



**CITY OF SAUGATUCK  
REGULAR MEETING ZONING BOARD OF APPEALS  
June 9, 2022 – 7:00 PM  
SAUGATUCK, 102 BUTLER STREET**

**In person meeting**

1. Call to Order/Roll Call
2. Agenda Changes
3. Approval of Minutes: April 14, 2022
4. New Business:
  - A. 181 Park Street – lot coverage
5. Unfinished Business: None
6. Communications: None
7. Public Comments:
8. ZBA Comments:
9. Adjourn:

**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

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/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](mailto:cindy@saugatuckcity.com)

**Proposed Minutes**  
**Saugatuck Zoning Board of Appeals Meeting**  
**Saugatuck, Michigan, April 14, 2022**

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

1. **Call to Order** by Vice Chairperson Bont at 7:00 p.m.

**Attendance:**

Present: McPolin, Bouck, Bont, Hundrieser, Zervas

Absent: Kubasiak, Muir

Others Present: Zoning Administrator Osman

2. **Approval of Agenda:**

McPolin made a motion, 2<sup>nd</sup> by Bouck to approve the agenda as amended to include election of officers under unfinished business. The motion carried unanimously.

3. **Approval of Minutes:**

Bouck made a motion, 2<sup>nd</sup> by Hundrieser, to approve the minutes as submitted. The motion carried unanimously.

4. **New Business:**

**A. Public Hearing 336 Hoffman – 8 foot privacy fence.**

Bont opened the public hearing at 7:03. ZA Osman gave a very brief overview of the application. The applicant did not appear to make a presentation. A neighbor was recognized as being present to hear the process. The public hearing was closed at 7:11. Hundrieser made a motion to deny the variance for the 8 foot fence height at 226 Hoffman, 2<sup>nd</sup> by McPolin, the motion to deny carried unanimously and the following findings of fact were adopted:

1. While there might be circumstances that it is easier to look down into the back yard from the adjacent carriage house, it does not prevent them from using the property as a single family dwelling. Standard 1 is not met.
2. A lesser height would not satisfy the desire for privacy; it would probably require a 12 foot high fence for complete privacy and that is not an expectation anticipated in the ordinance. This standard is not met.
3. The property is not unique, there are many short term rentals in the area, and many of them are two stories in height. The applicant bears the burden of proof and did not respond to this standard. This standard is not met.
4. The applicant bears the burden of proof and did not respond to this standard. This standard is not met.

**B. Public Hearing 569 Hoffman – side yard setback for addition.**

Bont opened the public hearing at 7:15. ZA Osman gave a very brief overview of the application while Robert and Carrie VonderSitt were available via Zoom to present their application. The public hearing was closed at 7:22. A motion was made by Hundrieser 2<sup>nd</sup> by

Zerfas to approve the application, noting that support from the adjacent property owner was received. The motion carried unanimously, and the following findings of fact were adopted.

Standard 1. The applicant stated that they have explored other areas to add on to the house, but it would be unnecessarily burdensome to move all the plumbing and exterior entrance of the building for this 84 square foot addition.

Standard 2. The addition is in the rear of the house, a letter in support of the application was received by the neighbor most affected by the addition, and the neighbor's driveway separates the two houses.

Standard 3. The house was built in 1953, before there was zoning in place, and the applicant did look for other resolutions.

Standard 4. The house was built in 1953 predating the zoning ordinance. So it was not self-created.

### **B. Public Hearing 135 Van Dalson – various setbacks.**

Bont opened the public hearing at 8:32. ZA Osman gave an overview of the application while James and Beth Craft presented their application assisted by Bruce Stewart. The public hearing was closed at 7:40. A motion was made by McPolin, 2<sup>nd</sup> by Bouck to approve the application, noting that this is an unusually small lot, with a steep slope on the south side. The motion carried unanimously, and the following findings of fact were adopted.

Standard 1. The applicant proposes to add two feet to a deck at the east and north sides of the deck. It really is a safety concern that once furniture is added on the deck, the occupants are very close to the edge of the deck and could fall, at the west side of the house there is inadequate cover over the porch to deflect rain and snowfall, and porch does not meet the requirements of the building code, as the door swings over the steps.

Standard 2. There is not a lot of room to work with here on this small lot. And it is required by the building code that a door has to swing over a landing, not over the steps.

Standard 3. The lot is very unique.

Standard 4. The house was built in a subdivision platted in about 1898. So it was not self-created.

