



**Zoning Board of Appeals  
Special Meeting  
March 28, 2024 – 7:00PM  
102 Butler St, Saugatuck, MI  
In person meeting**

1. Call to Order/Roll Call
2. Approval of Agenda
3. Approval of Minutes:
4. Public Comments
5. Unfinished Business: None
6. New Business:
  - A. 650 Water Street – Front Setback and Waterfront Setback Variance
7. Communications:
8. ZBA Member Comments
9. Public Comments
10. Adjourn (*Voice Vote*)

**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":  
**2698572603**

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[rcummins@saugatuckcity.com](mailto:rcummins@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



**BACKGROUND REPORT  
ZONING BOARD OF APPEALS MARCH 28, 2024**

**650 WATER STREET 03-57-300-029-00**

**ALEC & LINDSAY PAYLEITNER**

**REQUEST:** The applicants request variances to install a structural expansion to accommodate kitchen hood equipment. The proposal requires dimensional variances to:

- Reduce the front setback on Spear Street to zero feet (0') instead of the minimum 5-foot setback, a reduction of five feet (5').
- Reduce the waterfront setback to fourteen feet (14') instead of the minimum 25-foot setback, a reduction of eleven feet (11').

The requests relate to Section 154.038(D) of the Zoning Ordinance.

**BACKGROUND:** The property is located in the newly established C-2 Downtown Waterfront Preservation District zoning district. The property is considered a corner lot with frontages on Water Street and Spear Street, although the Spear Street right-of-way ends in a boat launch.

The buildable area of the lot is approximately 65 feet by 65 feet. The property does not conform to the minimum lot width requirement and appears nonconforming with the minimum lot area requirement. The principal building does not conform to both front setbacks, the south side setback, and the waterfront setback.

**ZBA AUTHORITY:** According to Section 154.155 (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 the Zoning Ordinance 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 the ordinance is observed, public safety secured, and substantial justice done. Variances should only be approved in limited cases with unique circumstances and extraordinary conditions.

**DIMENSIONAL VARIANCE:** 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:** Strict compliance with the minimum front and waterfront setbacks would unreasonably prevent the owner from using the property as a restaurant or would render conformity unnecessarily burdensome. Due to the nonconforming nature of the lot and the nonconforming placement of the principal building, a compliant structural extension for the exhaust equipment for an interior kitchen area conversion is nearly impossible. The only potential compliant location is immediately west of the wood deck on the south side of the building (as shown on the Alta/NSPS survey). However, this location is not feasible because it aligns with the interior location of the restroom facilities.

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:** A variance may give substantial relief to the applicant because the request is minimal (two-foot extension from the building), and the system would be no closer to the north property line than other portions of the building that currently encroach into the north front setback and public right-of-way. Lesser relief would make the entire request unfeasible.

Justice for neighboring property owners would be preserved based on the minor nature of the request and minimal extension into the public right-of-way. Sufficient space along the seawall would be maintained for foot travel. Additionally, the exhaust equipment would have no impact on water quality and would not significantly impact views of the river from the public right-of-way.

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

**Comment:** This particular property is unique based on its corner location, size and width compared to compliant lots, and the placement and orientation of a long-established Historic District contributing structure on the lot. These conditions are not general neighborhood conditions; otherwise, the C-2 Waterfront Preservation District would not have been adopted as written.

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

**Comment:** The overall problems related to the site are not self-created, as the building is a historic structure, and zoning conformity issues arose long ago. Additionally, new setback requirements for the C-2 Waterfront Preservation District have increased the building's degree of nonconformity. None of these issues result from the applicant's actions. Additionally, the variance requests have no relationship to the project cost but the burdensome nature of compliance.

**FINDINGS OF FACT:** Please note that any motion supporting or against the variance requests must specifically reference the ZBA’s findings concerning all applicable standards. The ZBA must provide its own findings on why the request meets or does not meet the applicable standards.

The comments in this report may be used as a basis for the ZBA’s positive findings and referenced in their entirety. Regardless of the decision, the minutes and written record of the decision must document the ZBA’s findings and conclusions. As such, it is essential for findings to be read aloud or referenced from this report during the meeting.

