

Zoning Board of Appeals Regular Meeting April 13, 2023 – 7:00PM 102 Butler St, Saugatuck, MI

In person meeting

- 1. Call to Order/Roll Call
- 2. Approval of Agenda
- **3. Approval of Minutes:A.** March 9, 2023 Regular Meeting (Pg.3)
- 4. Public Comments
- 5. Unfinished Business: None

6. New Business:

- A. 350 Mason Screening and Parking Space Length-Pg.7
- B. 329-339 Culver Lot Coverage-Pg.18
- C. 865 Holland Use-Pg.28
- D. 181 Park Front Setback-Pg.46
- 7. Communications:A. Reminder ZBA Member Training May 18

8. ZBA Member Comments

- 9. Public Comments
- 10.Adjourn (Voice Vote)

Public Hearing Procedure

- A. Hearing is called to order by the Chair
- B. Summary by the Zoning Administrator
- C. Presentation by the Applicant
- D. Public comment regarding the application
 - Participants shall identify themselves by name and address
 - Comments/Questions shall be addressed to the Chair

This public meeting will be held in person at Saugatuck City Hall. Interested parties may attend in person or participate by using Zoom video/audio conference technology.

Join online by visiting: https://us02web.zoom.us/j/26985726 03

> Join by phone by dialing: (312) 626-6799 -or-(646) 518-9805

Then enter "Meeting ID": 2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to: rcummins@saugatuckcity.com

- Comments/Questions shall be limited to five minutes
- 1. Supporting comments (audience and letters)
- 2. Opposing comments (audience and letters)
- 3. General comments (audience and letters)
- 4. Repeat comment opportunity (Supporting, Opposing, General)
- E. Public comment portion closed by the Chair
- F. Commission Deliberation
- G. Commission Action



Saugatuck Zoning Board of Appeals Meeting Saugatuck, Michigan, March 9, 2023, Minutes- *Proposed*

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 7:05 p.m.

Attendance:

Present: Chairman Kubasiak, Board Members Bouck (arrived at 7:07p.m.), Crawford, McPolin. Absent: Board Member Bont & Alternate Member Hundreiser. Others Present: Director of Planning, Zoning, & Project Management Ryan Cummins, & City Clerk and DPW Administrative Assistant Sara Williams, City Attorney Jacob Witte

2. Agenda Changes/Approval of Agenda: Approved.

Motion by McPolin, second by Crawford to approve the agenda for the January 12, 2023 meeting as presented. Upon voice vote, motion carried 3-0.

3. Approval of Minutes: Approved.

Motion by Kubasiak, second by McPolin, to approve the minutes from January 12, 2023, as submitted. Upon voice vote, motion carried 4-0.

- 4. Public Comments: None.
- 5. Unfinished Business: None.

6. New Business:

A. 510 Butler St – Lot Coverage: Case # V230002

- 1. The Public Hearing was called to order by the Chair at 7:11 p.m.
- 2. Summary by Director of Planning, Zoning & Project Management Ryan Cummins:

The applicant requests a dimensional variance to construct an addition at 510 Butler Street after the demolition of a portion of the existing structure, which requires a dimensional variance to increase lot coverage to 27.7% instead of the minimum 25% lot coverage, an increase of 2.7%. The request relates to Section 154.025 (D) of the Zoning Ordinance.

The property is located in the R-4 City Center Transitional Residential District. The lot is approximately 132 feet wide and 131 feet deep (17,444 square feet), and the site is the current location of the Wickwood Inn.

The building is 5,699 square feet, with 3,947 square feet on the first floor and 1,752 square feet on the second floor. The total Floor Area Ratio is 32.7%. The total area of the

building that counts against lot coverage is 4,126.8 square feet, in addition to a 674.6 square foot accessory structure (4,801.4 square feet in total). The buildings do not currently conform to the lot coverage requirements for the applicable zoning district (25%).

The applicant requests the variance because they will lose the nonconforming rights of their current 27.5% lot coverage as they demolish a portion of the building. To build back a portion of the building after demolition, even if in the same footprint, is considered an increase in nonconforming lot coverage. However, the project will add 32 square feet to the building, increasing the lot coverage to 27.7%.

3. Presentation by the Applicant:

The applicant, Michael Waechter, was online to present his application via Zoom. He stated that his request is centered on the restructuring of the egress into and out of the back end of the building. There were quite a few additions and modifications made to the interior corner of the building that altogether does not make the building work very well. This request allows them to consolidate all the little stairs and the little outbuildings that were kind of attached to the original main building and allows them to clean it up significantly. The area is not visible to neighbors or to the public way. They have already been in front of the Historic District Commission and were approved.

4. Public comment regarding the application:

- a. Supporting comments (No public comment. Email from neighbor listed below):
 1. Catherine Simon Saugatuck City resident.
- 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 7:32 p.m.

6. <u>Commission deliberation:</u>

The board went into deliberation and discussed the standards for the requested construction of an addition at 510 Butler Street (R-4) City Center Transitional Residential District) after the demolition of a portion of the existing structure, which requires a dimensional variance to increase lot coverage to 27.7% instead of the minimum 25% lot coverage, an increase of 2.7%. Request relates to Section 154.025 (D) of the Zoning Ordinance.

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

Strict compliance would not prevent the applicant from using the property, as the owner can continue to use the existing structures with nonconforming lot coverage. However, the proposal is a reasonable request as the future conditions will be no more nonconforming than the present conditions, even considering the limited increase in square footage. The applicant simply desires to demolish and then rebuild a portion of the existing building. As relates to this case, strict conformance with the ordinance would be unnecessarily burdensome to prevent a rebuilding and renovation project for a contributing resource.

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, Kubasiak, and McPolin found this standard is met because:

As stated earlier, the project would result in a similar degree of nonconformity, and the project would result in an overall improvement to the Wickwood Inn. Further, the addition is minor in nature and does not extend the building any closer to property lines than the existing footprint. This is not visible from the streetscape. This would do justice to neighboring property owners.

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, Kubasiak, and McPolin found this standard is met because:

The building was constructed in 1940, long before zoning regulations and lot coverage requirements. The building is a contributing resource in the Historic District, and its design and placement on the site are unique based on its historical value to the City. Further, various additions were constructed over the years, and this project will address deficiencies and improve the overall value of the building as a contributing resource.

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

The applicant did not build the original structure, as it was built in 1940. The site conditions likely became nonconforming when the Zoning Ordinance or subsequent amendments were adopted. Additionally, the variance request has no relationship to project cost but is necessary to improve the Wickwood Inn building.

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

All four standards were met.

7. Commission action: ZBA Decision (Approve):

Motion by Bouck, second by McPolin, to approve application V230002, lot coverage variance to allow the demolition and reconstruction of a portion of the Wickwood Inn building at 510 Butler Street with an overall lot coverage of 27.7% (a variance of 2.7%). Approval of the lot coverage variance is conditioned upon the actual demolition and reconstruction concurring within the same dimensions as included in the application materials. Upon roll call vote, motion carried 4-0.

7. Communications:

A. <u>ZBA Member Training – May 18</u>

City attorney Chris Paterson will lead the training session. Board member Bouck will send a list of ideas to members so they can add ideas to the list and give them to Zoning Administrator Cummins as soon as possible.

- **8. ZBA Comments:** Board member Bouck commended City Staff and said that he recognizes the hard work they put in to preparing the packets. The other Board members agreed.
- 9. Public Comments: None.
- **10. Adjournment:** No motion was made. The meeting was adjourned at 7:38 pm by Chair Kubasiak after a 4-0 voice vote.

Respectfully Submitted, Sara Williams City Deputy Clerk



BACKGROUND REPORT ZONING BOARD OF APPEALS APRIL 13, 2023

350 MASON STREET 03-57-300-156-00

MARK LODENSTEIN

REQUEST: The applicant requests a dimensional variance for the construction of a new bed and breakfast parking area at 350 Mason Street after the demolition of existing structures. The proposal requires dimensional variances to eliminate the screening requirement instead of the required landscape separation strip at least five feet in width along all property lines and streets on which the off-street parking is located and parking spaces with a length of 18 feet instead of the minimum of 20 feet.

The request relates to Sections 154.134 (G)(1) and 154.134 (B) of the Zoning Ordinance, and the purpose of this report is to provide a review of the application and standards of approval.

BACKGROUND: The property is located in the R-4 City Center Transitional Residential District. The lot is approximately 66 feet wide and 132 feet deep (approximately 8,712 square feet). The vacated St. Joseph Street right-of-way is located along the eastern lot line, with 33 feet on each side. The existing curb cut is bisected by the shared property line, and access to both properties occurs from this location.

The property was recently approved for a twostory, 3,232-square-foot bed & breakfast establishment with three on-site parking spaces. The site plan was developed in accordance with all applicable zoning requirements. The approved plan includes a row of three parking spaces. The row is parallel to the street to the east of the building.

The proposed plan shows a row of eight spaces along the east side of the building perpendicular to the street. Based on the perpendicular arrangement with the need for a 22-foot drive lane behind the spaces, there is insufficient room for the five-foot landscape strip along the east property line to comply with the ordinance.

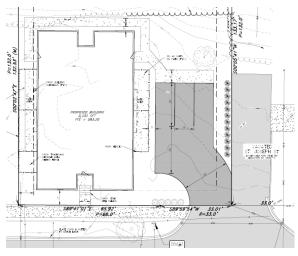


Figure 1 Approved Plan

ZBA AUTHORITY: According to Section 154.155 (A), where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Board of Appeals may, in passing on appeals, vary or modify any of the rules or provisions of the Zoning Ordinance relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the intent of the ordinance is observed, public safety secured, and substantial justice done. Variances should only be approved in limited cases with unique circumstances and extraordinary conditions.

DIMENSIONAL VARIANCE: Section 154.155 (B) provides the standards that must be met in order for the Board to grant a dimensional (non-use) variance:

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.

Comment: Strict compliance would not unreasonably prevent the applicant from using the property, as the applicant has already demonstrated compliance with all zoning requirements through the previous plan approval process. Further, previous plans showed the ability to rotate the building 90 degrees and place more parking spaces to the rear of the building. Since the owner can develop the property in a reasonable and compliant manner at this time, conformity is not unnecessarily burdensome.

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.

Comment: Screening and buffering are appreciated in most cases where parking areas abut single-family residential properties. However, the applicant and neighboring property owner have stated that keeping the paved area within the vacated right-of-way would be advantageous to both parties. If the variances are approved, the neighbor's driveway and the parking lot become a single uninterrupted swath of pavement.

3. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.

Comment: While the site is unique based on its location along a vacated right-of-way, aside from a wide area of pavement for access to both properties, there is nothing unusual that would cause problems with zoning compliance. This has been demonstrated by the previous approval of a site plan for the property.

4. That the problem is not self-created or based on personal financial circumstances.

Comment: The problem is self-created because it relates to a personally desired development scenario, and the property can be developed in a compliant manner. However, the variance request has no relationship to the project cost.

FINDINGS OF FACT: Please note that any motion supporting or against the variance requests must specifically reference the ZBA's findings concerning all applicable standards. The ZBA must provide its own findings on why the request meets or does not meet the applicable standards.

The comments in this report may be used as a basis for the ZBA's <u>negative</u> findings and referenced in their entirety. Regardless of the decision, the minutes and written record of the decision must document the ZBA's findings and conclusions. As such, it is essential for the findings to be read aloud or referenced during the meeting.

