



**Planning Commission Regular Meeting
May 18, 2023 7:00PM
City Hall
102 Butler Street, Saugatuck, MI**

1. Call to Order/Roll Call:

2. Approval of Agenda: (Voice Vote)

3. Approval of Minutes: (Voice Vote)

- A. Regular Meeting Minutes – April 20, 2023

4. Public Comments on Agenda Items: (Limit 3 minutes)

5. Old Business:

- A. 245 Spear St - Special Land Use Request for a Rented Accessory Dwelling Unit and Site Plan Review
- B. Short-Term Rental Task Force – Verbal Update

6. New Business:

- A. 703 Pleasant St. – Public Hearing for a Special Land Use Request for a Rented Accessory Dwelling Unit and Site Plan Review
- B. Proposed Zoning Ordinance Amendment Public Hearing - Temporary Waterfront Commercial Development and Construction Moratorium
- C. Waterfront Development Zoning Ordinance Review - Update

7. Communication:

8. Reports of Officers and Committees:

- a. Zoning Administrator Activity Report

102 Butler St. ★ PO Box 86 ★ (269) 857-2603 ★ www.SaugatuckCity.com

<p>NOTICE: Join online by visiting: https://us02web.zoom.us/j/2698572603</p> <p>Join by phone by dialing: (312) 626-6799 -or- (646) 518-9805</p> <p>Then enter "Meeting ID": 2698572603</p> <p>Please send questions or comments regarding meeting agenda items prior to meeting to: rcummins@saugatuckcity.com</p>

9. **Public Comment:** (Limit 3 minutes)

10. **Commissioner Comments:**

11. **Adjourn** (Voice Vote)

***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
 - 1) Participants shall identify themselves by name and address
 - 2) Comments/Questions shall be addressed to the Chair
 - 3) Comments/Questions shall be limited to **three** 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



Planning Commission Meeting Minutes - Proposed

The Planning Commission met for a Regular Committee Meeting, April 20, 2023, at
7:00 p.m. at City Hall
102 Butler St., Saugatuck, MI 49453.

1. Call to Order/Attendance:

The meeting was called to order by Chair Manns at 7:00 p.m.

Present: Chairman Manns, Vice-Chair Broeker, Commission members: Anderson, Bagierek, Gardner, Gaunt, LaChey.

Absent: None.

Others Present: Director of Planning, Zoning, and Project Management Ryan Cummins, City Attorney Kyle O'Meara, and Deputy Clerk Sara Williams.

2. Approval of agenda:

Motion by Gaunt, second by LaChey to approve the agenda as presented for April 20, 2023. Upon voice vote, motion carried unanimously.

3. Approval of Minutes:

Motion by Anderson, second by Gardner to approve the minutes as presented for regular meeting March 16, 2023. Upon voice vote, motion carried unanimously.

4. Public Comment on Agenda Items: None.

5. Old Business:

A. Short-Term Rental Task Force – Verbal Update

Director of Planning, Zoning, and Project Management Ryan Cummins, Chair Manns, and Planning Commission member & Short-Term Rental Taskforce Chairwoman Anderson gave an update on the STR Rental Task Force process. Commission Member Anderson and Director Cummins met with the McKenna Team to talk about the overall framework for how they see the taskforce working and then they discussed the agenda for the first meeting on May 4th. They think this is a sharp team, they had good questions, and were very collaborative, and very stoked to be working on this project. Director Cummins is getting McKenna data so they can start getting the lay of the land from the numbers perspective and hopefully be able to provide some of that data at the first meeting. A lot of the focus of the meeting will be getting people

grounded in how the meeting works and sort of what to expect over the coming months. Commission Member Anderson thinks they are well-positioned.

Planning, Zoning, And Project Management Cummins said that the McKenna team is excited to get started and work with the City of Saugatuck. She said that the first meeting will be a lot of housekeeping but also discussing what the plan will be and what the timeline looks like for the next several months. They will start looking at initially what needs to be gathered data wise to be able to make some informed decisions.

Commission Member Anderson explained that everyone on the Task Force has been appointed by City Council. She has reached out to them individually to encourage them to reach out if they have questions beforehand. People are excited and engaged and as they need to draw on resources throughout the state, they will be eager to dive in.

Commission Chair Manns said that there were people that questioned the candidate's eligibility regarding whether they were citizens or not or had questions on some of the individuals. He and Mayor Dean spoke to several of them to explain the characteristics of the team that they were building and what strengths everyone brought and how they would give you the representation of what they could bring into the group from the community. They felt very comfortable. They also reached out to a few of them that were named in the meetings as examples of those that are not, whether it was a realtor or resident, to make certain that they were comfortable. They were very pleased that the members are still excited and realize that they will be watched a little more closely. The ones that were very strong candidates have reached out and he would like Commission Member Anderson to reach out to them directly as we are putting things together to try to make certain that they are participating. The goal is to have more than just the nine-member task force participating so that it's a strong group and everybody is in place, but they also have citywide support for the task at hand and then the players that they have in place.

Commission Member Anderson said that the thing that they are really trying to stress is that the task force is only nine people. If people feel like a group is underrepresented or if their point of view is underrepresented, they are really encouraging them to reach out to the task force. If they feel that they need to carve out some time in their meetings to make sure that their voice is heard, that is what they will do. This is all about listening so we can learn and understand, then move this forward. That is a topic she will be stressing.

Commission Member Gardner thanked Chairman Manns and said that he doesn't know what the future holds but it's a very exciting process to go through. He said that he had two candidates that didn't get selected for the task force that were disappointed in the decision. He really appreciated Chair Manns being open to calling these individuals and talking them through the process. He asks them if they felt as if they were treated fairly and the answer to the question has been yes. He appreciates the effort by Chair Manns and Mayor Dean to make sure that people feel as though they were treated fairly and were listened to. He also said that he spoke to a local realtor and was told that he heard there were discussions taking place that South Haven was the model that the task force would be looking at. He only requests that the group not address the solution before they talk about the problems.

Director Cummins responded that there has been no discussion regarding the South Haven model. The only time that he has talked to South Haven about short-term rentals was recently when they asked for some of our data because they are doing an evaluation themselves. He wants to make sure that the Planning Commission is aware that the task force will operate similarly to all Committees, Boards, and Commissions and the City Clerk will send out a packet to the Commission members and the public as well as being posted on the City website.

6. New Business:

A. 245 Spear St – Public Hearing for a Special Land Use Request for a Rented Accessory Dwelling Unit and Site Plan Review:

Commission Member Gardner stated that this is an application for his homestead property and noted that they do live there. The home has been in his family for over 60 years. He will be recusing himself from the discussion. He will be joining his wife Jennifer in the audience, and she will be answering any questions during the presentation. He appreciates the Commissions consideration of their application.

Director Cummins gave the Commissioners a brief update on the bylaws and how the situation is handled in the case of a direct financial interest by a Commissioner being the homeowner and the applicant. In this case the bylaws states that no member of the Commission shall participate in the hearing or decision of the Commission on any zoning matter other than the preparation and enactment of an overall or comprehensive plan or zoning ordinance, which is not the case here. So, in this case, he has direct financial interest, and wouldn't necessarily be able to answer questions during the public hearing. If there is something before the public hearing is open that he wishes to present, he would have the opportunity. Director Cummins wanted to make it clear that Commission Member Gardner would not be able to answer any direct questions during the public hearing itself.

Public Hearing Information

A. Hearing is called to order by Chair Manns at 7:15 PM.

B. Summary by the Zoning Administrator:

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) at 245 Spear Street (Community Residential R-1) in accordance with Section 154.026 (C)(3) of the Zoning Ordinance. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the rental of ADU's.

The HDC approved a garage renovation and conversion of the 768-square-foot building on September 3, 2020. The building was also approved as an ADU administratively. While initially intended for family occupancy, the owner now wishes to manage the rental of the ADU. If a short-term rental, the ADU rental must also be permitted administratively in accordance with Section 154.022 V.

Special land use requirements for a rented accessory dwelling unit require that in a rented accessory dwelling unit conform to all sections of provisions of an accessory dwelling unit in your ordinance. There are several other requirements related to general site plan review a general special land use conditions that must be met as well. An analysis and comments related to those requirements have been provided in your packet for your review.

One item of note that was flagged as a concern is related to the size. The accessory structure itself as indicated is 768 square foot. The applicant's application indicates he wishes to have a two-bedroom accessory dwelling unit. The ordinance has a maximum size requirement of 600 square foot or 30% of the floor area of the home. It would be the lesser of those two. It wasn't clear in the application materials the size of the home to determine whether or not it is essentially over 1800 square foot then 600 is going to be the maximum or we'll have to take 30% of that square footage to determine what is the maximum size of the accessory dwelling unit.

A few potential options that the Planning Commission could discuss, or the applicant could discuss as far as showing compliance with that square footage requirement could involve certainly going to the Zoning Board of Appeals to file for a variance to have a higher amount of square footage in the accessory dwelling. That would be an option that they would have. They could request a Zoning Ordinance text amendment to change the size requirements. Perhaps the Planning Commission would be willing to allow the applicant to demonstrate in some way that they've kind of closed off a section of the accessory structure so that the portion used for accessory dwelling unit purposes is at 600 square feet or a lesser amount if it needs to be a lesser amount. Those are all options for the Planning Commission to discuss this evening.

C. Presentation by the Applicant:

Applicant Jennifer Rees (Russ Gardner's wife) presented the application to the Commission. She said the intention was to build the ADU for her father who is 80 years old, whom they requested to move from Chicago to live with them in Saugatuck. It is also the end goal to get her father into the ADU. This is an interim step for them. They created this vision and built it during Covid. For those that bought anything during Covid can understand that the budget and the cost quickly went above what they budgeted for. They are seeing this as a short-term step. This is not a get rich quick scheme. They have no interest in doing long-term rental at all. It is frankly a way to stay on the right side of the budget and continue to be in this home and part of this community. They do not know the exact square footage of the home so they can't do the math on the 30%. They aren't totally sure that they would rent it as a two-bedroom. There is flexibility around the original studio area that you noted.

D. Public comment regarding the application:

1. Participants shall identify themselves by name and address.

2. Comments/Questions shall be addressed to the Chair.
3. Comments/Questions shall be limited to three minutes.
 1. Supporting Comments (audience & letters):
 - Russ Gardner, City of Saugatuck resident.
 - John Suarino, City of Saugatuck resident.
 2. Opposing Comments (audience & letters): None.
 3. General Comments (audience & letters): None.
 4. Repeat Comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by the Chair at 7:40.

F. Commission deliberation:

The Planning Commissioners deliberated on the requirements. Director Cummins explained the notes from the previous Zoning Administrator related to the size requirement when the Historic District review occurred. The consensus of the Planning Commissioners with further information was needed to make a decision.

G. Commission action: Chair Manns closed the Public Hearing at 7:40 PM.

Motion by Bagierek, second by Gaunt to postpone the awaiting the updated further clarification of the existing home square footage, the ADU square footage with the delineation, and with the driveway included showing the parking places until the next Planning Commission Meeting on May 18, 2023.

A roll call vote was taken:

Yes: Commission Chair Manns, Commissioners Anderson, Bagierek, Broeker, Gaunt.

No: Commissioner LaChey.

Excluded from vote: Commissioner Gardner.

Motion carried 5-1.

B. Zoning Ordinance Amendment – Temporary Waterfront Commercial Development and Construction Moratorium:

On March 16, the Planning Commission reviewed a proposed police power ordinance to enact a temporary moratorium on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. The Planning Commission voted 5-1 to recommend to City Council that they adopt a police power ordinance establishing a temporary waterfront commercial development and construction moratorium.

On March 27, the City Council adopted a police power ordinance (Ordinance No. 230322-B) that established a temporary waterfront commercial development and construction moratorium. This was published on April 6. Now that the City Council has adopted a police

powers ordinance and based on recent court decisions, staff and legal counsel are recommending that the Planning Commission also review and consider a corresponding zoning ordinance amendment and make a recommendation of whether to adopt that amendment to the City Council.

Motion by Gardner, second by Broeker to set a public hearing on May 18th, 2023, with the Planning Commission at 7pm for a zoning ordinance amendment for a temporary waterfront commercial development and construction moratorium.

A roll call vote was taken:

Yes: Commission Chair Manns, Commissioners Anderson, Bagierek, Broeker, Gardner, Gaunt, LaChey

No: None.

Motion carried unanimously.

C. Plan and Timeline for Waterfront Development Zoning Ordinance Review:

David Jirousek from Horizon Community Planning presented via Zoom. Waterfront development concerns in the City of Saugatuck (“City”) led to a recent development moratorium on site development and construction in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort zoning districts (Exhibit #1 “Area of Study”). The moratorium will expire on September 30, 2023, or an earlier date if this project is finished earlier than anticipated (extensions are also possible). During this time, the City’s objective is to assess land use regulations applicable to the Area of Study and update the Zoning Ordinance to ensure adequate riverfront protection related to development and redevelopment, open space, public access, environmental issues, parking, and traffic.

Within the next five and half months, a comprehensive assessment is recommended before developing new regulations. It is essential to study the area and current regulations, assess best practices, solicit community input, and then finally, develop zoning language. The Area of Study boundaries could be the basis for a new waterfront zoning district or an overlay district if City officials feel the subareas within the Area of Study are unique enough to retain their individual zoning designations.

The Planning Commissioners discussed the plan and timeline and felt it was appropriate. For the next meeting, Mr. Jirousek would like to have further discussion about community engagement ideas.

7. Communications: None.

8. Reports of Officers and Committees:

A. Zoning Administrator Activity Report: Director of Planning, Zoning, and Project Management Cummins gave brief update on his report.

B. ZBA Training – May 18 (3:30 PM – 6:30 PM)

9. Public Comments:

- Mark Klungle, Resident, thanked everyone getting the waterfront moratorium going. He asks that the Commission please consider parking as it has been ignored over the years. He also requests that the Commission look at things more closely as it appears they are just rubber-stamping things instead of really digging into them.

10. Commission Comments:

- Commissioner Gardner: He appreciates being an applicant in the audience as opposed to sitting at the table. It was a learning experience for him. He thanked the Commission for their expertise, discussion, and the questions. He is very humbled to be a part of this group.
- Commissioner Anderson: She wanted to make a brief comment related to the discussions about the proposed Moratorium on short-term rental licenses, and the use of the word “nefarious”, which means according to Oxford, wicked, criminal, or evil. She stated that at the March 22 City Council Workshop, Planning Commissioner and Councilmember Gardner insinuated that there was something “nefarious” about how the proposal was brought before the Planning Commission. In other words, he implied that the Mayor, Planning Commission Chair, City Manager, and the Planning and Zoning Director might have engaged in criminal or evil behavior. She said that Commissioner Gardner told her that he chose the word “nefarious” purposefully. She went on to say that there are so many things that are wrong with lobbying false and inflammatory remarks like that over the fence, and she won’t name them all. She wanted to go on record to say that behavior like this is toxic to City Council, the Planning Commission, and importantly, to City staff, especially in this moment of public life, toxic words, and behaviors fuel false narratives and erode the collaborative spirit we need for wise and fair government, and undermines our talented, hardworking, and dedicated staff. She says that we are all stewards to the City of Saugatuck, and she thinks we need to be better and do better.
- Commissioner Gaunt: She said that she was at the meeting that Commissioner Anderson referenced, sitting in the audience. She has always considered Commissioner Gardner’s representation, whether on the Commission or Council, to be straightforward and to be sincere. She stated that when Commissioner Gardner used the word “nefarious”, he lost her there. She said that she is very sorry to say that, especially in this day and age.
- Chairman Manns: He thinks that it was a productive meeting where they all learn a lot. He looks forward to the proposal coming back in front of them on May 18, for Spear Street and the public hearing for the waterfront development. He requested that the Commissioners think about survey questions or any input that they can give to David at the next meeting.

11. Adjournment:

Motion by Gaunt, second by LaChey, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned at 8:46 PM.

Respectfully Submitted,

Sara Williams, City Deputy Clerk & DPW Administrative Assistant



MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	April 12, 2023	Meeting Date:	April 20, 2023
Request:	Special Land Use	Applicant:	R. Gardner & J. Rees
Address:	245 Spear Street	Project Name:	ADU Rental Proposal
Parcel:	03-57-300-021-50	Plan Date:	August 20, 2020
Lot Size:	7,392 s.f.	Zoning District:	CR R-1 & HD
Complete:	Yes	Recommendation:	Approval
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

Overview

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) at 245 Spear Street (Community Residential R-1) in accordance with Section 154.026 (C)(3) of the Zoning Ordinance. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the rental of ADUs.

Background

The HDC approved a garage renovation and conversion of the 768-square-foot building on September 3, 2020. The building was also approved as an ADU administratively. While initially intended for family occupancy, the owner now wishes to manage the rental of the ADU. If a short-term rental, the ADU rental must also be permitted administratively in accordance with Section 154.022 V.

Review Process and Standards

The application requires review in accordance with the following sections of the City of Saugatuck Zoning Ordinance:

- Compliance with Section 154.092 J- Rental of an Accessory Dwelling Unit

- Compliance with Section 154.022 W- Accessory Dwelling Unit
- Site Plan approval in accordance with Section 151.060
- Special Land Use approval in accordance with Section 154.080

Rental of an Accessory Dwelling Unit

In accordance with Section 154.092 J, a rental accessory dwelling unit shall conform to all regulations in Section 154.022(W) and the following requirements.