**RECOMMENDATION:** Pursuant to Section 154.155 (B), if the applicant is not able to meet all the required standards noted above, the Board must deny the request. If the Board finds that the 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, per Section 154.156 (C).

Based on a strict review of the City’s variance standards, the requested variances appear to be justified, and compliance with front and waterfront setbacks could be considered unnecessarily burdensome. Please note that all construction must be approved by the Historic District Commission, and any work within the City’s right-of-way must be approved by the City Council.

**Possible motion:**

*I move to approve a variance to reduce the waterfront setback from the west to 14 feet and to eliminate the north front setback requirement to allow a two-and-a-half (2.5) foot encroachment into the Spear Street right-of-way (two feet from the wall) for the construction and installation of kitchen exhaust equipment at 650 Water Street based on the positive findings documented in the staff memo provided to the ZBA for its March 28, 2024 meeting, as well as the following:*

1. \_\_\_\_\_.
2. \_\_\_\_\_.
3. \_\_\_\_\_.
4. \_\_\_\_\_.

*This approval is contingent upon the construction of the kitchen exhaust equipment being in substantial conformance with the location, design, and size as proposed and included in the 2024 ZBA variance applicant materials.*



# Zoning Board of Appeals Application

## LOCATION INFORMATION APPLICATION NUMBER \_\_\_\_\_ - \_\_\_\_\_

Address 650 Water Street Parcel Number 03-57-300-029-00

## APPLICANTS INFORMATION

Name Alec + Lindsay Payleitner Address / PO Box PO Box 841  
City Saugatuck State MI Zip 49453 Phone 312.480.8161  
Interest In Project Business Owners / Operators E-Mail alec@grow-food.com  
Signature  Date 02.25.2024

## OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name AMK Holdings LLC Address / PO Box 6971 N Maple Rd  
City Saline State MI Zip 48176 Phone 734.627.7099  
E-Mail jack@amkproperties.com

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 02.25.2024

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

Name Dana White Builders Contact Name Dana White  
Address / PO Box PO Box 16 City Douglas  
State MI Zip 49406 Phone 616.886.7545 Fax \_\_\_\_\_  
E-Mail danawhitebuilders@gmail.com  
License Number 2102193025 Expiration Date 05.31.2026

## PROPERTY INFORMATION

Depth 65.25' Width 169.5' Size 1 acre Zoning District Downtown Waterfront Preservation C-2 Current Use N/A  
Check all that apply: Waterfront  Historic District  Dunes \_\_\_\_\_ Vacant \_\_\_\_\_  
Application Type: Interpretation \_\_\_\_\_ Dimensional Variance  Use Variance \_\_\_\_\_

## REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

Zoning Requirement Front Setback | 5' (north side) Proposed Variance 5' >> -2.5'  
Zoning Requirement Waterfront Setback | 25' Proposed Variance 25' >> 14'  
Zoning Requirement \_\_\_\_\_ Proposed Variance \_\_\_\_\_

*[Please see the following page for variance description.]*

REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

The proposed variances are for a chase / 'chimney-like' structure to house kitchen hood equipment that leads to the roof of the building. The chase would protrude two foot off the wall and is four feet wide. It would start about four feet from the ground and extend about two feet past the roof line. We'd match the facade of the chase to the side of the building. Additional equipment would live on the roof.

**VARIANCE #1 - Front Setback Variance**

The current building exists to the end of the property line. So, the front (north side) variance would mean an encroachment of 2.5' into the public property that borders the boat launch. The distant between the boat launch and the proposed chase is 10' 5".

**VARIANCE #2 - Waterfront Setback Variance**

The building is already legacied into a variance as the 25' line (visible in the site survey within this application) runs through the middle of the building. Since this is a new 'addition' to the building, we're requesting the variance of 14' (distance from the waterfront to the 2' x 4' chase).



**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. *Materials/colors of chase facade will match the current building.*
- 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;

A Special Land Use permit was issued for “a restaurant with expanded outdoor dining area and service of alcoholic beverages.” The Board may consider conformity unreasonably preventative for the owner to use the property for this permitted purpose. Additional outdoor equipment is necessary for the installation of a kitchen hood system.

