



**CITY OF SAUGATUCK
REGULAR MEETING ZONING BOARD OF APPEALS
DECEMBER 9, 2021 – 7:00 PM**

Virtual Meeting – See Link

1. Call to Order/Roll Call
2. Agenda Changes
3. Approval of Minutes: August 12, 2021
4. New Business:
 - A. 994 Holland Street – setback shed and covered patio Public Hearing
 - B. 2022 meeting schedule
5. Unfinished Business: None
6. Communications: None
7. Public Comments:
8. ZBA Comments:
9. Adjourn:

This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 concerns currently in place.

Join online by visiting:
<https://us02web.zoom.us/j/2698572603>

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

Then enter “Meeting ID”:
269 857 2603

Please send questions or comments regarding meeting agenda items prior to meeting to:

cindy@saugatuckcity.com

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
 - 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

**Proposed Minutes
Saugatuck Zoning Board of Appeals
Saugatuck, Michigan, August 12, 2021**

The Saugatuck Zoning Board of Appeals met in regular session at 7:00 p.m. at Saugatuck City Hall - 102 Butler St., Saugatuck, MI 49453.

1. **Call to Order**

Chairperson Kubasiak called the meeting to order at 7:00 p.m.

2. **Attendance:**

Present: Bouck, Bont, Kubasiak, Hundrieser, Muir, Zerfas

Absent:

Others Present: Zoning Administrator Osman, Municipal Attorney Witte.

3. **Approval of Agenda:**

Motion made by Bont, 2nd by Bouck to approve the agenda as presented. Motion carried unanimously by voice vote.

4. **Approval of Minutes:**

A motion was made by Kubasiak, 2nd by Bouck to approve the minutes from the June 17, 2021 meeting. Motion carried unanimously by voice vote.

A motion was made by Bont, 2nd by Zerfas to approve the revised minutes for the June 22, 2021 meeting. Motion carried unanimously by voice vote.

A motion was made by Bont supported by Zerfas to approve the corrected minutes for the July 14, 2021 meeting. Motion carried unanimously by voice vote.

A motion was made by Hundrieser 2nd by Bouck to approve the minutes as submitted for the July 28, 2021 meeting.

5. **Public Comments: None**

6. **New Business: None**

7. **Unfinished Business:**

443 Park Street – review written Zoning Board of Appeals prepared by Municipal Attorney

A motion was made by Bont, 2nd by Muir to adopt the Written Decision of Zoning Board of Appeals dated August 12, 2021, as presented setting forth the ZBA's findings of fact, analysis, and decision to deny the three variances requested in application 21001 by the applicant Dune Ridge SA, LP. Motion carried by the following roll call:

Bont – yes

Muir – yes

Bouck – yes

Zerfas – yes

Kubasiak – yes

The written decision was signed by Chair Kubasiak and ZA Osman acting as secretary.

8. **Communications:**

9. **Public Comments:**

Jane Underwood thanked the ZBA Chair and Board. She is glad about Citizens who care about Ordinances, and safety. A child will get hit by a car, and the crowded tourist season will continue.

10. **ZBA Comments:**

Kubasiak thanked the Board, employees, and the public that have been involved.

Bouck thanked the City Attorney for getting up to speed so quickly.

Bont thanked the attorney for the home run.

11. **Adjournment:** Kubasiak adjourned the meeting at 7:39 PM.

Respectfully Submitted,

Padley Gallagher
City Clerk



**BACKGROUND REPORT
ZONING BOARD OF APPEALS DECEMBER 9, 2021**

APPLICATION: V210003

994 HOLLAND ST 57-100-012-00

DRAVES CHRISTOPHER J & RENEE

REQUEST: The applicant proposes to build an eight by twelve shed and an attached eight by twelve covered patio three feet from south property line where seven feet is required.

Renee and Christopher Draves, owners of property located at **994 HOLLAND ST** have submitted an application to the Zoning Board of Appeals for a variance. The purpose of this report is to provide a review of the application, standards for consideration, and any available history of zoning activity for this parcel.