RECOMMENDATION: Pursuant to Section 154.155 (B), if the applicant is not able to meet all the required standards noted above, the Board must deny the request. If the Board finds that the practical difficulty is not unique but common to several properties in the area, the finding shall be transmitted by the Board to the Planning Commission, who will determine whether to initiate an amendment to the Zoning Code, per Section 154.156 (C).

Based on a strict review of the City's variance standards, the requested variances do not appear to be justified.

Possible motion:

I move to deny the variance requests for 350 Mason Street based on the negative findings documented in staff memo provided to the ZBA for its April 13, 2023 meeting.



Zoning Board of Appeals Application

LOCATION INFORMATION	APPLICATION NUMBER
Address 350 Mason Street	Parcel Number 57-300-156-00
APPLICANTS INFORMATION	
Name ^{Mark Lodenstein} Addres	ss / PO Box 940 Monroe Avenue NW, #458
CityGrand Rapids State ^{MI}	Zip ⁴⁹⁵⁰³ Phone ⁶¹⁶⁻²⁹³⁻⁵⁰³⁶
Interest In Project	Zip ⁴⁹⁵⁰³ Phone ⁶¹⁶⁻²⁹³⁻⁵⁰³⁶ E-Mail ^{mlodenstein@} gmail.com
Signature	Date 2/8/2023
OWNERS INFORMATION (IF DIFFERENT FROM APPLIC	
Name Porches on Mason, LLC	Address / PO Box 940 Monroe Avenue NW, #458
CityGrand Rapids State ^{MI}	Address / PO Box Zip ⁴⁹⁵⁰³ 940 Monroe Avenue NW, #458 Phone 616-293-5036
E-Mail mlodenstein@gmail.com	
all applicable laws and regulations of the City of Saugatuck. I add	t to make this application for proposed work as my agent and we agree to conform to ditionally grant City of Saugatuck staff or authorized representatives thereof access to oposed work is completed or to gather further information related to this request.
Signature	Date 2/8/2023
CONTRACTORS/ DEVELOPERS INFORMATION (UNL	ESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)
Name <mark>Nugent Builders</mark> Address / PO Box <u>11625 Northland Drive</u> State <u>MI Zip⁴⁹³⁴¹ Phone⁶¹⁶⁻⁸⁶</u>	Contact Name Aaron Whalen
Address / PO Box 11625 Northland Drive	City Rockford
State ^{MI} Zip ⁴⁹³⁴¹ Phone ⁶¹⁶⁻⁸⁶	6-7663 Fax 616-866-7726
E-Mail aaronwhalen@nugentbuilders.co	m
License Number	Expiration Date
PROPERTY INFORMATION	
Depth ¹³² Width ⁹⁹ Size ^{.30}	Zoning District R-4Current Use
	c District Dunes Vacant
	sional VarianceUse Variance
REQUESTED VARIANCE AND DESCRIPTION (ATTAC	CH MORE SHEETS IF NECESSARY)
Zoning Requirement Parking Site Developer	
Zoning Requirement Parking Site Developer	
Zoning Requirement	
Parking site devopement as required will obstruct neiboring propert	
	y owners access to existing garage. The proposed parking plan
of 3 spaces that are required.	



Zoning Board of Appeals

Application #

SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the followng information shall be submitted with the coverpage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

Y	N	NA	
Ø	D		Dimensions of property of the total site area,
ø			Contours at 2-foot intervals
ø			Locations of all buildings
ø			Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
ø			Parking areas
ø			Driveways
ø			Required and proposed building setbacks
ø			Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
ø			Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
ø			Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
ø			Proposed water supply and wastewater systems locations and sizes;
ø			Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
Ø			Proposed common open spaces and recreational facilities, if applicable;
ø			Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
		Ø	Signs, including type, locations and sizes;
Ø			Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
		ø	Exterior lighting showing area of illumination and indicating the type of fixture to be used.
ø			Elevations of proposed buildings drawn to an appropriate scale shall include:
6			1. Front, side and rear views;
			2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
/			3. Exterior materials and colors to be used.
6			Location, if any, of any views from public places to public places across the property;
7			Location, height and type of fencing; and
			Page 2 of r

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Application #

□ □ □ The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.

Other information as requested by the Zoning Administrator

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or nonuse variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

 Explain how 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;

Neighboring property owner will have restricted access to existing garage.

(2) Explain how 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;

Neighboring property owner will have unobstructed access to existing gargage. Bed & Breakfast

guests will have a dedicated space, and will not be taking up street parking that is in high demand.

(3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

The vacated street end and the existing neighboring garage is a unique circumstance.

(4) Explain how the problem is not self-created or based on personal financial circumstances.

The location of the adjoining property owners garage along with the vacated street is the reason

for the requested variance.

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Zoning Board of Appeals

USE VARIANCE REQUEST STANDARDS PER SECTION 154.155(C)

Please respond to each of the following questions. As part of your request to obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

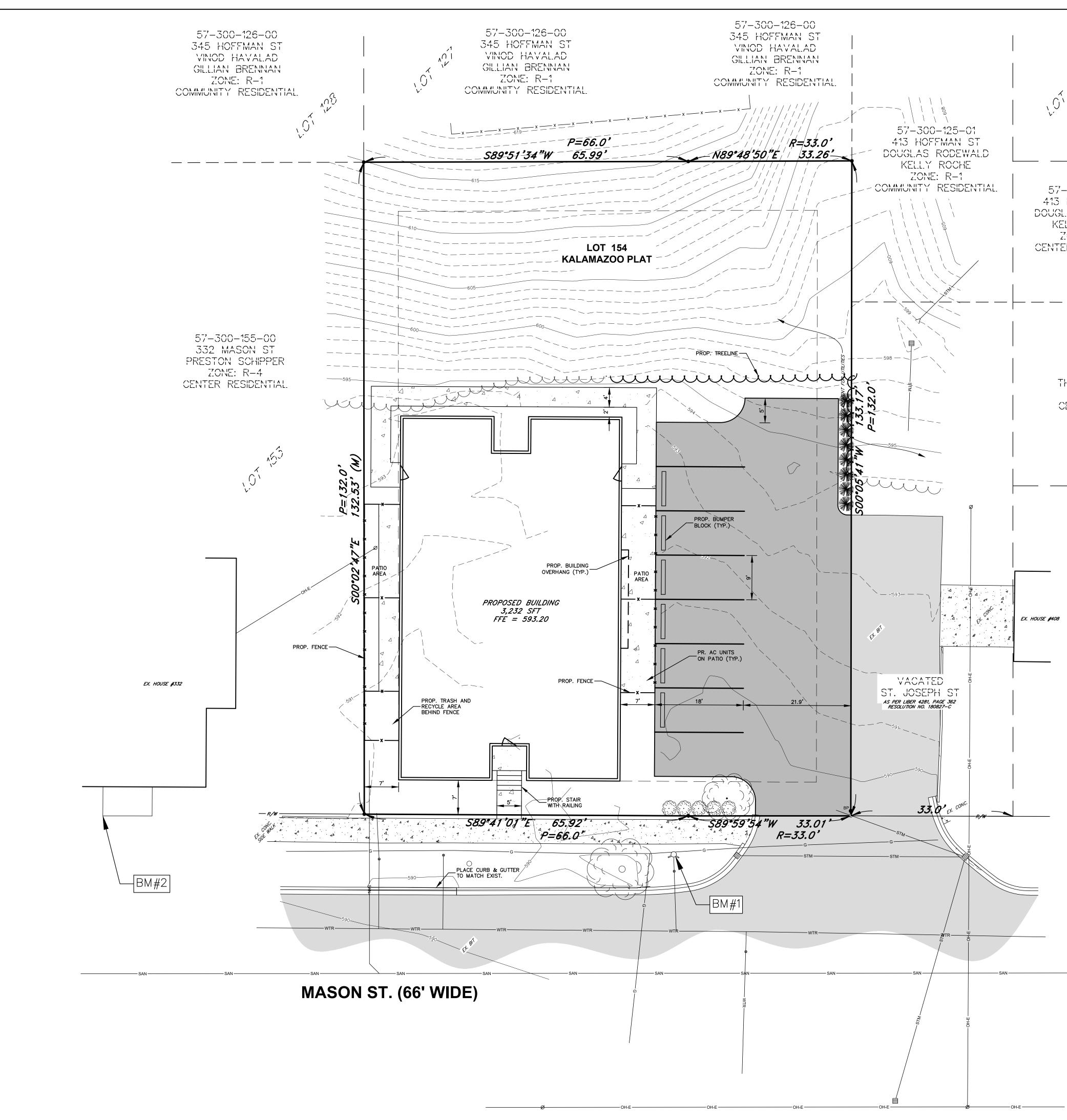
 Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located;

(2)	Please explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
(3)	Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and
(4)	Please explain how the problem is not self-created or based on personal financial circumstances.

Saugalune

Zoning Board of Appeals

OFFICE USE ONLY:	and an and the set		
	Date Date Resident Notification_	Date Pa Hearing Date	aid
Motion to Approve	Deny		
Findings of Fact:			
Chair Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	

