



**CITY OF SAUGATUCK
ZONING BOARD OF APPEALS
August 11, 2016 - 7:00 P.M.**

1. Call to Order/Roll Call
2. Agenda Changes
3. Approval of Minutes: June 9, 2016
4. New Business
 - A. 185 Park Street – expand non-conforming roof in side yard
5. Unfinished Business
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, June 9, 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, Riekse, Zerfas, Kubasiak, Bont

Absent: Ludlow

Others Present: Zoning Administrator Osman

2. **Agenda Changes:** None

3. **Approval of Minutes:** A motion was made by Bont, 2nd by Riekse, to approve the May 12, 2016 regular meeting minutes as amended. Upon voice vote the motion carried unanimously.

4. **New Business:** None

5. **Old Business:** None

6. **Communications:**

A. Zoning Board of Appeals Handbook – Zoning Administrator Osman presented the Board with ZBA Handbooks.

7. **Public Comments:** None

8. **ZBA Comments:** None

9. **Adjournment:** Chairperson Kubasiak adjourned the meeting at 8:40 p.m.

Respectfully Submitted,

Monica Nagel, CMC
City Clerk



**BACKGROUND REPORT
ZONING BOARD OF APPEALS August 11, 2016**

APPLICATION: 16.0004

185 PARK STREET

PATRICK MURPHEY ON BEHALF OF DANIEL AND JILL BAKER

REQUEST: Patrick Murphey Builder, on behalf of owners Daniel and Jill Baker, is requesting a dimensional setback variance in connection with the re-construction of a roof and a single family home at 185 Park Street.

Patrick Murphy Builder has submitted an application to the Zoning Board of Appeals for a variance from the required side yard setback on the south side of the home. The house encroaches into the side yard setback 4.5 feet where a 10 foot set back is required. This leaves about 5.5 between the house and the street. Therefore, the changed elevation of the roof creates an increase in the non-conformity of one small section of the roof. In all other respects, the roof structure will comply with the requirements of the zoning district.

BACKGROUND: The property is approximately 6,143 square feet, and is located in the PS R-1 zone district. The building foot print is about 1,621 square feet for a lot coverage of about 21%.

(D) *Dimension and area regulations:*

Front setback	25 feet from right-of-way for lots fronting on Park, Perryman and Campbell Streets in the Manchester plat, or 15 feet from all other platted streets and alleys
Side setback	10 feet*
Rear setback	10 feet*
Minimum lot width	66 feet
Maximum lot coverage	25%
Minimum lot area	8,712 square feet
* Except waterfront yards – see § 154.022(F)(4) waterfront lots	



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

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: This property is non-conforming three aspects.

1. The side yard is only 5.5 feet at the south side yard where 10 feet is required.
2. The lot width is 34.54 feet in at the street line and approximately 44 feet in width at the front building line, and 60 feet at the widest part, where the minimum required lot width is 66 feet.
3. The lot area is 6,143 square feet if the area between the intermediate traverse line and the seawall is included.

It would be unnecessarily burdensome to create a roof that did not cover the length of the existing roof or create a different pitch roof over 5 feet of the existing roof. The old roof was structurally deficient and poorly designed to protect the home from the elements. The overall height of the roof is far below the allowed 28 feet.

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

Comment: The variance request is of a de minimis or a minimal expansion of a non-conformance encroachment on a side yard. It is approximately five feet by five feet projection into the side yard allowing the property owner to have access to adequate light and ventilation in the structure.

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

Comment: The non-conforming conditions existed before the property was purchased.

