage:

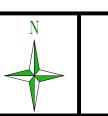
740 sq. ft. Bedroom Level 880 sq. ft. 550 sq. ft. Master Suite

Habitable Space = A space in a building for living, sleeping, eating or cooking. SQUARE FOOTAGE-METHOD FOR CALCULATING: ANSI Z765-2003 AMERICAN NATIONAL STANDARD FOR SINGLE-FAMILY RESIDENTIAL BUILDINGS



GEN Architectural Group

New Custom Home - 1034 Holland Street



Title Sheet

Gen1 Architectural Group

March 4, 2020

BENCHMARKS

BENCHMARK "A" ELEV. = 583.25 (NGVD29)

Paint "square" on angle point of seawall.

TITLE INFORMATION

The Title Description and Schedule B items hereon

TITLE DESCRIPTION

Lot 5 and Flint Park as the same are platted on "Flint Assessor's Plat," recorded in Liber 11 of Plats, Page 52, Allegan County Records

Together with and subject to an easement running from Holland Street along south side of Lot 2 as shown on said Assessor's Plat to the said Flint Park and to said Lot 5 as shown on said Assessor's Plat, subject to the rights of the owners of Lots 4, 5 and 6 to use said easements as a right of way and entry into their respective lots and the use thereof for such other services as for utilities in the same manner as said lots are now being serviced.

SCHEDULE B - SECTION II NOTES

Terms, conditions, and provisions which are recited in Agreement Regarding Garage Easement. Use of Stairway and Right of First Refusal recorded in Liber 1569, Page 492 and Amendment recorded in Liber 1665, Page 649.(THE EASEMENT DESCRIBED IN THIS DOCUMENT IS SHOWN ON THIS SURVEY.)

Terms, conditions and provisions which are recited in Grant of Stairway Easement recorded in Liber 3355, Page 820. (THE EIN THIS DOCUMENT IS SHOWN ON THIS SURVEY.)

Terms, conditions and provisions which are recited in General Easement and Right of Way recorded in Liber 932, Page 342.

Flood Zone Classification: An examination of the National Flood Insurance Program's Flood Insurance Rate Map for Community Number 260305, Panel Number 0001C, with an Effective Date of February 1, 1980, shows this parcel to be partially located in Zone A (Areas of 100 Year Flood) & Zone C (Areas of minimal flooding) (100-Year Floodplain = 584.0 (NGVD29)).
 Utility locations are derived from actual measurements or available records. They should not be interpreted to be exact locations nor should it be assumed that they are the only utilities in the area.
 NOTE TO CONTRACTORS: 3 (THREE) WORKING DAYS BEFORE YOU DIG, CALL MISS DIG AT TOLL FREE 1-800-482-7171 FOR UTILITY LOCATIONS ON THE GROUND.

Riparian Bottomlands Apportionment Boundary: Only a Court can set the riparian boundary. The Surveyor's layout is an interpretation of what he or she believes that the Court would do in that particular lake configuration. The Surveyor's primary objective is to create a proposed apportionment configuration that is "Fair and Equitable" to all of the upland owners involved. One of the purposes of riparian apportionments is to permit each upland riparian owner their access to navigable water (Heeringa v Petrolje, 279 Mich App 444 (2008))
 \*Lightly shaded Parcels A-G shown hereon were taken from pervious HEI Survey, Project No. 96-10-380, dated December 5, 1996, said survey being Exhibit #1 to document recorded in L. 1665, P. 649.

KALAMAZOO RIVER LOT 2

STAMP:

FLINT PARK

AREA:
2154.95 SQ. FT.

