



Saugatuck Zoning Board of Appeals Meeting Saugatuck, Michigan, March 9, 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 7:05 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. Commission deliberation:

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. ZBA Member Training – May 18

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