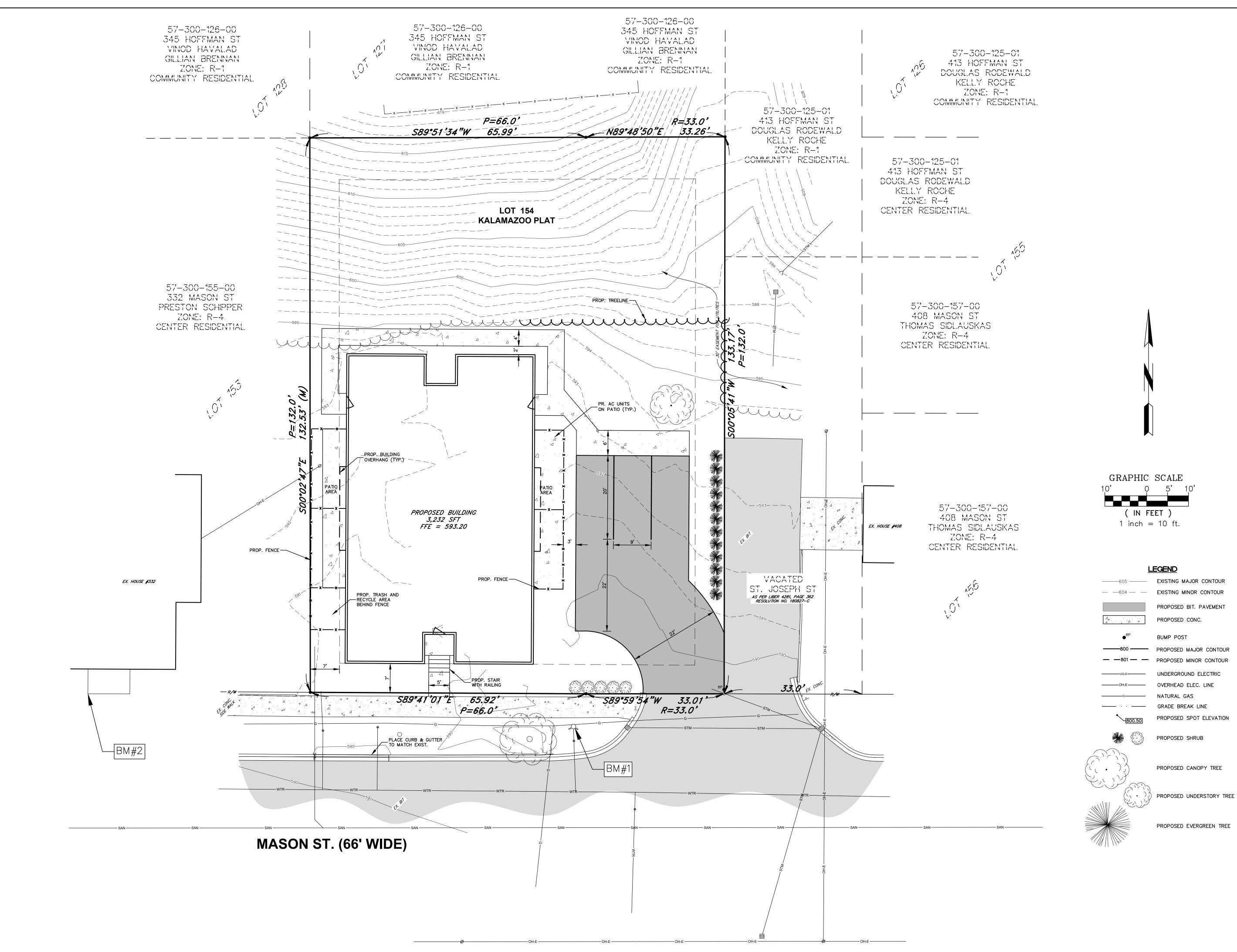


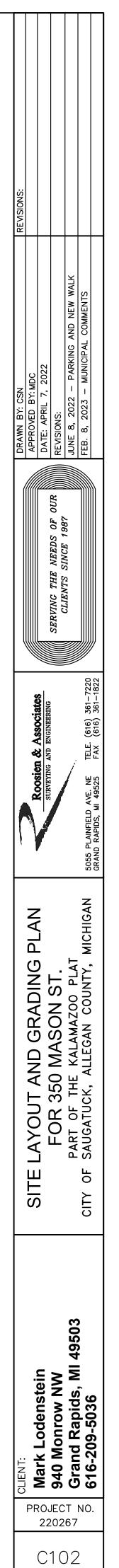
57-300-125-01 413 HOFFMAN ST 'UN DOUGLAS RODEWALD KELLY ROCHE ZONE: R-1 COMMUNITY RESIDENTIAL 57-300-125-01 413 HOFFMAN ST DOUGLAS RODEWALD KELLY ROCHE ZONE: R-4 CENTER RESIDENTIAL , <u>C</u>` 57-300-157-00 408 MASON ST THOMAS SIDLAUSKAS ZONE: R-4 CENTER RESIDENTIAL GRAPHIC SCALE 57-300-157-00 (IN FEET) 408 MASON ST THOMAS SIDLAUSKAS ZONE: R-4 1 inch = 10 ft. CENTER RESIDENTIAL <u>LEGEND</u> ------605 ------ EXISTING MAJOR CONTOUR N'S' EXISTING MINOR CONTOUR — — 604 — — , ^C PROPOSED BIT. PAVEMENT PROPOSED CONC. BUMP POST PROPOSED MINOR CONTOUR <u>— 801 — —</u> UNDERGROUND ELECTRIC OVERHEAD ELEC. LINE NATURAL GAS GRADE BREAK LINE PROPOSED SPOT ELEVATION 800.50



220267 C102

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March 30, 2023

Mr. Ryan Cummings., et al. Saugatuck City Zoning Board of Appeals PO Box 86 Saugatuck, MI 49453

RE: 350 Mason Street.

My name is Tom Sidlauskas and own and reside full-time at the real property located at 408 Mason Street, Saugatuck, Michigan.

I have been Mr. Mark Lodenstein's neighbor for close to 25 years and our properties share a driveway.

I am writing to express my disagreement with the City's proposed enforcement of Zoning Ordinance 154.134(G)(1) - 'All off-street parking shall have a properly maintained landscape separation strip at least five feet in width along all property lines and streets on which the offstreet parking is located" because constructing any type of a barrier in the middle of our shared property (i.e. driveway) would hinder the ingress/egress of my side-loading garage. In furtherance of my dissent, please note:

- When backing my boat into my garage, the boat and vehicle towing the boat would cross any constructed barrier;
- Shared parking between our respective properties is pre-existing.

Please be advised that I do oppose there being a barrier between our properties. In reality, I would be adversely impacted if any type of barrier is constructed.

As a suggested solution, If a recorded agreement between the property owners (Mr. Lodenstein and myself) would assist in resolving this issue (pursuant to Zoning Ordinance 154.133(B)), we are amenable to entering into same and filing with the City and Register of Deeds.

I await your response and welcome any contact should you need to reach me in this regard.

Sincerely,

Tom Lillan

Tom Sidlauskas



BACKGROUND REPORT ZONING BOARD OF APPEALS APRIL 13, 2023

329-339 CULVER STREET

KEITH PATERSON

REQUEST: The applicant requests a dimensional variance for the construction of new decks at 329-339 Culver Street after the demolition of the east and west decks, which requires a dimensional variance to increase lot coverage to 29% instead of the minimum 25% lot coverage, an increase of 4%.

The request relates to Section 154.030 (D) of the Zoning Ordinance, and the purpose of this report is to provide a review of the application and standards of approval.

BACKGROUND: The property is located in the R-2 Lake Street District. The lot is approximately 132 feet wide and ranges from 140 to 164 feet deep. The Windjammer of Saugatuck Condominium building exists on the site, and several improvements have been approved in recent months.

The applicant requests the variance because they will lose the nonconforming rights of their current 29% lot coverage as they remove two 60-square-foot decks to replace them. To build back a portion of the building after demolition, even if in the same footprint, is considered an increase in nonconforming lot coverage. There will be no net increase of square footage involved with this project, only the replacement of two 6-foot by 10-foot decks.

ZBA AUTHORITY: According to Section 154.155 (A), where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Board of Appeals may, in passing on appeals, vary or modify any of the rules or provisions of the Zoning Ordinance relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the intent of the ordinance is observed, public safety secured, and substantial justice done. Variances should only be approved in limited cases with unique circumstances and extraordinary conditions.

DIMENSIONAL VARIANCE: Section 154.155 (B) provides the standards that must be met in order for the Board to grant a dimensional (non-use) variance:

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.

Comment: Strict compliance would not prevent the applicant from using the property, as the requirement will only impact the replacement of the decks. However, the proposal is a reasonable request as future conditions will be no more nonconforming than the present. The applicant simply desires to replace the decks within their existing footprint. As relates to this case, strict conformance with the ordinance would be unnecessarily burdensome to prevent a rebuilding and renovation project for a contributing resource.

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.

Comment: The project would not increase the degree of the current nonconforming square footage, and the project would result in an overall improvement to the condominium building. Further, the addition is minor in nature and does not extend the building any closer to property lines than the existing footprint. These factors can be considered when assessing justice and fairness to neighboring property owners.

3. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.

Comment: The plight is unique based on the existing nonconforming square footage of the condominium building.

4. That the problem is not self-created or based on personal financial circumstances.

Comment: The site conditions likely became nonconforming when the Zoning Ordinance or subsequent amendments were adopted. Additionally, the variance request has no relationship to project cost but is necessary to improve the condominium building.

FINDINGS OF FACT: Please note that any motion supporting or against the variance requests must specifically reference the ZBA's findings concerning all applicable standards. The ZBA must provide its own findings on why the request meets or does not meet the applicable standards.

The comments in this report may be used as a basis for the ZBA's <u>positive</u> findings and referenced in their entirety. Regardless of the decision, the minutes and written record of the decision must document the ZBA's findings and conclusions. As such, it is essential for the findings to be read aloud or referenced during the meeting.

RECOMMENDATION: Pursuant to Section 154.155 (B), if the applicant is not able to meet all the required standards noted above, the Board must deny the request. If the Board finds that the practical difficulty is not unique but common to several properties in the area, the finding

shall be transmitted by the Board to the Planning Commission, who will determine whether to initiate an amendment to the Zoning Code, per Section 154.156 (C).

Based on a strict review of the City's variance standards, the requested variance appears to be justified.

Possible motion:

I move to approve a variance to allow a maximum lot coverage of 29% for the construction of replacement decks at 329-339 Culver Street. Approval of the lot coverage variance is conditioned upon the actual demolition and reconstruction occurring within the same dimensions as included in the application materials.



Zoning Board of Appeals Application

	APPLICATION NUMBER
Address ^{329, 331, 333, 335, 337, 339 Culver St}	Parcel Number <u>57-870-003-00, 57-870-001-00,</u> 57-870-004-00, 57-870-002-00,
APPLICANTS INFORMATION	57-870-010-01, 57-870-006-00
Name_Keith PatersonAddress / PC	
_{City} Saugatuck _{State} MI	zip 49453 Phone 616-239-5648
Interest In Project_Owner/Resident	
SignatureKeith A. Paterson	Date 2-22-23
OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)	
NameAddro	ess / PO Box
	ZipPhone
E-Mail	
I hereby authorize that the applicant as listed above is authorized to make	e this application for proposed work as my agent and we agree to conform to grant City of Saugatuck staff or authorized representatives thereof access to
Signature	Date
CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PR	OPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)
Name_Sherd Construction LLC _Conta	act Name Rohn Sherd
Address / PO Box 3154 42nd St	Hamiton
State_MIZip_49149Phone_616-835-32	51Fax
E-Mail TOTIT & SHELDCONSTRUCTION.COM	
License Number_2101163101	Expiration Date 5-31-23
PROPERTY INFORMATION	
Depth Width Size	Zoning District
Check all that apply: Waterfront 🖄 Historic Distr	ict 🎢 Dunes Vacant
Application Type: Interpretation M Dimensional	Variance_>Use Variance
REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE	SHEETS IF NECESSARY)
Zoning Requirement 25% Max lot coverage	Proposed Variance 29% lot coverage (as-is)
Zoning Requirement	Proposed Variance
Zoning Requirement	Proposed Variance
	ng district which has a maximum lot coverage of 25% (§ 154.030(D)).
Lot Area20,017.8 sq. ft.Total floor area5843 sq. ft. (Main Structure, decks and garage)	
Lot Coverage 29%	
F	Page 1 of 5 21



22

SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the followng information shall be submitted with the coverpage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

Y ⋉	N	NA	Dimensions of property of the total site area,
		×	Contours at 2-foot intervals
х			Locations of all buildings
		X	Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
×			Parking areas
х			Driveways
		×	Required and proposed building setbacks
		X	Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
		X	Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
		X	Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
		х	Proposed water supply and wastewater systems locations and sizes;
		×	Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
		х	Proposed common open spaces and recreational facilities, if applicable;
		×	Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
		х	Signs, including type, locations and sizes;
		×	Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
		х	Exterior lighting showing area of illumination and indicating the type of fixture to be used.
		х	Elevations of proposed buildings drawn to an appropriate scale shall include:
			1. Front, side and rear views;
			2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
			3. Exterior materials and colors to be used.
		х	Location, if any, of any views from public places to public places across the property;
		х	Location, height and type of fencing; and

Page 2 of 5



□ □ ⊠ The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.

□ □ ☑ Other information as requested by the Zoning Administrator

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or nonuse variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

 Explain how 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;

Significant modifications to the existing structure(s) would be necessary to meet the 25% lot coverage requirement.