BACKGROUND: The property is located in the **CR-COMM RES R-1**.

(D) *Dimension and area regulations.*

	Required	Proposed
Front setback	20 feet	49 feet (existing)
Side setback	7 feet	3 feet (requested)
Rear setback	10 feet	~60 feet (existing)
Minimum lot area	8,712 square feet	20,727 square feet (existing)
Minimum lot width	66 feet	100 feet (existing)
Maximum lot coverage	30%	~23%

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: There are some topographical issues on this lot.

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: It would allow the owner to utilize more of the yard, while minimizing the impact on the neighbor's view of the river.

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

Comment: Topography and the desire to protect the neighbor.

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

Comment: The board may wish to discuss this standard with the applicant.

RECOMMENDATION: We bring to your attention that pursuant to section 154.156 that if the applicant is not able to meet all the required standards noted above, the Board shall deny the request. If the Board finds that the hardship or 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.

Possible motion: Motion to approve/deny a variance at 994 Holland Street for a 12 x 8 foot shed and a 12 x 8 foot covered patio three feet from the side property line where 7 feet is required resulting in a variance of four feet as submitted/modified. the staff report is attached as part of the record and the following findings of fact are adopted:

1. _____
2. _____
3. _____
4. _____



Zoning Board of Appeals Application

LOCATION INFORMATION APPLICATION NUMBER _____ - _____

Address 994 Holland St. Parcel Number 57-100-012-00

APPLICANTS INFORMATION

Name Renee & Chris Draves Address / PO Box 994 Holland St.
City Saugatuck State MI Zip 49453 Phone 517-881-3063
Interest In Project Personal Residence E-Mail rc@dravesmcd.com
Signature _____ Date 11/10/2021

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name _____ Address / PO Box _____
City _____ State _____ Zip _____ Phone _____

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 _____ Date _____

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

Name Complete Landscaping Services (CLS) Contact Name Connor Millar
Address / PO Box 6707 Holly Dr. City West Olive
State MI Zip 49460 Phone 616-510-3076 Fax _____
License Number Landscaper Expiration Date n/a

PROPERTY INFORMATION

Depth 233' Width 91' Size .535 acres Zoning District 9 Current Use Residence
Check all that apply: Waterfront Historic District _____ Dunes _____ Vacant _____
Application Type: Interpretation _____ Dimensional Variance Use Variance _____

REQUEST DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

We are requesting a variance on the setback requirement for a side yard from 7 feet to 3 feet to accommodate an 8x12 shed on the north side of our backyard (see drawing and placement on lot). We chose this specific location because it would be positioned immediately next to the neighbor's current privacy fence which was erected many years ago within 1 foot of the property line to block the view of a gazebo which has since been removed. The placement of our shed would not impact the neighbor's view whatsoever and be completely blocked by their fence. Our backyard is fairly narrow and has limited flat grounds due to being on a steep-sloped hill. A 7-foot setback would simply be a waste of land use as the space between the shed and the fence would become useless. We wish to maintain as much usable land as we can considering the topography of our backyard. Therefore, we are asking to reduce the setback requirement to 3 feet, allowing us another 4 feet of usable grounds in the greater backyard for new landscaping features and increased leisure space for the family.



SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the following information shall be submitted with the coverage 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
- 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.
- 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.
- Location, if any, of any views from public places to public places across the property;
- Location, height and type of fencing; and



- 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 non-use 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;
The 7 foot setback would make the use of the land behind the shed, which butts up to the neighbor's fence, useless. Our request for 3-foot would allow for enough clearance to walk behind as necessary.
- (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;
This variance would provide more usable space within our backyard and not obstruct the view of our neighbor on the other side of the fence. Furthermore, a variance was previously done for the neighbor's fence and this would be consistent.
- (3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and
Because of the topography of the backyard, we have limitations on usable leisure space and/or sheds for yard equipment. We could place the shed in other locations on the property following proper setback requirements that could actually hinder the neighbor's view, whereas, this does not.
- (4) Explain how the problem is not self-created or based on personal financial circumstances.
By placing the shed in the middle of our backyard, works to the advantage of us and our neighbors. If we placed it in the lower yard, it would be seen and block some of their view. In this location it does not. The variance requests gives us more usable grounds at this location.