### **5. Unfinished Business: Election of officers.**

A motion was made by Bouck, supported by Hundrieser to nominate Kubasiak as chair, upon vote, Kubasiak was unanimously elected as Chair.

A motion was made by McPolin, supported by Bouck to nominate Bont as Vice-Chair, upon vote, Bont was unanimously elected as Vice-Chair.

### **6. Communications: None**

### **7. Public comment: None**

**8. Reports of Officers and Committees:**

A very brief update was given on the litigation – because there has been no action on the litigation as of April 14, 2022.

**9. Adjournment:** Meeting adjourned at 7:55 by Bont.

Respectfully Submitted,

Jamie Wolters  
City Clerk



**BACKGROUND REPORT  
ZONING BOARD OF APPEALS JUNE 9, 2022**

**APPLICATION: V220005**

**181 PARK ST 57-700-003-00**

**SHELLER STEPHEN V & MAUREEN M**

**REQUEST:** To exceed the maximum lot coverage of 25 percent to 27.7 percent, an increase of 2.7 percent.

Maureen and Stephen Scheller, owners of property located at **181 PARK 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 approximately 5,445 square feet and is located in the **P S R - 1 zone district**. On December 17, 2019, this board granted variances for this property including lot coverage for this narrow property at 181 Park Street. Section 154.153(J) states:  
*“(J) Validity of permit. Any decision of the Zoning Board of Appeals which has resulted in granting a zoning permit, or variance shall be valid for a period of one year, with the Zoning Administrator to have the power to extend the permit for an additional year upon showing of a practical need.”*

Since COVID-19 pretty much shut us down in March of 2020, I granted a one year extension to anyone who requested the extension. However, in this case even with the extension, the variance expired December 17, 2021. The garage that would create the coverage to exceed 25 percent did not get built yet.

The proposed garage meets all the setback requirements of the zoning ordinance, so the only issue for consideration is the lot coverage.

(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 this chapter 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 this chapter should be observed, public safety secured, and substantial justice done.

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 area of this parcel is about 6,444 square feet where the minimum lot area in this zone district is 8,712 square feet. About ~ 20 percent smaller than a standard 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:** The applicant is requesting a single car garage which is minimal.

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

**Comment:** This is one of three lots in the City that I know of that is so narrow.

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

**Comment:** This plat was created in 1915, and it is not based on personal financial circumstances.

**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 variance V220005 of 2.7 percent of lot coverage for the construction of a single car garage at 181 Park Street for a coverage of 27.7 percent where a maximum of 25 percent is permitted. The application and staff report are to be attached to these minutes and are part of the record and findings of fact.**

**Minutes**  
**Saugatuck Zoning Board of Appeals Meeting**  
**Saugatuck, Michigan, December 17, 2019**

The Saugatuck Zoning Board of Appeals met in regular session at 6:00 p.m. at City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Chairperson Kubasiak at 7:00 p.m.

**Attendance:**

Present: Kubasiak, Bouck, Vlasity

Absent: Zerfas, Bont, Ludlow, Riekse

Others Present: Zoning Administrator Osman

2. **Approval of Agenda:** A motion was made by Kubasiak, 2<sup>nd</sup> by Bouck, to approve agenda as presented. Upon voice vote the motion carried unanimously.

3. **Approval of Minutes:** A motion was made by Kubasiak, 2<sup>nd</sup> by Bouck, approve the August 21, 2019 special meeting minutes as presented. Upon voice vote the motion carried unanimously.

4. **New Business:**

**A. Application V190004 / 181 Park Street:** A public hearing was scheduled on this date to hear comments regarding additions to existing house along or within current setbacks at 2 feet where 10 feet is required and add ½ story to the elevation. The applicant plans for substantial reconstruction and modifications to the existing structure. The applicant includes a proposal to replace the 14' x 8' shed with a 12' x 20' garage resulting in lot coverage of 27.7% where a maximum of 25% is permitted.

Chairperson Kubasiak opened the public hearing at 7:05 p.m.

ZA Osman described the requested variances and reviewed the ordinance requirements.

Stephen Scheller described the layout of the house, and the challenges of meeting the letter of the ordinances and still have a functional dwelling unit. Some of the existing foundation will be retained.

There being no further comments, Chairperson Kubasiak closed the public hearing at 7:57 p.m.