Conformity to the 25% requirement would be unnecessarily burdensome to all Windjammer Condo Association owners.

(2) Explain how 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;

The lot coverage variance approval would avoid substantial condo redesign and modifications.

The variance approval would relieve placing high financial burdens on Windjammer Condo Association owners.

(3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

The unique circumstance is the 25% lot coverage requirement was not met when the condos were built in 1983.

(4) Explain how the problem is not self-created or based on personal financial circumstances. The calculated lot coverage has not changed since the original plan approval in 1983.

Zoning Board of Appeals

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USE VARIANCE REQUEST STANDARDS PER SECTION 154.155(C)

Please respond to each of the following questions. As part of your request to obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

- (1) Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located;
- (2) Please explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
- (3) Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and
- (4) Please explain how the problem is not self-created or based on personal financial circumstances.

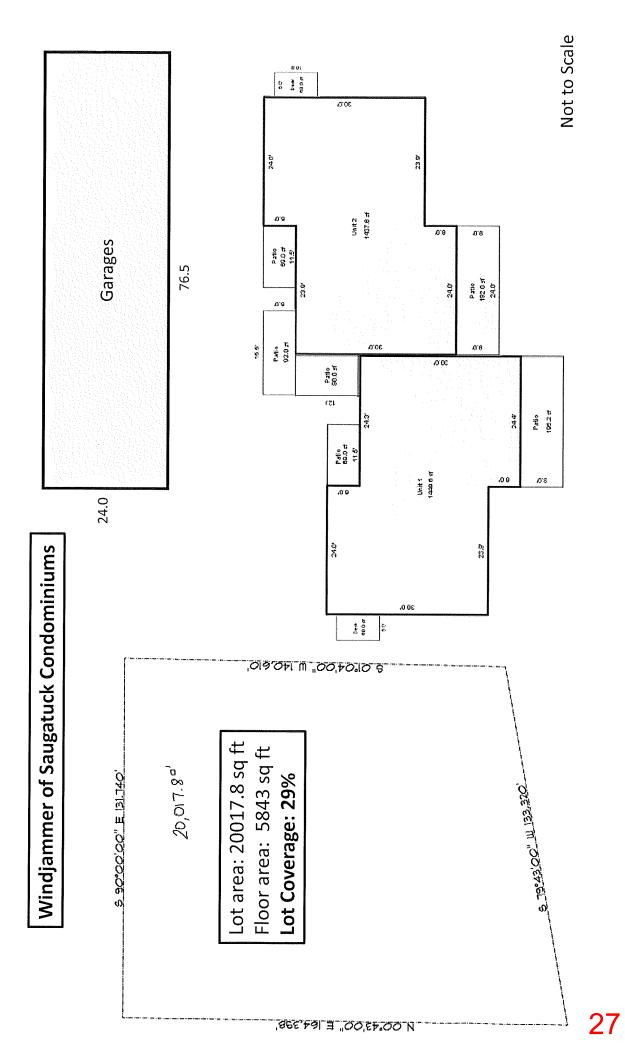


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OFFICE USE ONLY:			
Application Complete Date Notice Sent	Date Resident Notification_	Date Paid Hearing Date	
Notes:			
Motion to Approve	Deny		
Findings of Fact:			
Chair Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	







BACKGROUND REPORT ZONING BOARD OF APPEALS APRIL 13, 2023

865 HOLLAND STREET 03-57-051-002-00

TIMOTHY WOODBY

REQUEST: The applicant requests a use variance to construct an addition to an existing twofamily dwelling at 865 Holland Street. Because two-family dwellings are not permitted in the subject zoning district, the nonconforming use cannot be expanded. A use variance would allow the two-family dwelling to be considered a conforming use.

The request relates to Section 154.026 (B) of the Zoning Ordinance, and the purpose of this report is to provide a review of the application and standards of approval.

BACKGROUND: The property is located in the R-1 Community Residential District. The lot is 114 feet wide and 88 feet deep, and it is approximately 10,032 square feet in size. The applicant plans to construct a 200 +/- square foot addition onto the side of the building.

ZBA AUTHORITY: According to Section 154.155 (A), where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Board of Appeals may, in passing on appeals, vary or modify any of the rules or provisions of the Zoning Ordinance relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the intent of the ordinance is observed, public safety secured, and substantial justice done. Variances should only be approved in limited cases with unique circumstances and extraordinary conditions.

USE VARIANCE: Section 154.155 (C) provides the standards that must be met in order for the Board to grant a use variance. To obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

1. That the property in question cannot be used for any of the uses permitted in the district in which it is located;

Comment: The two-family dwelling already exists on the site. It would be considered unreasonable and unnecessary to require the demolition of the residential building to use the site in a compliant manner.

2. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;

Comment: The plight is unique, as it is likely one of a limited number of nonconforming uses in the subject zoning district and the vicinity.

3. That by granting the variance, the essential character of the neighborhood would not be altered; and

Comment: Granting the variance itself will have no impact on the essential character of the neighborhood. However, it will allow for the building to be expanded in accordance with all other dimensional requirements applicable to property within the R-1 Community Residential District.

4. That the problem is not self-created or based on personal financial circumstances.

Comment: The building was likely constructed in a lawful and compliant manner prior to the two-family residential building limitation.

FINDINGS OF FACT: Please note that any motion supporting or against the variance requests must specifically reference the ZBA's findings concerning all applicable standards. The ZBA must provide its own findings on why the request meets or does not meet the applicable standards.

The comments in this report may be used as a basis for the ZBA's <u>positive</u> findings and referenced in their entirety. Regardless of the decision, the minutes and written record of the decision must document the ZBA's findings and conclusions. As such, it is essential for the findings to be read aloud or referenced during the meeting.

RECOMMENDATION: Pursuant to Section 154.155 (C), if the applicant is not able to meet all the required standards noted above, the Board must deny the request. If the Board finds that the unnecessary hardship is not unique but common to several properties in the area, the finding shall be transmitted by the Board to the Planning Commission, who will determine whether to initiate an amendment to the Zoning Code, per Section 154.156 (C).

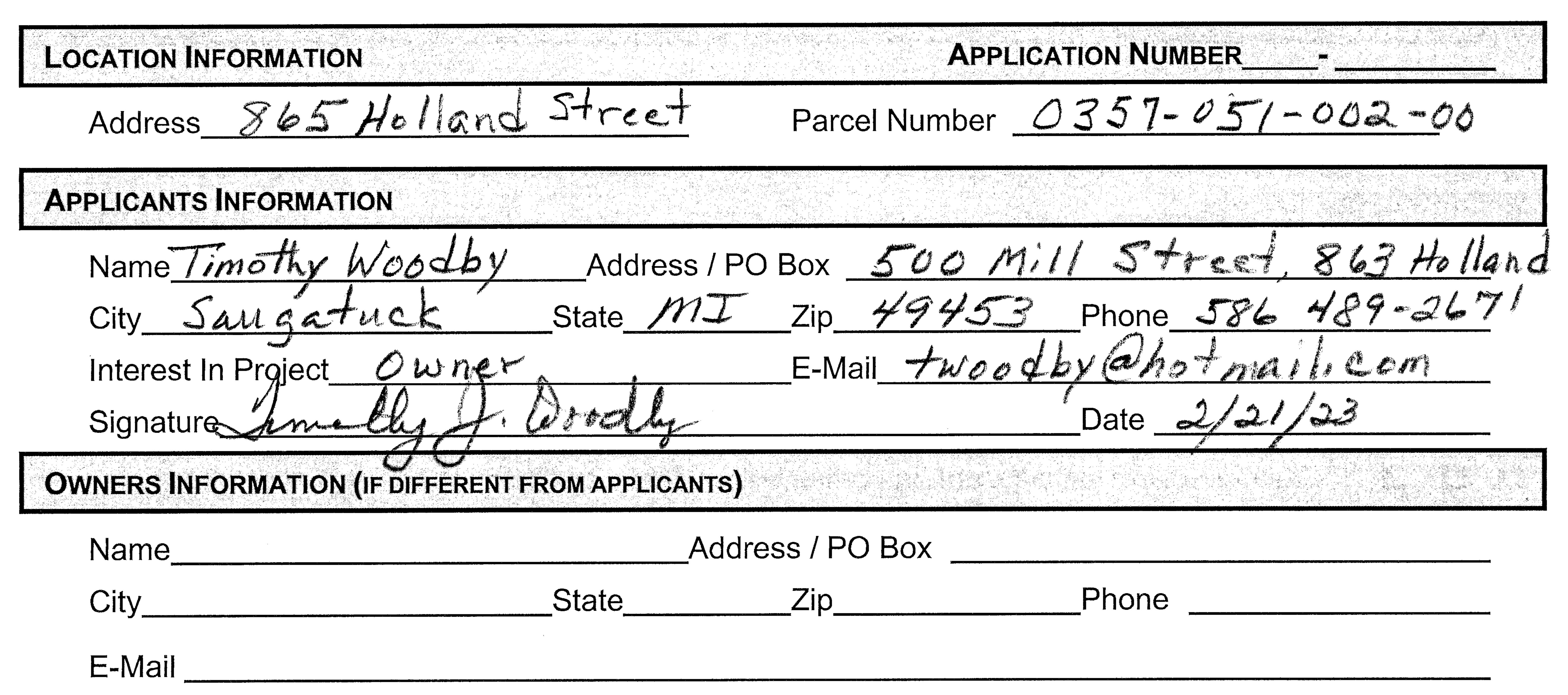
Based on a strict review of the City's variance standards, the requested variance appears to be justified.

Possible motion:

I move to approve a use variance to allow a two-family dwelling as a permitted use at 865 Holland Street based on the positive findings documented in the staff memo provided to the ZBA for its April 13, 2023, meeting.



Zoning Board of Appeals Application



I hereby authorize that the applicant as listed above is authorized to make this application for proposed work as my agent and we agree to conform to all applicable laws and regulations of the City of Saugatuck. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed or to gather further information related to this request.

Signature_

and the second second



CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)

Name	<u>Contact Name</u>	
Address / PO Box	City	
State Zip Pho	one 、	Fax
E-Mail		
License Number	<u> </u>	n Date
PROPERTY INFORMATION		
Depth <u>88</u> Width <u>114</u> Siz	ze <u>/0, 032</u> Zoning D	istrict CR Current Use <u>Sopremained Sopremained</u>
Check all that apply: Waterfront_	Historic District	Dunes Vacant
Application Type: Interpretation_	Dimensional Variance	Use Variance

REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

Proposed Variance Allow ch	ranges to Noncontornia
Proposed Variance	
Proposed Variance	
age 1 of 5	



Application # _____-

SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the followng information shall be submitted with the coverpage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

Y N NA

June 1990

Dimensions of property of the total site area,

- □ □ ☑ Contours at 2-foot intervals
 - Locations of all buildings See Site Plan
 - Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
 - Parking areas
- Driveways

- □ □ Required and proposed building setbacks
- Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
- Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including

proposed methods of screening the equipment, where appropriate;

- Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
 - Proposed water supply and wastewater systems locations and sizes;
- Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
 - Proposed common open spaces and recreational facilities, if applicable;
 - Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
 - Signs, including type, locations and sizes;
 - Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
- □ □ 🕱 Exterior lighting showing area of illumination and indicating the type of fixture to be used.