The Board may consider conformity unnecessarily burdensome because the footprint of the existing building extends to the northern property line. Without demolition of part of the existing building, there is no option for the necessary equipment.

(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 request is only for equipment needed to use the property for a permitted purpose. This dimensional variance is not for additional square footage on the building, nor for any use that would jeopardize the use of the remaining area for public use/water front viewing. In fact, upon a HDC review, the owners voluntarily reduced their approved outdoor seating area to ensure that the paved area to the north of the building (the site of this variance request) would be freely available to the public boat launch. A lesser relaxation would not serve the necessary purpose of housing the needed equipment.

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

The site is unique in that the building extends all the way to the property line. In fact, the applicant sought the property for their restaurant project in part due to the potential for repurposing an existing structure without exterior renovations. The front (north) setback variance—in particular—is unique in that the property is adjacent to a substantial piece of paved public property along the boat launch. The assumed intentions of the 5’ setback are in tact as the building (including the proposed chase) remain over 10’ from the street/boat launch.

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

The problem is not self-created, as the owner had no involvement with the construction of the original building. The addition of the equipment would be financed by the business owners, not the owners of the building. Any additional value to the building because of the variance and equipment permitted therein is of no benefit to the applicants. The relief is simply necessary for reasonable use of the property under its Special Land Use permissions.





**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 _____

**PAYLEITNER RESTAURANT**  
**650 WATER STREET**  
**SAUGATUCK, MICHIGAN**

Parcel Number: 03-57-300-029-00  
Site Area: 1.0 Acres more or less  
Zoned: Water Street North, C-1

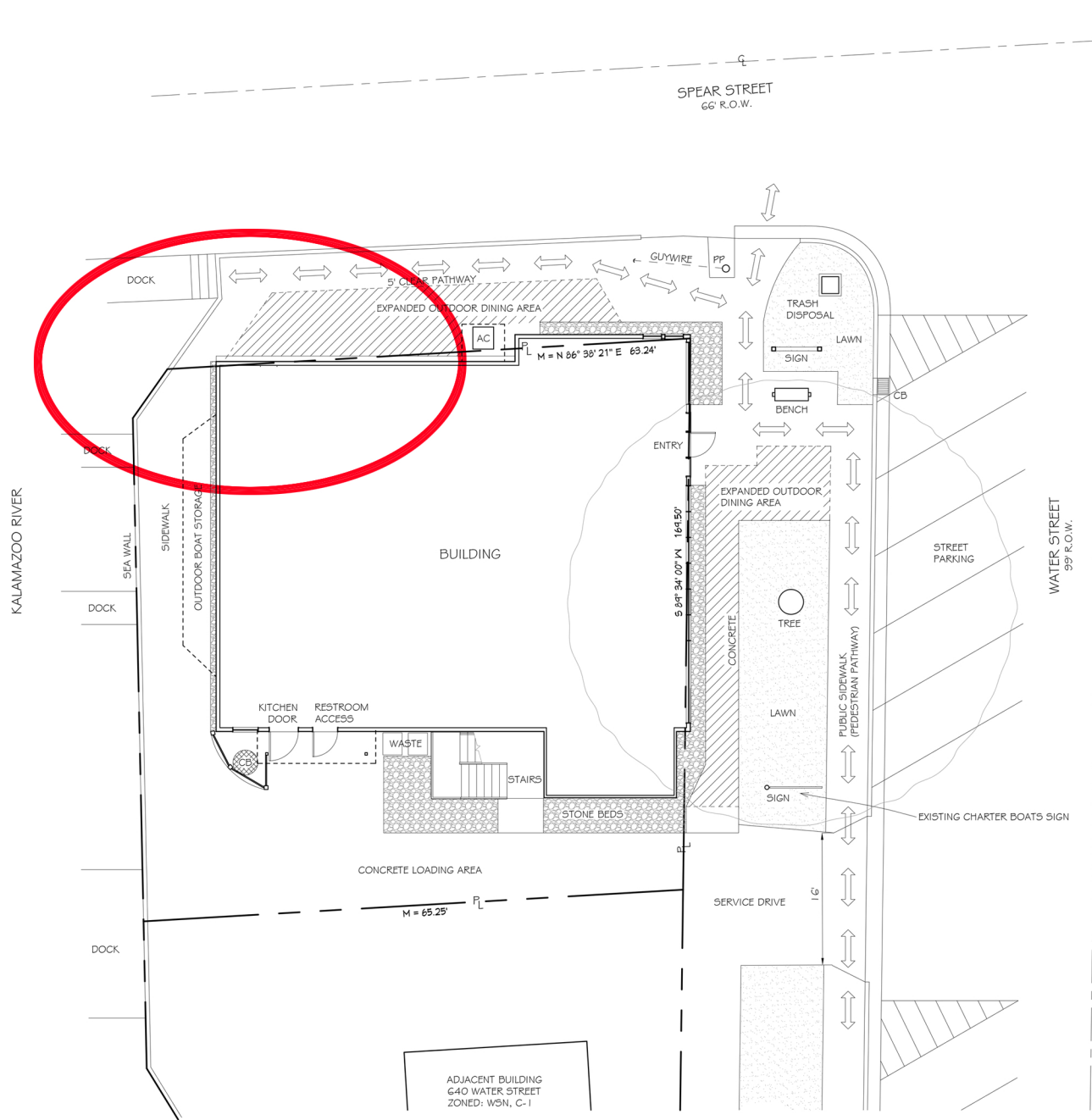
Legal Description  
Land in the City of Saugatuck, Allegan County, MI,  
described as follows: LOT 29 of KALLAMAZOO PLAT,  
according to the plat thereof recorded IN Liber 1111  
of Plats, Page 551 of Allegan County Records.

