

**CITY OF SAUGATUCK
ZONING BOARD OF APPEALS
September 8, 2016 - 7:00 P.M.**

1. Call to Order/Roll Call
2. Agenda Changes
3. Approval of Minutes: August 11, 2016
4. Unfinished Business
 - A. Chinnici at Park and Vine – new house setback, remove from table
5. New Business: None
6. Communications:
 - A. Update on Dunegrass docks
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



BACKGROUND REPORT
ZONING BOARD OF APPEALS ~~May 26, 2016~~ **September 8, 2016**

APPLICATION: 16.0002

PARK ST 57-009-073-10

CHINNICI LEONARD J & CARYN

UPDATES: in yellow

REQUEST: Leonard Chinnici is requesting a dimensional setback variance in connection with the construction of a new single family home on permanent parcel number 03-57-009-073-10 legally described as BEG 658.23' S & 605.77' E OF NW COR SW 1/4 TH N 89 DEG 22' 27"E 294.04' TH S 34 DEG 10'W 77.77' ALG C/L RIVER RD TH S 89 DEG 42'W 83' TH S 23 DEG 07'24"W 40' TH S 89 DEG 22'27"W 150.77' TH N 100 FT TO POB BEING PART GOV'T LOT 4 SEC 9 T3N R16W (89)

Leonard Chinnichi, owner of property located at **Park and Vine** has submitted an application to the Zoning Board of Appeals for a variance from the required front yard setback on Vine Street. Applicant proposes a ~~zero~~ **TEN FOOT** setback where 25 feet is required. In all other respects, the proposed structure will comply with the requirements of the zoning district.

BACKGROUND: The property is approximately 43,690 square feet, and is located in the PW R-1 zone district.

(D) *Dimension and area regulations:*

Front setback	25 feet
Side setback	10 feet
Rear setback	25 feet
Minimum lot area	21,780 square feet
Minimum lot width	100 feet
Maximum lot coverage	25%

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

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

Comment: The topography of the site limits the buildable area without encroaching on sandy dunes. The property was purchased from the City in the 1980's prior to the Dune act. A single family home is a permitted purpose. **OVER 80% OF THE PROPERTY EXCEEDS A 3:1 SLOPE SEVERELY LIMITING THE BUILDABLE AREA.**

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

Comment: The variance on Vine Street would allow the house to be built on flatter land area and reduce the encroachment on a sandy dune. **THE SIZE OF THE HOUSE IS SIMILAR IN AREA TO THE SURROUNDING NEIGHBORHOOD**

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

Comment: The lot is a ravine lot purchased prior to the zoning dune act. **THE LOT IS OF UNUSUAL SHAPE, AND THE ACTUAL PAVEMENT OF VINE IS FURTHEST FROM THIS LOT THAN THE OTHER HOMES ON VINE.**

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

Comment: The condition is the natural condition of the topography.

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, it is essential that the findings are clearly articulated.

The sample motion may be used:

I hereby make a motion to (Approve/Deny) application 16.002 for the above named property (granting/not granting) a request for a zero front yard setback from Vine Street to construct a single family residential dwelling.

Please state the findings of fact: You may incorporate comments in the report as your findings.

Owner's Designated Agent Authorization

19 August 2016

Saugatuck City Hall
102 Butler Street
P.O. Box 86
Saugatuck, MI 49453

Re: Park and Vine Streets
Saugatuck, MI 49403
Parcel No. 03-57-009-073-10

I/We hereby authorize CKC Architect, LLC (Charles Carlson) to act as my representative (Agent) in regard to design, planning, permitting, and construction at my property located at Park and Vine Streets in Saugatuck, Michigan.