X D Elevations of proposed buildings drawn to an appropriate scale shall include: See Site Plan

- I. Front, side and rear views;
- 2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
- 3. Exterior materials and colors to be used.
- Location, if any, of any views from public places to public places across the property;
 Location, height and type of fencing; and

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Page 2 of 5

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Application # _____

The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared. See Site Plan

 Other information as requested by the Zoning Administrator

 See

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or nonuse variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

- (1) Explain how 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;
- (2) Explain how 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;
- (3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

(4) Explain how the problem is not self-created or based on personal financial circumstances.

Page 3 of 5

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Application #

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See doc. attachments

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USE VARIANCE REQUEST STANDARDS PER SECTION 154.155(C)

Please respond to each of the following questions. As part of your request to obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

(1) Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located;

- (2) Please explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
- (3) Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and

(4) Please explain how the problem is not self-created or based on personal financial circumstances.

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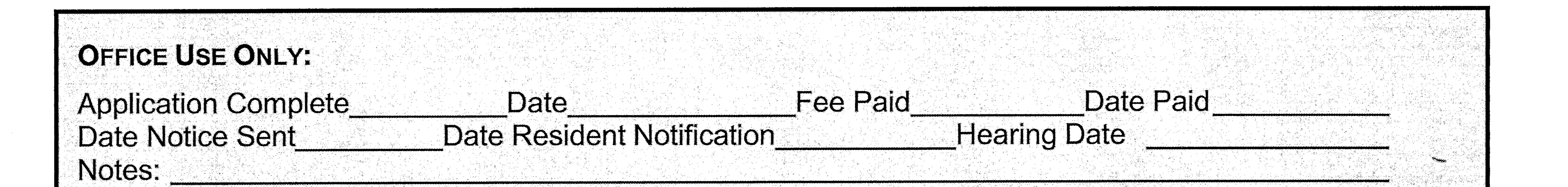
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Motion to Approve Deny

Findings of Fact:

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Chair Signature	Vote
/lember Signature	Vote
/lember Signature	Vote
Iember Signature	Vote
lember Signature	Vote

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We are seeking a Use Variance to allow us to make improvements to a two-family structure which is currently viewed as nonconforming.

Use Variance request standards per section 154.155(C)

1. Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located.

865 Holland is a two-family structure which was built in the 70's and approved as meeting all codes at the time of construction. It has been used as a primary residence and as an attached dwelling unit for many years after its construction. We currently are using one unit as our partial living quarters. As it is currently constructed, 865 Holland cannot be used as a residence by an older tenant requiring larger door openings and wider hallways. Though younger people may find the openings acceptable, the widths and amenities are not suitable for an aging population. Several doorway openings are just shy of 27 inches. Many residents require wider spacing. In its current condition the structure cannot be used by individuals having mobility issues. There are other issues created by the current layout which prevent the utilization of an appliance while opening or closing a kitchen exit. There needs to be a pocket door and other structural changes.

2. Please explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.

The neighborhood of 865 Holland is perfect for the utilization of all Saugatuck has to offer. The city is within walking distance, and sidewalks are available. The plight of the owner is that the property is now considered nonconforming. 865 Holland cannot become a detached dwelling unit. 865 Holland cannot become an ADU. An attempt to convert one unit to meet the specifications of an ADU would require removal of a load bearing wall and creating a problem with the building's structural integrity. Each unit is a mirror of the other. Each has approximately 875 square feet. There is nothing that the zoning department allows the owner to do with 865 Holland except continue using in its current condition. The owner is not permitted to make adaptations to the structure so that even the owner could use the property as a permanent residence. As previously stated our plans were to have 865 Holland suitable for use by an aging population. The neighborhood surrounding 865 Holland has many expensive homes. All setbacks and dimensions of 865 Holland conform to the current standards of CR zoning. As owners we are stymied by the inability to make changes.

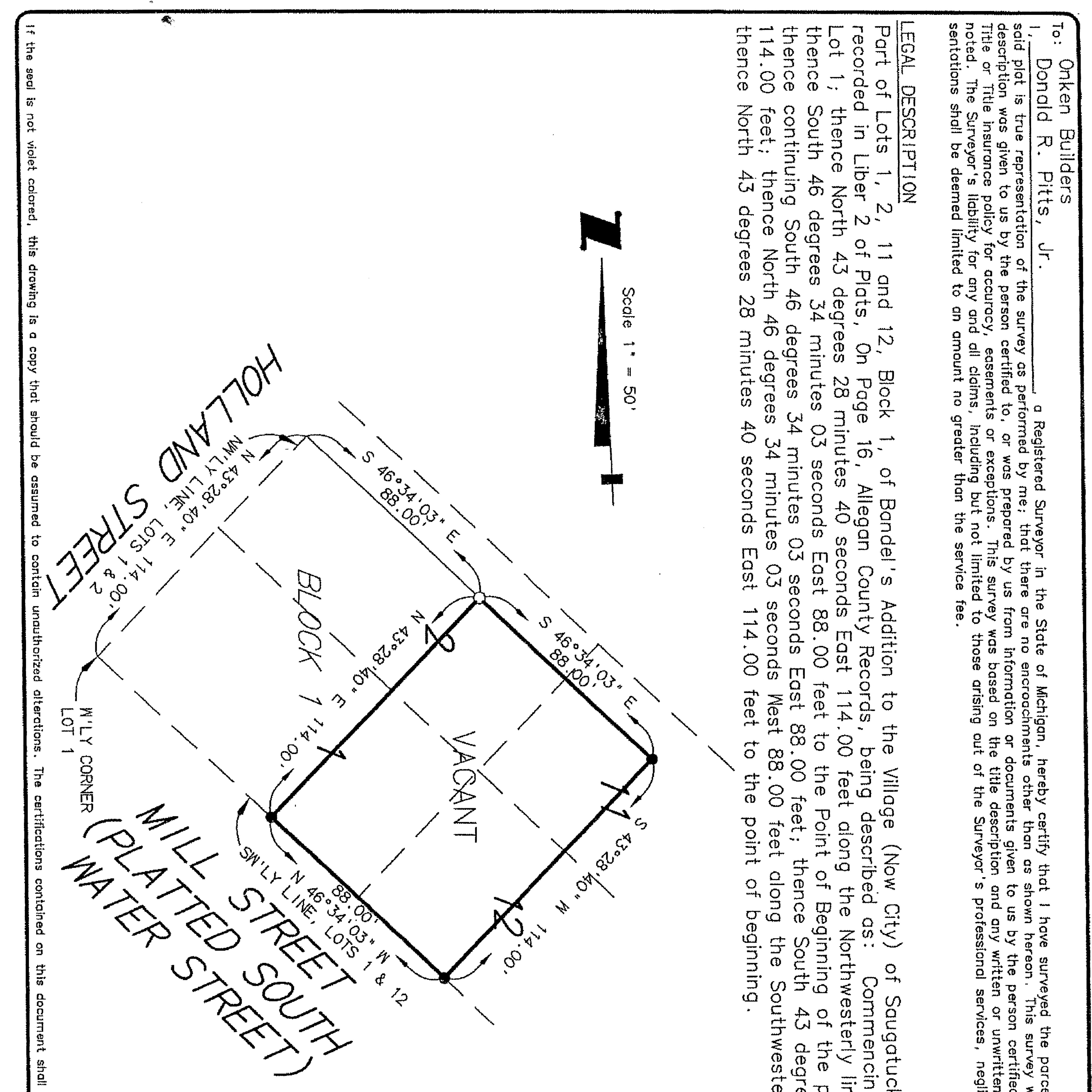
3. Please explain how by granting the variance, the essential character of the neighborhood would not be altered.

The granting of the variance would make little change to the neighborhood. With a use variance approval and approval by the Historic District, there would be minimal physical changes to 865 Holland. An 8' x 24' addition would be the only appearance difference to the building. Pocket doors could be utilized and door openings expanded. Most people would not notice the change after the completion of the addition. A viewing of the drawings of the addition is believed to be an assurance to the city and neighbors of what can be expected. When we purchased 865 Holland, we were not aware of a

nonconforming issue nor were we made aware of any deviation from zoning standards when we recently built a garage. All approvals were given – Historic District approval, setback and size requirements. No concerns by the city or commissions arose during the time we have owned the property and built a garage. The neighborhood surrounding 865 Holland continues to develop as owners make improvements to their real estate. The property to the north was once a beauty salon with rooms in the rear. It is now a very nice summer property on which a screened-in porch was recently approved and constructed. All the changes and improvements to the beauty salon were completed with the city's consent. Two homes within the block recently sold for very substantial sums. There must have been City of Saugatuck building requirements in the 70's when the permit to construct 865 was granted. A change in conformity status must have occurred between construction and our purchase of the property. It doesn't seem unreasonable to request a 'grandfathering' of a conformity interpretation or use variance for 865 Holland.

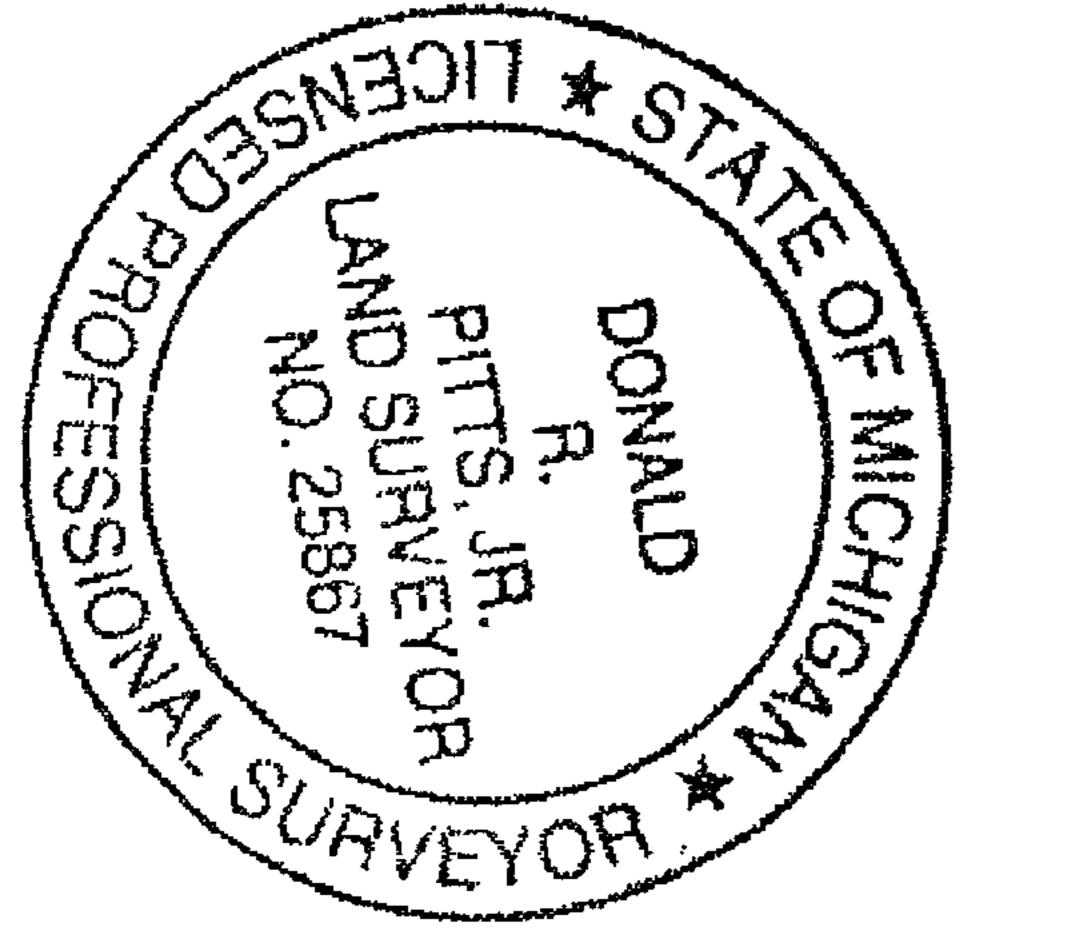
4. Please explain how the problem is not self-created or based on personal financial circumstances.