Information taken from public records and survey by:  
Exel Engineering  
5252 Clyde Park, S.W.  
Grand Rapids, MI  
Dated - 09/28/2021

THE PURPOSE OF THIS DRAWING IS ONLY  
TO DEPICT GRAPHICALLY THE GENERAL  
NATURE OF THE WORK.

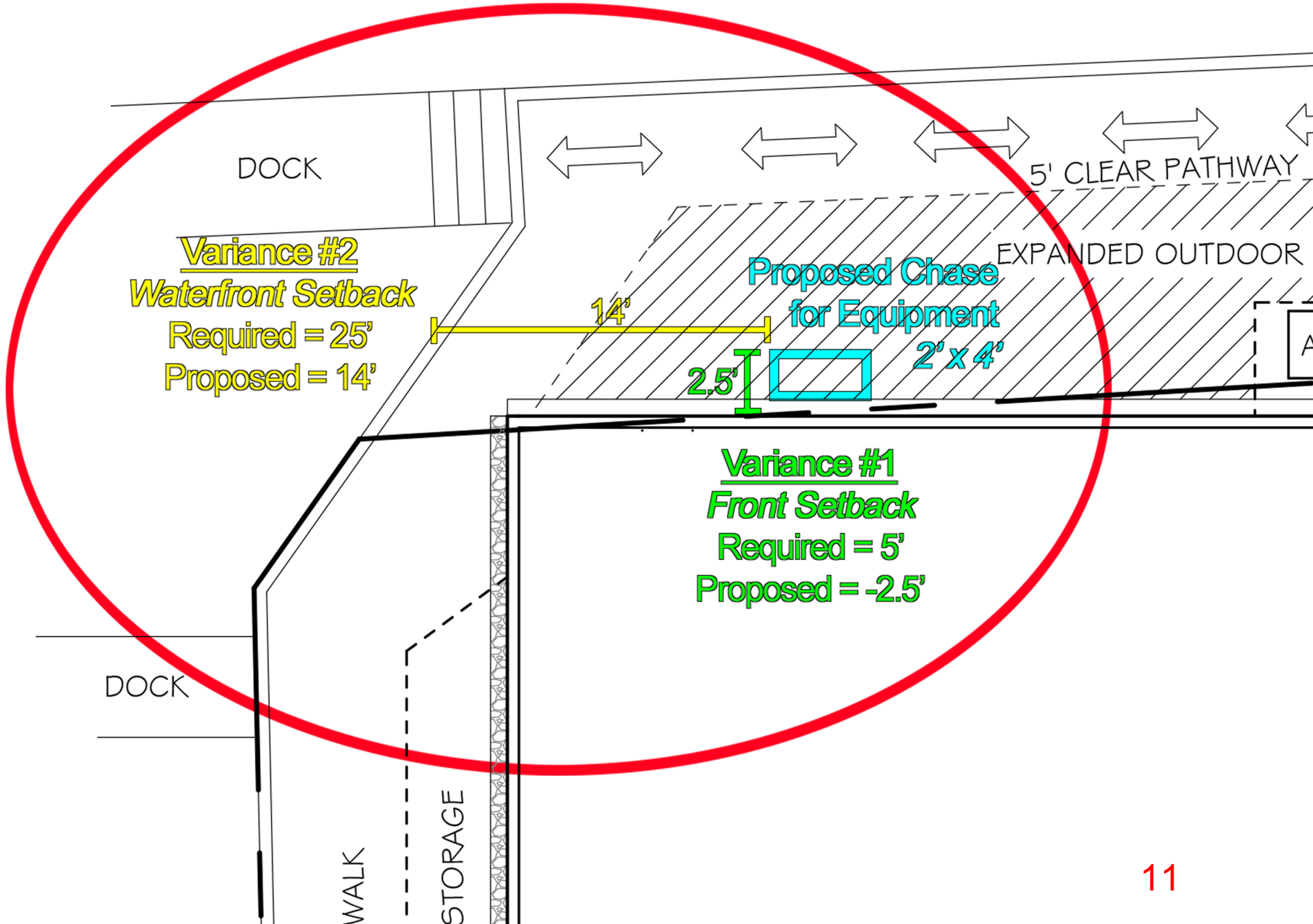
MARK	DATE	DESCRIPTION

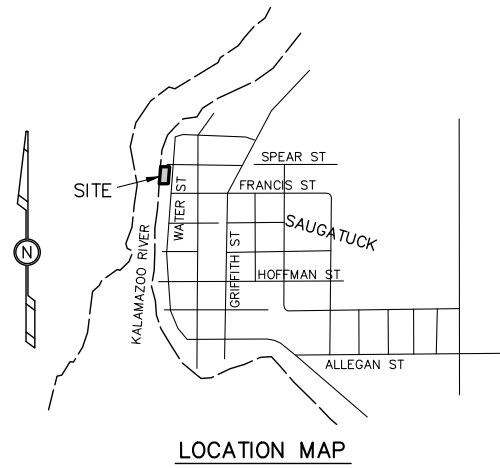
DRAWN: BFS
CHECKED: BFS
DATE: 12/13/2023
PROJECT #23022
COPY RIGHT 2023 NOT PUBLISHED ALL RIGHTS RESERVED



**SITE PLAN**  
SCALE: 1" = 10'







**Property Description** (from Commitment No.: 939529):  
 Land in the City of Saugatuck, Allegan County, MI, described as follows:  
 Lot(s) 29, 30 and the North one-half of Lot 31 of KALAMAZOO PLAT,  
 according to the plat thereof recorded in Liber 111 of Plats, Page 551 of  
 Allegan County Records.

(for informational purposes only)  
 Tax Item No. 03-57-300-029-00, as to Lot 29  
 Property Address: 650 Water Street, Saugatuck, MI 49453

Tax Item No. 03-57-300-030-00, as to Lot 30 and North 1/2 of Lot 31  
 Property Address: 640 Water Street, Saugatuck, MI 49453