A motion was made by Bouck, 2<sup>nd</sup> by Vlasity, to approve Application V190004 / 181 Park Street to reconstruct the house on its existing foundation granting an 8-foot setback variance on the south property line, and a 2.7% variance for lot coverage. Upon roll call vote the motion carried unanimously, and established the following findings of fact:

The lot is 37 feet wide, staff knows of only three other platted lots in the city that are this narrow, so the issue is with the land, not the owner.

There are only 3 identified lots of this width in residential zone districts, so it is quite a unique situation and not common.

The garage is a single stall, and the additions are quite modest. It will not be an ostentatious house. It will not be closer to the south property line than the existing house. The property to the south has a large side yard setback, and the encroaching air conditioning unit will be relocated. The owners worked hard to keep the coverage and need for variances to a minimum.

There will be no injustice to the neighbors, and will provide for a floor plan that is functional and structurally stable.

**B. 2020 Schedule of Meetings:** A motion was made by Kubasiak, 2<sup>nd</sup> by Bont, to approve the 2020 Schedule of Meetings as presented. Upon voice vote the motion carried unanimously.

5. **Unfinished Business:** None

6. **Communications:** None

7. **Public Comments:** None

8. **ZBA Comments:** None

11. **Adjournment:** Chairperson Kubasiak adjourned the meeting at 8:10 p.m.

Respectfully Submitted,

Monica Nagel, CMC  
City Clerk





## Zoning Board of Appeals Application

<b>LOCATION INFORMATION</b>	<b>APPLICATION NUMBER</b> _____ - _____
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Address 181 Park St.; Saugatuck, Mi 49453 Parcel Number 03-57-700-003-00

<b>APPLICANTS INFORMATION</b>
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Name Maureen and Stephen Scheller Address / PO Box 12583 Sandstone Run  
City Carmel State In Zip 46033 Phone 317-626-3925  
Interest In Project owners E-Mail mmscheller@hotmail.com  
Signature Stephen V. Scheller Digitally signed by Stephen V. Scheller  
DN: cn=Stephen V. Scheller, o=City of Saugatuck, ou=City of Saugatuck, email=sscheller@saugatuckmi.com, c=US Date 05-03-2022

<b>OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)</b>
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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 \_\_\_\_\_

<b>CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)</b>
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Name Barber Construction Contact Name Dan Barber  
Address / PO Box 2624 116th St City Allegan  
State Mi Zip 49010 Phone 616-813-2996 Fax \_\_\_\_\_  
License Number 2101079476 Expiration Date 05-31-2023

<b>PROPERTY INFORMATION</b>
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Depth 181/163 Width 39.9/37.0 Size 6444 Sq ft. Zoning District R1 Current Use Residential  
Check all that apply: Waterfront  Historic District \_\_\_\_\_ Dunes \_\_\_\_\_ Vacant \_\_\_\_\_  
Application Type: Interpretation \_\_\_\_\_ Dimensional Variance  Use Variance \_\_\_\_\_

<b>REQUEST DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)</b>
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This is a resubmission for work on a non-conforming lot. The project was granted a variance on an 11-21-2019 application and that variance expiration date has been reached due to a variety of issues, Covid delays, original builder out of business, death of a prospective builder. The project intends to construct a 12'x 20' detached 1 car garage in the same location as the original variance application. The garage meets all setback criteria but slightly exceeds the total built area per sq ft of lot size. See attached site plan.



- 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;

*This is a variance resubmission on a non-conforming lot due to an expired variance date only. Nothing has changed from the variance granted in 11-2019. The proposed single car garage has the same exact area and setbacks as originally requested. Adhering to the strict compliance requirements would be unreasonably burdensome. The 12'x20' single car garage meets all setback criteria but is slightly over the total allowable built area per lot area. The garage area is as small as is practical.*

- (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 granting of a variance will greatly improve the visual appeal of the homesite. The garage matching the finish and style of the house will be more attractive than a shed on blocks and lessen the chance of rodents burrowing under the shed.*

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

*Providing a 1 car garage on a poured concrete foundation will allow a design to be functional yet modest and the garage floor area requested has intentionally been minimized (no attempt to request a 2 car garage) due to the extremely narrow and small lot size.*

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

*The proposed garage design is exactly the same request as the one granted in 11-2019. This request includes the most efficient and functional floor area placed onto the current narrow and small non-conforming lot. Its dimensional setbacks all meet zoning requirements. The small lot size results in this small 1 car garage slightly exceeding the max built area allowable. We are clearly not attempting to abuse the total built area covenant otherwise the request would have been for a larger 2 car garage.*