Comment: As proposed, the ADU is shown at 768 feet, which does not comply with Section 154.022(W)(3). See commentary on page 3.

1. *A rented accessory dwelling unit shall only be permitted on a parcel that contains an owner occupied detached single-family dwelling unit;*

Comment: The owners intend to remain occupants of the principal detached single-family dwelling, an ongoing requirement.

2. *An accessory dwelling unit to be rented is subject to inspection by a city official before occupancy and must meet all applicable health, fire, and safety codes; and*

Comment: The ADU was inspected as part of the original building permit. However, additional inspections may be necessary if determined by the Zoning Administrator and Building Official.

3. *Signage shall be per the regulations for short-term rentals.*

Comment: A sign was not proposed. Any future sign must receive administrative approval.

Accessory Dwelling Unit

In accordance with Section 154.022 W, an accessory dwelling unit shall meet the following criteria:

1. *Occupancy shall be limited to invited guests;*

Comment: Until it is approved for renters, the ADU is limited to guests or family members of the owner-occupants.

2. *Rental of an accessory dwelling, separate from a detached single-family dwelling, shall be prohibited without receiving special land use approval from the Planning Commission as authorized in § 154.092(J);*

Comment: The applicant is currently seeking approval to rent the ADU.

3. *An accessory dwelling unit shall have a minimum of 375 square feet of gross floor area and shall not exceed the lesser of 30% of the gross floor area contained within the detached single-family dwelling unit or 600 square feet of gross floor area; except, in the CRC zone district when the parcel on which the accessory dwelling unit is located is two or more acres in area, the floor area of an accessory dwelling unit shall not exceed the lesser of 30% of the gross floor area of the principal residence or 1,500 square feet. For purposes of this section, the floor area of an accessory dwelling unit is the total finished floor area intended for living, sleeping, bathing, eating and cooking.*

Comment: The existing building is 768 square feet in size. The size of the principal building is unknown, so it is unknown if the required maximum size of the ADU is the lesser of 30% of the gross floor area of the principal building or 600 square feet.

The plans provided with the application are those which were approved in 2020. It is assumed that the “studio/office” area was not included in the ADU gross floor area measurement, as a 768-square-foot ADU is not permissible. Square footage not dedicated to the ADU does not count against the maximum square footage requirement.

If the applicant intends to rent the studio/office area as a second bedroom within the ADU, it will not comply with this section, as 768 square feet is beyond what is allowable for the unit. To address this issue, the applicant has three options:

1. Close off or lock the studio/office so it is not accessible and rentable to future tenants, or determine another way to limit square footage to the zoning requirement.
 2. Apply for a variance to exceed the allowable square footage for ADUs.
 3. Request a Zoning Ordinance text amendment to increase the square footage for converted and/or new ADUs.
4. *An accessory dwelling, which is not located within the detached single-family residential dwelling, shall not be located between the front door of the detached single-family dwelling and the public right-of-way, unless located above an existing detached accessory structure;*

Comment: The ADU is located to the rear of the principal detached single-family dwelling.

5. *An accessory dwelling shall be subject to all applicable setback and lot coverage requirements of a detached single-family dwelling in the district if which it is located;*

6. **Comment:** The existing ADU building does not conform to setback requirements, but the lot coverage requirement appears to be satisfied. However, this project does not involve expanding a nonconforming building, just renting an existing ADU.
7. *An accessory dwelling unit shall only be permitted on a lot where the principle use is an existing detached single-family dwelling unit;*

Comment: The existing ADU is an accessory to an existing detached single-family dwelling.

8. *No more than one accessory dwelling unit is permitted on any lot;*

Comment: Only one ADU exists on the site. No other ADUs are proposed.

9. *Accessory dwellings shall not be permitted to have independent electric, gas, or water meters from the detached single-family dwelling unit;*

Comment: The ADU was previously approved by the City, and it is assumed this requirement is satisfied.

10. *An accessory dwelling unit located within a detached single-family dwelling unit shall have a separate entrance from the exterior of the structure and shall not have interior access to the detached single-family dwelling unit;*

Comment: Not applicable.

11. *A lot with an accessory dwelling unit shall provide one additional parking space on a fully improved surface of concrete, asphalt, or brick, gravel, stone, or other surface approved by the city; and*

Comment: Sufficient parking exists on the driveway, which can accommodate at least four vehicles.

12. *Accessory dwelling units may be included with the rental of a detached single-family dwelling on the same property if it is done so under a single contract.*

Comment: Not applicable.

Site Plan Standards of Approval

The following standards for site plan review and approval apply to the project per Section 154.063. Findings related to each standard are provided for consideration by the Planning Commission.

- A. *All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of the buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.*

Comment: The ADU already exists, and the site is developed. The overall existing design is harmonious and compatible with nearby properties and land uses.

- B. *The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter.*

Comment: The existing building footprints are reasonable in relation to the lot size.

- C. *The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.*

Comment: As a single residential dwelling with an existing ADU in an established residential area, screening is not necessary or recommended.

- D. *All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.*

Comment: Site improvements were previously approved by all applicable City departments.

- E. *There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic. All federal, state, and local barrier free requirements shall be met.*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

- F. *The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the City's land use plan.*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

G. All streets shall be developed in accordance with city specifications, unless developed as a private road.

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

H. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, create puddles in paved areas or create erosion problems.

Comment: Not applicable. The ADU was a conversion of an existing garage.

I. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six feet in height. (See §§ 154.142 through 154.144).

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

K. In approving the site plan, the Planning Commission may recommend that a bond or other financial guarantee of ample sum be furnished by the developer to ensure compliance for such requirements as drives, walks, utilities, parking, landscaping and the like (see § 154.173).

Comment: A financial guarantee is not necessary. The site is already developed.

Special Land Use Standards of Approval

In accordance with Section 154.080, before any special land use permit is granted, the Planning Commission shall make findings of fact based upon competent evidence certifying compliance with the specific regulations governing individual special land uses and, in addition, ensure that

the following general standards have been met. Findings related to each standard are provided for consideration by the Planning Commission.

1. *In location, size, height and intensity of the principal and/or accessory operations, be compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property;*

Comment: As stated earlier, the existing principal dwelling and ADU are compatible with nearby properties and land uses.

2. *Be consistent with and promote the intent and purpose of this chapter;*

Comment: Aside from the ADU square footage issue noted on page 3, all other standards and zoning requirements have been met for the ADU and the rental of the ADU.

3. *Be compatible with the natural environment and conserve natural resources and energy;*

Comment: The site is already developed, and building coverage appears to comply. An ample yard and green space exist on the site.

4. *Be consistent with existing and future capabilities of public services and facilities affected by the proposed use;*

Comment: The rental of the existing ADU will have no additional impact on public services.

5. *Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the City as a whole;*

Comment: The rental of the existing ADU will have no additional impact on public health, safety, and welfare, as well as the social and economic well-being of the community.

6. *Not create any hazards arising from storage and use of inflammable fluids;*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

7. *Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development. In particular:*

- (a) *The property shall be easily accessible to fire and police; and*
- (b) *Not create or add to any hazardous traffic condition.*

Comment: The rental of the existing ADU will have a negligible impact on traffic conditions. Sufficient parking exists in the driveway.

8. *Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;*

Comment: The rental of the existing ADU will not impede the use of adjacent properties or negatively impact them.

9. *That in the nature, location, size, and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district; and*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

10. *That in the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located.*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

Recommendation

Based on the findings in this report, all standards of approval have been satisfied aside from the ADU square footage requirement. The applicant should demonstrate compliance by providing the square footage of the principal building and indicating the gross floor area dedicated to the ADU.

The applicant may wish to subtract the studio/office or other space from the rentable ADU gross floor area. In that case, the Planning Commission should decide whether the door should remain locked at all times so the area is inaccessible to renters or if the opening should be closed off by a wall for permanent separation.

As long as compliance can be demonstrated during the Planning Commission meeting or as a condition of approval, we recommend approval of the special land use application. As stated earlier, the applicant may also wish to seek a variance or text amendment. In those cases, consideration can be postponed, or the application can be withdrawn and resubmitted.

Exhibit: Google Street View Image Prior to Renovation





Special Land Use Application

LOCATION INFORMATION	APPLICATION NUMBER _____ - _____
Address <u>245 Spear St.</u>	Parcel Number <u>57-300-021-50</u>

APPLICANTS INFORMATION	
Name <u>Russ Gardner & Jennifer Rees</u>	Address / PO Box <u>245 Spear St/PO Box 1077</u>
City <u>Saugatuck</u>	State <u>MI</u> Zip <u>49453</u> Phone <u>616-218-6545</u>
Interest In Project <u>Short Term Rental</u>	E-Mail <u>russ_gardner@hotmail.com</u>
Signature <u><i>Russell Gardner</i></u>	Date <u>3/12/23</u>

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)	
Name <u>N/A</u>	Address / PO Box _____
City _____	State _____ Zip _____ Phone _____
E-Mail _____	

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.

Signature _____ Date _____

CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)	
Name <u>N/A</u>	Contact Name _____
Address / PO Box _____	City _____
State _____ Zip _____	Phone _____ Fax _____
E-Mail _____	
License Number _____	Expiration Date _____

PROPERTY INFORMATION	
Depth <u>132'</u> Width <u>56'</u>	Size _____ Zoning District <u>CR-1</u> Current Use <u>Residential</u>
Check all that apply:	
Waterfront _____	Historic District <input checked="" type="checkbox"/> Dunes _____ Vacant _____

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)
<u>We are requesting a special land use for our detached accessory dwelling unit (ADU). We live full-time in the single-family home on the same lot as the ADU. We will manage the rental on our own. Renters will only have access to the ADU.</u>
<u>There will be a clearly marked path for renters to enter and exit the ADU. There will also be one dedicated off-street parking space for the renters.</u>
<u>This will allow us to come and go freely from the house without causing issues to our neighbors or the renters.</u>
<u>The ADU has 2 bedrooms and rentals which will generally limited occupancy to single families or couples that would comfortably fit in this environ. Our vision is to rent in a manner that not only fits the tone and spirit of the neighborhood, but to fit with our day-to-day living. It should be noted that there are 3 full time single family home rentals and 1 ADU rental on our street alone, plus several comprable on Mary and Butler Street and this ADU will be consistent to the established renting norms on Spear Street.</u>
<u>Our family have been residents of the Saugatuck area since the late '800's and have owned this home where the ADU is located on Spear St. for close to 100 years (non consecutive family ownership).</u>
<small>Being long-time residents of downtown Saugatuck, we care deeply about the property, our neighbors and the town. Our Aunt and Uncle own the property across the street from us. We are also proud that with other neighbors we have resurrected the Spear Street Block Party started in the 70s.</small>

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com



SITE PLAN REQUIREMENTS (SECTION 154.061)

A) Applications for preliminary site plan approval shall consist of the following information unless waived by the Zoning Administrator.

- | Y | N | NA | |
|--------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Property dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Significant vegetation |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water courses and water bodies, including human-made surface drainage ways |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Existing public right-of-way, pavements and/or private easements |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Existing and proposed uses, buildings, structures and parking areas |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Zoning classification of abutting properties |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The name, address and telephone number of the person and firm who prepared the site plan, and the date on which it was prepared |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A north arrow |

B) Applications for final site plan approval shall consist of the following information unless waived by the Zoning Administrator. One (1) paper copy of a final site plan (no greater than 11" x 17") and one (1) digital copy, at a scale of not less than one inch equals ten feet, shall include:

- | Y | N | NA | |
|--------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Dimensions of property of the total site area, |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Contours at 2-foot intervals |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Locations of all buildings |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Parking areas |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Driveways |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Required and proposed building setbacks |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed water supply and wastewater systems locations and sizes; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed common open spaces and recreational facilities, if applicable; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Signs, including type, locations and sizes; |



Special Land Use Application

Application # _____ - _____

- N/A* 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.
- 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.

STANDARDS FOR APPROVAL (SECTION 154.082)

Please respond to how the request will meet each of the following standards for special land use:

- (1) How will the location, size, height and intensity of the principal and/or accessory operations, compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property?

This is a remodeled pole barn that was originally built in 1978 and converted to an ADU in 2021-22. The remodeled unit is smaller in size and footprint than the main house, and is set back significantly from the main house as well. The ADU is fully compliant with the city's zoning code and standards of the historic district. The requested SLU and building exterior design is compatible with surrounding properties.

- (2) How will the proposed request consistent with, and will promote the intent and purpose of this chapter?

We live on the same lot as the ADU. While we now live in the main house full time, we have had prior experience renting the main house for seasonal and annual rentals. Our vision for renting the ADU is to rent in a manner that is consistent to the neighborhood and we will ensure the ADU is used as stated in the rental contract, further enforced by the fact that we live on the property.

- (3) How will the proposed request compatible with the natural environment and will it conserve natural resources and energy?

The ADU is not separately metered from our home. Landscaping will include native plants that do not require pesticides or fertilizers. It will be designed to attract pollinators and provide food to local birds insects. We feel strongly about using native plants that don't need unnecessary water, and are moving away from grass. We have also installed energy star appliances in the unit and LED lighting both inside and out, the HVAC appliances are very efficient as well (on demand water heating and wall installed minisplits with zoned temperature controls)

- (4) How will the proposed request consistent with existing and future capabilities of public services and facilities?

All city zoning and historic district codes were followed and met in regards to services and facilities. All inspections have been passed.

- (5) How will the proposed request protect the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the city as a whole?

Our full-time family living home is on the same lot as the ADU. It is in our interest (and our neighbors) to maintain the rental to the highest standards. Parties or loud gatherings will not be allowed. Thoughts of parking constraints have been considered as well for our, renter and neighbors comfort. The ADU is easily accessible to special services and emergency personnel. Additionally due to the set-back from the main street and future envisioned landscaping it will not be a prominent aspect to the overall scape.



Special Land Use Application

Application # _____ - _____

(6) How will the proposed request create any hazards arising from storage and use of inflammable fluids?
No flammables or hazardous materials will be allowed.

(7) How will the proposed request will be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development? In particular:

(a) Will the property be easily accessible to fire and police?

Yes

(b) Will measure be taken as to not create or add to any hazardous traffic condition?

There is ample access to the ADU from the street and the requested SLU will not create any hazardous traffic conditions.

(8) How will the proposed request be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof?

The ADU is converted from the original pole barn, the size, height and footprint is exact from the original build. There have not been, nor will there be any installed fences at this time. I.e. no installed fence to 'wall off' the ADU

There will be handscaping and landscaping, natural ways to denote the space from the main building. The pole barn as it has been a part of the neighborhood since the early 70's has been part of the neighborhood sites for over 50 years

The value to other properties is not impaired.

(9) How will the nature, location, size and site layout of proposed request be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district?

Our ADU is located 3 blocks from the central part of town and renters can easily walk to all shops and restaurants which will in a small way reduce the need

for parking in the downtown district. We will also have bikes available for people to use as well which will limit car usage to nearby points of interest. Kayaks as well will be available, easily launched from the city boat launch at the end of Spear Street.

We will also encourage renters to use the chain ferry to reach Oval Beach and to make use of the Interurban for trips to other areas of the community.

(10) How will the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located?

Being long-time residents of downtown Saugatuck, we care deeply about the property, our neighbors and the town. We are experienced vacation rental owners and understand the importance of strict rental guidelines to minimize the impact their activities will have on the property, nearby dwellings and our neighbors. By living on the property, this greatly reduces the effects

rental dwellings can have on a neighborhood: noise pollution, garbage / refuse. There are no additional lights that have been added, but is well-lighted enough for safety. Additionally, the ADU is 75% surrounded by homes that are full-time STR, that are not owner-occupied.

OFFICE USE ONLY:
 Application Complete _____ Date _____ Fee Paid _____ Date Paid _____
 Notice Sent _____ Resident Notification _____ Hearing Date _____
 Notes: _____







Historic District Permit Application

LOCATION INFORMATION APPLICATION NUMBER _____

Address 245 Spear Street Parcel Number _____

APPLICANTS INFORMATION

Name Charles Bullman Address / PO Box PO Box 3469
City Ann Arbor State MI Zip 48106 Phone 734 223 1358
Interest In Project architect E-Mail cbullman@flash.net
Signature *[Handwritten Signature]* Date 20 August 2020

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name Jennifer Rees & Russell Gardner Address / PO Box PO Box 1077
City Saugatuck State MI Zip 49453 Phone 773 842.3687

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.