**Notes:**

- Description of record and recorded easement information shown hereon is based on First American Title Insurance Company, Commitment No. 939529, with a commitment date of July 21, 2021. There were no recorded easements listed in this commitment.
- The bearings shown hereon are assumed, based on the West line of Water Street as S00°45'15"W
- This property contains 0.23 acres, more or less.
- The dimensions of the structures shown hereon are based on exterior building measurements at ground level.
- Utility structures visible on the ground surface have been located and shown per actual measurements. Lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted.
- The boundary along the Kalamazoo River is subject to change due to natural causes and may or may not represent the actual location of the limit of title.
- This property lies within Special Flood Hazard Area Zone A2 (areas of 100-year flood; base flood elevations and flood hazard factors determined), as identified on Flood Insurance Rate Map Community Panel No. 260305 0001 C, dated February 1, 1980, published by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.
- The centerline for the Kalamazoo River as shown hereon are based on photographic images of the Kalamazoo River.
- The riparian lines as shown hereon are drawn perpendicular to the centerline of the Kalamazoo River to the point of intersection of the property line and shoreline.
- In our professional opinion, the equitable proportionment of the riparian rights to the sub-aqueous lands adjoining the parcels would be depicted as shown hereon. However, in a court of law, the final determination of the riparian line may differ.

**Elevation Notes:**

- Elevations shown hereon are based on the National Geodetic Vertical Datum of 1929 (NGVD 29) per GPS observation using MDDOT CORS.
- Flood Insurance Rate Map Community Panel No. 260305 0001 C shows the Special Flood Hazard Area Zone A2 at an elevation of 584. This elevation is referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29).

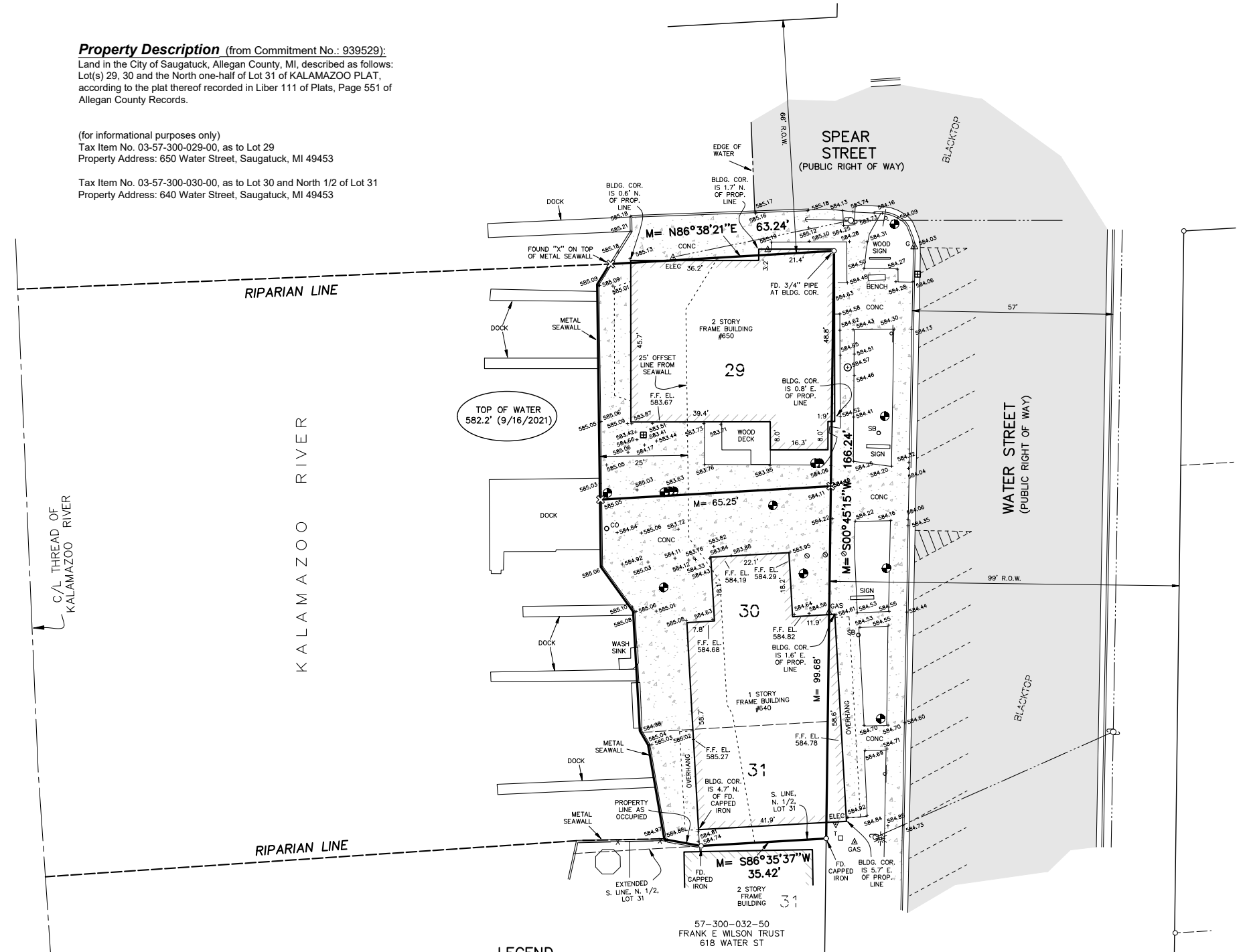
**SURVEYOR'S CERTIFICATE**  
 WE HEREBY CERTIFY to:

3520 36th Street Property, LLC  
 First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 4, 7a, 8 and 13 of Table A thereof. The field work was completed on September 16, 2021.

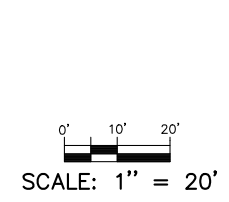
Date of Map: September 28, 2021

**PRELIMINARY**  
 Kenneth J. Vrielzen R.S. 4001051491



**LEGEND**

- = IRON STAKE FOUND
- = IRON STAKE SET
- ✕ = FOUND "X"
- ⊙ = MONITORING WELL
- ⊕ = UTILITY POLE & GUY WIRE
- ☼ = LIGHT POLE
- = SIGN
- ⊙ = BOLLARD
- ⊙ = STOP BOX
- ⊕ = CATCH BASIN
- = MANHOLE
- ∞ = CLEAN OUT
- ☎ = TELEPHONE BOX
- ⚡ = BURIED GAS LINE MARKER
- - - = FENCE LINE
- = OVERHEAD WIRES
- M = MEASURED DIMENSION



**PRELIMINARY**  
**ALTA/NSPS LAND TITLE SURVEY**  
**RE: 640 & 650 WATER STREET, SAUGATUCK, MI**  
**FOR: 3520 36th STREET PROPERTY, LLC**  
**ATTN: DJ VANDERSLIK**  
**4720 52nd STREET SE**  
**GRAND RAPIDS, MI 49512**  
 PART OF THE NW 1/4, SECTION 9, T3N, R16W, CITY OF SAUGATUCK, ALLEGAN COUNTY, MICHIGAN

**exel engineering, inc.**  
 planners • engineers • surveyors  
 5252 Clyde Park, S.W. • Grand Rapids, MI 49509  
 Phone: (616) 531-3660 www.excelengineering.com

