Saugatuck Zoning Board of Appeals Meeting
March 14, 2024, 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.
   Attendance:
   Present: Chairman Kubasiak, Board Members Barna, Bouck, Crawford, & McPolin.
   Absent: Board member Bont.
   Others Present: Director of Planning and Zoning Ryan Cummins, Deputy Clerk Sara Williams, City Attorney Jacob Witte, City Attorney Trent Cunningham.

2. **Agenda Changes/Approval of Agenda:** Approved.
   Motion by Bouck, second by McPolin to approve the agenda for March 14, 2024, meeting as presented. Upon voice vote, motion carried 5-0.

3. **Approval of Minutes:**
   Motion by Bouck, second by McPolin, to approve the minutes from January 11, 2024. Upon voice vote, motion carried 5-0.

4. **Public Comments:** None.

5. **Unfinished Business:** None.

6. **New Business:**
   A. 184 Park St – Setback Variance.

   1. The Public Hearing was called to order by the Chair at 7:05 p.m.

   2. Summary by Director of Planning, Zoning & Project Management Ryan Cummins.
      The applicant requests a dimensional variance to construct a new dwelling at 184 Park Street. The variance requires a reduced front setback of 15 feet instead of the minimum 25-foot setback from the Vine Street right-of-way, a reduction of 10 feet.

The request relates to Section 154.036 (D) of the Zoning Ordinance, and the purpose of this report is to provide a review of the application and standards of approval.

The property is located in the Peninsula West R-1 zoning district. The corner lot is approximately 100 feet wide and 294 feet deep, and the property is just over one-half (1/2) acre in size. The property is narrower toward the Park Street frontage due to a jog in the south side property line.

The ZBA previously granted variances for 15-foot setbacks in 2016, 2018, 2021, and 2023. While the first three have expired, the current plan has changed enough so that the 2023 variance no longer applies to the proposed building configuration.

The new proposed home placement is now parallel to Vine Street rather than diagonally, as proposed in 2023. In this scenario, a more significant portion of the home falls within 15 feet of the right-of-way instead of a corner of the home. As such, a request for a 15-foot setback with this proposed building footprint is more significant than the previous request.

Concerning the plans, it should be noted that the submittal again incorrectly applies a 25-foot setback to the southeast of the proposed dwelling. Although there is a jog in the south property boundary, it does not result in a 25-foot front setback anywhere that does not abut road right-of-way. A 25-foot setback will only apply along the road rights-of-way (Park and Vine), and a 25-foot rear setback will apply from the western rear property line. The entire southern boundary is subject to a 10-foot side setback.

While the setback from the KLSWA property is 10 feet (and not 25 feet), the applicant desires to be as far away as possible from this parcel to reduce the pump station's impact on the residence.

While an uncovered deck is shown to the north of the building with 10 feet of separation from the right-of-way, no additional details have been provided, and no variance was requested for this building element. The uncovered deck and/or stairs must comply with all zoning requirements.

3. Presentation by the Applicant: Schipper Construction – Kevin Roelofs

4. Public comment regarding the application:
   a. Supporting comments: None.
   b. Opposing comments (audience and letters): None.
   c. General comments (audience and letters): None.
   d. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by the Chair at 7:30 p.m.

6. Commission deliberation:

The board went into deliberation, and they discussed the applicant's request for a dimensional variance to construct a new dwelling at 184 Park Street. The variance

requires a reduced front setback of 15 feet instead of the minimum 25-foot setback from the Vine Street right-of-way, a reduction of 10 feet.

The request relates to Section 154.036 (D) of the Zoning Ordinance, and the purpose of this report is to provide a review of the application and standards of approval.

ZBA Findings of Fact: ***Note: Applicant must show 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). Barna, Bouck, Crawford, Kubasiak, & McPolin found this standard has been met because:*

The footprint of the home is 1,208 square feet, which is reasonable for a half (1/2) acre lot. It should be noted that the footprint is the same as requested in 2023.

Although there is room to shift the home to the southeast and comply with the 10-foot south side setback and Vine Street front setback, the location would be very close to a barbed wire fence and a city pump station. The applicant has also noted concern about the visual and audible impacts of the pump station after inspecting the staked location of the previously approved location in relation to the KLSWA land.

Because of the proximity to the city pump station and the limitations of steeper slopes on the site, requiring a compliant home could be considered unreasonably burdensome.