Signature *[Handwritten Signature]* Date 20 August 2020

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

Name Innovations Custom Homes & Remodeling LLC Contact Name Kyle Hondorp
Address / PO Box 9354 Hanna Lake Road SE City Caledonia
State MI Zip 49316 Phone 616.204 2459 Fax _____
License Number 2102216871 Expiration Date 31 May 2023

PROPERTY INFORMATION

Depth 132' Width 56' Size 7,392 sf Zoning District CR Current Use single-family
Check all that apply: Waterfront _____ Dunes _____ Vacant _____

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

See the attached project description



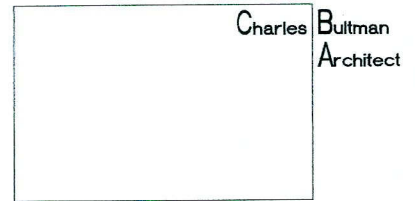
HISTORIC DISTRICT REQUIREMENTS (SECTION 152.07)

Pursuant to Section 152.07, please attach the following supporting documents when applying for historic district approval if applicable:

Y N NA

- Photographs of the structure and its relationship to adjacent structures.
- A plot plan with the placement of the proposed addition, or location of fencing to be constructed.
- Elevation drawings of the exterior of the structure or improvements.
- Samples of all proposed exterior finishes and materials. *TO BE PROVIDED @ MEETING*
- Photographs showing, in detail, the problem areas to be addressed during the proposed repair or alteration.
- A scale drawing of all proposed signage, including design, lettering style, type of illumination (if any), placement or location on the lot or building, and the type of support(s) for the sign(s).
- If an application for signage is made by tenants of a building located within a historic district, the tenants must obtain written permission from the building owner to install or alter the proposed sign(s).
- Plot plan showing the following:
 - Current location, shape, area and dimension of the lot.
 - Current site improvements (including structures, sidewalks, decks, streets, fences, etc).
 - Proposed improvements and distances from other improvements or property lines.
 - Proposed and/or current yard, open space and parking space dimensions and calculations. *NO CHANGES*
 - Location of any flood plains, watersheds, wetlands, easements, critical dunes, or other applicable features.
- Description of proposed use and of the building (dwelling, structure, barn, garage and the like) or improvements.
- Detailed written description of the activities related to the proposed use and/or improvements.

OFFICE USE ONLY:
 Application Complete _____ Fee Paid _____ Date Paid _____
 Notes: _____



cbultman • flashnet

734 223 1358
P. O. box 3469 - ann arbor, mi 48106

20 August 2020

Historic District Commissioners
City of Saugatuck

Background – 245 Spear Street

The house at 245 Spears Street is historic; based on the simple fact that it is more than 50 years old. The City of Saugatuck has deemed the house to be a non-contributing (NC) part of the historic district.

Behind the house, in the southeast corner of the lot, is a pole structure that is not historic. This building may be 20 years old. And because it is a pole structure it would be all too generous to also describe it as non-contributing, but we have not come up with an appropriate term yet.

Project Description for proposed renovations to pole structure at 245 Spear Street

The pole structure is a 24-foot by 32-foot run-of-the-mill pole building. It has a shallow 4:12 roof pitch and is clad with green(ish), ribbed metal siding. It is the kind of building you could easily ignore; except for its color.

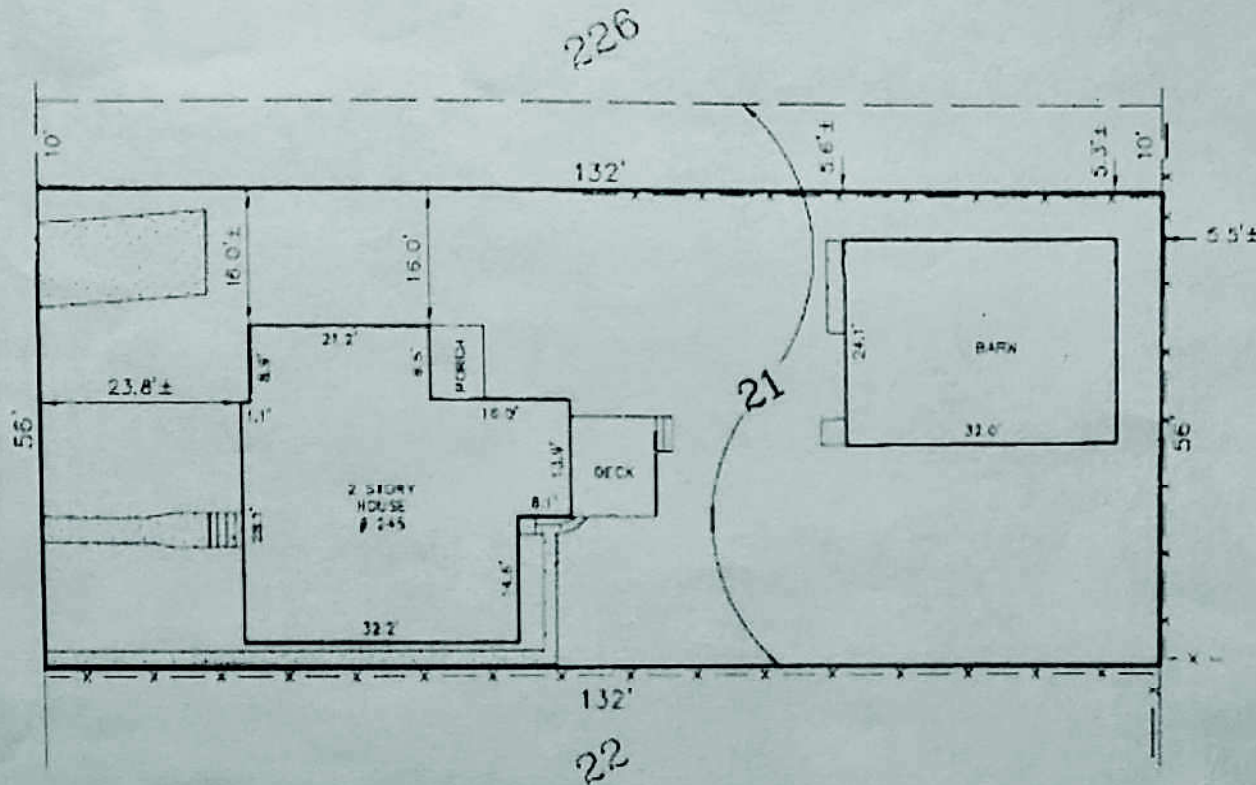
Our project is to convert this building to be habitable as a studio apartment for Ms. Rees' father. Mr. Rees is moving from Chicago to be near his daughter and his granddaughter.

Exterior materials

The pole structure will not change in size, or shape, or location. We will add new windows and doors per the attached drawings. We will clad it with new wood siding that will be dark in color. And we will add a modest overhang on the gable end to help shed the rain.

The roof will have either dark asphalt shingles or a ribbed metal roofing in a neutral gray color.

SPEAR STREET



SURVEY FOR: First Michigan Bank
 Attn: Dyan Hibrand
 115 Clover Avenue
 Holland, MI 49423

RE: Russel R. & Amy Gardner
 245 Spear Street

This parcel is situated in the City of Saugatuck, Allegan County, Michigan, and is described as follows:

The West 56 feet of Lot 21 of Kalamazoo Plat, according to the recorded plat thereof as recorded in Liber 111 of Plats, Page 551, Allegan County, Michigan.

We hereby certify to First Michigan Bank that we have surveyed the property herein described; and that the buildings and improvements are located entirely thereon as shown and that there are no encroachments either way across the property lines except as shown hereon.

NATIONAL FLOOD INSURANCE PROGRAM
 I have examined the National Flood Insurance Program rate maps (Community Panel #260305 0001 C, Feb 1, 1980) and have found that the herein described parcel is not located within Zone "A" (the area of 100 year flood), but is located in Zone "C" (area of minimal flooding).



By *Randal J. Vugteveen*

Randal J. Vugteveen Licensed Professional Surveyor No. 28429

Scale 1" = 20'

- = Concrete
- D** = Description dimension
- M** = Measured dimension
- P** = Platted dimension
- S** = Set iron stake
- O** = Found iron stake
- X** = Fence Line

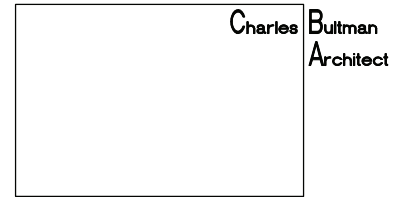


nederveld associates, inc.
 engineering • surveying

Grand Rapids Location: Ph. (616) 669-6160 Fax 669-6669
 P.O. Box 13, 3570 32nd Ave. Hudsonville, Michigan 49426
 Holland Location: Ph. (616) 393-0443 Fax 392-3540
 575 E. 16th Street Holland, Michigan 49423

File No. 9660581 Date: 8-16-96 10

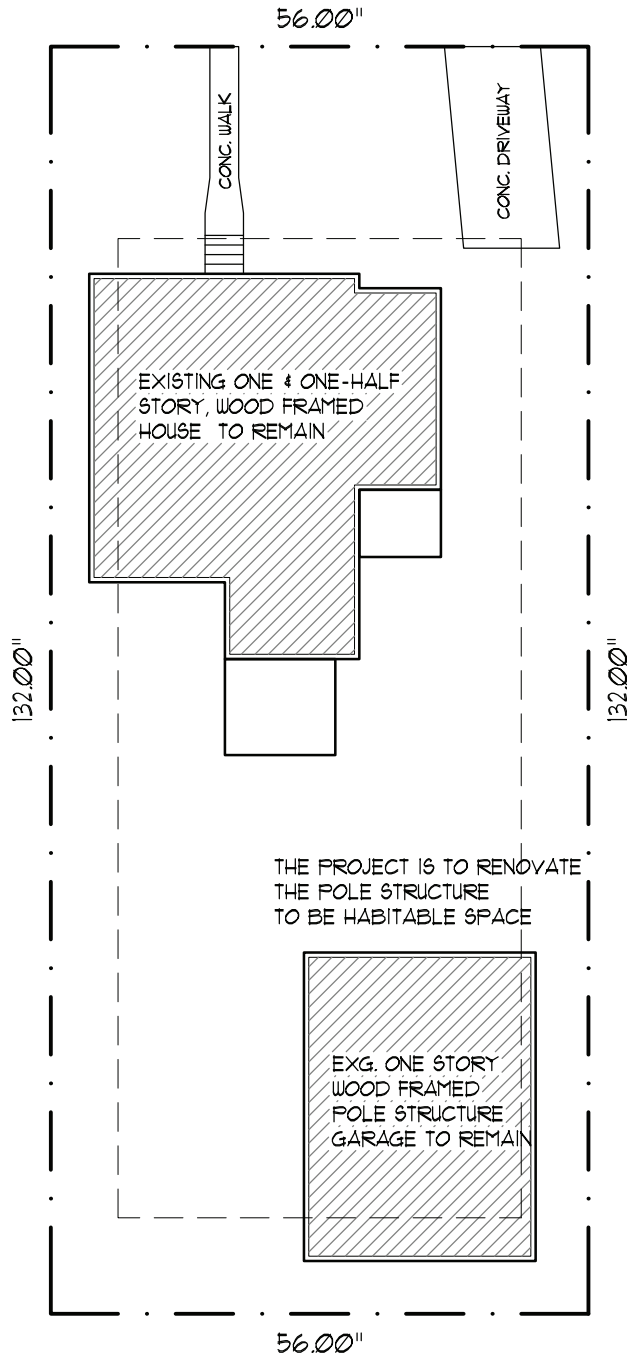
RENOVATIONS FOR: REES / GARDNER RESIDENCE



Charles Bultman
Architect

cbultman • flash.net

734 223 1358
P. O. Box 3469 • ann arbor, mi 48106



DRAWING INDEX

- 1 COVER SHEET & SITE PLAN
- 2 POLE STRUCTURE - PHOTO
- 3 FIRST FLOOR PLAN
- 4 BUILDING SECTION
- 5 TYPICAL WALL SECTION
- 6 BUILDING ELEVATIONS - NORTH and SOUTH
- 7 BUILDING ELEVATIONS - EAST and WEST

DESIGN CRITERIA

BUILDING CODE - 2015 INTERNATIONAL
RESIDENTIAL CODE & MICHIGAN
REHABILITATION SUBCODE

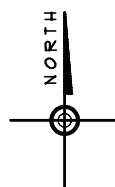
OCCUPANCY - RESIDENTIAL GROUP R-4

CONSTRUCTION TYPE - TYPE 5B

FIRE PROTECTION - NO SPRINKLER

SITE DIAGRAM

JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN



DATE 20 AUGUST 2020

SCALE 1" = 20'-0"

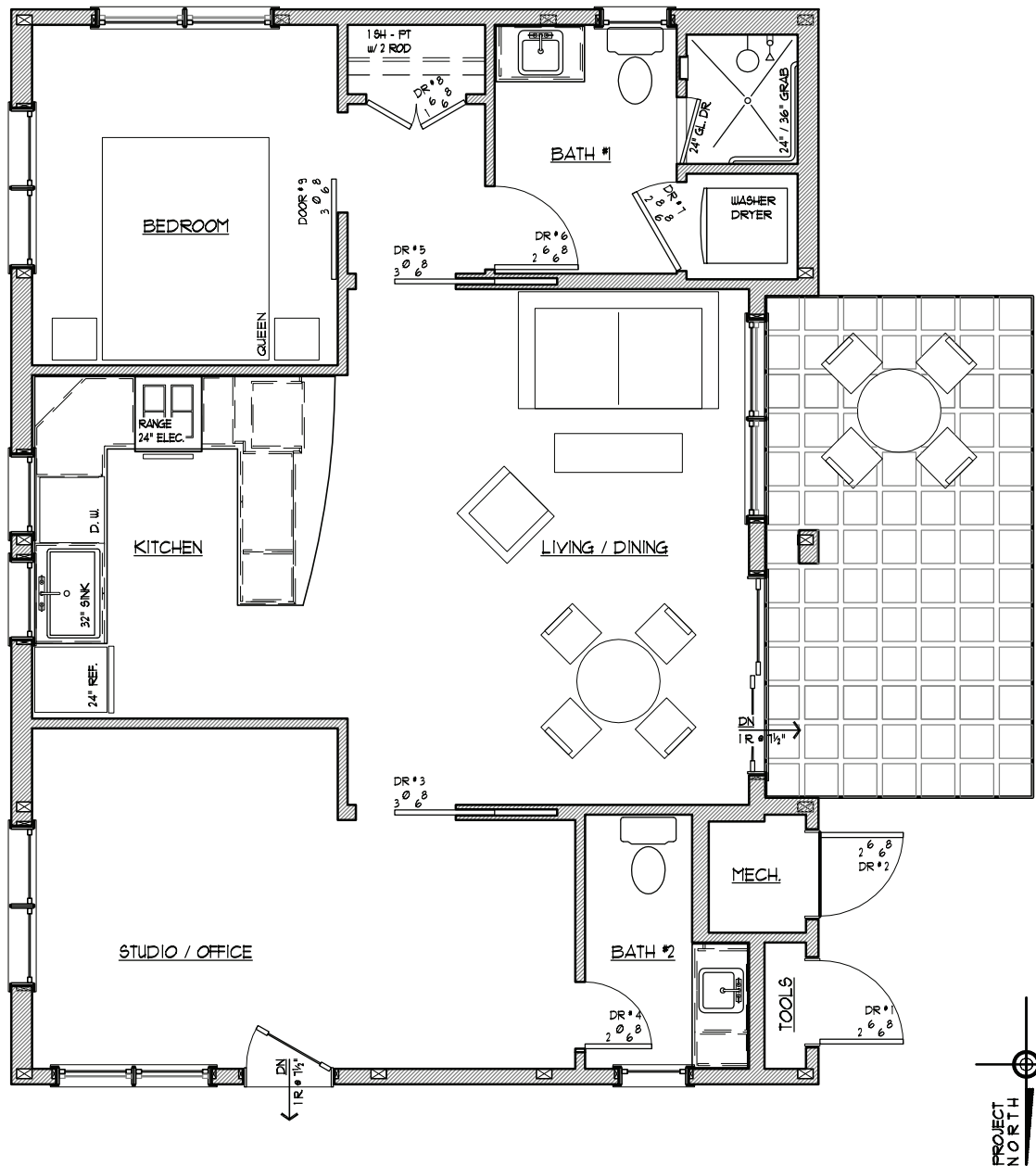


POLE STRUCTURE - PHOTO

JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN

DATE 20 AUGUST 2020

SCALE NONE

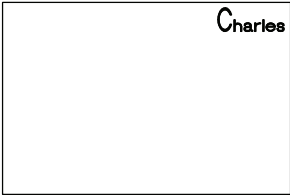


FIRST FLOOR PLAN

JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN

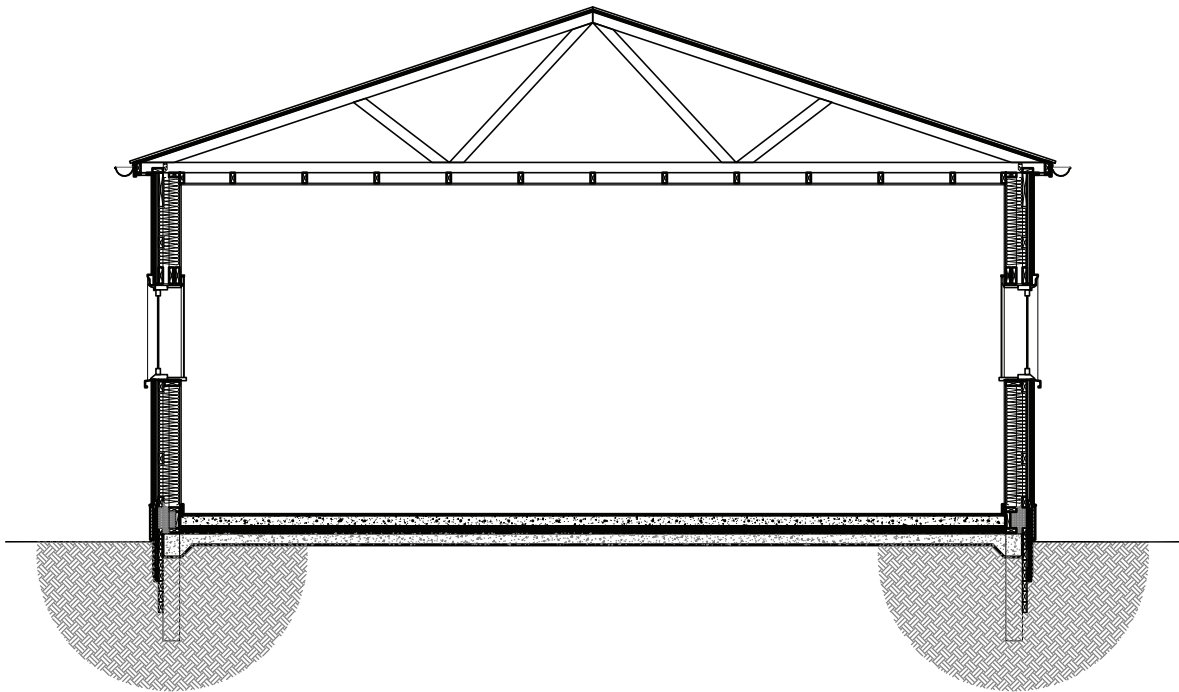
DATE 20 AUGUST 2020

SCALE 3/16" = 1'-0"



Charles Bultman
Architect

cbultman • flash.net
734 223 1358
P. O. Box 3469 • ann arbor, mi 48106



BUILDING SECTION

JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN

DATE 20 AUGUST 2020

SCALE 3/16" = 1'-0"

STANDING SEAM METAL ROOF
AS SELECTED BY OWNER ON
30# ASPHALTIC PAPER
ON 5/8" PLYWOOD

METAL DRIP EDGE

6" HALF ϕ GUTTERS w/
4" ϕ LEADERS

WOOD TRIM & SOFFIT

CONT. 2" VENT
@ EAVES - TYPICAL

PROVIDE SIMPSON H2.5A
HURRICANE TIE @ EACH TRUSS

EXISTING TRUSS @ 48" o.c.