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

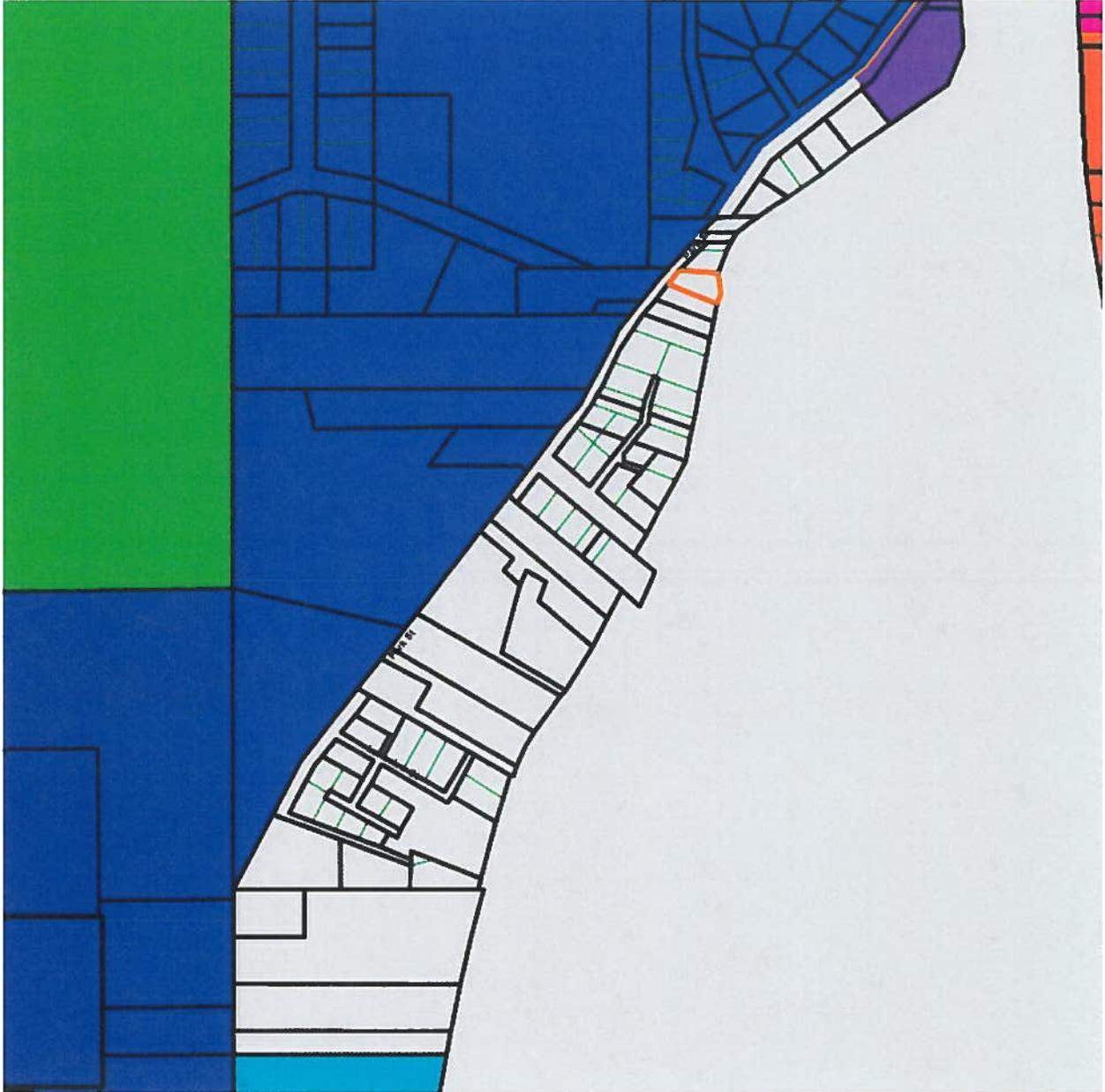
Comment: The problem is not self-created, and it did cost more to install the roof than leaving the roof as it was.

Process sample motion,



I hereby make a motion to (Approve/Deny) application 16.004 for the above named property (granting/not granting) a request to extend a non-conforming setback as described in the application on a single family residential dwelling. No other extensions are included in this request.

