



## Saugatuck Zoning Board of Appeals Meeting - **AMENDED** November 9, 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: Chairman Kubasiak, Vice Chairman Bouck, Board Members Crawford, Hundreiser, & McPolin.

Absent: Board member Bont.

Others Present: Deputy Clerk Sara Williams, City Attorney Jacob Witte, and Director of Planning and Zoning Ryan Cummins (via Zoom)

2. **Agenda Changes/Approval of Agenda:** Approved as amended.

*Motion by Bouck, second by McPolin to approve the agenda for November 9, 2023, meeting as presented. Upon voice vote, motion carried 5-0. **Amended, Motion was by Kubasiak.***

3. **Approval of Minutes:** Approved.

*Motion by Crawford, second by Hundreiser, to approve the minutes from October 12, 2023, as submitted. Upon voice vote, motion carried 5-0.*

4. **Public Comments:**

- Dan Fox (1006 Elizabeth) – In support of project at 145 Grant Street.

5. **Unfinished Business:** None.

6. **New Business:**

- A. **145 Grant St – Variance request to reduce front setbacks, reduce rear setback, increase lot coverage, and reconstruct within, or so as to encroach on, a public right-of-way or public easement.**

1. The Public Hearing was called to order by the Chair at 7:06 p.m.

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

The applicant requests several variances for a comprehensive building and renovation project at 145 Grant Street. This project includes a renovation of the existing dwelling, expansion of the dwelling, and a new detached garage building. The variance requests relate to Section 154.026(D) and Section 154.174(C)(4)(a) of the Zoning Ordinance and are the following:

1. Reduce the front setback on Grant Street to ten feet (10') instead of the minimum 20-foot setback, a reduction of ten feet (10') for an addition and garage.
2. Reduce the rear setback to seven feet (7') instead of the minimum 10-foot setback, a reduction of three feet (3') for a detached three-stall garage.
3. Reduce the front setback on Elizabeth Street to fifteen feet (15') instead of the minimum 20-foot setback, a reduction of 5 feet (5') for a detached three-stall garage.
4. Reduce the front setback on Elizabeth Street to zero feet (0') instead of the minimum 20-foot setback, a reduction of twenty feet (20'), for the reconstruction and enclosure of a porch.
5. Reconstruct within, or so as to encroach on, a public right-of-way or public easement for the reconstruction and enclosure of a porch.
6. An increase in lot coverage to 42.62% instead of the maximum of 30%, an increase of 12.62% for an addition, porch enclosure, and new garages.

The property is located in the R-1 Community Residential District (R-1 CR). The corner lot is 54 feet wide along Grant Street and 157 deep along Elizabeth Street (8,497 square feet in area). Dimensional requirements for the R-1 CR zoning district are shown below.

Front setback: 20 feet

Side setback: 7 feet

Rear setback: 10 feet

Minimum lot area: 8,712 square feet

Minimum lot width: 66 feet

Maximum lot coverage: 30%

The subject lot does not conform to the minimum lot area requirement (8,712 square feet) and the minimum lot width requirement (66 feet). While the property is a corner lot, Elizabeth Street, where abutting the property, has a dirt/gravel surface which eventually ends before the right-of-way reaches Simonson Street. There is no further development potential along Elizabeth Street, as the parcel across the street narrows considerably to its south boundary, and the rest of the property to the east is City-owned.

Due to its nonconforming nature and location along a terminating street, the lot is somewhat unique.

### 3. Presentation by the Applicant: Jim Smitt

4. Public comment regarding the application:

a. Supporting comments:

- Dan Fox (1006 Elizabeth) – in support of project.

b. Opposing comments (audience and letters):

- Carol Nash (997 Elizabeth) – Opposed to project.
- Mark & Deidre Levine (1005 Elizabeth) - Opposed to project.
- Douglas & Linda Lampen (995 Holland) - Opposed to project.
- Jim and Lorna Farrell (945 Elizabeth) - Opposed to project.

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

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

5. Public comment portion closed by the Chair at 7:43 p.m.

6. Commission deliberation:

The board went into deliberation and discussed several variances for a comprehensive building and renovation project at 145 Grant Street. This project includes a renovation of the existing dwelling, expansion of the dwelling, and a new detached garage building. The variance requests relate to Section 154.026(D) and Section 154.174(C)(4)(a) of the Zoning Ordinance and are the following:

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4. Reduce the front setback on Elizabeth Street to zero feet (0') instead of the minimum 20-foot setback, a reduction of twenty feet (20'), for the reconstruction and enclosure of a porch.
5. Reconstruct within, or so as to encroach on, a public right-of-way or public easement for the reconstruction and enclosure of a porch.
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The property is located in the R-1 Community Residential District (R-1 CR). The corner lot is 54 feet wide along Grant Street and 157 deep along Elizabeth Street (8,497 square feet in area). Dimensional requirements for the R-1 CR zoning district are shown below.