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;

n/a

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

The fact that the neighbor already has this privacy fence up works to both of our advantages. We are seeking the variance simply to allow more usable backyard space for us and not wasting it between our shed and the neighbor's fence.

- (3) Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and

The proposed location of the shed would not be visible and/or affect the character of the neighborhood.

- (4) Please explain how the problem is not self-created or based on personal financial circumstances. We have other places we could place the shed that would not require a variance that would affect the view of the river by the neighbor. That's why we think it is best to place it near their existing fence.



OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Date Notice Sent _____ Date Resident Notification _____ Hearing Date _____

Notes: _____

Motion to Approve _____ Deny _____

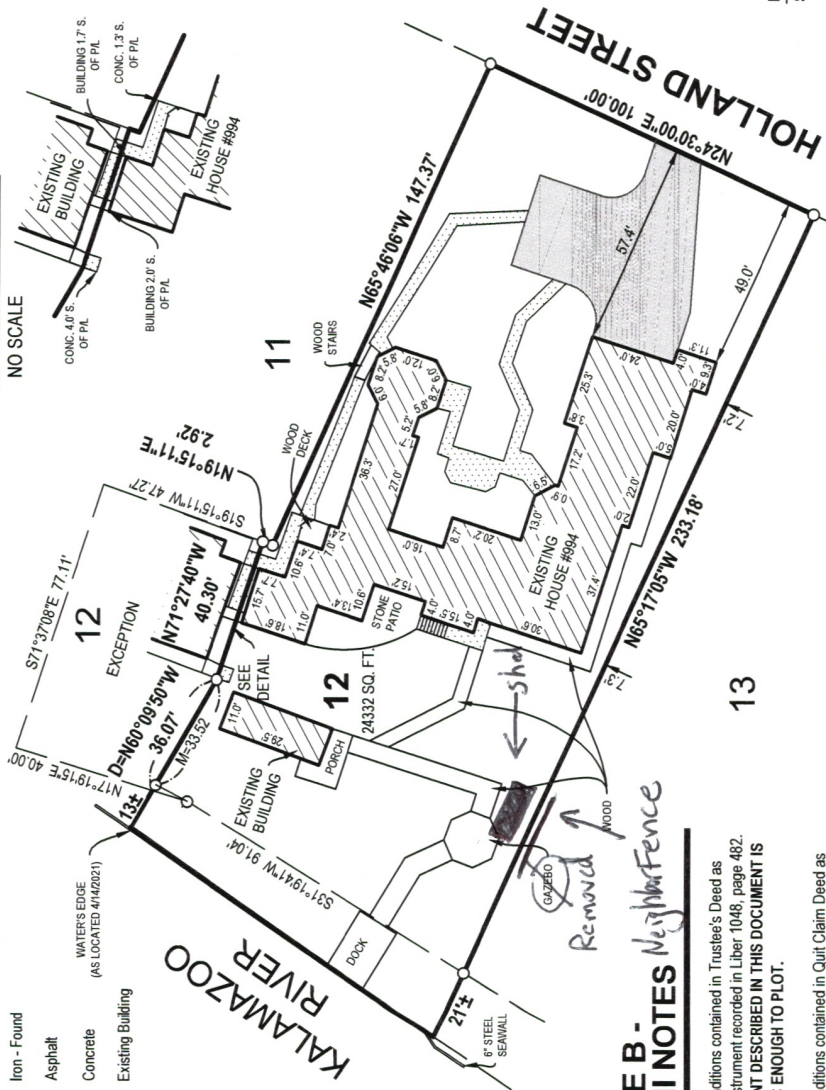
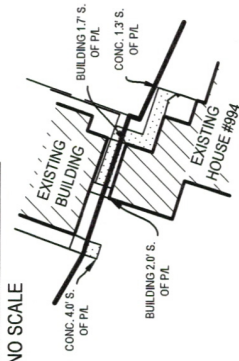
Findings of Fact:

Chair Signature _____	Vote _____
Member Signature _____	Vote _____
Member Signature _____	Vote _____
Member Signature _____	Vote _____
Member Signature _____	Vote _____

LEGEND

- Iron - Found
- ▨ Asphalt
- ▨ Concrete
- ▨ Existing Building

DETAIL



DESCRIPTION

The land referred to in this Commitment, situated in the County of Allegan, City of Saugatuck, State of Michigan, is described as follows:

Lot 12, Flint Assessors Plat, according to the recorded plat thereof, as recorded in Liber 11 of Plats, page 53, being in the Northeast 1/4 of Section 9, Town 3 North, Range 16 West, City of Saugatuck, Allegan County, Michigan, EXCEPT that part of said Lot 12 described as: Beginning at a point on the lot line between Lots 11 and 12, distance North 65°46'06" West, 147.37 feet along the lot line between Lots 11 and 12 and Northeast 19°15'11" East, 2.92 feet along the lot line between Lots 11 and 12 from the most Easterly corner of Lot 12; proceeding thence North 71°27'40" West 40.30 feet; thence North 60°09'50" West 36.06 feet; thence North 17°19'15" East 40.00 feet along the Westerly line of Lot 12; thence South 71°37'08" East 77.11 feet along the Northerly line of Lot 12; thence South 19°15'11" West 47.27 feet along the lot line between Lots 11 and 12 to the Place of beginning.

TOGETHER WITH AND SUBJECT TO an easement for utility lines for the deck attached to and for light and air, maintenance, and ingress and egress, as set forth in Liber 1149, page 678.

(Premier Lakeshore Title Commitment No. 4012-290207, dated March 26, 2021)

SCHEDULE B - SECTION II NOTES

- 10 Terms and Conditions contained in Trustee's Deed as disclosed by instrument recorded in Liber 1048, page 482. **THE EASEMENT DESCRIBED IN THIS DOCUMENT IS NOT SPECIFIC ENOUGH TO PLOT.**
- 11 Terms and Conditions contained in Quit Claim Deed as disclosed by instrument recorded in Liber 1145, page 256. **THE EASEMENT DESCRIBED IN THIS DOCUMENT IS NOT SPECIFIC ENOUGH TO PLOT.**
- 12 Terms and Conditions contained in Quit Claim Deed as disclosed by instrument recorded in Liber 1149, page 678. **THE EASEMENT DESCRIBED IN THIS DOCUMENT IS NOT SPECIFIC ENOUGH TO PLOT.**

RIPARIAN DISCLAIMER:

The boundary lines shown hereon do not represent the ownership of any riparian rights, littoral rights, bottom lands or submerged land on, beneath or appertaining to the subject property.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon. This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.



By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 40' 0" 20' 40'