**Topographic Survey** 

**1034 Holland Street** 

PART OF THE NORTHEAST 1/4 OF SECTION 9, T3N, R16W, SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

PREPARED FOR:
Century 21 Affiliated
Liz Engel

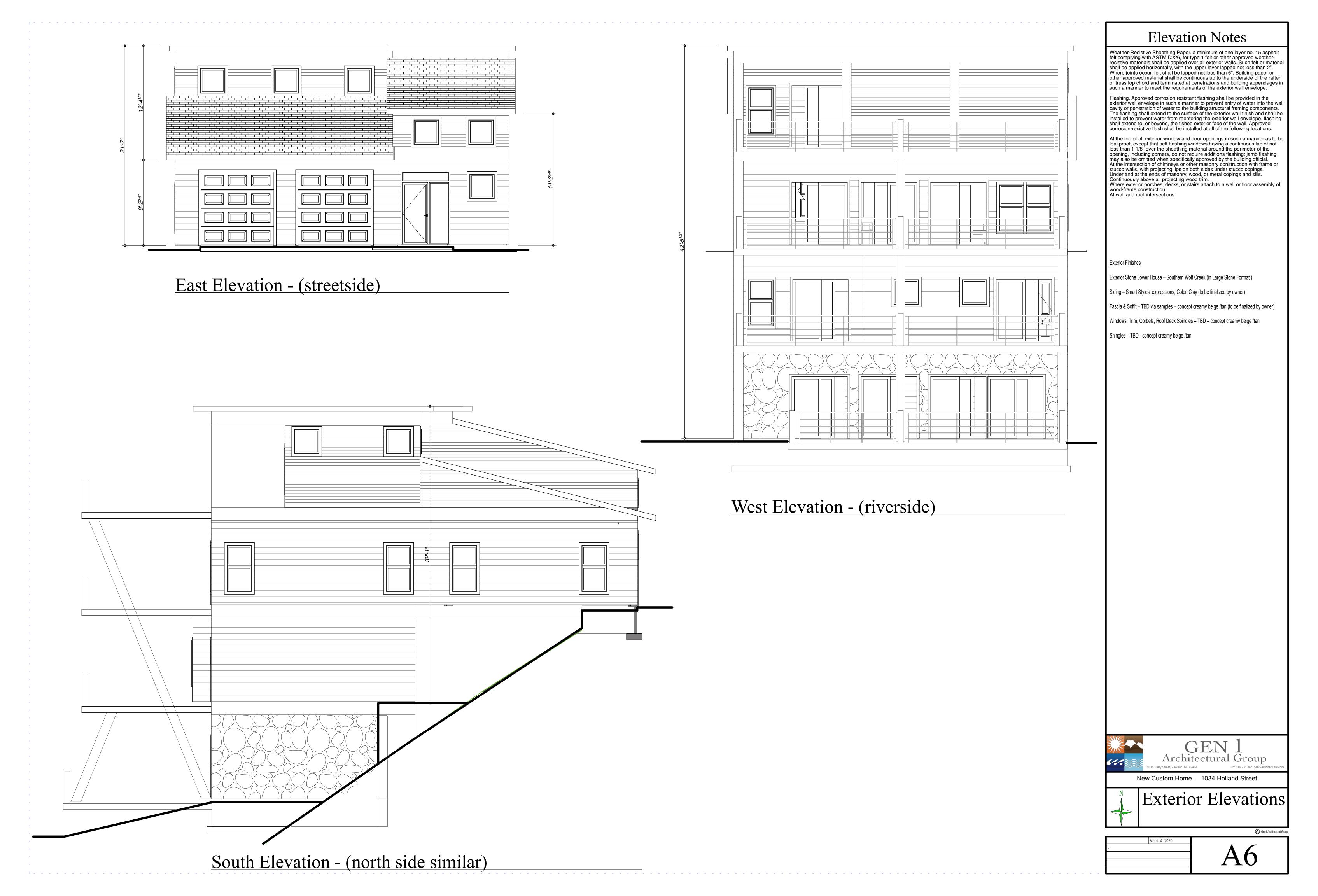
REVISIONS:

PROJECT NO: 19200817

Know what's below.

CALL before you dig.

HOLLAND STREET OF MORES FOR BEET





# n - (riverside)

```
***Overall Average (riverside) = 42'-6"

***Overall Average (streetside) = 11'-7"

(54.2) / 2 = 27'-6"

36 L.F.

72'-0"

36 L.F.

***Overall Average (southside) = 31'-0"

***Overall Average (northside) = 29'-0"

46 L.F.

92'-0"
```

Average Height = 28.88888'