Saugatuck Zoning Board of Appeals Meeting
September 12, 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 Bouck & Crawford.
   Absent: Board member Bont.
   Others Present: Director of Planning and Zoning Luke Thompson, Deputy Clerk Sara Williams.

2. **Agenda Changes/Approval of Agenda:**
   Motion by Bouck, second by Kubasiak, to approve the agenda for September 12, 2024, meeting as presented. Upon voice vote, motion carried 3-0.

3. **Approval of Minutes:**
   Motion by Crawford, second by Bouck, to approve the Regular meeting minutes from March 14, 2024, and the Special meeting minutes from March 28, 2024. Upon voice vote, motion carried 3-0.

4. **Public Comments:**
   - Ethan Barde (584 Lake) – Spoke in support of the applicant for the Public Hearing on 560 Campbell St.
   - Tammy Kerr (3191 Beach Trail Drive, Saugatuck Township) – Spoke in support of the applicant for the Public Hearing on 560 Campbell St.

5. **Unfinished Business:** None**.**

6. **New Business:**

A. 560 Campbell – Change of a nonconforming use of the subject property to a different nonconforming use.

1. The Public Hearing was called to order by the Chair at 7:10 p.m.

2. Summary by Director of Planning & Zoning Luke Thompson.

The applicant requests the change of a nonconforming use of the subject property to a different nonconforming use. The current use was determined to be a legally nonconforming "multi-family dwelling," and the proposed use is a nonconforming motel.

MOTEL. A commercial enterprise oriented to the public traveling by motor vehicle, with individual sleeping rooms typically exiting directly to the outside, with patron parking located at or near each room exit. A motel may contain an accessory restaurant, gift and specialty shop, lounge, swimming pool, and exercise facilities.

The Zoning Administrator provided a land use determination on May 15, 2024, and the document is included in the application packet. As a multi-family dwelling, the units were also established as single-family residential condominium units under a master deed for the property. However, the applicant maintains that the use is already a motel and operates in that manner. Although the applicant provides opinions and arguments regarding the use designation, the ZBA must rely on the Zoning Administrator's determination unless an appeal is submitted or an interpretation on the matter is requested.

3. Presentation by the Applicant: Dino Tedaldi & Cheryl Soard.

4. Public comment regarding the application:

a. Supporting comments (audience and letters): letters from Tammy Kerr and Mark Bekken.
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 7:19 p.m.

6. Commission deliberation:

The board went into deliberation, and they discussed the applicant's request for a change of a nonconforming use of the subject property to a different nonconforming use. The current use was determined to be a legally nonconforming "multi-family dwelling," and the proposed use is a nonconforming motel.

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

Standard 1: *The proposed use does not increase the degree of nonconformity existing prior to the change of use. Pursuant to this standard, the proposed use shall not create, or result in, impacts which are considered more objectionable than the use to be replaced. Theses impact shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation, noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage and other factors. Bouck, Crawford, & Kubasiak, found this standard has been met because:*

Although not determined to be a motel, operations are intended to stay the same. The applicant desires an official substitution to be considered a motel. Traffic impact is not anticipated due to a substitution, and the seasonable fluctuations of tourist stays would remain similar. Delivery traffic, parking, pedestrian movement, and potential external effects of multi-family use and motel use have comparable impacts. The impacts on infrastructure and utilities for both uses are similar.

Standard 2: *No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will bring the structure into greater conformity with the underlying zone district standards. Bouck, Crawford & Kubasiak, found this standard has been met because:*

No expansion, alterations, or additions are required or proposed. The current and intended use of the property will be accommodated by the existing building. It should also be noted that the use will remain nonconforming, meaning that it can continue but cannot "be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located (§154.174 D.2).

(b) *In approving a change in use, the Board may require reasonable conditions in order to decrease the impact on adjoining properties. These conditions may include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation and other such conditions to reduce any negative impact.*

The ZBA may discuss whether conditions of approval are appropriate.

Motion by Bouck, second by Crawford to approve the substitution of a nonconforming multiple-family dwelling to a nonconforming motel based on the following findings:

1. *That it satisfies the standard number one for a change in from one nonconforming use to another both legal.*
2. *That it meets standard number two for changing one legal, nonconforming use to another.*

Upon roll call vote, motion carried 3-0.

B. Start time for ZBA Meetings.

Motion by Kubasiak, second by Bouck, to approve the change of the meeting time for the ZBA scheduled meetings to 6:30pm, on the second Tuesday of the month, from 7pm as originally structured. Upon roll call vote, motion carried 3-0.

7. Communications: None.

8. ZBA Comments:

- Chair Kubasiak raised the issue of providing printed packets for meetings, with Bouck mentioning the complexity of some of the cases and that they take longer to research and review. Crawford added that he would like the packet printed one-sided as it is easier to follow. The board discussed the pros and cons of printed packets versus digital copies and agreed to continue with the digital copies but allow members to request printed packets if needed.

9. Public Comments: None.

10. Adjournment.

Motion by Crawford, second by Bouck, to approve adjournment of the meeting. Upon voice vote, motion carried 3-0. Chair Bouck adjourned the meeting at 7:53pm.

Respectfully Submitted,
Sara Williams
City Deputy Clerk