



**CITY OF SAUGATUCK
SPECIAL MEETING ZONING BOARD OF APPEALS
THURSDAY DECEMBER 10, 2020 – 7:00 PM**

1. Call to Order/Roll Call
2. Agenda Changes
3. Approval of Minutes: November 12, 2020
4. New Business
 - A. Front yard setback for 979 Singapore Drive
5. Unfinished Business: None
6. Communications: None
7. Public Comments:
8. ZBA Comments:
9. Adjourn:

Public Hearing Procedure

- 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:

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://us02web.zoom.us/j/2698572603>

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

Then enter “Meeting ID”:
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:
citymanager@saugatuckcity.com

**PROPOSED CITY OF SAUGATUCK
ZONING BOARD OF APPEALS SPECIAL MEETING
THURSDAY NOVEMBER 12, 2020 – 7:00 PM**

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

Attendance:

Present: Bont, Bouck, Muir, Zerfas, Ludlow, Kubasiak

Absent: None

Others Present: Zoning Administrator Osman, Clerk Wilkinson

2. **Approval of Agenda:** A motion was made by Bont second by Bouck, to approve the agenda as presented. Upon roll call vote the motion carried unanimously.
3. **Approval of Minutes:** A motion was made by Kubasiak, second by Bont, to approve the September 3, 2020 meeting minutes as presented.
Upon roll call vote the motion carried with the following vote:
Yes: Bont, Bouck, Zerfas, Kubasiak
No: None
Abstain: Muir, Ludlow
4. **New Business:**
 - A. **Height Variance for 10 Park Street – Public Hearing:** A public hearing was scheduled on this date for the height variance request for 10 Park Street.

Chairman Kubasiak declared the public hearing open for comment at 7:08 p.m.

8:17 p.m. Eric Lanning (resident/homeowner) shared details of the home design and addressed board member questions.

Chairman Kubasiak declared the public hearing closed at 8:47 p.m.

Board member Bont made a motion, second by Zerfas, to approve the application V200004 for the variance of the property on 10 Park Street for the 5 foot on the max average and for the 8 foot variance on the maximum peak height (41 foot max). The board found that the property is much lower than the street and will not be taller than the houses on adjacent properties. Because of the high water table that the house cannot have a basement, so that decided to go up because they could not go down. The first floor is really the functional basement. The natural grade of the property is clearly unique, sitting below the grade of the street. The geography of the site exists and is not self-created. Upon roll call vote the motion passed unanimously.

5. **Unfinished Business:** None
6. **Communications:** None
7. **Public Comments:** None
8. **ZBA Comments:** Board Member Kubasiak complimented the board on their handling of the variance request and thanked them for going to look at the property.

9. **Adjourn** A motion was made by Bont, second by Bouck to adjourn the meeting at 8:55 p.m. Upon roll call vote the motion passed unanimously.

Respectfully Submitted,

Erin K. Wilkinson
City Clerk



**BACKGROUND REPORT
ZONING BOARD OF APPEALS DECEMBER 10, 2020**

APPLICATION: V200006

979 SINGAPORE DR 57-845-006-00

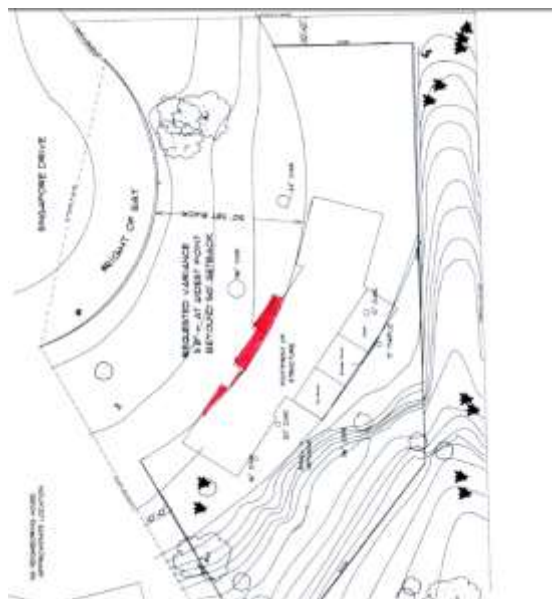
Darpel & Associates

REQUEST: The applicant is requesting a front yard variance at 979 Singapore drive of six feet for the construction of a new single family home. A portion of the home will be set back 44 feet when 50 feet is required. This is a vacant lot.

Phil Rothermich and Mike Hayes, owners of property located at **979 SINGAPORE DR** have applied 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 1.17 acres and is in the **MS-MAPLE ST R-1 zone district**. It is located in the Singapore Estates plat. This lot needed to be reconfigured slightly because a storm drain was not placed as described in the approved plat.

The applicant proposes a front yard variance of six feet for a portion of the front of the house.



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: a single family home is a permitted use in this zone district. Eliminating a curved portion of the front of the house would be difficult.

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: In addition to the 50 foot setback, there is an unimproved portion of the ROW between the property line and the paved portion of the street (about 20 – 25 feet) on the cul-de-sac.