We had no knowledge of the nonconformity of 865 Holland when we purchased the property. There was never an issue raised when we built a garage. We want to make changes to 865 Holland so that the building can be used by people of all ages and mobility. Our continued investment in 865 demonstrates our interest in improving the property and thus improving the city. We purchased the 865 Holland to act as a buffer to the activity on Holland Street and control the activity of this neighbor to the west. Since the purchase of the property we have slowly but patiently been making improvements. Trimming of trees, landscaping, removal of debris and the construction of a garage (which fully met all approvals of the city) have been accomplished. We are the only full time contiguous neighbor and welcome the progress made to improve 865 Holland. Without allowing us to continue with our improvements, we would consider selling the property and moving when faced with the prospect of what new owners could do with 865 Holland.



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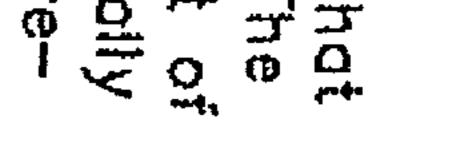
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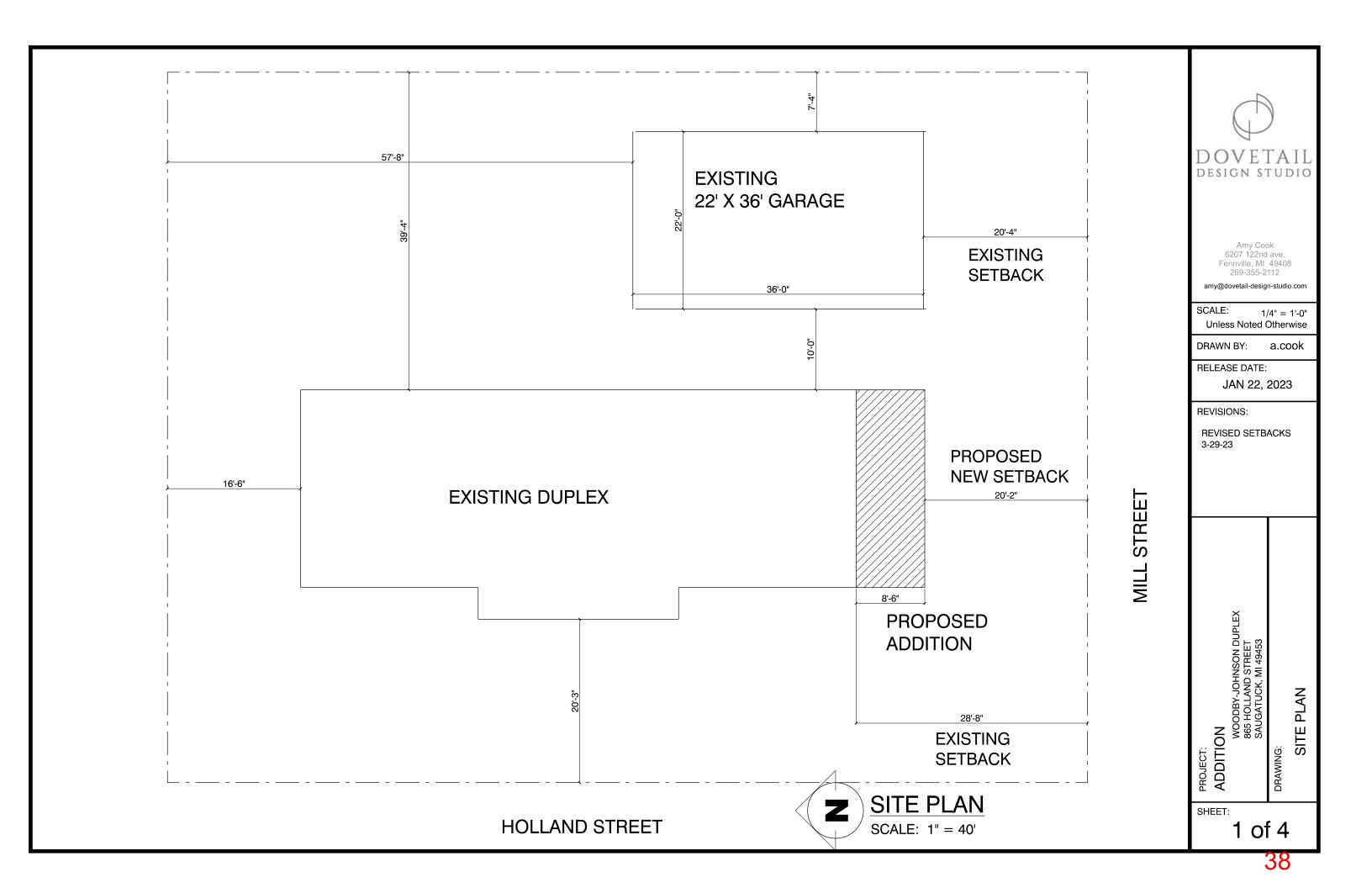


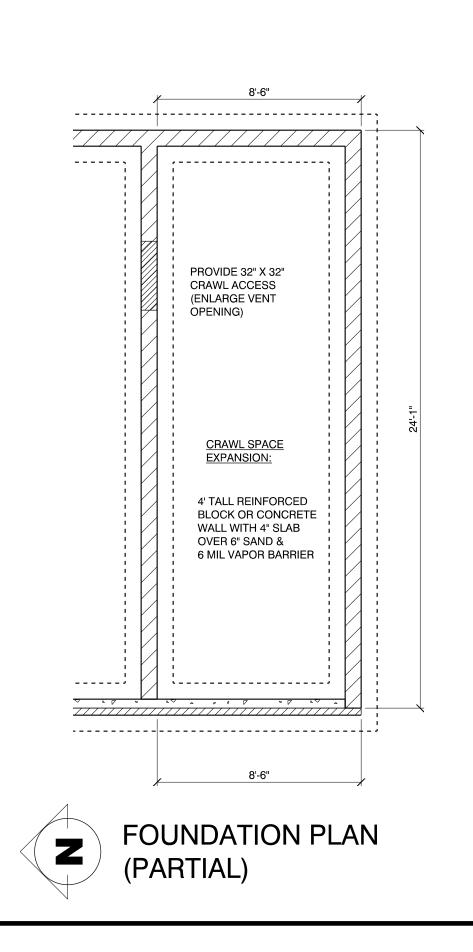
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VIEW 1



VIEW 2



VIEW 3





Amy Cook 6207 122nd ave. Fennville, MI 49408 269-355-2112

amy@dovetail-design-studio.com

SCALE: 1/4" = 1'-0" Unless Noted Otherwise

DRAWN BY:

a.cook

RELEASE DATE: JAN 22, 2023

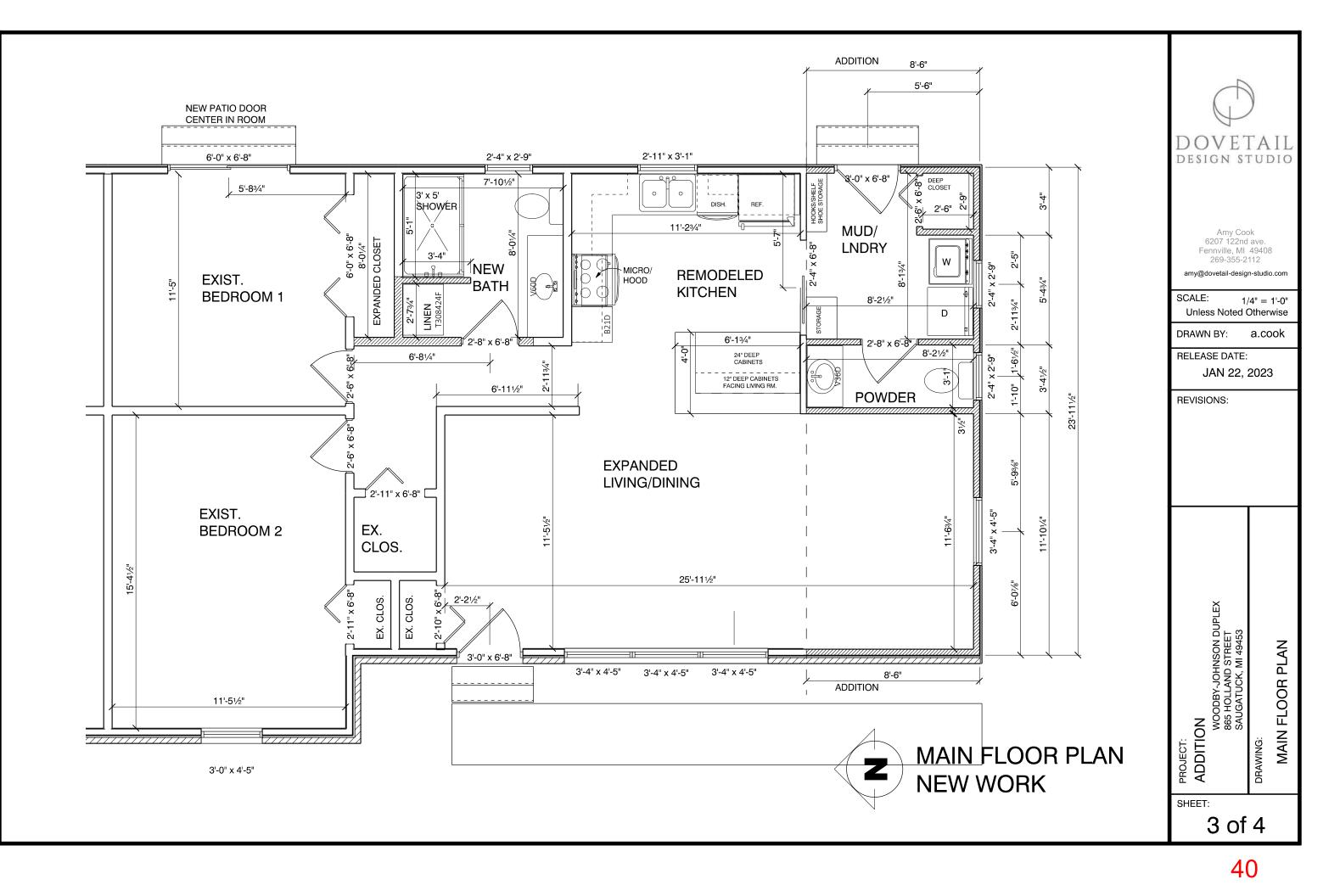
REVISIONS:

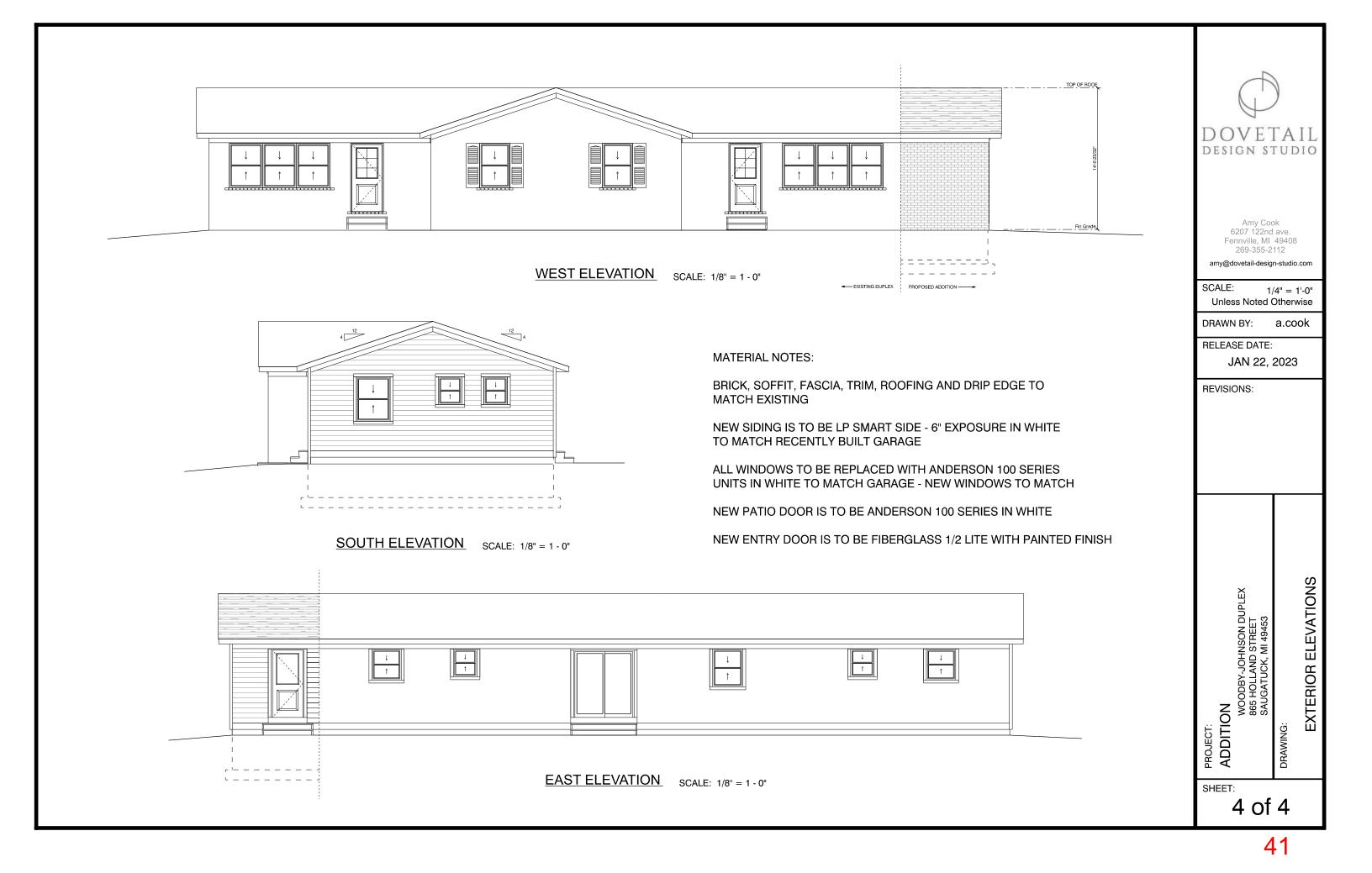
PROJECT: ADDITION WOODBY-JOHNSON DUPLEX 865 HOLLAND STREET 865 HOLLAND STREET SAUGATUCK, MI 49453 SAUGATUCK, MI 49453 DRAWING: FOUNDATION PLAN & VIEWS

SHEET:

2 of 4

39















BACKGROUND REPORT ZONING BOARD OF APPEALS APRIL 13, 2023

181 PARK STREET 03-57-700-003-00

MAUREEN AND STEPHEN SCHELLER

REQUEST: The applicant requests a dimensional variance to construct a garage at 181 Park Street, which requires a dimensional variance to reduce the front setback to 15 feet instead of the minimum 25-foot setback for lots fronting on Park Street, a reduction of 10 feet.

The request relates to Section 154.035 (D) of the Zoning Ordinance, and the purpose of this report is to provide a review of the application and standards of approval.

BACKGROUND: The property is located in the R-1 Peninsula South District. The lot is approximately 40 feet wide at the right-of-way and ranges from 163 to 181 feet deep. The existing home is approximately 55 feet from the right-of-way.

ZBA AUTHORITY: According to Section 154.155 (A), where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Board of Appeals may, in passing on appeals, vary or modify any of the rules or provisions of the Zoning Ordinance relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the intent of the ordinance is observed, public safety secured, and substantial justice done. Variances should only be approved in limited cases with unique circumstances and extraordinary conditions.

DIMENSIONAL VARIANCE: Section 154.155 (B) provides the standards that must be met in order for the Board to grant a dimensional (non-use) variance:

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.

Comment: The dwelling is approximately 55 feet from the right-of-way. With a 25-foot front setback requirement, only 10 feet would remain between the garage and the dwelling if placed in a compliant manner. In this case, requiring such a tight placement of buildings on the narrow property may be considered unreasonably burdensome.

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.

Comment: The applicant has indicated that several existing buildings have similar or lesser setbacks than the proposed 15-foot setback for the proposed garage. A 15-foot setback would still allow for sufficient space between the building and the right-of-way so that it would not have a cramped or cluttered appearance along the street frontage. As such, a variance may give substantial relief to the applicant and allow for justice for neighboring property owners.

3. That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.

Comment: The site is unique based on its width and area, as well as the placement of the existing home.

4. That the problem is not self-created or based on personal financial circumstances.

Comment: The problem is not self-created as the conditions are unique and compliant placement would unreasonably squeeze the garage too close to the dwelling. Additionally, the variance request has no relationship to the project cost.

FINDINGS OF FACT: Please note that any motion supporting or against the variance requests must specifically reference the ZBA's findings concerning all applicable standards. The ZBA must provide its own findings on why the request meets or does not meet the applicable standards.

The comments in this report may be used as a basis for the ZBA's <u>positive</u> findings and referenced in their entirety. Regardless of the decision, the minutes and written record of the decision must document the ZBA's findings and conclusions. As such, it is essential for the findings to be read aloud or referenced during the meeting.

RECOMMENDATION: Pursuant to Section 154.155 (B), if the applicant is not able to meet all the required standards noted above, the Board must deny the request. If the Board finds that the practical difficulty is not unique but common to several properties in the area, the finding shall be transmitted by the Board to the Planning Commission, who will determine whether to initiate an amendment to the Zoning Code, per Section 154.156 (C).

Based on a strict review of the City's variance standards, the requested variance appears to be justified.

Possible motion:

I move to approve a front setback variance reduction from 25 feet to 15 feet for the construction of a 12-foot by 20-foot detached garage at 181 Park Street based on the positive findings documented in the staff memo provided to the ZBA for its April 13, 2023 meeting. This approval is contingent upon the construction being compliant with the garage location, design, and size as proposed and included in the ZBA variance applicant materials.



RECEIVED

MAR 1 3 2023

Zoning Board of Appeals Application

LOCATION INFORMATION	APPLICATION NUMBER
Address 181 Park St.; Saugatuck, Mi.	Parcel Number 03-57-707-003-00F SAUGATU
APPLICANTS INFORMATION	weeting an
Name_Maureen and Stephen Scheller_Address / PC	
City <u>^{Carmel}</u> State ^{In}	Zip_46033Phone_317-626-3925
Interest In Project ^{Owners}	E-Mail_mmscheller@hotmail.com
Interest In Project ^{Owners} Signature Stephen V. Scheller	Stephen V. Scheller Date 03-10-2023
OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)	
NameAddre	ess / PO Box
CityState	ess / PO Box ZipPhone
E-Mail	 Equipart in the second s
hereby authorize that the applicant as listed above is authorized to make	e this application for proposed work as my agent and we agree to conform to grant City of Saugatuck staff or authorized representatives thereof access to
Signature	Date
CONTRACTORS/ DEVELOPERS INFORMATION (INVESSOR	
CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PR	
Name Ranger Construction Conta Address / PO Box 6447 140th St. City	Holland
Address / PO BoxCity	Fax
E-Mail ranger.mark.shirey@gmail.com	
	Expiration Date
PROPERTY INFORMATION	
Depth Width Size_6444 Sq. Ft.	Zoning District R1 Current Lise Residential
	ict Dunes Vacant
Application Type: InterpretationDimensional	
REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE	SHEETS IF NECESSARY)
Zoning Requirement 25 ft. front setback	Proposed Variance 15 ft. front setback
Zoning Requirement	Proposed Variance
	Proposed Variance
	public record and compared where the same of the second second second second second second second second second



Application # _____-

SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the followng information shall be submitted with the coverpage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

Y ≍	N	NA	Dimensions of property of the total site area,
		×	Contours at 2-foot intervals
×			Locations of all buildings
		×	Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
		×	Parking areas
х			Driveways
х			Required and proposed building setbacks
×			Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
		X	Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
		x	Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
		×	Proposed water supply and wastewater systems locations and sizes;
		X	Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
		×	Proposed common open spaces and recreational facilities, if applicable;
		×	Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
		×	Signs, including type, locations and sizes;
х			Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
		х	Exterior lighting showing area of illumination and indicating the type of fixture to be used.
		х	Elevations of proposed buildings drawn to an appropriate scale shall include:
			1. Front, side and rear views;
			2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
			3. Exterior materials and colors to be used.
		х	Location, if any, of any views from public places to public places across the property;
		×	Location, height and type of fencing; and

50



- ☑ □ □ The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.
- □ □ ☑ Other information as requested by the Zoning Administrator

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or nonuse variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

 Explain how 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;

We believe that a garage conformity with a 25' front setback is unnecessarily burdensome and onerous for our specific Park St location and lot size. The proposed garage is on a non-conforming lot and the home placement was designed to fit in a "shotgun" layout due to the 40' lot width and trying to maximize the home's floor area. As such much less lot area is available in the east-west dimension for placement of a garage. Our proposed garage length of 20' is also very short by normal

- building standards so we are not taking advantage of the variance to construct something abnormally long. Using a 25' setback, the access area to the home would
 be very narrow making required home maintenance and repairs difficult. This narrow access space would also make emergency response, such as fire difficult and potentially delayed.
- (2) Explain how 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;

A setback variance would allow us as homeowners to both have reasonable access width between the back (east) garage wall and the west wall of the house with no impact to the other property owners. The 15' front setback would position the garage west wall with a longer setback than the previous shed that occupied the lot for years with no negative comments from other area homeowners. The proposed garage matches the home in exterior architecture and should increase curb appeal to the neighbors in the area. The garage would enable the owners to store their car and yard equipment so it doesn't have to be visible to neighbors and people

driving down Park St. This variance would also allow for a wider walking path for pedestrians than what is currently available using only the current parking tarmac. Multiple neighboring properties on Park St have existing conditions that do not meet this 25' setback. See attached photos and addresses for a partial list.