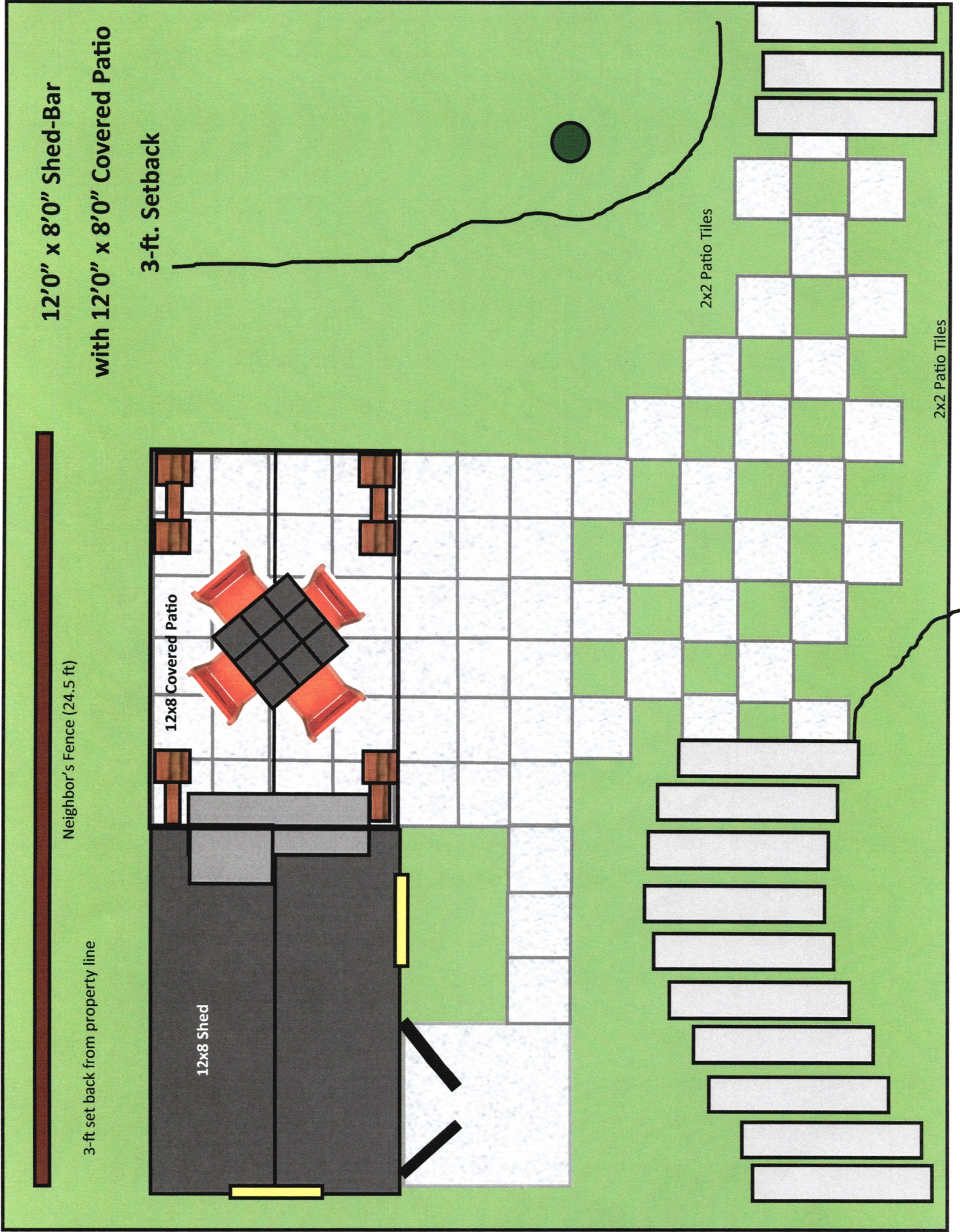
RE/MAX of Saugatuck & Douglas
 Bill Rowe
 2914 Blue Star Highway
 P.O. Box 986
 Saugatuck, MI 49453

