



**CITY OF SAUGATUCK
ZONING BOARD OF APPEALS
May 12, 2016 - 7:00 P.M.**

1. Call to Order/Roll Call
2. Agenda Changes
3. Approval of Minutes: *April 14, 2016*
4. New Business
 - A. Park Street near Bliss – variance for bathroom location - Dunegrass
5. Unfinished Business
 - A. Park and Vine – front yard setback request for new Single Family home - Chinnici
6. Communications:
7. Public Comments
8. ZBA Comments
9. Adjourn

Public Hearing Procedure

- A. Hearing is called to order by the Chair
- B. Summary by the Zoning Administrator
- C. Presentation by the Applicant
- D. Public comment regarding the application
 - Participants shall identify themselves by name and address
 - Comments/Questions shall be addressed to the Chair
 - Comments/Questions shall be limited to five minutes
 - 1. Supporting comments (audience and letters)
 - 2. Opposing comments (audience and letters)
 - 3. General comments (audience and letters)
 - 4. Repeat comment opportunity (Supporting, Opposing, General)
- E. Public comment portion closed by the Chair
- F. Commission deliberation
- G. Commission action

Proposed Minutes
Saugatuck Zoning Board of Appeals Meeting
Saugatuck, Michigan, April 14, 2016

The Saugatuck Zoning Board of Appeals met in regular session at 7:00 p.m. in Council Chambers of Saugatuck City Hall, 102 Butler Street, Saugatuck, MI 49453

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

Attendance:

Present: Bouck, Kubasiak, Bont & Ludlow

Absent: Riekse, Zervas

Others Present: Zoning Administrator Osman

2. **Approval of Agenda:** A motion was made by Bont, 2nd by Bouck, to remove agenda item 5(B) Application 16-001 / Park Street & Bliss Street Bathroom & Wetbar. Upon voice vote the motion carried unanimously.

3. **Election of Officers:**

A. Nominations for Chairperson: A motion was made by Bouck, 2nd by Ludlow, to nominate Kubasiak as Chairperson. Upon voice vote the motion carried unanimously.

B. Nominations for Vice-Chairperson: A motion was made by Kubasiak, 2nd by Ludlow, to nominate Bont as Vice-Chairperson. Upon voice vote the motion carried unanimously.

4. **Approval of Minutes:** None

5. **Public Comments (agenda items only):** Toni Trudell (*resident*) opposed to agenda item 5(B) as development can cause safety issues.

6. **Old Business:** None

7. **New Business:**

A. Application 16-002 / Park & Vine Street – Setback Variance for Residential Building: A public hearing was scheduled on this date regarding a dimensional setback variance in connection with the construction of a new single family home on permanent parcel 0357-009-073-10. The applicant is requesting a variance from the required front yard setback on Vice Street and is proposing a zero setback where 25 feet is required.

Chairperson Kubasiak opened the public hearing at 7:12 p.m.

The applicant presented his application, however he doesn't have any house plans at this time to present to the board.

Chairperson Kubasiak closed the public hearing at 7:40 p.m.

A motion was made by Bont, 2nd by Bouck, to table to for more information. Upon roll call the motion carried unanimously.

~~B. Application 16-001 / Park & Bliss Streets – Bathroom & Wet Bar:~~

C. Approval of 2016 Schedule of Meetings: A motion was made by Bont, 2nd by Kubasiak, to approve the 2016 schedule of meetings as presented. Upon voice vote the motion carried unanimously.

8. **Communications:** None

9. **Commission Comments:** The board welcomed the newest member of city staff, Zoning Administrator Cindy Osman.

10. **Public Comments:** None

11. **Adjournment:** Chairperson Kubasiak adjourned the meeting at 8:55 p.m.