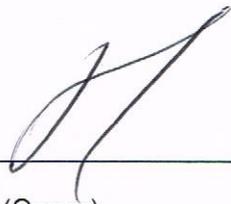
Agent

CKC Architect, LLC
P.O. Box 111
Douglas, MI 49406
616-886-1688

Owner

Leonard Chinnici
6312 Silver Lake Dr.
Saugatuck Mi. 49453
630-602-7300

Regards,



Leonard Chinnici (Owner)

8/20/16

Date



Zoning Board of Appeals Application

LOCATION INFORMATION **APPLICATION NUMBER** _____ - _____

Address Park & Vine corner. Parcel Number 0357-009-073-10

APPLICANTS INFORMATION

Name LEONARD CHINNICI Address / PO Box 6312 Silver Lake Dr.
City SAUGATUCK State MI Zip 49453 Phone 630-602-7300
Interest In Project OWNER E-Mail LCHINNICI@Hotmail.com
Signature _____ Date 11/29/15

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name LEONARD CHINNICI Address / PO Box Box 508
City glen ellyn State IL Zip 60138 Phone 630-602-7300

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

Signature _____ Date 12/5/15

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 _____ Width _____ Size _____ Zoning District _____ Current Use VACANT. LAND.
Check all that apply: Waterfront _____ Historic District _____ Dunes _____ Vacant
Application Type: Interpretation Dimensional Variance _____ Use Variance _____

REQUEST DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

REQUESTING WAIVER of 25ft. Set Back ON VINE ST.
AS PROPOSED ON Exhibits



SITE PLAN REQUIREMENTS (SECTION 154.061)

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

Y N NA

- Dimensions of property of the total site area,
- Contours at 2-foot intervals
- Locations of all buildings
- Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
- Parking areas
- Driveways
- Required and proposed building setbacks
- Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
- Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
- Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
- Proposed water supply and wastewater systems locations and sizes;
- Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
- Proposed common open spaces and recreational facilities, if applicable;
- Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
- Signs, including type, locations and sizes;
- Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
- Exterior lighting showing area of illumination and indicating the type of fixture to be used.
- Elevations of proposed buildings drawn to an appropriate scale shall include:
 1. Front, side and rear views;
 2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
 3. Exterior materials and colors to be used.
- Location, if any, of any views from public places to public places across the property;
- Location, height and type of fencing; and



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

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

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

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

Property was purchased from city in 1980's - prior to zoning due Act.
 Property was NOT buildable to return adequate compensation
 and purpose of use for a private home.
- (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;

Variance on vine street would allow building on flatter
 area and to reduce encroachment of zoning due.
- (3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

- Lot is a REVENUE lot, purchased prior to zoning,
 Due Act.
- (4) Explain how the problem is not self-created or based on personal financial circumstances.

- Natural property topo -



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;