**OFFICE USE ONLY:**

Application Complete \_\_\_\_\_ Date \_\_\_\_\_ Fee Paid \_\_\_\_\_ Date Paid \_\_\_\_\_  
Date Notice Sent \_\_\_\_\_ Date Resident Notification \_\_\_\_\_ Hearing Date \_\_\_\_\_

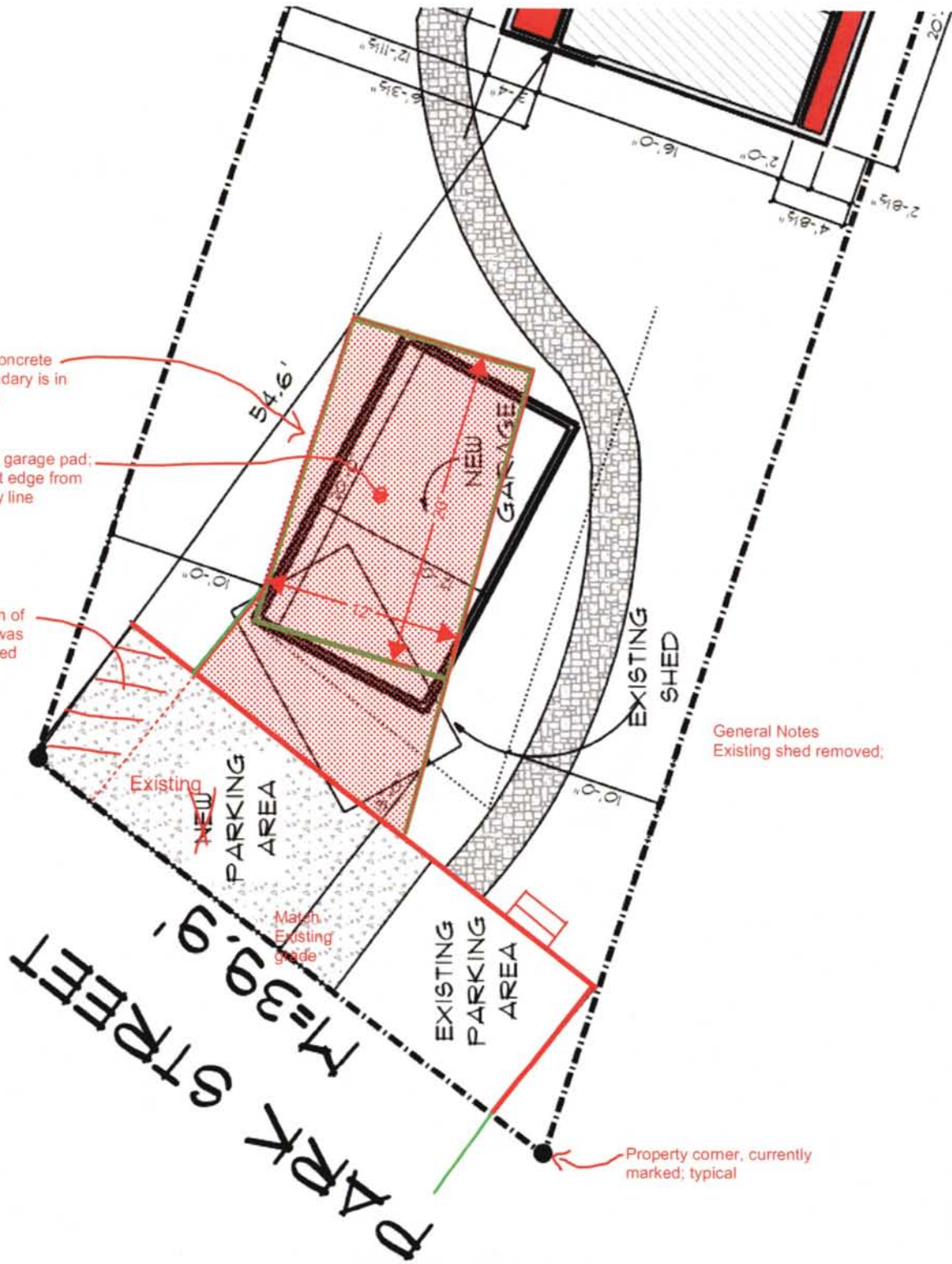
Notes: \_\_\_\_\_  
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Motion to Approve \_\_\_\_\_ Deny \_\_\_\_\_