Please state the findings of fact:



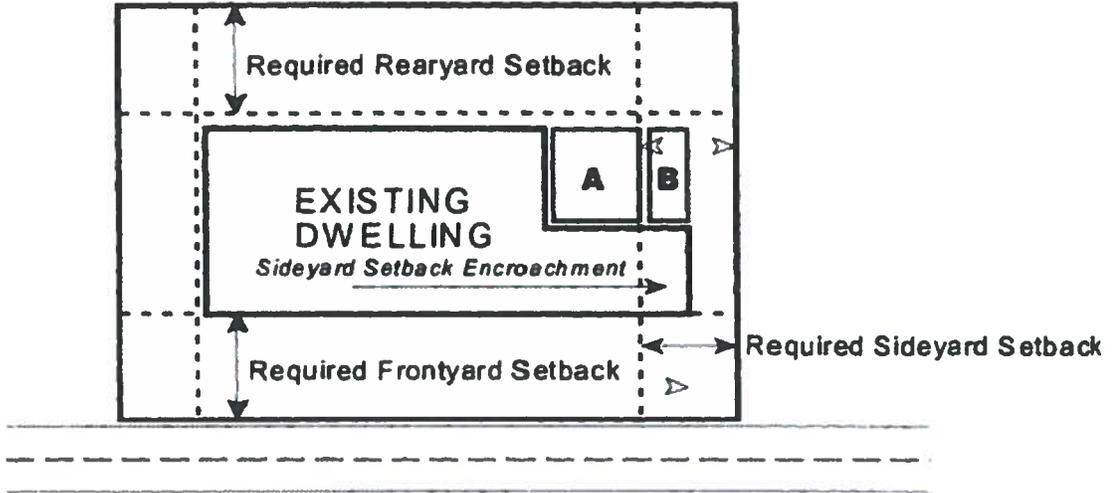


(1) *Enlargement or alteration.*

(a) A lawful nonconforming structure may not be enlarged, expanded or altered in any way which increases its nonconformity with the provisions of this chapter unless otherwise noted within this chapter. The nonconforming structure may be enlarged or altered provided that all such changes are in conformance with all provisions of this chapter at every structural level. All enlargements or alterations shall be subject to review and approval by the Zoning Administrator.



Example: Nonconforming Residential Structure



A Proposed addition to be placed within required setbacks.



B Proposed addition to be placed outside required setbacks.



Zoning Board of Appeals Application

LOCATION INFORMATION **APPLICATION NUMBER** _____ - _____

Address 185 Park St. Saugatuck Parcel Number 57-700-002-00

APPLICANTS INFORMATION

Name Patrick Murphy Address / PO Box PO Box 39
City Douglas State Mi Zip 49406 Phone 269-906-5004
Interest In Project Builder E-Mail pat@omurphy.com
Signature *Patrick Murphy* Date 6/9/16

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name Daniel & Jill Baker Address / PO Box 2543 Kodiak Dr.
City East Lansing State Mi Zip 48823 Phone 517-290-2561

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 6-18-16

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

Name Patrick Murphy Builders, LLC Contact Name Pat Murphy
Address / PO Box PO Box 39 City Douglas
State Mi Zip 49406 Phone 26-906-5004 Fax _____
License Number 2102183388 Expiration Date 05/31/2017

PROPERTY INFORMATION

Depth 100 Width 60.30 Size 6030 Zoning District PS R-1 Current Use PS R-1
Check all that apply: Waterfront Historic District _____ Dunes _____ Vacant _____
Application Type: Interpretation _____ Dimensional Variance _____ Use Variance

REQUEST DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

ON 4/4/16 I APPLIED FOR A ZONING APPROVAL AND BUILDING PERMIT FOR A NEW ROOF BEING ADDED OVER THE EXISTING ROOF RAISING THE PEAK UP 3FT 6 INCHES AND ADDING A DORMER AND WINDOWS FACING THE WATER
ON 5/4/16 I WAS ISSUED A BUILDING PERMIT AND WORK WAS STARTED AND COMPLETED
ON 6/8/16 I WAS INFORMED THAT SOUTH SIDE SOFIT OF THE EXISTING ROOF THAT I WENT OVER ENCROACHES ON THE SIDE YARD SET BACK AND THAT I WILL HAVE TO APPLY FOR A VARIANCE



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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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; |
| <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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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;

We only covered what was there already.

- (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;

My opinion is this will have no effect on anyone in the area since the roof over hang was the same size prior as it is now.

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

The unique circumstance is that the existing roof was there, permit was issued to no fault of the owner. Plus owner was never informed when he purchased the home that it had an encroachment either by previous owner or the title company.

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

1st when the current owners purchased the property they were never informed there was an encroachment. Again the existing roof was there and all we did was raise it up.