(3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

The unique circumstance of this property is that it is on a non-conforming lot. Due to the overall 40' lot width, the home was designed to run east-west in a "shotgun" layout and thus occupies much of the front lot area that could have been used as setback if the home was positioned in a typical north-south orientation on a wider conventional 60' or greater lot. Our "unique circumstances" have been unanimously agreed upon in previous variance meetings based on our very narrow,

non-conforming lot.

(4) Explain how the problem is not self-created or based on personal financial circumstances. The problem was not self created and is due to the lot dimensions and the desire to have reasonable maintenance and fire access to the home by not creating a "pinch" point at the home's main entrance. There is no financial circumstance or gain that is impacted. Saugatuck Zoning Board of Appeals

USE VARIANCE REQUEST STANDARDS PER SECTION 154.155(C)

Please respond to each of the following questions. As part of your request to obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

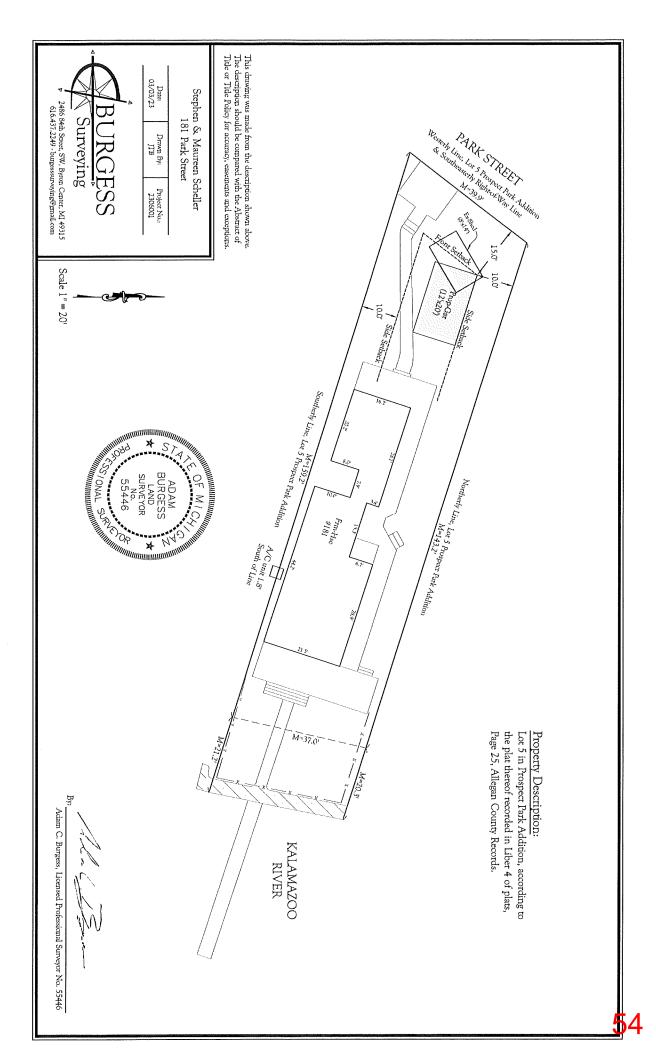
- (1) Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located;
- (2) Please explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;
- (3) Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and

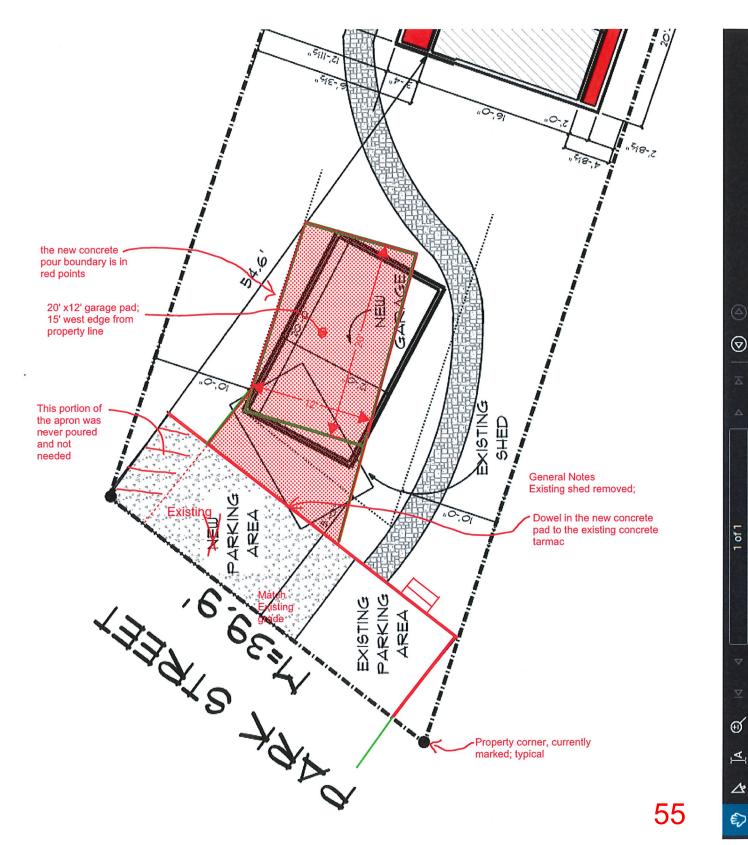
(4) Please explain how the problem is not self-created or based on personal financial circumstances.

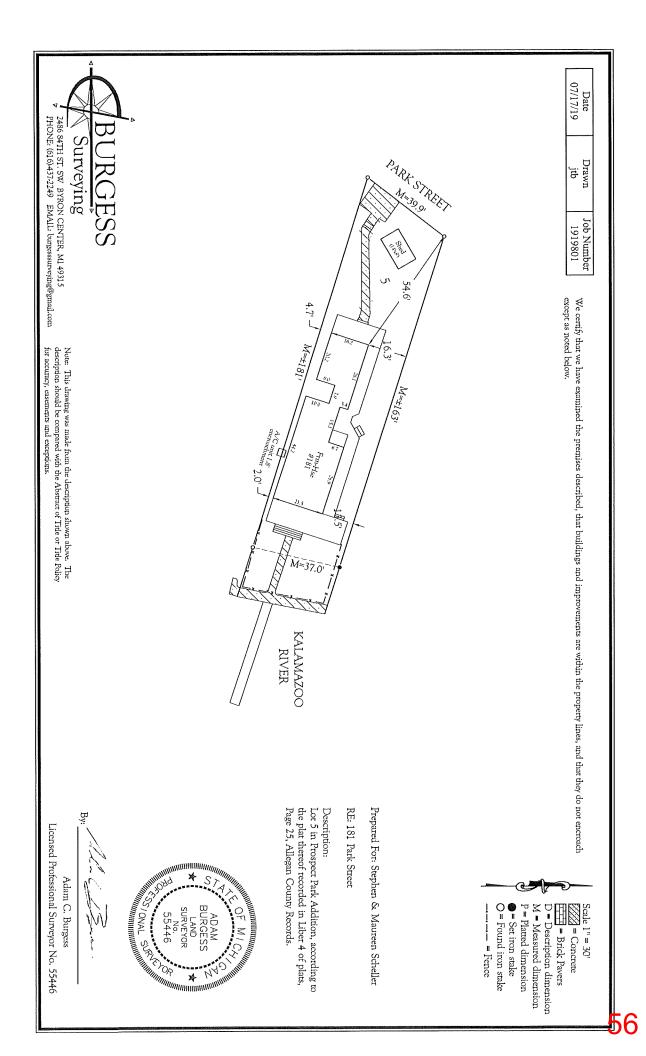


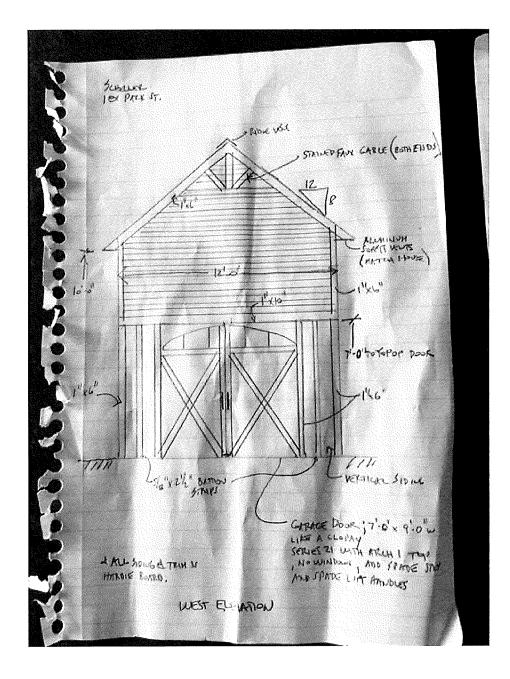
Ap	plica	ation	#	-	

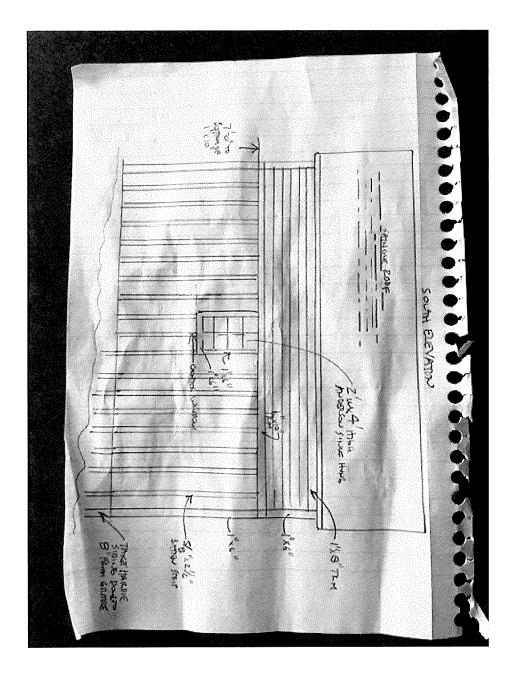
OFFICE USE ONLY:			
Date Notice Sent	Date Date Resident Notification_	Date Paid Hearing Date	
Motion to Approve	Deny		
Findings of Fact:			
Chair Signature		Vote	
Member Signature		Vote	
Member Signature		Vote	











Perspectives on Other E	Perspectives on Other Existing Nearest Structures		
	Distance;Structure to Right of Way	Distance; Structure to Centerline	Distance; Structure to Edge of
Address	*	Road	Pavement
181 Park St. (Basis of Comparison)	15'-0" (Proposed)	38'-5"	28'-4"
153 Park St	Inside the R/W	16'-6"	6'-3"
143 Park St.	16'-11"	40'-4"	30'-0"
67 Park St.	17'-5"	40'-10"	29'-4"
241 Park St.	Inside the R/W	22'-11"	11'-10"
295 Park St.	4'-0"	27'-5"	16'-10"
399 Park St.	16'-10"	40'-3"	30'-0"
410 Park St.	2'-4"	25'-9"	16'-1"
	;	+ + -	

Perspectives on Other Existing Nearest Structures

* Assumes that my 23'-5" Centerline of Road to Right of Way stays consistent

Note: As a point of interest, the distance from the edge of the road to the current RW and Property Line= 13'-4"

181 Park St- Original Shed Photo



181 Park St-Entrance and Garage SE Rear Staked corner shown by arrow assuming granting a 15'