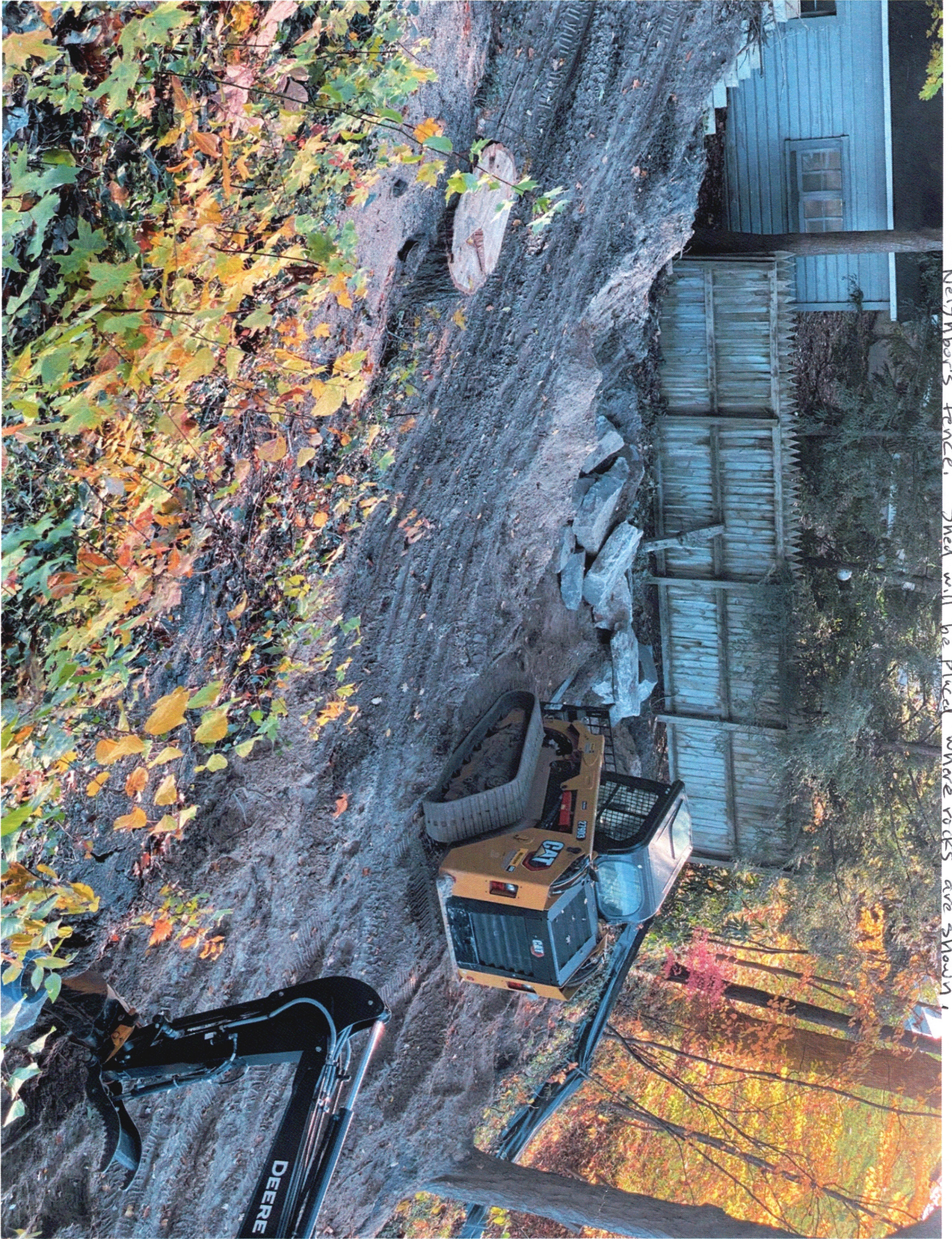


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DRAWN BY: DS	DATE: 4/14/2021	PRJ #: 21200699
REV. BY:	REV. DATE:	1 OF 1





Neighbors Fence. Shed will be placed where rocks are shown!

From: Daniel Fox <danielwfox101@gmail.com>
Sent: Tuesday, November 23, 2021 3:42 PM
To: Jamie Wolters <Jwolters@saugatuckcity.com>
Subject: Comment for 12/9 ZBA Public Hearing

Jamie,

I doubt I'll be able to make the subject meeting, but wanted to provide my feedback on the requested variance.

The current owners of the 994 Holland Street property have already dramatically upgraded both the home and the surrounding landscaping. The large, unique home was once among the very finest in the city. All the work the new stewards have commissioned so far has--in dramatic fashion--returned the property to its former beauty, in many cases exceeding and improving on it. They have been respectful of the natural environment and the character of the architecture. They have been respectful and accommodating to their neighbors. I have no reason to believe the relatively minor variance being sought now will be in any way harmful, inconvenient, or otherwise a problem.

I endorse the issuance of the requested variance.

Dan Fox
1006 Elizabeth Street (roughly 80 yards from the subject property)



Zoning Board of Appeals 2022 Meeting Dates

January 13th

February 10th

March 10th

April 14th

May 12th

June 9th

July 14th

August 11th

September 8th

October 13th

November 10th

December 8th