

**Minutes**  
**Saugatuck Zoning Board of Appeals Meeting**  
**Saugatuck, Michigan, February 10, 2021**

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

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

**Attendance:**

Present: McPolin, Bouck, & Kubasiak

Absent: Bont, Zerfas, Muir, Hundrieser

Others Present: Zoning Administrator Osman

2. **Approval of Agenda:**

McPolin made a motion, 2<sup>nd</sup> by Bouck to approve the agenda as submitted. The motion carried unanimously.

3. **Approval of Minutes:**

Bouck made a motion, 2<sup>nd</sup> by McPolin, to approve the minutes as submitted. The motion carried unanimously.

4. **New Business:**

**A. Public Hearing 143 Park Street – two docks.**

Kubasiak opened the public hearing at 7:04. ZA Osman gave a brief overview of the application, and how legal came to the conclusion it is a non-use variance, and that no interpretation is needed. Steve Merkle, representing AJ Nassar made a brief presentation. There was no public comment and no written communication. The public hearing was closed at 7:11.

The board determined that the ordinance refers to only waterfront lots or parcels.

The Board discussed the standards:

Standard 1. This discussion revolved around the fact that he can use the property with one dock, customarily boat owners have only access to one side of the boat. Strict compliance would not be unnecessarily burdensome. He can use the property for a permitted use. This standard is not met.

Standard 3. Unique circumstances in this case, are not related to the property, they are related to the physical circumstances to the property owner. This standard is not met.

Standard 2. Justice to the applicant as well as justice to others or whether a lesser relaxation would be consistent with others. Others may have been grandfather or installed illegally. Or they may have more than one lot.

Standard 4. Is the problem self-created – yes, is it based on personal circumstances – no. This standard is not met.

Comments – we reviewed the standards for a non-use variance but if we had reviewed it as a use variance, the conclusion would have been the same. Our review concluded that it did not meet any of the standards.

A motion was made by Bouck 2<sup>nd</sup> by McPolin, that the application for a variance for a second dock at 143 Park Street be denied, based on our assessment of the findings of fact covering four standards that are required to grant a variance in this case and that the findings are included in this report. and the staff report is attached as part of the findings of fact noted above. Upon roll call the motion carried unanimously.

Annual report 2021. A motion was made by Kubasiak 2<sup>nd</sup> by Bouck, to accept the annual report as written to be submitted to City Council. Upon voice vote the motion carried unanimously.

**5. Unfinished Business:** None

**6. Communications:** None

**7. Public comment:**

Jim Lindsey asked various questions regarding the street end. He will submit images from Google Earth and staff will respond.

Maureen Scheller asked about other owners that have more docks than then are permitted to have and just put up illegally. The question was about enforcement.

**8. Reports of Officers and Committees:**

**9. Adjournment:** Meeting adjourned at 7:53 by Kubasiak.

Respectfully Submitted,

Jamie Wolters  
City Clerk