



Saugatuck Zoning Board of Appeals Meeting January 11, 2024, Minutes

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

1. **Call to Order** by Vice Chairman Bouck at 7:00 p.m.

Attendance:

Present: Vice Chairman Bouck, Board Members Barna, Crawford, & McPolin.

Absent: Chairman Kubasiak, Board member Bont.

Others Present: Deputy Clerk Sara Williams, City Attorney Jacob Witte, and Director of Planning and Zoning Ryan Cummins.

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

Motion by Barna, second by McPolin to approve the agenda for January 11, 2024, meeting as presented. Upon voice vote, motion carried 4-0.

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

Motion by Bouck, second by McPolin, to approve the minutes from November 9, 2023, as amended – Meeting was called to order by Kubasiak. Upon voice vote, motion carried 4-0.

4. **Public Comments:** None.

5. **Unfinished Business:** None.

6. **New Business:**

A. Election of Officers.

Motion by McPolin, second by Barna to nominate Chairman Kubasiak to remain the Chair for the Zoning Board of Appeals for the 2024 calendar year. Upon roll call vote, motion carried 4-0.

Motion by Crawford, second by McPolin to nominate Board Member Bouck as Vice-Chairman for the Zoning Board of Appeals for the 2024 calendar year. Upon roll call vote, motion carried 4-0.

B. 145 Grant St – Variance request to increase lot coverage.

1. The Public Hearing was called to order by the Chair at 7:04 p.m.

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

The applicant requests a variance to construct a new two-story detached garage at 145 Grant Street with 676 square feet of lot coverage. The variance request relates to the total lot coverage requirement noted in Section 154.026(D) of the Zoning Ordinance:

Lot Coverage	Requirement	Requested	Variance
Maximum for all buildings	30%	34%	4%

The property is located in the R-1 Community Residential District (R-1 CR). The corner lot is 54 feet wide along Grant Street and 157 deep along Elizabeth Street (8,497 square feet in area). The lot does not conform to the minimum lot area requirement (8,712 square feet) and the minimum lot width requirement (66 feet). The ZBA previously denied variances related to the proposed detached garage in November but approved variances for the renovation and expansion of the principal dwelling.

While the property is a corner lot, Elizabeth Street, abutting the property, has a dirt/gravel surface, which eventually ends before the right-of-way reaches Simonson Street. There is no further development potential along Elizabeth Street, as the parcel across the street narrows considerably to its south boundary, and the rest of the property to the east is City-owned. Due to its nonconforming nature and location along terminating street, the lot is somewhat unique. However, the ZBA must determine if the lot is unique in relation to the lot coverage requirement.

3. Presentation by the Applicant: Jim Smitt

4. Public comment regarding the application:

- a. Supporting comments: None.
- b. Opposing comments (audience and letters):
 - Mark & Deidre Levine (1005 Elizabeth) - Opposed to project.
- c. General comments (audience and letters): None.
- d. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by the Chair at 7:17 p.m.

6. Commission deliberation:

The board went into deliberation, and they discussed the applicants request for a variance to construct a new two-story detached garage at 145 Grant Street with 676

square feet of lot coverage. The variance request relates to the total lot coverage requirement noted in Section 154.026(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). Barna, Bouck, Crawford, & McPolin found this standard has **NOT** been met because:*

While the shape and orientation of the lot do not impact the ability to comply with lot coverage, the lot is approximately 215 square feet less than the minimum lot size for the zoning district. The previous request for a three-stall detached garage was considered excessive for a lot of this size, especially considering the proposed increase in the size of the principal dwelling.

The owner would need to reduce the size of the proposed garage footprint by 301 square feet for a total of 375 square feet to comply with the ordinance, which would not adequately accommodate two vehicles. It could be argued that preventing a detached two-car garage on a lot that is only slightly smaller than a conforming lot could be unreasonable. However, one could counter that the applicant previously proposed an attached garage space on the principal dwelling. Hence, the inside storage of two vehicles in a compliant manner is possible with different variations of attached or detached garage space.

Commission member Crawford said that the owner previously proposed and has been accepted for attached garage space in the principal dwelling. Thus, he could build an accessory building garage with, for example, one car that would still give him the two cars without needing a relaxation. He believes that his requirements for a garage could be met within the allotted space without a relaxation.

Vice-Chair Bouck stated that the standard is not met because the applicant is not unreasonably prevented from using the property for a permitted purpose and that conformity is not unnecessarily burdensome.

Standard 2: *“That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.” § 154.155(B)(2). Barna, Bouck, Crawford, & McPolin found this standard has **NOT** been met because:*

Relaxation of the lot coverage for additional garage space may give the owner rights unavailable to owners of similar-sized lots. However, the request is not particularly excessive, as four percent of the lot is just over 300 square feet.

Standard 3: *“That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.” § 154.155(B)(3). Barna, Bouck, Crawford, & McPolin found this standard has **NOT** been met because:*

The shape and orientation of the lot are unique, but these factors do not directly relate to the lot coverage requirement. The lot is 215 square feet less than required by the district, and while not the smallest lot in the area, the size falls on the smaller end of the range compared to neighboring properties.

Vice-Chair Bouck said that it is a smaller lot, but it is not unique or due to general neighborhood conditions. He doesn't see that the plight of the owner is due to the unique circumstances of this property. They are not so unique as to make this unnecessarily burdensome. The standard has not been satisfied.

McPolin added that she agrees due the plight of the owner is not due to the circumstances of the property so much as a desire to have a larger garage.

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

One could argue that the size of the proposed principal dwelling and attached garage space has limited the ability of the owner to construct a detached garage with 676 square feet of coverage and that various compliance scenarios could have been presented. However, the ZBA may wish to consider the redevelopment and renovation project on a nonconforming lot, which may present challenges beyond what would be created by the development of a vacant lot.

Vice-Chair Bouck said that it is self-created, but it is not based on personal financial circumstances.

*Motion by Crawford, second by McPolin to deny a variance to increase the maximum lot coverage from 30 percent to 34 percent for the construction of a two-story detached garage with 676 square feet of ground floor space base on the following findings: Standards 1, 2, 3, & 4 have not been met. **Motion was amended to include reasons stated in the staff report, in the packet, and in deliberations.** Upon roll call vote, motion carried 4-0.*

C. 2023 ZBA Activity Report.

Motion by McPolin, second by Barna to approve the 2023 Zoning Board of Appeals cases as presented. Upon voice vote, motion carried 4-0.

7. Communications: None.

8. ZBA Comments: None.

9. Public Comments: None.

10. Adjournment.

Motion by Crawford, second by McPolin to adjourn. Motion carried 4-0. The meeting was adjourned at 7:51 pm by Vice-Chair Bouck.

Respectfully Submitted,
Sara Williams
City Deputy Clerk