Front setback: 20 feet

Side setback: 7 feet  
Rear setback: 10 feet  
Minimum lot area: 8,712 square feet  
Minimum lot width: 66 feet  
Maximum lot coverage: 30%

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

**Review # 1 (applies to variance request numbers 1, 4, & 5 shown above).**

**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). Bouck, Crawford, McPolin, Hundreiser, Kubasiak, & McPolin found this standard is met because:*

The Board may consider full conformity unnecessarily burdensome based on the nonconforming nature of the lot, its corner-lot characteristics, and the current placement of the nonconforming principal building. As such, front setback variances from the public street rights-of-way for the principal dwelling seem reasonable, especially considering improvements to an aging structure and limited ability to expand and improve in a conforming manner.

**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). Bouck, Crawford, Hundreiser, Kubasiak, & McPolin found this standard is met because:*

Front setbacks and right-of-way construction for improvements to the existing principal building area are reasonable and would provide sufficient relief to the property owner to allow modest expansion to the dwelling.

**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). Bouck, Crawford, Hundreiser, Kubasiak, & McPolin found this standard is met because:*

While the lot is narrower than a conforming lot and subject to greater restrictions than an interior lot, the conditions are somewhat unique. The placement of the existing dwelling within the required setback area and right-of-way is certainly unique, though, so reasonable relief appears to be appropriate.

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

The problem regarding the expansion of the existing dwelling is not self-created, as the owner was not involved with the construction of the original dwelling. Although the owner desires an expansion to the dwelling, improving the dwelling and even expanding the footprint is not unreasonable. Based on the placement of the building, the owner did not create the circumstances that warrant the front setback variances.

7. Commission action: ZBA Decision (Approve):

*Motion by Bouck, second by McPolin, to approve front setback relief and allowance for construction within the public right-of-way for renovations and expansion to the existing principal dwelling based on the positive findings documented in the staff memo provided to the Board for its November 9, 2023, meeting as well as the Board finding that all four requirements have been satisfied. This approval is contingent upon the renovation and expansion of the dwelling occurring in conformance with the plans submitted with the application materials. The motion was amended to include that all building within the Elizabeth Street right-of-way is approved by the City Council. Upon roll call vote, motion carried 5-0.*

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

**Review #2 applies to variance request numbers 2, 3, & 6 shown above.**

**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). Bouck, Crawford, McPolin, Hundreiser, Kubasiak, & McPolin found this standard is NOT met because:*

There are no extraordinary conditions regarding compliance with the detached garage setbacks (front/rear) and the lot coverage maximum. The request for a 3-stall detached garage is excessive for a lot of this size, especially when reasonably sized and conforming garage space can be constructed in attached or detached designs.

**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). Bouck, Crawford, Hundreiser, Kubasiak, & McPolin found this standard is NOT met because:*

Relaxation of the lot coverage and detached accessory garage would give the

owner rights that are not available to other property owners in the area, and denial of these requests would not affect the justice to the owner. The significant increase in lot coverage and garage space is far beyond allowable, and there are no reasonable justifications for the large garage based on the conditions of the lot and land.

**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). Bouck, Crawford, Hundreiser, Kubasiak, & McPolin found this standard is NOT met because:*

Similar lots are evident throughout the City, and the conditions and circumstances are not so unique as to warrant relief, let alone relief to construct such significant garage space for a dwelling on an R-1 CR lot.

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

The detached garage, which requires a rear setback, front setback, and lot coverage variances, is certainly a self-created issue and, based on a personal desire, not relief necessary for reasonable use of the property.

**7. Commission action: ZBA Decision (Deny):**

*Motion by Bouck, second by Kubasiak to deny the rear setback at 7-foot instead of the 10-foot minimum, deny the front setback at 15 ft instead of the 20 ft minimum, and deny increasing lot coverage to 42.62%. Upon roll call vote, motion carried 5-0.*

**7. Communications:** None.

**8. ZBA Comments:**

Chair Kubasiak told the Board that they did a good job and said that the application tonight was a challenging case.

**9. Public Comments:** None.

**10. Adjournment:** *Motion by Crawford, second by Bouck to adjourn. Motion carried 5-0. The meeting was adjourned at 8:39 pm by Chair Kubasiak.*

Respectfully Submitted,  
Sara Williams  
City Deputy Clerk