2 x 4 CEILING FURRING
@ 24" o.c. - MAX.

5/8" GYPSUM WALL BOARD
ON FURRING

ANDERSEN 200 SERIES WINDOWS
SEE WINDOW SCHEDULE

NEW VERTICAL WOOD SIDING
RECLAIMED WOOD?

HUBER'S 1/2" THICK 'ZIP SYSTEM'
PLYWD. / INSULATION SHEATHING BDS.
TAPE ALL JOINTS w/ 'ZIP SYSTEM' TAPE.

NEW 2 x 4 BLOCKING @ PLYWOOD SEAM

1/2" P. T. PLYWOOD FOR BOTTOM
16" OF WALL - ALL WALLS

METAL FLASHING ABOVE SKIRT BOARD

1" x 1 1/4" AZEK SKIRT BOARD - PT'D

2'-8" ROUGH OPENING

2'-9 1/2"

9'-2 1/2"

6'-5" CONCRETE TO HEADER

10'-0" VERIFY

1/2" GYPSUM WALL BOARD ON 2 x 4's

R-19 FIBERGLASS w/ KRAFT FACING

2 x 4 WOOD FRAMING @ 24" o.c.
FLUSH w/ INSIDE OF EXG. POSTS

PROVIDE EXPANDING FOAM @
BOTTOM OF WALL - TYP.

4" THICK CONCRETE SLAB w/
6 x 6 - W1.4 x W1.4 WWF
ON VAPOR BARRIER ON
2" THICK RIGID INSULATION
PROVIDE SATIM / MATTE FINISH
(400 GRIT) & FINE AGGREGATE
EXPOSURE (1/16" CUT)

RADIANT HEAT TUBES
IN NEW SLAB

1" THICK RIGID INSULATION
24" WIDE TO INSULATE
EDGE OF SLAB - VERIFY
SUB-CONDITION BELOW GRADE

SHEET METAL 'SKIRT' TO
PROTECT / COVER INSULATION
COLOR - BROWN or BLACK

2" RIGID INSULATION

EXISTING CONCRETE SLAB

EXISTING WOOD 'RAT' WALL

EXISTING 4 x 6 WOOD POST

TYPICAL WALL SECTION

JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN

DATE 20 AUGUST 2020

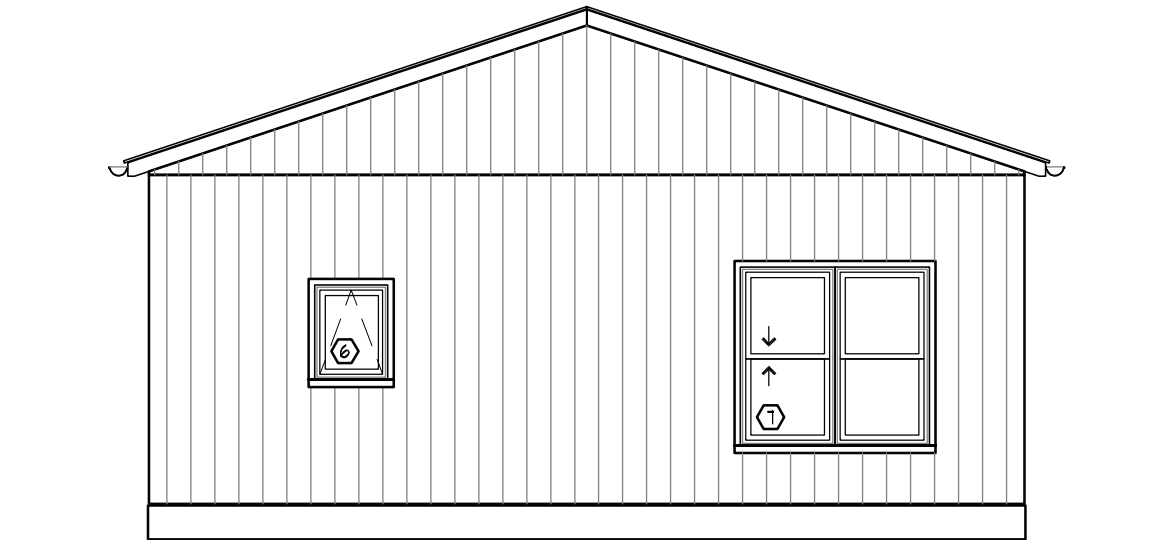
SCALE 3/4" = 1'-0"

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NORTH ELEVATION



SOUTH ELEVATION

BUILDING ELEVATIONS - NORTH and SOUTH

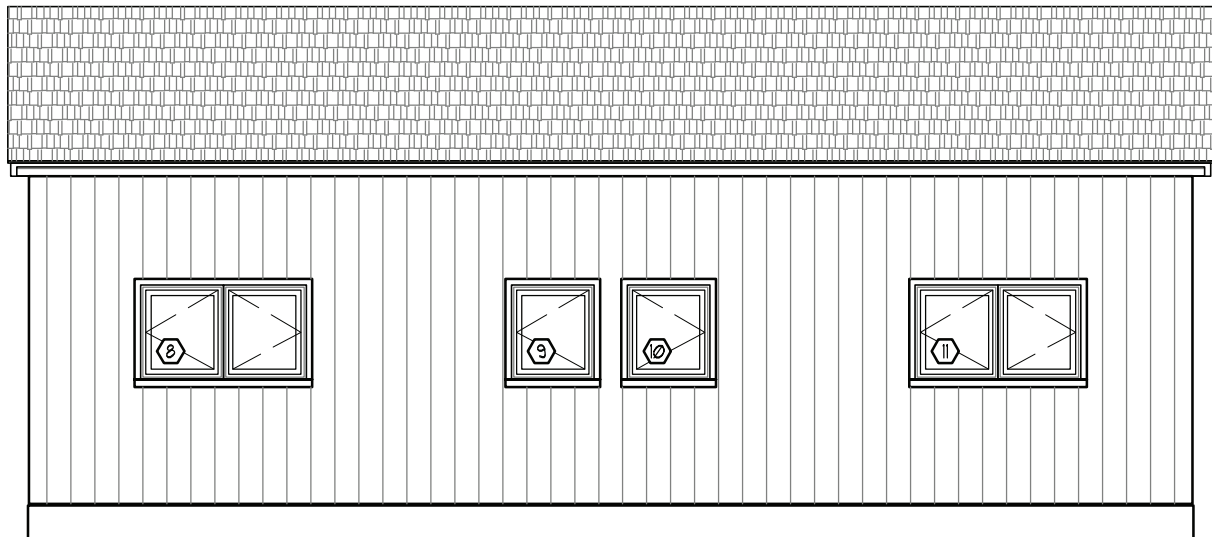
JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN

DATE 20 AUGUST 2020

SCALE 3/16" = 1'-0"



WEST ELEVATION



EAST ELEVATION

BUILDING ELEVATIONS - EAST and WEST

JENNIFER REES and RUSSELL GARDNER
245 SPEAR STREET
SAUGATUCK, MICHIGAN

DATE 20 AUGUST 2020

SCALE 3/16" = 1'-0"

245 Spear Street / Special Land Use Application

We appreciate coming before the Planning Commission again, to discuss our special land use request for a short term rental permit for our existing accessory dwelling unit (ADU) at 245 Spear Street .

Consultant Report (Reminder)

The Planning Commission Consultant, whose mission is to “provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the rental of ADUs”, in their report (dated April 20) gave a recommendation of “**Approval**” with 1 element to be considered by both the homeowners and the Planning Commission.



MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	April 12, 2023	Meeting Date:	April 20, 2023
Request:	Special Land Use	Applicant:	R. Gardner & J. Rees
Address:	245 Spear Street	Project Name:	ADU Rental Proposal
Parcel:	03-57-300-021-50	Plan Date:	August 20, 2020
Lot Size:	7,392 s.f.	Zoning District:	CR R-1 & HD
Complete:	Yes	Recommendation:	Approval
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

The 1 element of consideration is #3 from the **Accessory Dwelling Unit Section**, pasted below for reference, with homeowner’s comments below:

3. *An accessory dwelling unit shall have a minimum of 375 square feet of gross floor area and shall not exceed the lesser of 30% of the gross floor area contained within the detached single-family dwelling unit or 600 square feet of gross floor area; except, in the CRC zone district when the parcel on which the accessory dwelling unit is located is two or more acres in area, the floor area of an accessory dwelling unit shall not exceed the lesser of 30% of the gross floor area of the principal residence or 1,500 square feet. For purposes of this section, the floor area of an accessory dwelling unit is the total finished floor area intended for living, sleeping, bathing, eating and cooking.*

Comment: The existing building is 768 square feet in size. The size of the principal building is unknown, so it is unknown if the required maximum size of the ADU is the lesser of 30% of the gross floor area of the principal building or 600 square feet.

A

The plans provided with the application are those which were approved in 2020. It is assumed that the “studio/office” area was not included in the ADU gross floor area measurement, as a 768-square-foot ADU is not permissible. Square footage not dedicated to the ADU does not count against the maximum square footage requirement.

B

In addition to the above comment, the consultant report offered the following:

If the applicant intends to rent the studio/office area as a second bedroom within the ADU, it will not comply with this section, as 768 square feet is beyond what is allowable for the unit. To address this issue, the applicant has three options:

B

1. Close off or lock the studio/office so it is not accessible and rentable to future tenants, or determine another way to limit square footage to the zoning requirement.
2. Apply for a variance to exceed the allowable square footage for ADUs.
3. Request a Zoning Ordinance text amendment to increase the square footage for converted and/or new ADUs.

In response to A and B above, to the best of our abilities, given the disparate definitions* of 'gross floor area' we have the following:

A = The principal gross floor area is **2,507 sq ft**, thus the ADU meets the required size

B = The gross floor area of the entire ADU is **650 sq ft** which exceeds the allowable square footage of 600 sq ft by 50 feet.

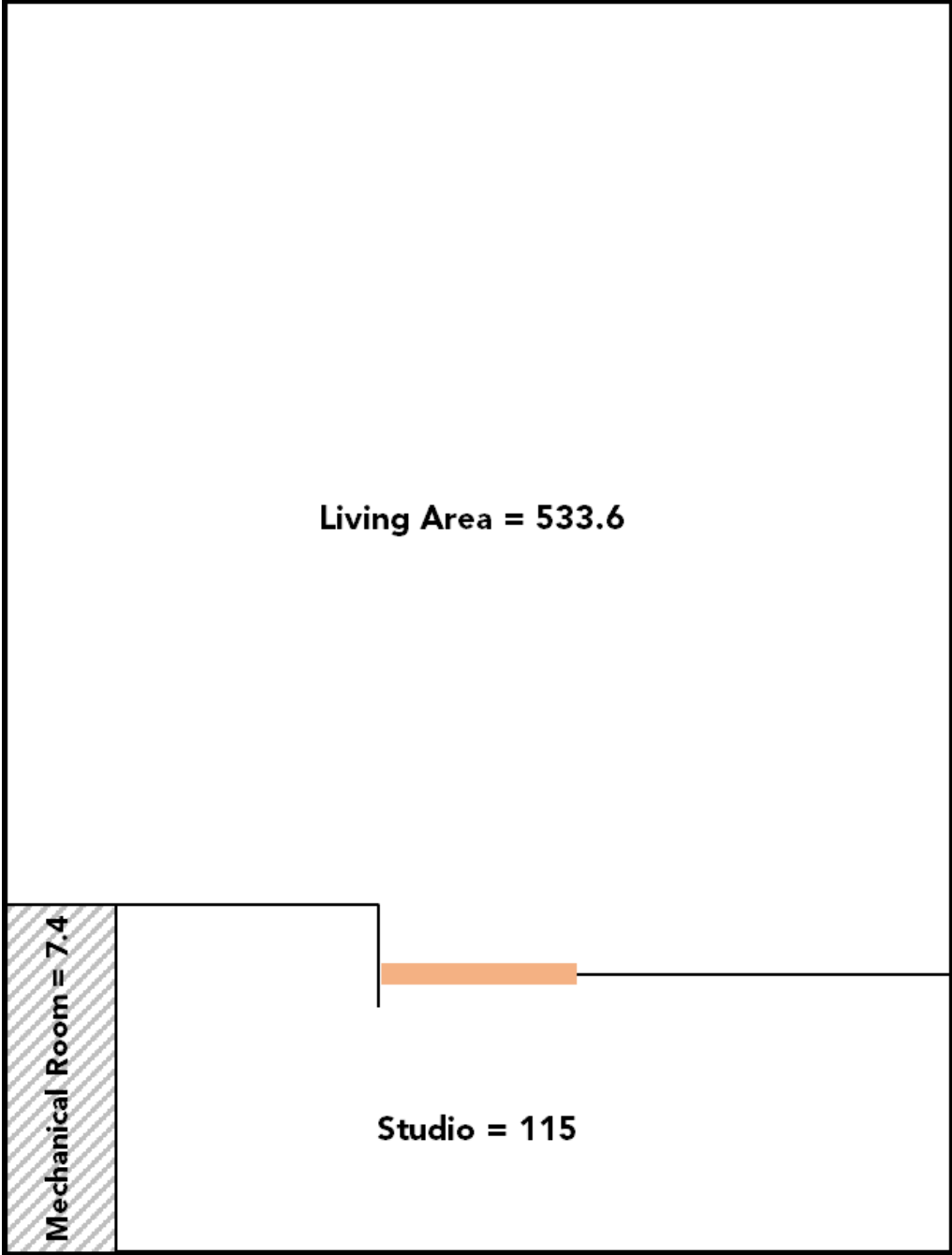
With this gathered data, the proposed 3 options that the applicant has (1-3 above in blue) are correct for consideration given the known data.

*** We have been working from two definitions of gross floor area:**

1. From code / consultant report: "For purposes of this section, the floor area of an accessory dwelling unit is the total finished floor area intended for living, sleeping, bathing, eating and cooking."
2. Provided by Ryan Cummins: "FLOOR AREA, GROSS. The sum of all horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, court yards or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise."

A rough sketch of ADU Gross floor area:

Gross Floor Area, both spaces (ex Mech. Rm.) = 648.6. The 768 sq ft previously noted is from the outside of the building corner to corner.



Consultant Report Recommendation

Recommendation

Based on the findings in this report, all standards of approval have been satisfied aside from the ADU square footage requirement. The applicant should demonstrate compliance by providing the square footage of the principal building and indicating the gross floor area dedicated to the ADU.

The applicant may wish to subtract the studio/office or other space from the rentable ADU gross floor area. In that case, the Planning Commission should decide whether the door should remain locked at all times so the area is inaccessible to renters or if the opening should be closed off by a wall for permanent separation.

As long as compliance can be demonstrated during the Planning Commission meeting or as a condition of approval, we recommend approval of the special land use application. As stated earlier, the applicant may also wish to seek a variance or text amendment. In those cases, consideration can be postponed, or the application can be withdrawn and resubmitted.

Our ask of the Planning Commission

Per the recommendation above and given the sq ft allowances, we will subtract the studio from the rentable ADU gross floor area. This will be accomplished by keeping the door locked at all times between the ADU's South area and the North studio area (area marked in orange in sketch above). We kindly ask the Planning Commission to consider and approve this approach.