Chair Kubasiak thinks that there is a fair amount of explanation there that justifies in his opinion that it does meet that standard, especially the square footage on that type of lot and the situation that they've discussed earlier on the lot. Configuration and meeting all the compliances of the Dunes acts and the City acts. Board members Bouck and Crawford both agree that the standard has been met. Board member Barna added that he doesn't have a declination about it, there are significant reasons that buying a home of that size to build on that property due to everything else, it does seem reasonable.

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). Barna, Bouck, Crawford, Kubasiak, & McPolin found this standard has been met because:*

As mentioned earlier, the variance request is more significant than approved in 2023 based on the proposed building placement. Although 15-foot setbacks have been approved on multiple occasions, more of the building is located up to 15 feet from the right-of-way than previously approved.

Although lesser relation would allow a home to be built, the ZBA must consider the impact of the proposed home site against nearby property owners and the impact of being closer to the KLSWA site. However, the request appears moderate and is enough to

construct a reasonable-sized home on the property. As such, a variance may give substantial relief to the applicant and allow for justice for neighboring property owners.

Chair Kubasiak thinks that this standard is a little easier to digest and that it does meet that standard. Board members Barna, Bouck, Crawford, McPolin, & Chair Kubasiak agree.

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). Barna, Bouck, Crawford, Kubasiak, & McPolin found this standard has been met because:*

The ZBA has recognized unique and exceptional circumstances on multiple occasions. The site is unique based on a combination of factors: the corner lot requires (2) front setbacks; the buildable area is constricted by steeper slopes to the southwest and northeast of the site; a pump station and barbed wire fence exist to the southeast; and the southern boundary of the lot jogs inward for a narrower width for approximately one-third (1/3) of the site. These characteristics are not general neighborhood conditions, so this standard is met.

Board member Crawford said that it is a unique lot and that the standard is satisfied. Board Members Barna, Bouck, McPolin & Chair Kubasiak all agree that the standard has been met.

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

One could argue that the problem is self-created as a variance was already approved in 2023, and plans have now changed for a more significant request. However, the unique circumstances of the land and the lot have stayed the same. The overall problems related to the site are not self-created, and the owner is seeking the most reasonable way to design the placement of a new home. Additionally, the variance request has no relationship to the project cost.

Chair Kubasiak questioned if this was a lesser setback than before or if it was the same. Zoning Administrator Cummins said that the setback is the same but more of the home with how it's oriented would be within the normal setback. Chair Kubasiak said that if they approve a setback, and it goes with a lot property line, it wouldn't matter whether there is 10 feet or 50 feet theoretically. City Attorney Witte explained that the variance that they are issuing is attached to the plans and drawings that are submitted by the applicant. The amount of variation from the zoning ordinances requirements is still the same. It's 10 feet off of the setback, but it would attach to the drawings that are submitted now. It is different than what was approved before. Zoning Administrator Cummins reiterated that is why it has been brought in front of the board again.

Chair Kubasiak says that it is a little bit of a catch in a way that he understands that if they are approving a plan that had half the house setback versus all the house setback, it is a change and why it is in front of the board. He said that other times if you are in some kind of a situation where there is more of a straight line that line does per se too. In this case, Kubasiak doesn't see a problem with the addition of the extension of the house being into the setback due to the way that sits on the property and in the case of what they have been through. He says that number 4 meets that standard. Board members Barna, Bouck, Crawford & McPolin agree that the standard is met.

Motion by Bouck, second by McPolin to approve a variance to reduce the northern front setback from the Vine Street right-of-way from 25 feet to 15 feet for the construction of a new dwelling at 184 Park Street based on the positive findings documented in the staff memo provided to the ZBA for its March 14, 2024, meeting as well as standard 1 is met, standard 2 is met, standard 3 is met, and standard 4 is met. This approval is contingent upon the construction of the dwelling being in substantial conformance with the location, design, and size as proposed and included in the 2024 ZBA variance applicant materials. Upon roll call vote, motion carried 5-0.

7. **Communications:**
   Per Director of Planning & Zoning, Ryan Cummins, there was no formal communication. He reminded Chair Kubasiak that they have a special meeting scheduled on March 28, at 7:00 pm.

8. **ZBA Comments:**
   Chair Kubasiak thanked Director of Planning & Zoning Ryan Cummins for organizing the special meeting and this meeting.

9. **Public Comments:** None.

10. **Adjournment.**
    There was no motion, the meeting was adjourned at 7:46 pm by Chair Kubasiak.

Respectfully Submitted,
Sara Williams
City Deputy Clerk