DATE	REVISION	BY
09/28/2021	1	BAB

DRAWN BY: BAB  
 APPROVED BY: KJV  
 FILE NO.: S211791  
 PROJ. ENG.: KJV  
 PROJ. SURV.: KJV  
 DATE: 09/28/2021

**SHEET 1 of 1**

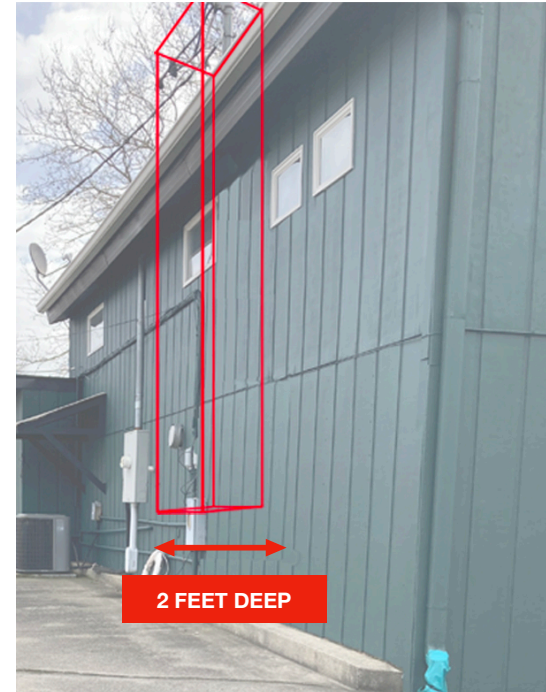
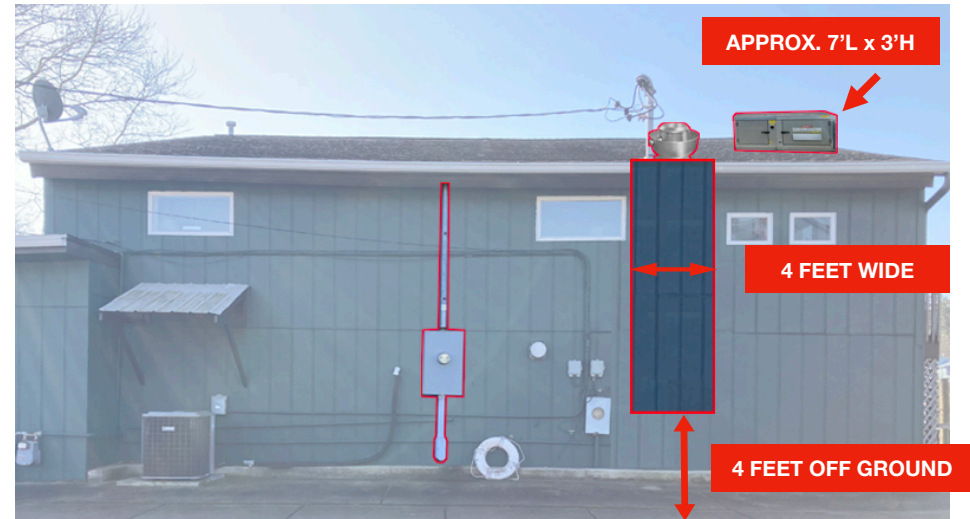


**650 Water Street**

## CURRENT PHOTO



## PROPOSED HOOD 'CHIMNEY'





**City of Saugatuck**

102 Butler St PO Box 86  
 Saugatuck, MI 49453  
 (269) 857-2603 (269) 857-4406

PZ23081

**PLANNING & ZONING**

**Zoning**

Issued: 01/24/24

Expires: 01/23/25

Type of Construction: **Special Land Use** Edition of Code: **Section 154**

LOCATION	OWNER	APPLICANT
650 WATER ST 57-300-029-00 <b>Plat/Sub:</b>	<b>Lot:</b> AMK HOLDINGS LLC 6971 N MAPLE RD SALINE MI 48176 <b>Ph.:</b> <b>Fx.:</b>	Alec and Lindsay Payleitner PO Box 841 SAUGATUCK MI 49453 <b>Ph.:</b> (312) 480 8161 <b>Fx.:</b>

**Work Description:** Special land use and site plan for a restaurant with expanded outdoor dining area and service of alcoholic beverages.

Use and site plan per submitted application and revised plans.

**Stipulations:** On 1/18/24, the Planning Commission approved the special land use application for a restaurant, expanded outdoor dining and the serving of alcoholic beverages and the site plan request from the applicant for 650 Water Street with the following conditions:

- The applicant provide light fixture specification sheets for review and administrative approval if new exterior lighting will be installed.
- The applicant provides signage information for administrative sign permit review and approval.
- Secure all other applicable approvals from city departments, the fire department and the applicable outside agencies.
- Secure Historic District commission approval. as applicable.
- Provide all expanded outdoor dining area checklist items in accordance with section 154.092 (O)(2)b (license agreement, fees, certificate of insurance, MLCC license, food service license, lighting attestation, and tax payment attestation)
- Administrative approval and potentially historic commission approval, the construction of a barrier on the north side of the outdoor dining adjacent to the boat ramp.

All requirements and conditions must be met before a certificate of occupancy is issued.

Permit Item	Work Type	Fee Basis	Item Total
not begin a later stage of work until the previous stage has been approved.			

Ryan Cummins - Zoning Administrator

**ADDITIONAL PERMITS MAY BE REQUIRED**