09/16/2020

GARDNER RUSSELL R
245 SPEAR ST PO BOX 1077
SAUGATUCK, MI 49453

Dear Charles Bultman:

The purpose of this letter is to inform you that the Historic District Commission has approved your request for to convert the 24 by 32 foot pole building to habitable as a studio apartment (accessory dwelling unit). The structure will not change in size, shape, or location. There will be new windows and doors per the attached drawing or as administrative approval. It will be clad with new wood siding, and add a modest overhang on the gable end to help shed the rain.

The roof will be either asphalt shingles, or ribbed metal roofing.

Under the zoning ordinance, the maximum livable area of an ADU is 600 square feet. A portion of the building will need to be dedicated to another use such as storage.

These approvals are based on the application information and the representations made at the meeting. No deviations from what was presented or represented will be permitted without a new application.

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Center of the Department of History, Arts and Libraries. The appeal shall be filed within 60 days after the decision is furnished to the applicant.

Please note that further approvals from other agencies and the building department may also be required. If you have any questions, please do not hesitate to contact me at (269) 857-2603.

Respectfully,

Cindy Osman
Zoning Administrator
City of Saugatuck



MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	May 11, 2023	Meeting Date:	May 18, 2023
Request:	Special Land Use	Applicant:	Bruce Hager
Address:	703 Pleasant Street	Project Name:	ADU Rental Proposal
Parcel:	03-57-514-042-00	Plan Date:	November 7, 2012
Lot Size:	18,817 s.f.	Zoning District:	Community Res R-1
Complete:	TBD	Recommendation:	Approval
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

Overview

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) at 703 Pleasant Street (Community Residential R-1) in accordance with Section 154.026 (C)(3) of the Zoning Ordinance. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the rental of ADUs.

Background

A garage with a second-floor ADU living space was approved in 2013. The square footage of the second-floor living space provided by the applicant is 575 square feet. However, a detailed drawing with measurements was not provided. The owner now wishes to manage the rental of the ADU. If a short-term rental, the ADU rental must also be permitted administratively in accordance with Section 154.022 V.

Review Process and Standards

The application requires review in accordance with the following sections of the City of Saugatuck Zoning Ordinance:

- Compliance with Section 154.092 J- Rental of an Accessory Dwelling Unit

- Compliance with Section 154.022 W- Accessory Dwelling Unit
- Site Plan approval in accordance with Section 151.060
- Special Land Use approval in accordance with Section 154.080

Rental of an Accessory Dwelling Unit

In accordance with Section 154.092 J, a rental accessory dwelling unit shall conform to all regulations in Section 154.022(W) and the following requirements.

Comment: Concerning compliance with Section 154.022(W)(3), the applicant stated that the living space is 575 square feet, although a detailed drawing was not provided.

1. *A rented accessory dwelling unit shall only be permitted on a parcel that contains an owner occupied detached single-family dwelling unit;*

Comment: The owners intend to remain occupants of the principal detached single-family dwelling, an ongoing requirement.

2. *An accessory dwelling unit to be rented is subject to inspection by a city official before occupancy and must meet all applicable health, fire, and safety codes; and*

Comment: The ADU was inspected as part of the original building permit. However, additional inspections may be necessary if determined by the Zoning Administrator and Building Official.

3. *Signage shall be per the regulations for short-term rentals.*

Comment: A sign was not proposed. Any future sign must receive administrative approval.

Accessory Dwelling Unit

In accordance with Section 154.022 W, an accessory dwelling unit shall meet the following criteria:

1. *Occupancy shall be limited to invited guests;*

Comment: Until it is approved for renters, the ADU is limited to guests or family members of the owner-occupants.

2. *Rental of an accessory dwelling, separate from a detached single-family dwelling, shall be prohibited without receiving special land use approval from the Planning Commission as authorized in § 154.092(J);*

Comment: The applicant is currently seeking approval to rent the ADU.

- 3. An accessory dwelling unit shall have a minimum of 375 square feet of gross floor area and shall not exceed the lesser of 30% of the gross floor area contained within the detached single-family dwelling unit or 600 square feet of gross floor area; except, in the CRC zone district when the parcel on which the accessory dwelling unit is located is two or more acres in area, the floor area of an accessory dwelling unit shall not exceed the lesser of 30% of the gross floor area of the principal residence or 1,500 square feet. For purposes of this section, the floor area of an accessory dwelling unit is the total finished floor area intended for living, sleeping, bathing, eating and cooking.*

Comment: The applicant stated that the ADU area is 575 square feet. The size of the principal building is 2,769 square feet, and 30 percent of the principal building size is over 600 square feet. As such, the ADU square footage cannot exceed 600 square feet, and the proposal is compliant if 575 square feet is an accurate measurement.

- 4. An accessory dwelling, which is not located within the detached single-family residential dwelling, shall not be located between the front door of the detached single-family dwelling and the public right-of-way, unless located above an existing detached accessory structure;*

Comment: Not applicable. The ADU is above a detached garage.

- 5. An accessory dwelling shall be subject to all applicable setback and lot coverage requirements of a detached single-family dwelling in the district if which it is located;*
- 6. Comment:** Setbacks compliance was confirmed during the 2013 review. However, this project does not involve a new or expanded building, only the rental of existing living space.
- 7. An accessory dwelling unit shall only be permitted on a lot where the principle use is an existing detached single-family dwelling unit;*

Comment: The existing ADU is an accessory to an existing detached single-family dwelling.

- 8. No more than one accessory dwelling unit is permitted on any lot;*

Comment: Only one ADU exists on the site. No other ADUs are proposed.

- 9. Accessory dwellings shall not be permitted to have independent electric, gas, or water meters from the detached single-family dwelling unit;*

Comment: The ADU was previously approved by the City, and it is assumed this requirement is satisfied.

10. An accessory dwelling unit located within a detached single-family dwelling unit shall have a separate entrance from the exterior of the structure and shall not have interior access to the detached single-family dwelling unit;

Comment: Not applicable.

11. A lot with an accessory dwelling unit shall provide one additional parking space on a fully improved surface of concrete, asphalt, or brick, gravel, stone, or other surface approved by the city; and

Comment: Sufficient parking exists on the driveway and within the garage to meet the minimum zoning requirements.

12. Accessory dwelling units may be included with the rental of a detached single-family dwelling on the same property if it is done so under a single contract.

Comment: Not applicable.

Site Plan Standards of Approval

The following standards for site plan review and approval apply to the project per Section 154.063. Findings related to each standard are provided for consideration by the Planning Commission.

A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of the buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

Comment: The ADU already exists, and the site is developed. The overall existing design is harmonious and compatible with nearby properties and land uses.

B. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter.

Comment: The existing building footprints are reasonable in relation to the lot size.

C. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.

Comment: As a single residential dwelling with an existing ADU in an established residential area, screening is not necessary or recommended.

D. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.

Comment: Site improvements were previously approved by all applicable City departments.

E. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic. All federal, state, and local barrier free requirements shall be met.

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

F. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the City's land use plan.

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

G. All streets shall be developed in accordance with city specifications, unless developed as a private road.

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

H. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, create puddles in paved areas or create erosion problems.

Comment: Not applicable. The ADU was part of a previous detached garage approval.

- I. *All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six feet in height. (See §§ 154.142 through 154.144).*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

- J. *Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

- K. *In approving the site plan, the Planning Commission may recommend that a bond or other financial guarantee of ample sum be furnished by the developer to ensure compliance for such requirements as drives, walks, utilities, parking, landscaping and the like (see § 154.173).*

Comment: A financial guarantee is not necessary. The site is already developed.

Special Land Use Standards of Approval

In accordance with Section 154.080, before any special land use permit is granted, the Planning Commission shall make findings of fact based upon competent evidence certifying compliance with the specific regulations governing individual special land uses and, in addition, ensure that the following general standards have been met. Findings related to each standard are provided for consideration by the Planning Commission.

1. *In location, size, height and intensity of the principal and/or accessory operations, be compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property;*

Comment: As stated earlier, the existing principal dwelling and ADU are compatible with nearby properties and land uses.

2. *Be consistent with and promote the intent and purpose of this chapter;*

Comment: All other standards and zoning requirements have been met for the ADU and the rental of the ADU.

3. *Be compatible with the natural environment and conserve natural resources and energy;*

Comment: The site is already developed, and building coverage appears to comply. An ample yard and green space exist on the site.

4. *Be consistent with existing and future capabilities of public services and facilities affected by the proposed use;*

Comment: The rental of the existing ADU will have no additional impact on public services.

5. *Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the City as a whole;*

Comment: The rental of the existing ADU will have no additional impact on public health, safety, and welfare, as well as the social and economic well-being of the community.

6. *Not create any hazards arising from storage and use of inflammable fluids;*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

7. *Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development. In particular:*

- (a) *The property shall be easily accessible to fire and police; and*
(b) *Not create or add to any hazardous traffic condition.*

Comment: The rental of the existing ADU will have a negligible impact on traffic conditions. Sufficient parking exists in the driveway and inside the garage.

8. *Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;*

Comment: The rental of the existing ADU will not impede the use of adjacent properties or negatively impact them.

9. *That in the nature, location, size, and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district; and*

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

10. That in the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located.

Comment: This standard is not applicable to a single-family residential dwelling with an ADU.

Recommendation

Based on the findings in this report, all standards of approval have been satisfied. However, the Planning Commission may wish to require a more detailed floor plan to demonstrate how 575 square feet of ADU space was determined.



Special Land Use Application

LOCATION INFORMATION **APPLICATION NUMBER** _____ - _____

Address 703 Pleasant Street ADU Parcel Number 57-514-042-00

APPLICANTS INFORMATION

Name Bruce Hager (owner) Address / PO Box 703 Pleasant St.
City Saugatuck State MI Zip 49453 Phone 513-378-3104
Interest In Project Bruce Hager (owner) E-Mail bruce.hager@me.com
Signature *Bruce Hager* Date 4/19/23

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name _____ Address / PO Box _____
City _____ State _____ Zip _____ Phone _____
E-Mail _____

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.

Signature _____ Date _____

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

Name _____ Contact Name _____
Address / PO Box _____ City _____
State _____ Zip _____ Phone _____ Fax _____
E-Mail _____
License Number _____ Expiration Date _____

PROPERTY INFORMATION

Depth 103' Width 185' Size .432 acres Zoning District Com R-1 Current Use Owner occupied
Check all that apply:
Waterfront _____ Historic District _____ Dunes _____ Vacant _____

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

We seek approval to rent our existing auxiliary dwelling unit. This consists of a one bedroom studio above our detached garage. While the garage is listed at 672 SF. The actual living space above the garage is 575 SF.



SITE PLAN REQUIREMENTS (SECTION 154.061)

A) Applications for preliminary site plan approval shall consist of the following information unless waived by the Zoning Administrator.

- | Y | N | NA | |
|--------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Property dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Significant vegetation |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water courses and water bodies, including human-made surface drainage ways |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Existing public right-of-way, pavements and/or private easements |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Existing and proposed uses, buildings, structures and parking areas |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Zoning classification of abutting properties |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The name, address and telephone number of the person and firm who prepared the site plan, and the date on which it was prepared |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A north arrow |

B) Applications for final site plan approval shall consist of the following information unless waived by the Zoning Administrator. One (1) paper copy of a final site plan (no greater than 11" x 17") and one (1) digital copy, at a scale of not less than one inch equals ten feet, shall include:

- | Y | N | NA | |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions of property of the total site area, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contours at 2-foot intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all buildings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Parking areas |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Driveways |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Required and proposed building setbacks |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed water supply and wastewater systems locations and sizes; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed common open spaces and recreational facilities, if applicable; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Signs, including type, locations and sizes; |



Special Land Use Application

Application # _____ - _____

- 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.
- 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.

STANDARDS FOR APPROVAL (SECTION 154.082)

Please respond to how the request will meet each of the following standards for special land use:

- (1) How will the location, size, height and intensity of the principal and/or accessory operations, compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property?

The existing principal dwelling and ADU are compatible with nearby properties and land uses.

- (2) How will the proposed request consistent with, and will promote the intent and purpose of this chapter?

All standards and zoning requirements have been met for the ADU and the rental of the ADU.

- (3) How will the proposed request compatible with the natural environment and will it conserve natural resources and energy?

The site is already developed and completed in 2013. An ample yard and green space exist on the site.

- (4) How will the proposed request consistent with existing and future capabilities of public services and facilities?

The rental of the existing ADU will have no additional impact on public services.

- (5) How will the proposed request protect the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the city as a whole?

The rental of the existing ADU will have no additional impact on public health, safety, and welfare, as well as the social and economic well-being of the community.



Special Land Use Application

Application # _____ - _____

(6) How will the proposed request create any hazards arising from storage and use of inflammable fluids?
This standard is not applicable to a single-family residential dwelling with an ADU.

(7) How will the proposed request will be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development? In particular:

(a) Will the property be easily accessible to fire and police?

This property is easily accessible to fire and police.

(b) Will measure be taken as to not create or add to any hazardous traffic condition?

The rental of the existing ADU will have a negligible impact on traffic conditions. Sufficient parking exists in the driveway.

(8) How will the proposed request be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof?

The rental of the existing ADU will not impede the use of adjacent properties or negatively impact them.

(9) How will the nature, location, size and site layout of proposed request be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district?

This standard is not applicable to a single-family residential dwelling with an ADU.

(10) How will the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located?

This standard is not applicable to a single-family residential dwelling with an ADU.

OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Notice Sent _____ Resident Notification _____ Hearing Date _____

Notes: _____



PZ13039

Issued: 05/24/13
Expires: 05/24/14

City of Saugatuck

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

PLANNING & ZONING

Zoning

This permit conveys no right to occupy any STREET, ALLEY, or SIDEWALK, or any part thereof either temporarily or permanently.

Type of Construction: Multi-Part Edition of Code: Section 154

LOCATION	OWNER	APPLICANT
703 PLEASANT ST 57-514-042-00 Plat/Sub:	Lot: CANNARSA JOHN & STRAKER TI 703-PLEASANT ST SAUGATUCK MI 49453 Ph.: Fx.:	CANNARSA JOHN & STRAKER TI 703 PLEASANT ST SAUGATUCK MI 49453 Ph.: Fx.:

Work Description: New 28' by 24' Garage with office/living space on second floor.

Stipulations: Not to be rented out without further approval

Permit Item	Work Type	Fee Basis	Item Total
Residential Over 150 sq. ft.	Zoning	0.00	\$50.00

In accordance with Chapter 154, Section 154.172 (A) through (J) of the Saugatuck City Code, this permit will remain valid and in full effect unless it expires from the applicant's failure to start construction within twelve months. This permit shall be kept at the site of the work and available for inspection at all times during the project and until an occupancy permit has been issued or until its date of expiration. The Zoning Administrator shall be notified of any proposed modifications in the permitted work prior to the start of such work and shall also determine whether the proposed changes are in compliance with the Saugatuck City Zoning Ordinance and whether a new zoning permit must be issued. This permit does not authorize construction activities on said property until all the conditions of the Building Code are complied with. Any construction must be inspected when: 1) the structure is staked, 2) the footings are in, and 3) when the construction is completed. The applicant shall notify the building inspector of proposed inspection dates and shall not begin a later stage of work until the previous stage has been approved.

Fee Total: \$50.00
Amount Paid: \$50.00
Balance Due: \$0.00

Michael J. Clark AICP, Zoning Administrator

CC: Kirk Harrier, City Manager



Zoning and Historic District Application

LOCATION INFORMATION	APPLICATION NUMBER <u>13 - 039</u>
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Address 703 Pleasant St Parcel Number _____

APPLICANTS INFORMATION

Name JOHN CANNARSA Address / PO Box 703 PLEASANT ST.
City SAUGATUCK State MI Zip 49453 Phone 616 610 0907
Interest In Project OWNER E-Mail John@CannarsaDesign.com
Signature [Signature] Date 5/15/13

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)
--

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.