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

Comment: this is a uniquely shaped parcel with extreme topographical challenges.

4. That the problem is not self-created or based on personal financial circumstances.

Comment: the problem is caused by the natural contours of the land, the drainage easement, and the cul-de-sac of the street end.

RECOMMENDATION: We bring to your attention that pursuant to section 154.156 that if the applicant is not able to meet all the required standards noted above, the Board shall deny the request. If the Board finds that the hardship or practical difficulty is not unique, but common to several properties in the area, the finding shall be transmitted by the Board to the Planning Commission who will determine whether to initiate an amendment to the Zoning Code.

Possible motion:

Motion to approve/deny the application for a six foot variance at the front yard for a new home at 979 Singapore Drive as submitted/modified.



Zoning Board of Appeals Application

LOCATION INFORMATION **APPLICATION NUMBER** ____ - ____

Address _____ Parcel Number _____

APPLICANTS INFORMATION

Name _____ Address / PO Box _____
City _____ State _____ Zip _____ Phone _____
Interest In Project _____ E-Mail _____
Signature _____ Date _____

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name _____ Address / PO Box _____
City _____ State _____ Zip _____ Phone _____

I hereby authorize that the applicant as listed above is authorized to make this application for proposed work as my agent and we agree to conform to all applicable laws and regulations of the City of Saugatuck. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed or to gather further information related to this request.

Signature _____ Date _____

CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)

Name _____ Contact Name _____
Address / PO Box _____ City _____
State _____ Zip _____ Phone _____ Fax _____
License Number _____ Expiration Date _____

PROPERTY INFORMATION

Depth ____ Width _____ Size _____ Zoning District _____ Current Use _____
Check all that apply: Waterfront ____ Historic District _____ Dunes ____ Vacant _____
Application Type: Interpretation ____ Dimensional Variance ____ Use Variance _____

REQUEST DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)



SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the following information shall be submitted with the coverage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

Y N NA

- Dimensions of property of the total site area,
- Contours at 2-foot intervals
- Locations of all buildings
- Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
- Parking areas
- Driveways
- Required and proposed building setbacks
- Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
- Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
- Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
- Proposed water supply and wastewater systems locations and sizes;
- Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
- Proposed common open spaces and recreational facilities, if applicable;
- Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
- Signs, including type, locations and sizes;
- Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
- Exterior lighting showing area of illumination and indicating the type of fixture to be used.
- Elevations of proposed buildings drawn to an appropriate scale shall include:
 1. Front, side and rear views;
 2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
 3. Exterior materials and colors to be used.
- Location, if any, of any views from public places to public places across the property;
- Location, height and type of fencing; and



- The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.
- Other information as requested by the Zoning Administrator

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or non-use variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

(1) Explain how 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;

(2) Explain how 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;

(3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

(4) Explain how the problem is not self-created or based on personal financial circumstances.



OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Date Notice Sent _____ Date Resident Notification _____ Hearing Date _____

Notes: _____

Motion to Approve _____ Deny _____

Findings of Fact:

Chair Signature _____ Vote ____

Member Signature _____ Vote ____

Member Signature _____ Vote ____

Member Signature _____ Vote ____

Member Signature _____ Vote ____

- (1) Explain how 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;

Strict compliance with existing setback requirements will make it very difficult to build on this lot. The proposed structure is only ~38 feet deep at its widest point, and still comes very close to the rear easement. Given that the setback is measured from the rounded cul-de-sac (starting back from the street 20 feet due to the public right of way), and that the rear is constrained by the drainage easement, a large portion of the optimal buildable area of the lot becomes unusable. The requested variance is the minimum necessary to make the house work given the various obstacles.

- (2) Explain how 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;

We have worked hard to design a house that fits into the landscape and retains as much as possible the wooded character of the lot, while respecting the needs of the existing properties on either side. The variance will allow us to fit the house right in between two of the largest trees on the lot (both ~36 inch oaks that should be preserved), and is less about justice to us as the owners as it is about trying to minimize the impact on the landscape. Given that the house was specifically designed to be tucked in among the trees, we believe the requested variance will allow us to make optimal use of the property while minimizing the impact on the woods and the neighbors. A larger house might be possible without a variance but would need to be massed higher and closer to the house to the west, and would require going much deeper into the woods, taking out more large trees in the rear (which would impact the properties in the rear on Ridgeview and Spear streets).

- (3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.

The specific issues presented with this lot are created by a combination of being in between the drainage easements in the rear and the curvature of the building envelope in the front (caused by the curve of the cul-de-sac). Even with the variance, this house will sit farther back than any of the other houses on the south side of the street. It is worth noting that we bought this property after two other owners bought and sold it, which we understand was in part due to difficulty in designing something to fit it. We believe what we are proposing preserves as much of the woods as possible, which will benefit the neighbors on either side as well as those on the other side of the ravine (and the birds and other wildlife in the nature preserve).

- (4) Explain how the problem is not self-created or based on personal financial circumstances.

See above. We believe the issues presented are due to the unique character of the property and the combination of front and rear restrictions.

