

Saugatuck Zoning Board of Appeals Meeting Saugatuck, Michigan, January 12, 2023, Minutes

The Saugatuck Zoning Board of Appeals
Met in regular session at 7:00 p.m.
City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Chairman Kubasiak at 7:01 p.m.

Attendance:

Present: Chairman Kubasiak, Board Members Bouck, McPolin.

Absent: Board Members Bont, Crawford, & Hundreiser.

Others Present: Director of Planning, Zoning, & Project Management Ryan Cummins, & City Attorney Chris Patterson (online).

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

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

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

Motion by Bouck, second by McPolin, to approve the minutes from November 10, 2022, as submitted. Upon voice vote, motion carried 3-0.

4. **Public Comments:** None.

5. **Unfinished Business:** None.

6. **New Business:**

A. Election of Officers:

Motion by Bouck, second by McPolin to nominate Chairman Kubasiak to remain the Chair for the Zoning Board of Appeals for the 2023 calendar year. Upon roll call vote, motion carried 3-0.

Motion by Kubasiak, second by McPolin to nominate Board Member Bouck as Vice-Chairman for the Zoning Board of Appeals for the 2023 calendar year. Upon roll call vote, motion carried 3-0.

B. 233 Lucy St – Front Yard Setback: Case # V220010

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

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

The applicant requests a dimensional variance to demolish and reconstruct a front porch on the existing dwelling within the required front setback. The dimensional variance would reduce the front setback to five feet and three inches (5'3") instead of the minimum 20-foot setback, a reduction of 14 feet and nine inches (14'9"). The request relates to Section 154.026 (D) of the Zoning Ordinance.

The property is located in the R-1 Community Residential District. The lot is approximately 66 feet wide and 132 feet deep (8,712 square feet), and a single-family detached dwelling exists on the site. The structure includes a 140-square-foot porch which currently has a two-foot front setback. The facade of the dwelling is 10 feet from

the front property line. The porch and the front portion of the dwelling do not conform to the applicable 20-foot front setback.

3. Presentation by the Applicant:

The applicant, John Mayer, was in person to present his application. He stated that this is part of a remodel of the entire first floor of the home and the removal of a small addition that was placed on the front elevation, roughly 60 years ago. That addition separates the original elevation of the house and the current front porch. They will be removing that room and putting the front porch back against the original elevation on the front of the house. Mr. Mayer said that the project was already approved by the Historic District Commission. It required demolition and removal of the existing porch and then reestablishing a porch approximately three feet further in from the current porch.

4. Public comment regarding the application:

- a. Supporting comments (No public comment. Email from neighbor listed below):
 1. Janet & Fred Schmidt – Saugatuck City residents.
 2. John Suarino – Saugatuck City resident.
- b. Opposing comments (No public comment. Email from neighbor listed below):
 1. Judith Printz – Saugatuck City resident.
- c. General comments (audience and letters): **None.**
- d. Repeat comment opportunity (Supporting, Opposing, General): **None.**

5. Public comment portion closed by the Chair at 7:18 p.m.

6. Commission deliberation:

The board went into deliberation and discussed the standards for the requested dimensional variance to reduce the front setback to five feet and three inches (5'3") instead of the minimum 20-foot (20') setback, a reduction of fourteen feet and nine inches (14'9"). Request relates to Section 154.026 (D) of the Zoning Ordinance.

ZBA Findings of Fact: *Note: Applicant must show a 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, Kubasiak, and McPolin, found this standard is met because:

Strict compliance would not prevent the applicant from using the property as it can be maintained as a non-conforming structure and expanded in different directions in compliance with the ordinance. However, the existing front porch is non-conforming, and the reconstruction project will result in the structure becoming less non-conforming with the front setback requirement. Based on the historic building placement compliance could be considered unnecessarily burdensome if there is going to be a front porch on this house. A compliant front porch improvement is not possible. Compliance is an unnecessary burden in this case so that they can have a front porch on their house in keeping with the character of the neighborhood and the character of the town.

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

The project would result in lesser nonconformity and an overall improvement to the dwelling that has already been approved by the Historic District Commission. The addition is minor in nature, which could be considered when assessing justice and fairness to the 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, Kubasiak, and McPolin found this standard is met because:

The home was built in 1864, as indicated in the City’s contributing structure list, and its placement on the property is unique. While it appears there are other nonconforming homes in this block and area, the majority of homes were not placed as close to the street as the subject dwelling. The general neighborhood conditions would allow for this to maintain the variance asked for on this application.

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

The applicant did not build the original structure in its current location. The home was built in 1864, long before the zoning ordinances were in place. Additionally, the variance request has no relationship to project cost, but does in fact lessen a nonconforming situation and improve a historic structure, which is a part of the Master Plan for Saugatuck for maintaining these historic structures to maintain the character of the community. It is important according to the Master Plan that we maintain these historic structures and the standard is met and is not self-created and not based on personal financial circumstances.

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

All four standards were met.

7. Commission action: ZBA Decision (Approve):

Motion by McPolin, second by Bouck, to approve application V220010, for a dimensional variance to reduce the front setback to five feet 3 inches (5’3”) instead of the minimum twenty-foot (20’) setback, a reduction of 14 feet 9 inches (14’9”) for a replacement porch at 233 Lucy Street. Approval of the front setback variance is conditioned upon consistency with the porch building footprint shown within the application materials. The Board used the comments in this report as a basis for the ZBA’s positive findings and referencing them in their entirety. Upon roll call vote, motion carried 3-0.

6. New Business (continued):

C. 2023 Meeting Schedule and Discussion of Start Time:

The ZBA members discussed the start time for their meetings and wish for the start time to remain at 7 pm.

Motion by Kubasiak, second by McPolin to approve the 2023 ZBA meeting schedule as presented on the second Thursday of the month starting at 7 pm. The time to meet could be adjusted if further discussions allow. Upon voice vote, motion carried 3-0.

7. Communications:

A. Report of 2022 ZBA Activity: Board Members discussed the 2022 ZBA Activity.

B. Public Signage: Zoning Administrator Cummins explained that the signs will be used so the public can easily identify which properties in the City are subject to public hearings.

8. Public comment: None.

9. ZBA Comments:

Bouck had four comments:

1. He appreciates the legal counsel being online. It's comforting to know that they are there.
2. He loves the new report from Ryan Cummins, said that he did a nice job. It shows the Board the latest status, it makes it public, and it contributes to transparency, which is important to him.
3. He requests that people who write letters or send emails to the Board identify if they are a resident or not. This would be similar to what is required of people who attend meetings in person.
4. He proposes uniform standardized training for ZBA members.

McPolin: She would love to do some training specific to their ZBA Board. The legal counsel could do a brief training session. She has taken some Planning and Zoning classes, but they are more general. She would be curious to hear either the mayor or someone else speak regarding Saugatuck philosophy and some of the unique challenges that they face in terms of the consequences of their decisions.

Chairman Kubasiak: He said that he found a pamphlet from many years ago that their existing attorneys had put together with review of dimensional and use variances and things such as how the zoning board works. He believes that some type of refresher with details from one of the attorneys like Chris Patterson would be a good session for the Board to get started. He added that as new board members are added that don't have much Planning Commission or Zoning backgrounds, it is always important to get them into a training program whether it be online or go to a municipal league. He said that Michigan State has some programs as well. He feels that if they have a month in which they don't have a true application, and they had a general meeting that it would be great to fit in an hour or hour and a half of training at least to start with.

9. Adjournment: Meeting adjourned at 7:57 pm by Kubasiak.

Respectfully Submitted,
Sara Williams
City Deputy Clerk