Signature _____ Date _____

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

Name John Cannarsa (owner) Contact Name _____
Address / PO Box _____ City _____
State _____ Zip _____ Phone _____ Fax _____
License Number _____ Expiration Date _____

PROPERTY INFORMATION <u>(Survey Submitted)</u>

Depth _____ Width _____ Size _____ Zoning District _____ Current Use _____

Check all that apply:

Waterfront _____ Historic District _____ Dunes _____ Vacant _____

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)
--

New Garage with Loft



HISTORIC DISTRICT REQUIREMENTS (SECTION 152.07)

Pursuant to Section 152.07, please attach the following supporting documents when applying for historic district approval

Y N NA

- Photographs of the structure and its relationship to adjacent structures
- A plot plan with the placement of the proposed addition, or location of fencing to be constructed
- Elevation drawings of the exterior of the structure
- Samples of all proposed exterior finishes and materials
- Photographs showing, in detail, the problem areas to be addressed during the proposed repair or alteration
- A scale drawing of all proposed signage, including design, lettering style, type of illumination (if any), placement or location on the lot or building, and the type of support(s) for the sign(s)
- If an application for signage is made by tenants of a building located within a historic district, the tenants must obtain written permission from the building owner to install or alter the proposed sign(s)

APPROVALS OUTSIDE HISTORIC DISTRICT

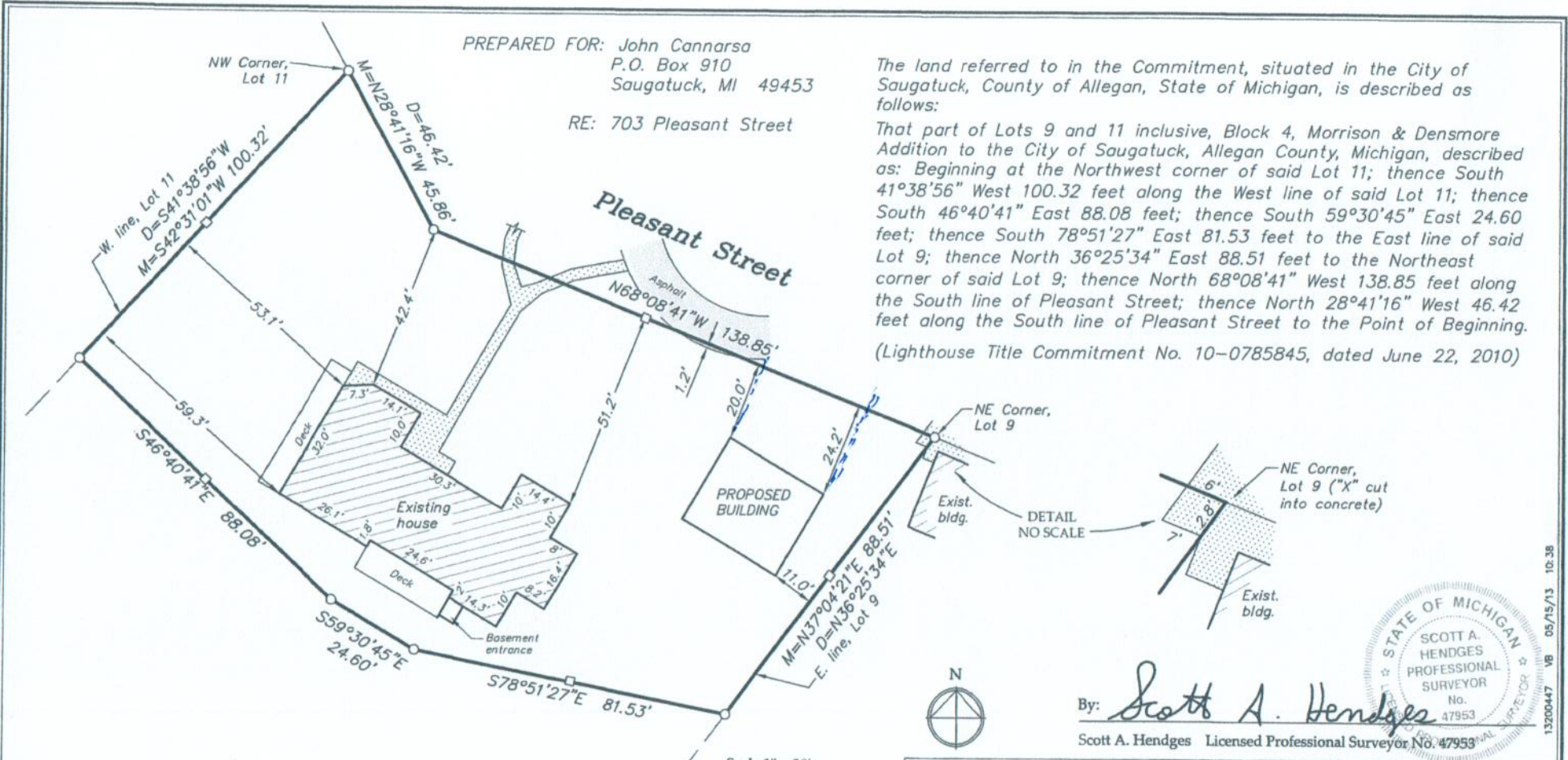
Y N NA

- Plot plan showing the following:
 - Location, shape, area and dimension of the lot
 - Current site improvements (including structures, sidewalks, decks, streets, fences, etc)
 - Proposed improvements and distances from other improvements or property lines.
 - The yard, open space and parking space dimensions
 - Location of any flood planes, watersheds, wetlands, easements, or other applicable features.
- Description of proposed use and of the building (dwelling, structure, barn, garage and the like) or improvements
- The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users

OFFICE USE ONLY:
 Application Complete _____ Date _____ Fee Paid _____ Date Paid _____
 Notes: _____

PREPARED FOR: John Cannarsa
P.O. Box 910
Saugatuck, MI 49453
RE: 703 Pleasant Street

The land referred to in the Commitment, situated in the City of Saugatuck, County of Allegan, State of Michigan, is described as follows:
That part of Lots 9 and 11 inclusive, Block 4, Morrison & Densmore Addition to the City of Saugatuck, Allegan County, Michigan, described as: Beginning at the Northwest corner of said Lot 11; thence South 41°38'56" West 100.32 feet along the West line of said Lot 11; thence South 46°40'41" East 88.08 feet; thence South 59°30'45" East 24.60 feet; thence South 78°51'27" East 81.53 feet to the East line of said Lot 9; thence North 36°25'34" East 88.51 feet to the Northeast corner of said Lot 9; thence North 68°08'41" West 138.85 feet along the South line of Pleasant Street; thence North 28°41'16" West 46.42 feet along the South line of Pleasant Street to the Point of Beginning.
(Lighthouse Title Commitment No. 10-0785845, dated June 22, 2010)



By: *Scott A. Hedges*
Scott A. Hedges Licensed Professional Surveyor, No. 47953

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

- = Concrete
- D = Description dimension
- M = Measured dimension
- P = Platted Dimension
- = Set Iron Stake
- = Found Iron Stake
- x— = Fence Line
- = Set Wood Stake

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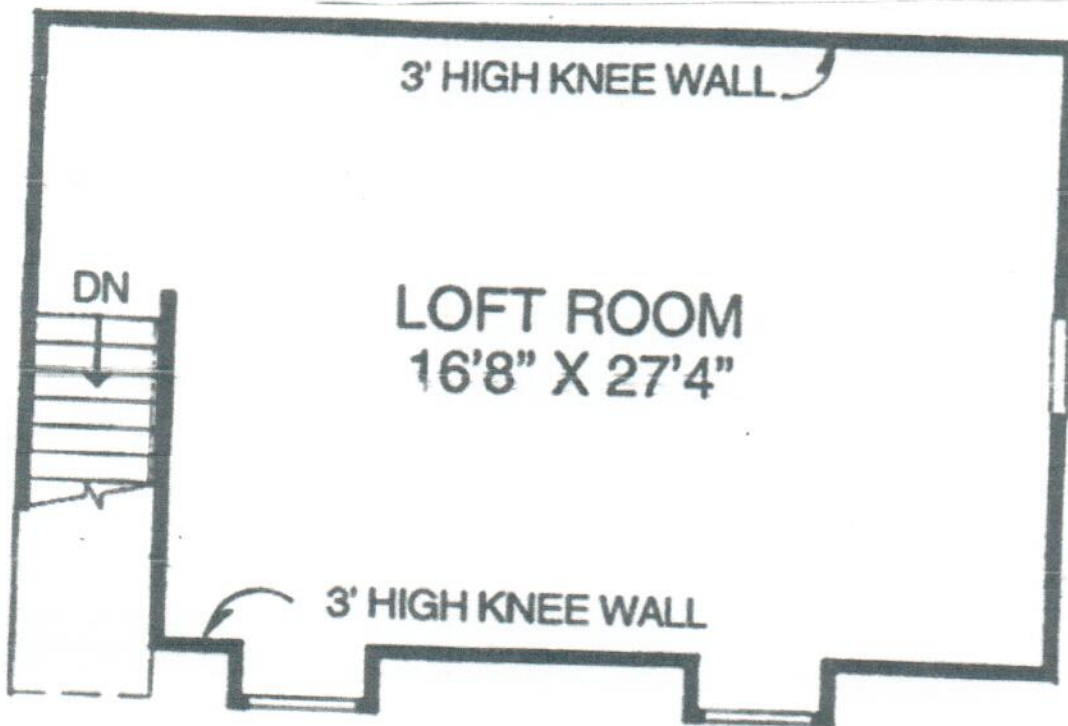
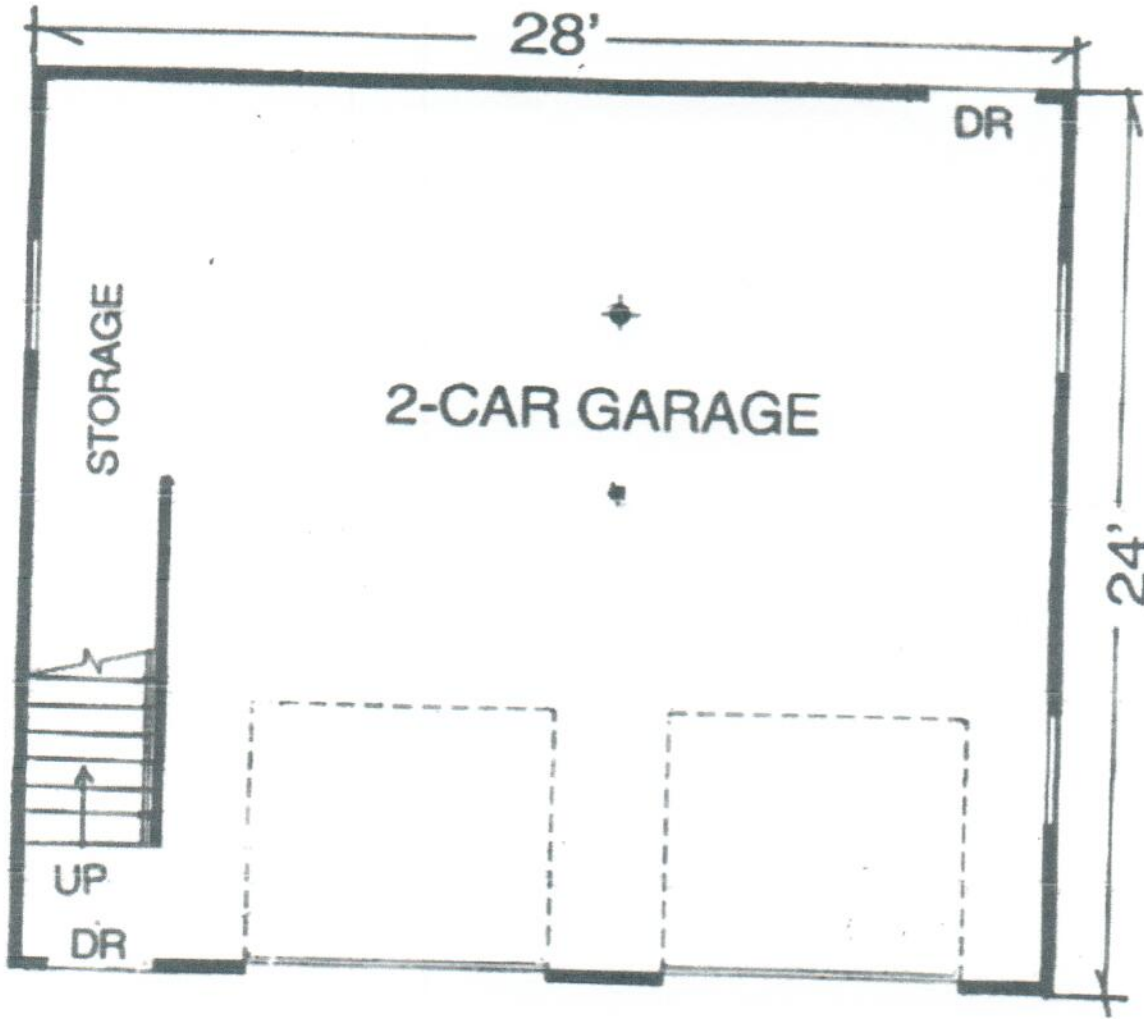
ANN ARBOR 3025 Miller Road Ann Arbor, MI 48103 PHONE: 734.929.6963	COLUMBUS 6355 Old Avery Road, Suite A Dublin, OH 43016 PHONE: 614.859.1127	HOLLAND 347 Hoover Boulevard Holland, MI 49423 PHONE: 616.393.0449
CHICAGO 1082 National Parkway Schaumburg, IL 60173 PHONE: 312.878.3897	GRAND RAPIDS 217 Grandville Ave., Suite 302 Grand Rapids, MI 49503 PHONE: 616.575.5190	INDIANAPOLIS 8459 Castlewood Dr., Suite B Indianapolis, IN 46250 PHONE: 317.288.3762

table border="0" style="width: 100%;">
rev.: Changed prop. bldg location	date: 05.15.13 VB
project no.: 13200447.1	date: 05.03.13 VB

13200447 VB 05/15/13 10:38



Floor Plans



§ 154.026 R-1 COMMUNITY RESIDENTIAL DISTRICT (CR).

(A) *Generally.*

(1) This district is designed to protect and promote low density single-family residential uses and development in the city.

(2) The purpose of this district is to preserve the residential character of the district and to provide a mechanism for orderly development in undeveloped areas.

(3) Residential land use is the only use that will be permitted or encouraged in this district.

(B) *Permitted uses:*

- (1) Dwelling, single-family detached;
- (2) Essential public services;
- (3) Home occupations; and
- (4) Short-term rental unit.

(C) *Special land uses.* Special land uses are subject to review and approval by the Planning Commission in accordance with §§ 154.060 through 154.068 and §§ 154.080 through 154.092:

- (1) Home businesses;
- (2) Religious facilities; and
- (3) Rented accessory dwelling units in accordance with § 154.092(J).

(D) *Dimension and area regulations.*

Front setback	20 feet
Side setback	7 feet
Rear setback	10 feet
Minimum lot area	8,712 square feet
Minimum lot width	66 feet
Maximum lot coverage	30%
Maximum building height	28 feet

10' from other Buildings

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100628-1, passed 6-28-2010; Am. Ord. 100726-1, passed 7-26-2010)



June 14, 2011

George Walden
1504 W. Cortez #3
Chicago, IL 60622

SUBJECT: 703 Pleasant Street

Dear Mr. Walden:

This letter is to confirm our recent conversation regarding the paved parking area in front of your property at 703 Pleasant Street in the City of Saugatuck.

You expressed concern regarding access to a possible garage if one were to be built on the property in the future. If a proposed garage were to meet all applicable zoning requirements (height, setbacks, lot coverage, etc.) you or a future owner would be allowed to build on the property. If it's determined the only access point to the new garage is where the paved parking area is now located, then the position of the City would be the access to the garage would take precedence over the parking area.

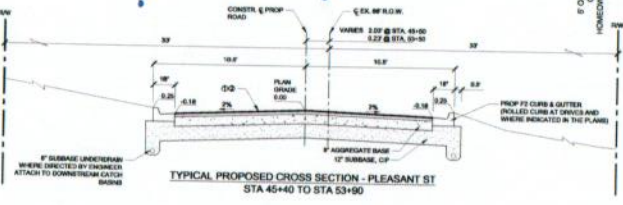
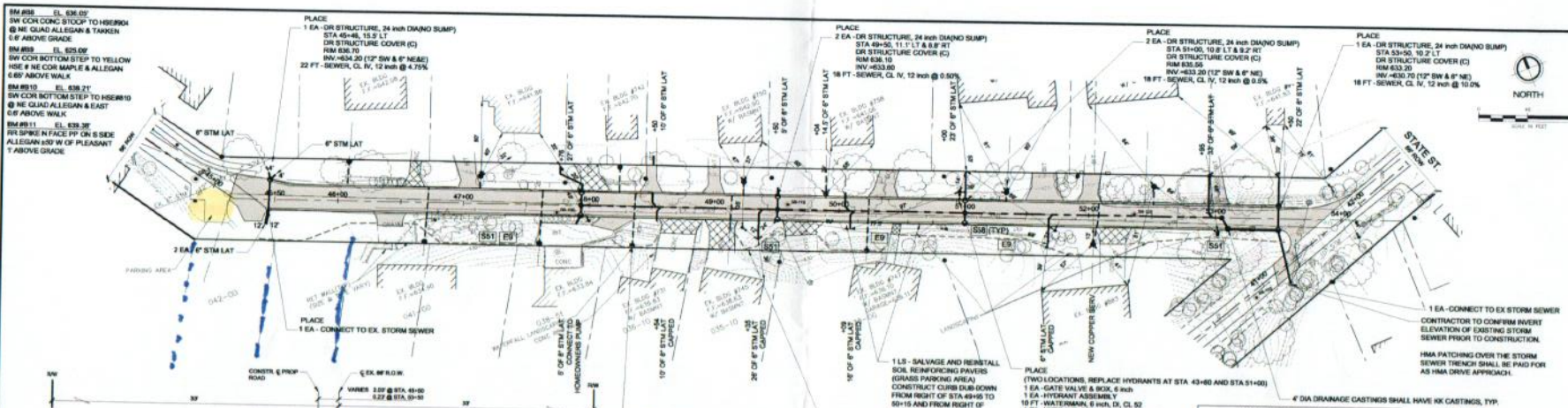
I have attached a copy of the final surveyed street improvements showing the parking area and the City's right-of-way boundaries for your files.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Harrier". The signature is fluid and cursive, written over a light-colored background.

Kirk Harrier, City Manager
City of Saugatuck

Enc.

