

# Saugatuck Zoning Board of Appeals Meeting Saugatuck, Michigan, October 13, 2022, 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 Chairman Kubasiak at 7:00 p.m.

2. **Attendance:**

Present: Bouck, Crawford & Kubasiak.

Absent: Bont, Hundrieser & McPolin.

Others Present: Director of Planning, Zoning and Project Management Cummins and City Manager Heise.

3. **Agenda Changes/Approval of Agenda:** None

*Motion by Kubasiak, second by Bouck to approve the agenda for the October 13 meeting as written. Upon roll call vote, motion carried 3-0.*

4. **Approval of Minutes:**

a. Changes to minutes as follows:

i. Change to show Bont adjourned meeting

ii. Change adjourn time to 7:30pm

iii. Change to item #5, paragraph B to change "where maximum of 20 feet" to "where maximum 28 feet".

*Motion by Bouck, second by Kubasiak, the approval of the minutes be approved as amended. Upon roll call vote, motion carried 3-0.*

5. **New Business:**

**221 Water St- Side and Rear Yard Setbacks:**

**Public Hearing Procedure:**

A. Hearing was called to order by the Chair at 7:03 p.m.

B. Summary by Interim Zoning Administrator:

Mr. Plum, who is here this evening resides at 221 Water Street and his property is located in the Water Street East district. The lot is approximately 40 feet wide, 90 feet deep and a single family detached home exists on the site. The applicant is requesting variances for three projects at the subject address, including a 10 foot by 10 foot shed with a zero foot side and rear setback instead of the minimum 10 foot setback requirement. A deck with a zero foot side setback instead of the minimum seven foot setback and a hot tub with a zero foot set side setback instead of the minimum seven foot setback.

A. Presentation by the Applicant:

Mr. Plum presented the following. His home was originally purchased by his grandparents in 1927. His lot is a non-conforming lot with size of 40 by 90. He has attended HDC and ZBA for other requested variances that were approved. He is requesting a hot tub, shed and deck in backyard. He does not have a garage to store anything so he would like a shed. The lot is the same lot that his grandparents purchased. With a 10-foot setback with a 10 by 10 shed and also the deck, it would move it right into the middle of his yard. The hot tub, shed and deck are all permitted purpose uses. He asked if he could change his shed to a 10 by 12.

- 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)-
    - a. Sandra Randolph, neighbor of applicant.
  2. Opposing comments (audience and letters)- **None**
  3. General comments (audience and letters)- **None**
  4. Repeat comment opportunity (Supporting, Opposing, General)-**None**
- E. Public comment portion closed by the Chair at 7:22 p.m.  
F. Commission deliberation  
G. Commission action

The board went into deliberation and the Board discussed the standards as the standards need to be met by all three asks being shed, deck and hot tub.

ZBA Findings of Fact: Note: Applicant must show a 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). Crawford, Bouck and Kubasiak found this standard is met because:

It would make conformity unnecessarily burdensome due to the size of the lot which was platted in the 1920s and is grandfathered and legally non-conforming today. The lot is so small that to make this conforming would leave the applicant with almost no useable yard at all.

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). Crawford, Bouck and Kubasiak found this standard is met because:

There would be justice to the property owner and his small lot. The reasoning parallels the same reasoning as standard 1. All adjacent neighbors are in support of the variance request. The surrounding neighborhood and zoning.

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). Crawford, Bouck and Kubasiak found this standard is met because:

It is a unique circumstance and not due to general neighborhood conditions. The request for a shed and deck are common and approved uses. This property is most unique compared to the general neighborhood.

Standard 4: "That the problem is not self-created or based on personal financial circumstances." § 154.155(B)(4). Crawford, Bouck and Kubasiak found this standard is met because:

The problem is not self-created. The platting of the lot goes back to the 1920s. The applicant has invested a great amount of money in restoring a historical home in the community and is trying to make it useful, useable, to fit in and maintain the character of the town. This is consistent with the neighborhood.

Practical Difficulty: A request for a dimensional variance shall be denied if the ZBA finds “that the requirements of this chapter, as written, can be met or that there is no practical difficulty preventing a reasonable use of the land.” § 154.156(A). Crawford, Bouck and Kubasiak found this standard is met because:

The lot size is smaller, it is unique compared to neighborhood conditions and adjacent properties, it is an old, platted lot before standard lot sizes were established.

*Motion by Bouck, second by Crawford, to approve application V22008, for a 10-foot by 12-foot shed with zero-foot (0') side and rear setbacks instead of the minimum 10-foot setback requirements; a deck with a zero-foot (0') side setback instead of the minimum seven-foot (7') setback; and a hot tub with a zero-foot (0') side setback instead of the minimum seven-foot (7') setback, with placement and construction consistent with the photo and materials submitted with the variance application. This motion is conditioned upon the applicant meeting all other zoning requirements.*

- 6. Unfinished Business:** None
- 7. Communications:** None
- 8. Public comment:** None
- 9. Reports of Officers and Committees:** None

Zoning and Project Management Cummins advised the board that they would hear two cases next month, including 640/650 Water St.

- 10. Adjournment:** Meeting adjourned at 8:07 by Kubasiak.

Respectfully Submitted,  
Jamie Wolters  
City Clerk