Respectfully Submitted,

Monica Nagel, CMC
City Clerk



**BACKGROUND REPORT
ZONING BOARD OF APPEALS APRIL14, 2016**

APPLICATION: 160001

PERRYMAN ST 57-009-066-10

DUNE RIDGE SA, LP

REQUEST: Ed Pynnonen on behalf of Duneridge SA,LP is requesting dimensional setback variances in connection with a 144 square foot bathroom and wet bar structure on permanent parcel number 03-57-009-066-10 on Perryman Street, legally described as: THAT PART OF THE N 100' OF GOVT LOT 4 LYING E OF RIVER RD EX THE N 20' THEREOF SEC 9 T3N R16W (93)

Ed Pynnonen, agent for the owner of property located 57-009-066-10 has submitted an application to the Zoning Board of Appeals for setback variances. The purpose of this report is to provide a review of the application, requirements of the zoning ordinance, standards for consideration, and any available history of zoning activity for this parcel.

IMPORTANT REMINDER: This board is authorized to grant or deny requests for variances from the requirements of the zoning ordinance. In this case, dimensional variances are requested. This board does not have the ability to approve or deny a permitted use. Parking, screening, landscaping, and other issues will be addressed during a public hearing with the Planning Commission. Should you determine to grant this variances, it does not absolve the applicants from any other requirements under local, State or Federal laws.

BACKGROUND: The property is located in the R Resort C-4 zoning district. It appears as if when part of the Presbyterian Camp, this site was used for storing and launching canoes. I am not aware of any other previous uses.

While the applicant is requesting several variances, it appears as if the conditions of the land apply equally to each variance request. In this case, it would be appropriate to make a single motion to cover all of the dimensional variances requested.

The applicant is requesting the following variances in connection with the proposed 144 sq. ft. bathhouse.

Description	Required	Proposed	Variance of:	Section
Front setback	15 feet	3 feet	12 feet	154.37,D,1
Side setback	10 feet	0 feet	10 feet	154.37,D,1
Rear set back	NA	NA	NA	154.37,D,1
Minimum lot area	15,000 sq. feet	9,100 square feet	5,900 sq. feet	154.37,D,1
Minimum lot width	66 feet	140 feet (width-see definitions)	NA	154.37,D,1
Maximum lot coverage	50%	1.5%	NA	154.37,D,1
Set back to roadway	20 feet	10 feet	10 feet	154.092,D,2c-d
Waterfront setback	25 feet	9 feet	16 feet	154.021,F,4

Section 154.155 (B) provides the standards that must be met in order for the Board to grant a dimensional (non-use) variance:

1. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Comment: Compliance with the setbacks and area requirements do not allow for any buildable location on the lot. A minor marina construction is a permitted use after approval as a special land use. Strict compliance would not allow the bathhouse, specifically permitted in section 154.092.D,2,b,2. This standard applies to each of the variances requested.

2. That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.

Comment: Variances to the setback would allow for a functional bathroom space and a maintenance room. The requested structure would cover approximately 1.5% of the lot, where the ordinance allows up to 50%. The construction would have a far lesser impact than other permitted uses. The owner has the right to use the land for a permitted use. This standard applies to each of the variances requested.

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

Comment: This very narrow parcel. It appears to be the most slender property in this location. For not the shape of the lot, a variance would not be required. This standard applies to each of the variances requested.

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

Comment: The narrowness appears to be the result of the development of Park Street and the location of the high water mark. Neither is or was under the control of the owner. This standard applies to each of the variances requested.

RECOMMENDATION: We bring to your attention that it is the responsibility of the applicant to provide evidence that ALL of the above conditions be met in order to grant a variance. In order to assure that your decision can withstand any challenges, either for or against, it is essential that the findings are clearly articulated.

It is important to note again that this Board is only requested make findings on the request for the variances, not on the marina itself.