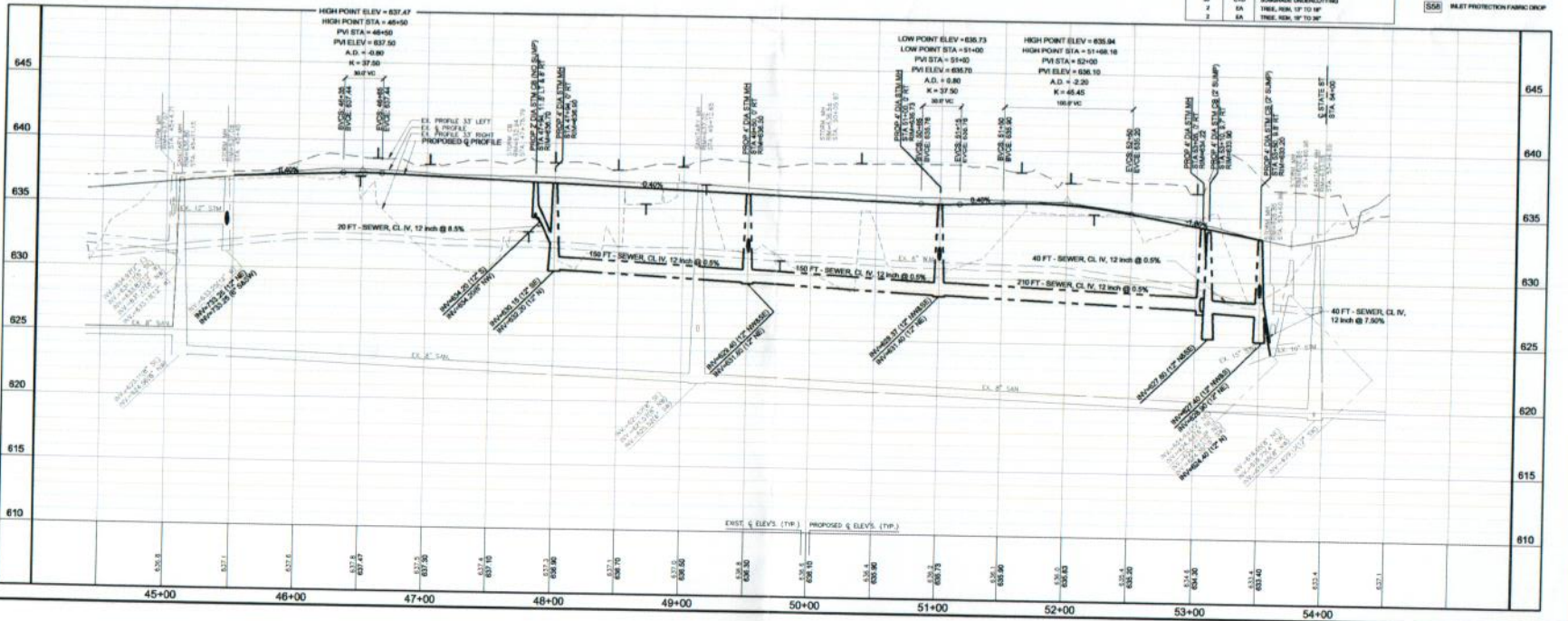


QUANTITIES (THIS SHEET)

QTY	UNIT	DESCRIPTION
8.37	STA	MANHOLE BRICKWORK
7.00	CYD	SUBBASE, CP
1.075	RDY	AGGREGATE BASE, 6 inch
1.00	TON	HMA, 1 1/2 INCHES
1.00	TON	HMA, 1 1/2 INCHES
80	TON	HMA DRIVE APPROACH
1.000	FT	CURB & GUTTER, CONC, SET 2
1.000	SPT	SEWER DRIVE APPROACH CONC, 6 inch
1.00	EA	STRUCTURE, HD
1.000	RDY	SURFACE RESTORATION
300	FT	MULCH BLANKETS
900	FT	SEWER/STORM SALT PROTECT
10	EA	RECONNECT STORM LATERAL
1000	FT	UNDERDRAIN 1/2" SP. SLOTTED SURGRADE UNDERDRAIN/TIE
50	EA	CD
2	EA	TRAIL, 10" x 10" 1/2"
2	EA	TRAIL, 10" x 10" 1/2"

LEGEND:

- HMA BELLEVILLE & HMA REPAIRING 1 1/2 INCH
- PROPOSED HMA PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- EX DRIVEWAY RT ELEV @ R.O.W.
- EX DRIVEWAY LT ELEV @ R.O.W.
- FILLABLE FILL
- PERMANENT BRIDGING
- MULCH BLANKETS
- SEWER
- STORM
- SET PRICE
- SALE PROTECTION FIBER GRIP



FLEIS & VANDENBRINK
 ENGINEERING, INC.
 1000 W. WASHINGTON ST., SUITE 100
 SAIGATUCK, MI 49783
 TEL: 517-833-1111
 FAX: 517-833-1112

NO.	DATE	DESCRIPTION

CITY OF SAIGATUCK
 ALLEGAN COUNTY, MICHIGAN
 2009 STREET IMPROVEMENTS
 PLEASANT ST - PLAN & PROFILE

NO.	DATE	DESCRIPTION

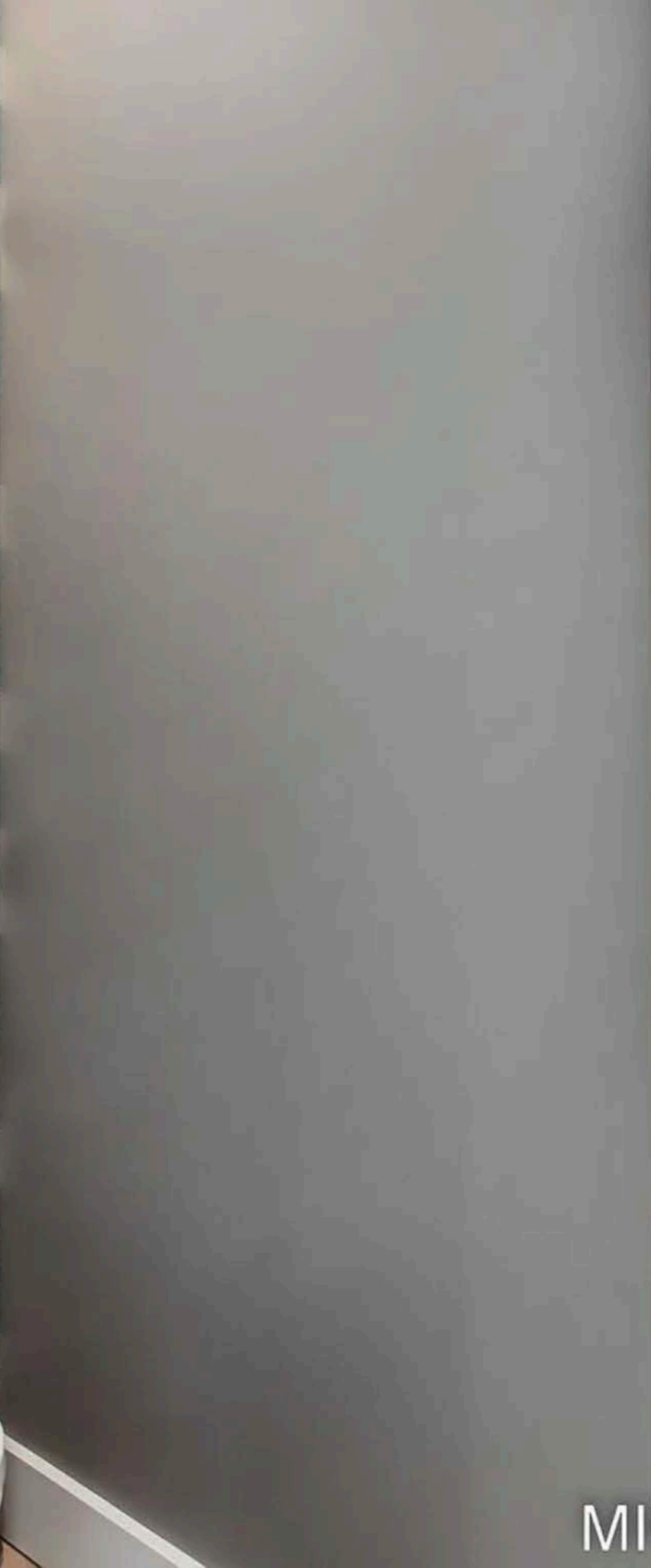
PROJECT: 15317
C15
 SHEET NO.















Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: May 18, 2023

SUBJECT: Zoning Ordinance Amendment Public Hearing - Temporary Waterfront Commercial Development and Construction Moratorium

DESCRIPTION:

On March 16, the Planning Commission reviewed a proposed police power ordinance to enact a temporary moratorium on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. The Planning Commission voted 5-1 to recommend to City Council that they adopt a police power ordinance establishing a temporary waterfront commercial development and construction moratorium.

On March 27, the City Council adopted a police power ordinance (Ordinance No. 230322-B) that established a temporary waterfront commercial development and construction moratorium. This was published on April 6.

Now that the City Council has adopted a police powers ordinance and based on recent court decisions, staff and legal counsel are recommending that the Planning Commission also review and consider a corresponding zoning ordinance amendment and make a recommendation of whether or not to adopt that amendment to the City Council.

The proposed corresponding zoning ordinance amendment is attached. Before making a recommendation on a zoning ordinance amendment, the Planning Commission is required to hold a public hearing.

LEGAL REVIEW:

The City Attorney prepared the draft zoning ordinance amendment. The City Attorney will be at your meeting to answer any questions you may have.

SAMPLE MOTIONS:

Motion to recommend adoption of an amendment to the zoning ordinance establishing a temporary waterfront commercial development and construction moratorium.

Motion to not recommend adoption of an amendment to the zoning ordinance establishing a temporary waterfront commercial development and construction moratorium.

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

**TEMPORARY WATERFRONT COMMERCIAL DEVELOPMENT AND
CONSTRUCTION MORATORIUM**

**ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____**

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2023 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to enact a temporary moratorium until September 30, 2023 or an earlier time in which the City adopts new regulations governing the activities regulated in this ordinance and rescinds this ordinance, on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. This temporary moratorium does not apply to any interior upfits, interior alterations, or changes in land use that do not require expansions to existing buildings or structures.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1. FINDINGS: The City Council of the City of Saugatuck finds that:

- a. The City of Saugatuck (“City”) has duly adopted a zoning ordinance (“Zoning Ordinance”) under the Michigan Zoning Enabling Act to, among other things, provide for the regulation of land development by creating zoning districts. See MCL 125.3201(1). The Zoning Ordinance intends to appropriately regulate land use and development by zoning districts to, among other reasons, ensure that use of land is situated in appropriate locations and relationships and to generally promote public health, safety, and welfare.
- b. The Zoning Ordinance includes the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts.
- c. There has been increased interest in continued waterfront development in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. Further new development in the zoning districts, if not appropriately regulated, could result in adverse effects such as increased traffic and congestion, stormwater impacts, environmental impacts due to the waterfront locations, inappropriate land use locations, and other adverse impacts that could negatively impact the public health, safety, and welfare.

- d. Accordingly, the City including its City Council, Planning Commission, Staff, and potentially retained consultants desire to review land use regulations for waterfront development in the Water Street North, Water Street South, Water Street Commercial, and Resort Zoning Districts. It specifically desires to forestall certain development in the area as detailed below to avoid negative impacts caused by potentially inappropriate current land use regulations in the Zoning Ordinance.

SECTION 2. AMENDMENT TO ZONING ORDINANCE: The City of Saugatuck Zoning Ordinance is amended to add Section 154-MISC that contains the following content below.

**TEMPORARY WATERFRONT COMMERCIAL DEVELOPMENT AND
CONSTRUCTION MORATORIUM**

The City enacts a temporary moratorium on permitting, accepting applications, approvals, and consideration of new site development including parking and site improvements, new building construction, and existing building expansion in the “Waterfront Commercial Temporary Moratorium Area” (an area of lands that: (1) are waterfront parcels on the Kalamazoo River or Kalamazoo Lake; and (2) are located in either the Water Street North, Water Street South, Water Street Commercial, or Resort Zoning Districts) under Michigan law until September 30, 2023 or an earlier time in which the City adopts new regulations governing uses in the Waterfront Commercial Temporary Moratorium Area and rescinds this ordinance. This temporary moratorium shall not apply to any building interior upfits, building interior alterations, or changes in land use that do not require expansions to existing buildings, structures, or additional site development (parking and other site improvements) in the Waterfront Commercial Temporary Moratorium Area. The City Council may extend this temporary moratorium by resolution from time-to-time to finish adopting new regulations governing uses in the Waterfront Commercial Temporary Moratorium Area.

This temporary moratorium shall have the effect of prohibiting consideration, acceptance of zoning applications, and any action on the land uses in the “Waterfront Commercial Temporary Moratorium Area” as specified above until the expiration of the temporary moratorium and shall supersede and take effect over all other contrary language in the Zoning Ordinance. If the City does not either extend this temporary moratorium or adopt new regulations governing land uses in the Waterfront Commercial Temporary Moratorium Area before its expiration, then the current language in the Zoning Ordinance shall resume to have full force and effect as before this temporary moratorium.

Waiver: In the event that a landowner will suffer immediate and irreparable harm for the short duration of this ordinance, or this ordinance otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver of the moratorium from the City Council. At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of the moratorium. The City Council, upon a sufficient showing, may grant a waiver of the moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm.

SECTION 3. SEVERABILITY: Should a court of competent jurisdiction find any provision, clause, or portion of this ordinance amendment to be invalid, the balance or remainder of this ordinance amendment shall remain valid and in full force and effect and shall be deemed “severable” from the portion, clause, or provision deemed to be invalid by the court.

SECTION 4. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Scott Dean
City of Saugatuck, Mayor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the City of Saugatuck at a duly scheduled and noticed meeting of the City Council held on _____, _____ 2023, pursuant to the required statutory procedures.
2. A summary of the above ordinance was duly published in the _____ newspaper, a newspaper that circulates within the City of Saugatuck, on _____, 2023.
3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.
4. I filed an attested copy of the above ordinance with the Allegan County Clerk on _____, 2023.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

NOTICE OF ADOPTION
ZONING ORDINANCE AMENDMENT
City of Saugatuck
Allegan County, Michigan
ORDINANCE NO. ____

Please take notice that on _____, 2023, the City Council of City of Saugatuck adopted Ordinance No. ____, which amends the City of Saugatuck Zoning Ordinance (“Zoning Ordinance”) to enact a temporary moratorium until September 30, 2023 or an earlier time in which the City adopts new regulations governing the activities regulated in the ordinance (and rescinds the ordinance) on permitting, approval, and consideration of new building construction, existing building expansion, and site development (parking and site improvements) in all waterfront locations in the Water Street North, Water Street South, Water Street Commercial, or Resort Zoning Districts. The temporary moratorium does not apply to any interior upfits, interior alterations, or changes in land use that do not require expansions to existing buildings or structures. Copies of the ordinance may be obtained from Jamie Wolters, City of Saugatuck Clerk, at 102 Butler Street, P.O. Box 86, Saugatuck, Michigan 49453 during regular business hours.

The Zoning Ordinance Amendment has the following sections, which are summarized below: Section 1: Findings; Section 2: Amendment to Zoning Ordinance; Section 3: Severability; Section 4: Repeal; and Section 5: Effective Date which is seven days after publication of this notice of adoption unless referendum procedures are initiated under MCL 125.3402

Jamie Wolters
City of Saugatuck, Clerk
(269) 857-2603
JWolters@saugatuckcity.com

Publication Date: _____, 2023

Brian Schipper
758 Pleasant Street
Saugatuck, MI 49453

08 May 2023

Ryan Cummins
Director of Planning, Zoning & Project Management
City of Saugatuck
PO Box 86
Saugatuck, MI 49453

cc: Chief Greg Janik, Saugatuck Township Fire Department

Re: Public Hearing for Proposed Rented Accessory Dwelling – 703 Pleasant Street

Dear Mr. Cummins:

Being unable to attend the public hearing for the City of Saugatuck Planning Commission on 18 May 2023, my invited comments per your public notice are provided below.

I conditionally support the permitted use of the accessory unit at 703 Pleasant Street for rentals per Section 154.026 (C)(3) of the Zoning Ordinance. The condition is that no renter be permitted to park a vehicle on the public thoroughfare.

For greater context on the above stipulation, I ask that the Planning Commission consider the following points.

Pleasant Street is a narrow residential street (18 feet wide). Of the nineteen homes with Pleasant Street addresses, five are consistently occupied by short term rentals (one is a legal Inn).

Of the above short-term rental properties and in particular on weekends, four regularly have more than four vehicles parked on the property. The short-term tenants in these same properties regularly park additional vehicles on Pleasant Street, often on both sides of the street.

Because many of these houses have a large number of bedrooms, on the websites of the property management companies, they are specifically marketed to and regularly used for event-related accommodations such a bachelor and bachelorette parties, family, multi-family or school reunions.

While it could be the case that the rental agencies for these properties provide guidance to renters that street parking is limited or not permitted, renters routinely violate that guidance, which leads to residents having to enforce the restrictions.

Excessive parking on Pleasant Street is of special concern because emergency vehicles are frequently blocked from access, creating risk to providing emergency medical and fire services.

I own a permitted short-term rental home in Saugatuck. I am generally inclined to support property owners being able to use their properties as they desire. However, an owner using a residential property as a source of income is not to be equated with a resident being able to enjoy where they live. This is especially true for those who have purchased properties--including on Pleasant Street--with the specific purpose of converting them to short-term rentals to use as a source of income.