**Findings of Fact:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



the new concrete pour boundary is in red points

20' x 12' garage pad; 15' west edge from property line

This portion of the apron was never poured and not needed

Existing ~~NEW~~ PARKING AREA

Match Existing grade

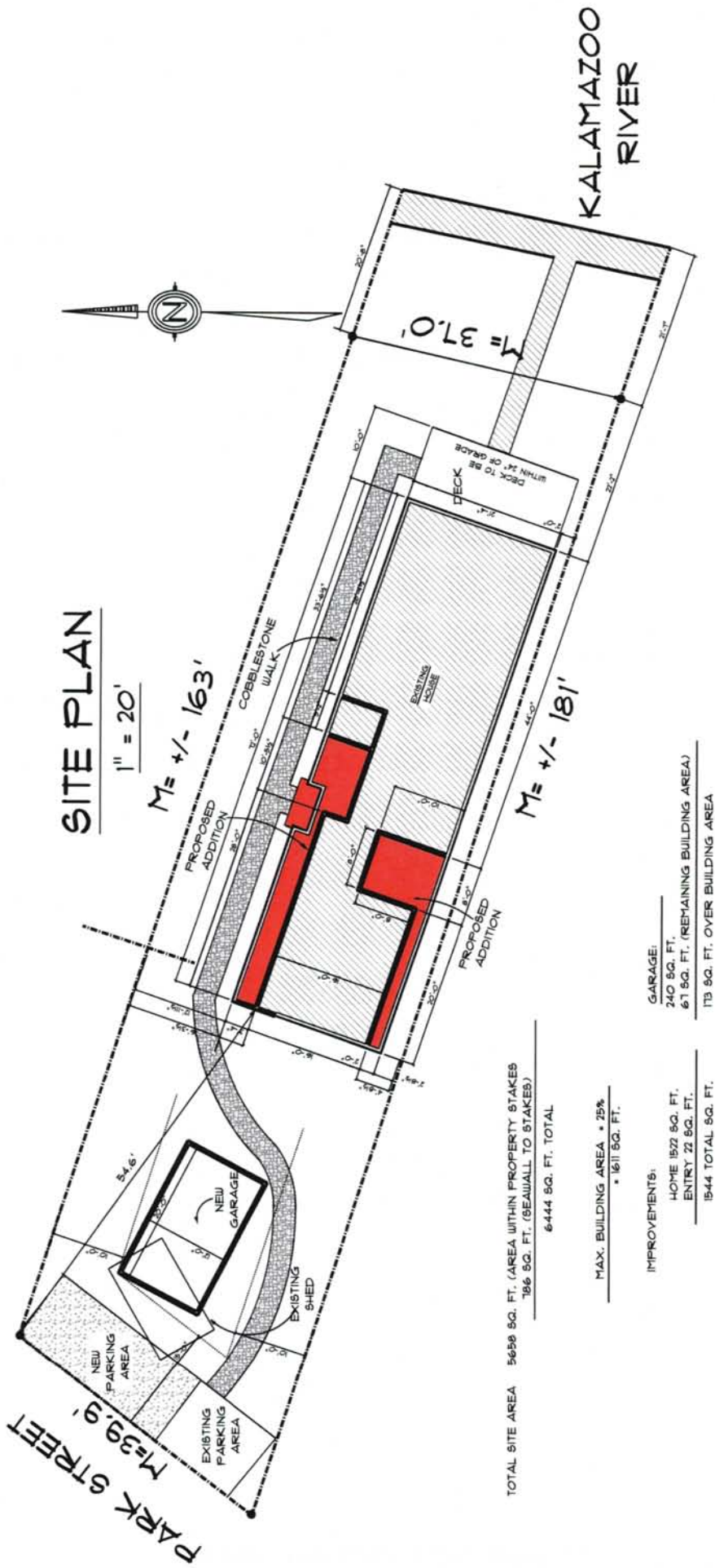
EXISTING PARKING AREA

EXISTING SHED

General Notes  
Existing shed removed;

Property corner, currently marked; typical

PARK STREET  
M=30.0



TOTAL SITE AREA 5650 SQ. FT. (AREA WITHIN PROPERTY STAKES)  
186 SQ. FT. (SEAWALL TO STAKES)  
6444 SQ. FT. TOTAL

MAX. BUILDING AREA \* 25%  
\* 1611 SQ. FT.

IMPROVEMENTS:

GARAGE:	240 SQ. FT.
HOME	1522 SQ. FT.
ENTRY	22 SQ. FT.
<hr/>	
173 SQ. FT. OVER BUILDING AREA	1544 TOTAL SQ. FT.