The sample motion may be used:

I hereby make a motion to (Approve/Deny) application 16.001 for the above named property (granting/not granting) a request for setback variances described above to construct a building at the proposed location with the following condition:

1. Proper building and zoning permits are issued, subject to any actions by the Planning Commission.

Please restate the findings of fact:

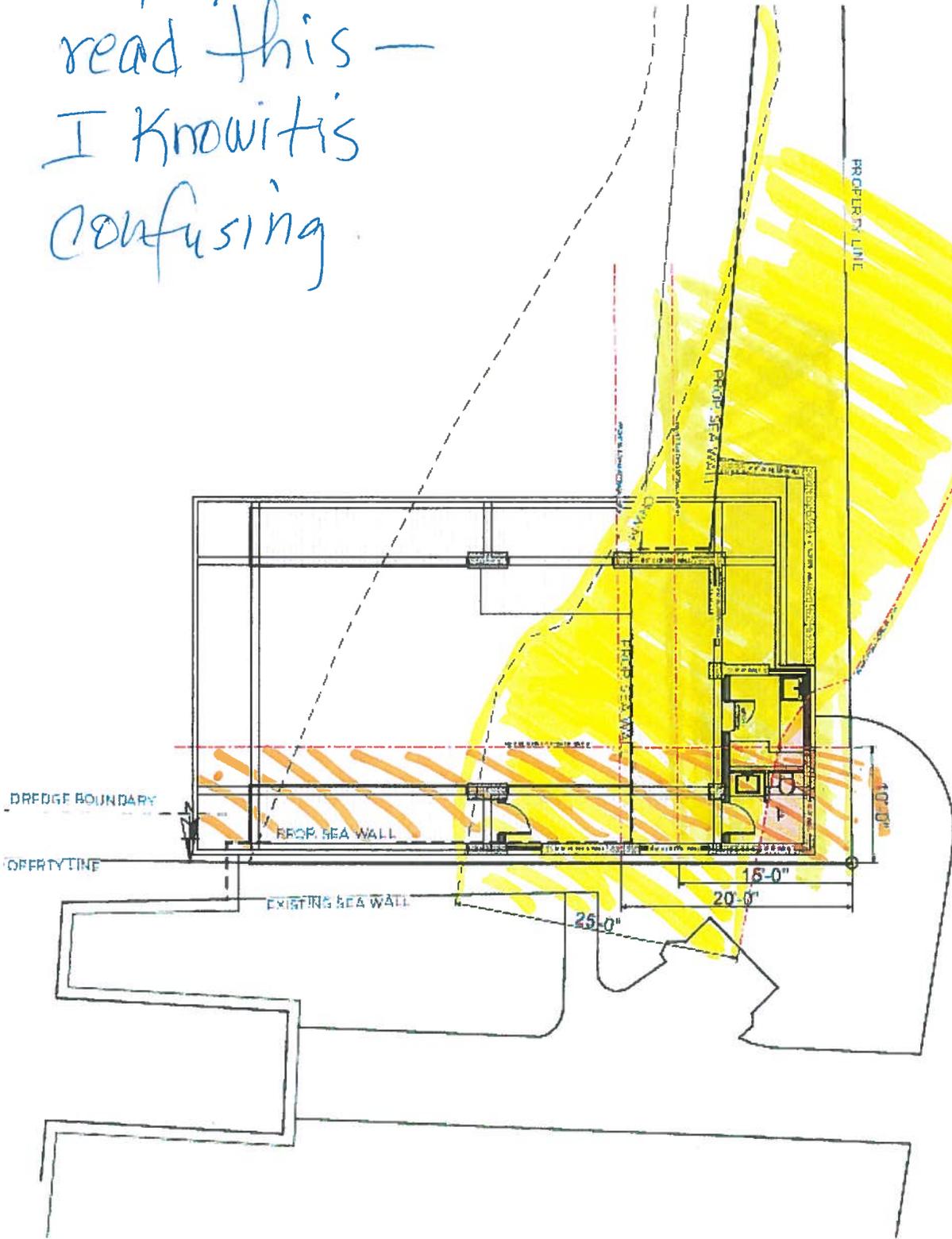
Standard 1 is met/not met because: _____

Standard 2 is met/not met because: _____

Standard 3 is met/not met because: _____

Standard 4 is met/not met because: _____

Hope you can read this - I know it's confusing.