Moreover, a property owner deriving income from a private residence should never lead to placing a resident at greater risk of accessing emergency medical services, their home from being damaged or destroyed by fire, or force residents to be placed in the uncomfortable position of having to monitor the activities of renters and enforce compliance.

Another city in which I own properties recently passed a comprehensive set of changes to their short-term rental guidelines, which was successful in changing public sentiment away from prohibiting short-term rentals. One of those newly-passed stipulations is a prohibition against more than twenty-percent of private homes in a neighborhood being allowed to hold short-term rental certificates. For comparison, granting a permit to 703 Pleasant Street will raise the short-term rental density on the street to 37%.

Friends who moved from Pleasant Street noted in a recent conversation "...we don't miss it," attributing the poor quality of life specifically to the proliferation of short-term rentals. I believe this merits additional emphasis: Homeowners are leaving what is generally considered to be a desirable residential street in the City of Saugatuck because short-term rentals have negatively impacted quality of life.

Sincerely,



Brian Schipper



Planning, Zoning and Project Report

May 8, 2023

Planning and Zoning

- Prepared for and attended Historic District Commission meeting.
- Prepared for and attended Short Term Rental Task Force meeting.
- Joined City Manager in meeting with AT&T to discuss city Wi-Fi opportunities.
- Attended FEMA's floodplain development permitting webinar.
- Held numerous in person meetings with owners and applicants to discuss questions, concerns and options for their property.
- Completed planning and zoning casework as outlined in the chart below.

Planning and Zoning Casework

831 Holland St	Enforcement	Previous complaint about condition of the fence. Owner did not respond to recent correspondence about bringing fence into compliance this spring. Letter sent with timeframe for voluntary compliance or a civil infraction notice may be issued.
383 Dunegrass Circle	New Home	Claim of Appeal remains pending. Applicant submitted updated plans to EGLE for approval. EGLE issued approval.
726 Water St	Short Term Rental	Existing STR units. Renewing. Sent to Fire Department for inspection. Unit 2 failed. Sent reinspection invoice. Reviewed PUD history. Still awaiting results of re-inspection for Unit 2 and initial inspection for Unit 1. Followed up with agent on status as this has been outstanding for a lengthy period of time.
565 Weirich	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. No application in the system but payment received. Owner re-submitted application. Sent to Fire Department for inspection. Failed inspection. Sent reinspection invoice. Awaiting payment of fee and reinspection.
133 Butler St	Short Term Rental	STR application, renewing unit B. Application initially incomplete. Owner advised unit A is no longer an STR. Talked with agent and advised of required information in applications to process. Complete application received and sent to Fire Authority for inspection. Still pending.
865 Holland St	Addition to Duplex	HDC application received for an addition to duplex. Two family dwellings are not a permitted or special land use in the CR district. Structures with nonconforming uses cannot be enlarged or extended. Advised applicant. Answered applicant questions. Applicant submitted a use variance request. ZBA denied the variance request. Applicant will be pursuing HDC approval of siding, new windows and roof but removed the addition request. Will be heard at May HDC meeting.
201 Butler	New ATM	Request for a Huntington ATM outside drug store. Historic District application received. Scheduled for May meeting due to lack of quorum.

Planning and Zoning Casework Continued

449 Water St	Enforcement	<p>Complaint that a large outdoor fireplace was not indicated on approved site plan. Reviewed site plan. No outdoor fireplace shown or mentioned. Reviewed consent judgement. Reviewed zoning regulations for site plans. Reviewed with legal. Sent owner an e-mail requesting amended site plan to review. Owner consulted with her attorney. City Attorney conversed with owner's attorney. Amended site plan application received and reviewed. Approval was denied due to the setback not being met. Owner submitted revised plans that are under review. Fire Department requested additional information.</p>
615 Park St	Structural Improvements	<p>Zoning permit application received for exterior wall, deck and foundation work. Some units will also receive interior re-builds due to water damage. Reviewed with legal and consultant. Advised applicants of issues related to substantial improvements in a floodplain, zoning, and current moratorium. Discussed further with applicant. Discussed market value questions with FEMA. Met in person with HOA president and applicant to discuss findings and options.</p>
275 North	Land Division	<p>Land division/lot line adjustment application received. No zoning concerns. Need neighbor to sign off on application due to boundary adjustment and copy of neighbor's tax certification. Requested applicant gather these items. Applicant still working on gathering requested items.</p>
245 Spear	Rented ADU	<p>Special land use application for a rented accessory dwelling unit. Planning Commission reviewed. The PC tabled the request to their next meeting and asked the applicant to provide additional information.</p>
412 Mason	Short Term Rental	<p>STR application. Renewing. Sent to Fire Department for inspection. Still pending inspection.</p>
842 Lake #5	Short Term Rental	<p>STR application. New STR. Sent to Fire Department for inspection. Still pending inspection.</p>

Planning and Zoning Casework Continued

647 Butler	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Scheduled for 6/2 due to ongoing renovations.
727 Butler	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Still pending inspection.
129 Griffith #12	Short Term Rental	STR application. Previous STR under new ownership. Applicant did not provide contact information of a local representative within 45 miles of the City. Requested update of application. Talked with applicant who will be submitting the requested information.
402 Elizabeth St	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Still pending inspection.
143 Van Dalson	Short Term Rental	STR application. Previous STR. Re-applying after previous fire. Sent to Fire Department for inspection. Failed inspection. Sent reinspection invoice. Still not paid. Re-sent invoice.
828 Park	Short Term Rental	STR application. New STR. Did not provide contact within 45 miles. Requested update to the application. Applicant provided agent info. Sent to Fire Department for inspection. Failed inspection. Sent reinspection invoice.
703 Pleasant	Short Term Rental	STR application to rent ADU. Previous STR several years ago. Requested further info from applicant on how they would like to rent ADU and advised of zoning ordinance requirements to rent ADU. Owner advised they wish to rent just the ADU and not the main home. Advised SLU approval required. Applicant applied for SLU approval. Will be heard at May Planning Commission meeting.
349 St. Joseph	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Failed inspection. Sent reinspection invoice.
237 Francis Apt B	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Still pending inspection.

Planning and Zoning Casework Continued

128 Van Dalson	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Still pending inspection.
141 North	Short Term Rental	STR application. Previous STR. New owner. Sent to Fire Department for inspection. Still pending inspection.
149 Griffith	Historic District Application	Historic District application for various work. Replacing siding, decks, fencing, windows, and doors. Repair and modify existing roof. Remove existing chimney, basement hatch, walk-in cooler, steps, shrubs and ivy. Add new deck and steps. Some work will also require separate zoning permit. Received additional requested items. Scheduled for May HDC meeting. Advised applicant zoning approvals will also be needed.
560 Mill	Encroachments/Fence	Written request to extend fence onto City property. Also received a complaint of hardscape in right of way and lack of parking along Simonson Dr. Reviewed history. Sent to legal for review as no prior formal approval for landscaping or hardscaping on city property and fencing can't be placed in right of way per zoning ordinance. Discussed with City Manager, City Attorney, City Engineer and insurance carrier. Homeowner asked to remove hardscape items from right of way. Met with homeowner and landscaper. Discussed options.
306 Butler	Sign Application	Sign application for a mural attached sign. Needed building frontage and other area of other signs to make a decision. Requested info from applicant and applicant provided further detail. Still under review. Decision will be issued soon on zoning interpretation.
660 Lake St	Historic District Application	Historic District application to replace windows, remove awnings and replace front door. Brick will be printed black. Will be heard at May HDC meeting.

Planning and Zoning Casework Continued

860 Mill	Enforcement	Complaint of hardscaping in the right of way along Simonson Dr and parking issues in area. Observed site. Found stone wall in the City right of way. Work occurred sometime after 2019. Was not permitted or licensed. Sent owner e-mail requesting hardscaping to be removed. Owner requested an in person meeting. Scheduled a meeting to discuss options.
439 Butler St	Sign Application	Sign permit application. Initial plans were not compliant. Applicant revised plans. Projecting sign pending revocable license agreement approval by City Council and copy of insurance.
333 Elizabeth	Short Term Rental	STR application. New STR. Did not provide contact within 45 miles. Requested info. Owner clarified they have other homes in area and will be contact. Sent to Fire Department for inspection.
132 Mason St	Expanded Outdoor Dining	Expanded outdoor dining area application for Round the Corner Ice Cream Shop. Updated insurance, food service license and fee needed to issue permit.
727 Butler	Historic District Application	Historic District application to replace windows, siding, and concrete steps, enclose porch, replace roof above back porch, and move kitchen window. Additional information requested from applicant. Scheduled for June 1 HDC meeting.
612 Lake St	Short Term Rental	STR application received. STR has a valid certificate through 7/20/25. Same owners on this application. Agent withdrew application.
449 Water St	Expanded Outdoor Dining	Temporary sidewalk seating application. Also received expanded outdoor dining area application for street seating. Sidewalk seating sent to Council for consideration of approving a revocable license agreement. Need fees paid to issue permit for the street.
201 Culver	Expanded Outdoor Dining	EODA was being installed without permit. Called business contact. Advised permit was needed before installation. EODA application and fee received.
350 Mason	Bed and Breakfast - Revised	Owner has made modifications to plans. Revised plans under review.

Planning and Zoning Casework Continued

312 St. Joseph	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection.
103 Butler	Enforcement	Observed a clothing rack outside. Appears to be on City sidewalk/ROW. E-mailed and talked with lessee of storefront. They believe placement of rack is on their property. They did not have a property survey. GIS shows property line stops where building is. Asked City Engineer for any surveys.
990 Ridgeview	Final Inspections	Final inspections completed. MTS issuing certificate of occupancy.
640/650 Water St	Inquiry	Questions about food trailers and zoning options. Consultant and I researching questions.
450 Culver	Historic District Application	Historic District permit application to repair tree damage. Under review.
313 St. Joseph	Zoning Permit	Zoning permit app for fencing. Other work unclear. Plans not submitted with application. Requested plans and survey.
246 Butler	Inquiry	Questions about zoning for this property. Answered question.
N/A	Inquiry	Questions about STR regulations and whether there may be potential changes. Advised of current regulations and STR Task Force.
242 Park St	Short Term Rental	STR application. New STR for ADU above garage. Requested further info from applicant on how they would like to rent ADU and advised of zoning ordinance requirements to rent ADU. Owner advised they wish to rent just the ADU and not the main home. Advised SLU approval required. Sent requirements, application, application deadline and fees. Applicant initially advised they wished to rent both home and ADU under a single contract but then withdrew the application.
787 Lake	Inquiry	Questions about permits needed for deck replacement. Provided resources for zoning and historic district.
128C Elizabeth (#12)	Short Term Rental	STR application. Previous STR re-applying. Sent to Fire Department for inspection. Passed inspection. STR certificate issued.

Planning and Zoning Casework Continued

138 West	Short Term Rental	STR application. Previous STR unit closed 5/9/22. New owner applying. Sent to Fire Department for inspection. Passed inspection. STR certificate issued.
239 Mary St	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. E-mailed them the application. Passed inspection. STR certificate issued.
612 Holland	Short Term Rental	STR application. Renewing. Sent to Fire Department for inspection. Passed inspection. STR certificate issued.
651 Holland	Short Term Rental	STR application. Previous STR unit closed 8/20/21. New owner applying. Sent to Fire Department for inspection. Passed inspection. STR certificate issued.
890 Simonson	Inquiry	Questions about STRs in the area and work of the STR Task Force. Owner provided suggestions.
405 Park	Inquiry	Questions about adding decks. Discussed property history and current use. Provided resources.
127 Hoffman	Parking Signage Request	Historic District application received to add a board to the structure to attach the awning too. Historic District permit issued. Owner submitted a request for a 5 minute parking spot outside the business. Council denied. Applicant submitted reconsideration. City Manager suggested options. Answered questions about expanded outdoor dining application.
455 Culver	Minor Waterfront Construction	EGLE permit issued for dock extension and boat cradle lift. This would make dock 52'. Advised owner and agent that waterfront construction permit will be needed from city as well. Provided application. Applicant no longer desires to extend dock but wishes to add cradle boat lift. Reviewed minor waterfront construction application to install a cradle boat lift. Permit issued.
222 Butler	Sign Application	Sign permit application. Plans showed three attached signs, but only two allowed per frontage. Asked for revised plan and further detail. Revised plan was still not compliant with sign area. Another revised plan received and reviewed. Permit issued.

Planning and Zoning Casework Continued

311 Water St	Sidewalk Seating	Sidewalk seating application. Sent to Council for consideration of approving a revocable license agreement. Council approved. Agreement signed. Permit issued.
311 Water St	Sidewalk Seating	Sidewalk seating application. Sent to Council for consideration of approving a revocable license agreement. Council approved. Agreement signed. Permit issued.
322 Culver St	Expanded Outdoor Dining	Expanded outdoor dining area application for El Burrito Feliz. Needed food license and fee to issue permit. Fee and food license provided. Issued permit.
48 Water St	Inquiry	Met with the property owners to discuss the property, dock agreement for the Cook Park slips, and current waterfront development moratorium.
750 Pleasant	Fence Permit	Fence permit to install wooden fence along rear property line. Permit issued.
758 Pleasant	Fence Permit	Fence permit to install wooden fence along rear property line. Permit issued.
254 Francis	Inquiry	Inquiry about curb box and lateral for water service at property. Requested info from engineer. Information forwarded from engineer.
184 Park	Inquiry	Questions about prior variance approvals, driveway setbacks. Answered questions and provided resources.
329-339 Culver	Historic District Application	Roof and skylight replacement with same materials. Requested cut sheets for materials which were provided. Admin approval, same materials. HDC permit issued.
Various	Historic District Application	Outdoor Discovery Center submitted an HDC application for a temporary rain barrel installation with non-commercial artwork at various locations. Discussed with Chair for admin approval. HDC permit issued.
842 Lake #4	Short Term Rental	STR application. Previous STR unit. Sent to Fire Department for inspection. Applicant advised Fire Department he is selling property on 5/3 and does not wish to be inspected. STR application closed.

Planning and Zoning Casework Continued

594 Campbell	Enforcement	MTS advised footings did not meet setback requirement. Builder believed stakes were incorrectly placed. Discussed with legal. Issued stop work notice. Met builder and surveyor on site. Survey placed new stakes which shows prior stake was incorrect and setback is compliant. Stop work notice lifted. MTS notified.
755 State	Inquiry	Questions about water service line replacement. Requested details to be shared with City Engineer.
620 Butler St	Enforcement	Complaint of yard waste being placed on neighboring property. Also left a pallet in a parking space. Discussed with DPW Superintendent. DPW Superintendent to discuss complaint with homeowner.
997 Elizabeth	Inquiry	Call from the owner about neighbor parking in city right of way. Discussed his concerns and advised of options he could pursue.
Vine Street Cottages	Land Division	Lot split application received. Application was deemed incomplete. Continued reviewing in coordination with legal. Applicant was advised and provided further information to review. After review, further information was still needed and requested from applicant. Further information was provided and reviewed by legal. Legal opinion reviewed. Land division of lots 3, 4, 5 and 6 approved. Advised applicant of formal site plan review requirements when actual development occurs on the sites.
214 Butler	Enforcement	Complaint that Gina's Boutique placed clothing racks on the public sidewalk. No permit issued. A business may not display any merchandise, signs, banners, racks or tables in a public right-of-way, park or easement without first receiving a license from the city. Sent e-mail to owner educating them on the ordinance.
808 Park	Inquiry	Questions about power of attorney and ability to apply for minor waterfront construction. Asked for a copy of the POA. Reviewed with legal and provided a response.
143 West	Short Term Rental	STR application. New STR. Copy of Property transfer affidavit provided. Sent to Fire Department for inspection. Passed. Issued STR certificate.

Planning and Zoning Casework Continued

237 Francis Apt D	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Passed. Issued STR certificate.
339 Lucy	Short Term Rental	STR application. New STR. Single family home with two accessory structures. They wish to rent single family home and two accessory structures. Accessory structures don't meet dwelling requirements and accessory structures cannot be inhabited unless an ADU. Advised applicant only main home could be used for rental purposes. Applicant would like to proceed with just renting main house at this time. Sent to Fire Department for inspection. Passed inspection. Issued STR certificate.
841 Holland	Short Term Rental	STR application. New STR. Sent to Fire Department for inspection. Passed. Issued STR certificate.
842 Lake St #11	Short Term Rental	STR application. Renewing. Sent to Fire Department for inspection. Passed. Issued STR certificate.
520 S. Maple St	Short Term Rental	Working on cleaning up old STR holds. System showed Fire inspection was not completed. Fire Authority never received application. E-mailed them the application. Owner hasn't responded to Fire Authority message. Sent no inspection letter. Failed inspection. Reinspection invoice sent. Passed reinspection. Fee paid. STR certificate issued.
994 Holland St	New Shed and Patio	Zoning permit app received for new shed and patio. Needed supporting detail to support lot coverage. Requested info from applicant, provided definitions and also advised patio may not be within 3 ft of property line. Met with applicant to answer questions. Updated information and plan received. Permit issued.
612 Lake St	Short Term Rental	STR application received. STR has a valid certificate through 7/20/25. Same owners on this application. Asked agent if they wish to cancel application. Agent withdrew application. Mailed payment back.