ORANGE = Side yard setback - Not Buildable - 10'
Yellow = Waterfront Setback - Not buildable 25'
Green - front yard setback Not buildable 15'
No white left!

Handwritten initials/signature



RECEIVED
MAR 15 2016
CITY OF SAUGATUCK

Zoning Board of Appeals Application

LOCATION INFORMATION	APPLICATION NUMBER <u>16-001</u>
Address <u>Park St</u>	Parcel Number <u>03-57-009-066-10</u>

APPLICANTS INFORMATION	
Name <u>Ed Pynnonen</u>	Address / PO Box <u>7114 Gladys SE</u>
City <u>Grand Rapids</u> State <u>MI</u> Zip <u>49546</u>	Phone <u>616-437-4288</u>
Interest In Project <u>Project Manager</u>	E-Mail <u>epynnonen@comcast.net</u>
Signature <u>[Signature]</u>	Date <u>3/8/2016</u>

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)	
Name <u>Dune Ridge SA, LP</u>	Address / PO Box <u>231 W Fulton</u>
City <u>Grand Rapids</u> State <u>MI</u> Zip <u>49503</u>	Phone <u>616-530-5500</u>

I hereby authorize that the applicant as listed above is authorized to make this application for proposed work as my agent and we agree to conform to all applicable laws and regulations of the City of Saugatuck. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions before, during, and after the proposed work is completed or to gather further information related to this request.

Signature [Signature] Date 3/8/2016

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 _____
License Number _____	Expiration Date _____

PROPERTY INFORMATION	
Depth <u>40</u> Width <u>130</u> Size <u>0.11 acres</u>	Zoning District <u>C4</u> Current Use <u>Vacant</u>
Check all that apply: Waterfront <input checked="" type="checkbox"/>	Historic District _____ Dunes _____ Vacant _____
Application Type: Interpretation _____	Dimensional Variance <input checked="" type="checkbox"/> Use Variance _____

REQUEST DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)
<u>The owner requests a variance in the front and side yard setbacks in order to construct a 140 sf bathroom/utility room in connection with a boat slip. As a result of the unique lot geometry, the riverfront, the offset of the ROW, and setbacks the lot has no building envelope, the property cannot be used for any of the uses permitted in the district. The owner intended use is consistent with uses in the district and has much less impact than other uses in the district.</u>



SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the following information shall be submitted with the coverage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

- | Y | N | NA | |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions of property of the total site area, |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" 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 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 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Proposed water supply and wastewater systems locations and sizes; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input 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; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives; |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Exterior lighting showing area of illumination and indicating the type of fixture to be used. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Elevations of proposed buildings drawn to an appropriate scale shall include: <ol style="list-style-type: none"> 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location, if any, of any views from public places to public places across the property; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location, height and type of fencing; and |



- The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.
- Other information as requested by the Zoning Administrator

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or non-use variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

- (1) Explain how strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;

The setbacks do not allow for any buildable area on the lot.

- (2) Explain how a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;

A variance to allow the construction on a bathroom and utility room would allow the owner to use the property for an intended use that is much less impact than a variance to build a home (which is consistent with what other property owners have done)

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

It is unique to have a lot that due to setbacks has no building envelope.

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

This problem is a result of the geometry of the lot, the riverfront, the offset of the road right of way, and the set backs in the zoning district none of which are self-created.



USE VARIANCE REQUEST STANDARDS PER SECTION 154.155(C)

Please respond to each of the following questions. As part of your request to obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

- (1) Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located;

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

- (3) Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and

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



Zoning Board of Appeals

Application # ____ - ____

OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Date Notice Sent _____ Date Resident Notification _____ Hearing Date _____

Notes: _____

Motion to Approve _____ Deny _____

Findings of Fact:

Chair Signature _____ Vote ____

Member Signature _____ Vote ____