ZONED RESIDENTIAL -

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

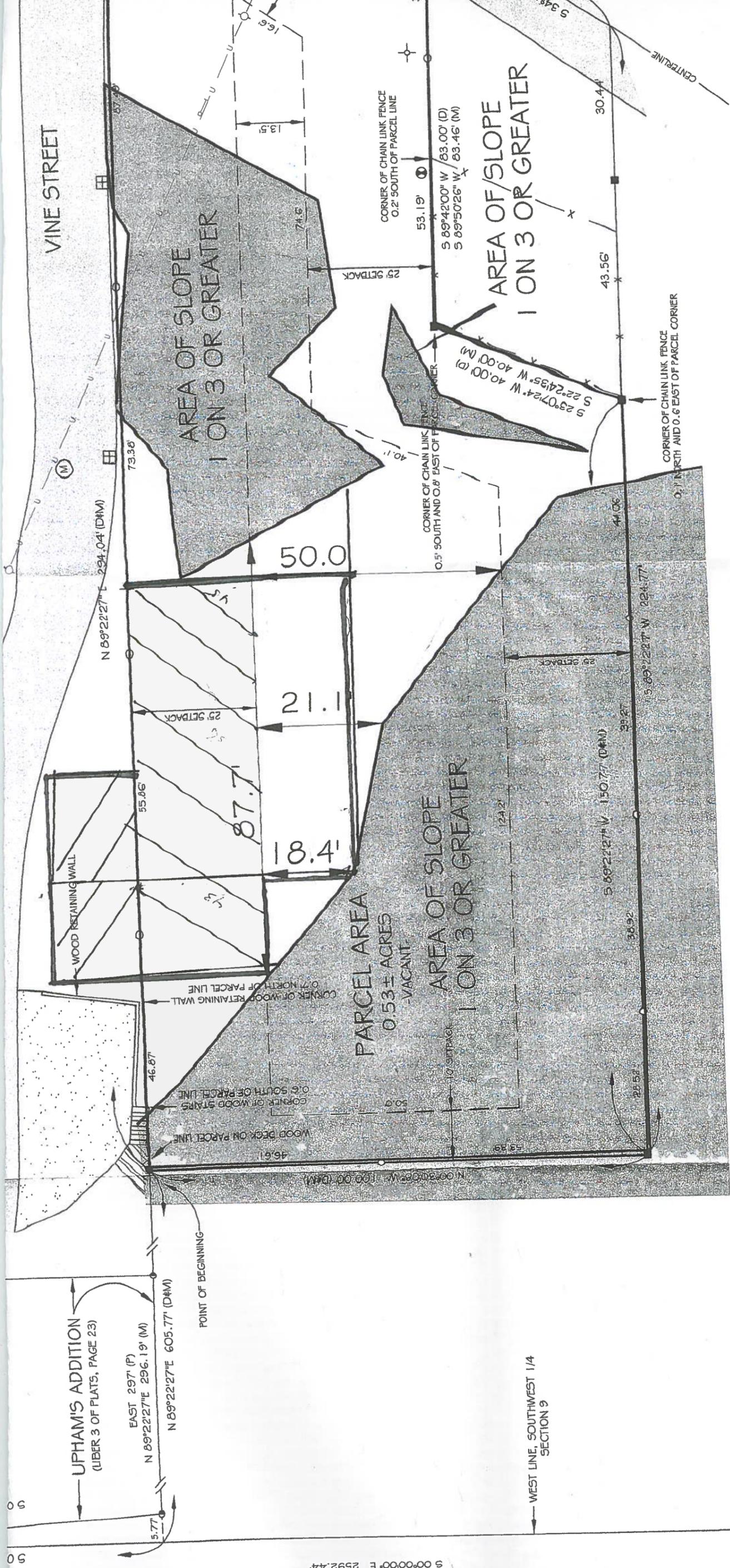
Reverse Lot - natural top of lot. & lot purchased prior to zoning due act.

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

The House that will be built on lot will not approximate any critical view area. greater than 30%. & would fit in with other structures

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

Development of zoning due act after purchase of lot from city of Saugatuck -



LEGEND:

- SET 1/2" STEEL ROD WITH CAP #45500
- FOUND CONCRETE MONUMENT
- SET MAG NAIL
- LOCATION OF PREVIOUSLY FOUND MONUMENTATION PER HOLLAND ENGINEERING, INC. JOB NUMBER 81-05-031
- UTILITY POLE
- GUY ANCHOR
- ⊞ CATCH BASIN
- ⊙ MANHOLE
- ⊙ GAS METER
- ⊕ TELEPHONE PEDESTAL
- U — OVERHEAD UTILITY LINES
- x — CHAIN LINK FENCE
- ▨ WOOD DECK
- ▨ ASPHALT PAVEMENT
- ▨ GRAVEL
- (P) - PLATTED DIMENSION
- (M) - MEASURED DIMENSION
- (D) - DESCRIPTION DIMENSION
- (C) - COMPUTED DIMENSION

SCALE
20 10 0 20
FEET
SCALE 1" = 20'

GENERAL NOTES:

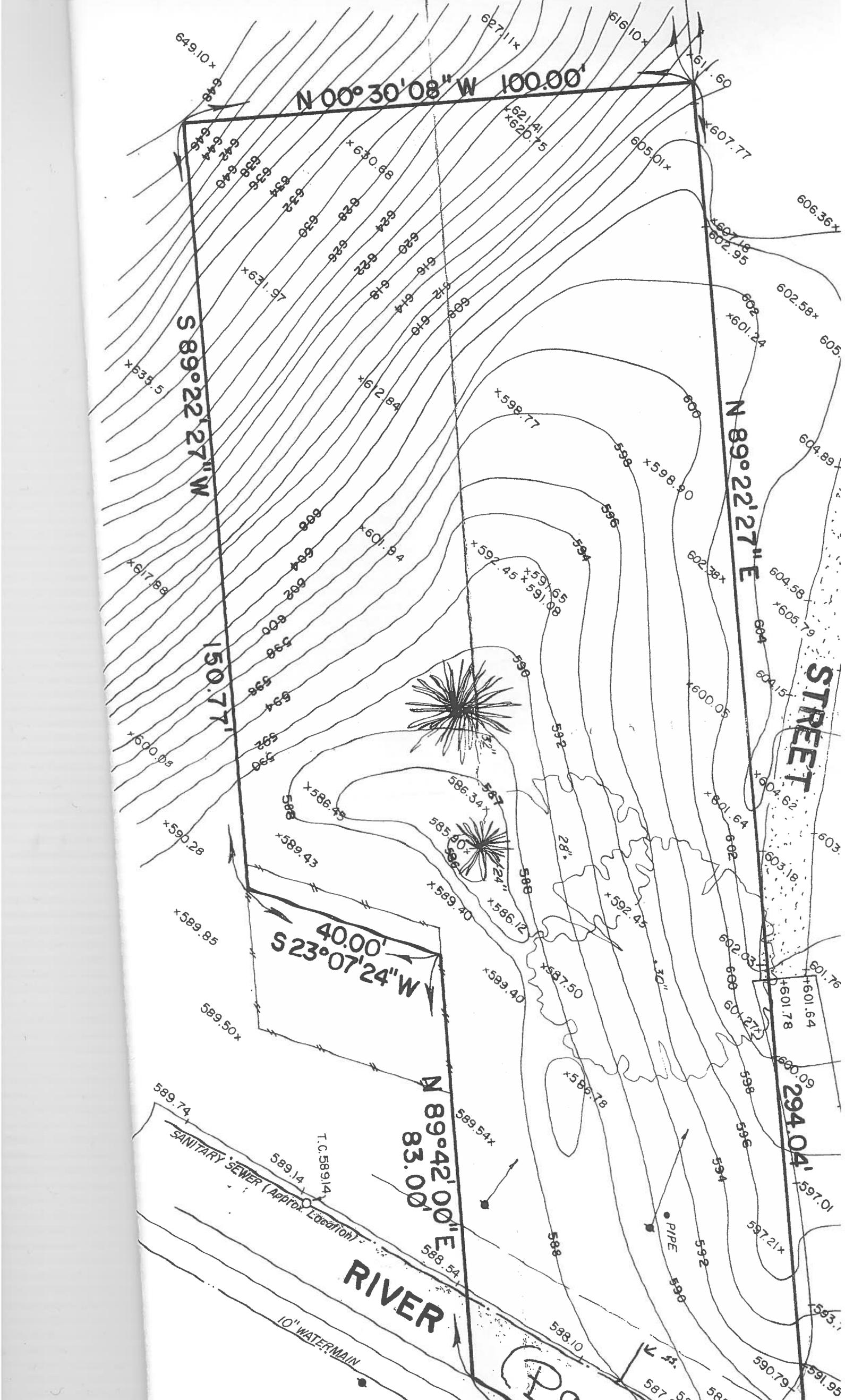
THIS SURVEY WAS PREPARED FOR THE LANDS AS DESCRIBED HEREIN WITHOUT THE BENEFIT OF CURRENT TITLE WORK. IT IS NOT A CERTIFICATION OF TITLE.

AREA HAVING F
THE AREA SHO

SOUTHWEST CORNER SECTION 9
TOWN 3 NORTH, RANGE 16 WEST
CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

WEST LINE, SOUTHWEST 1/4
SECTION 9

5 00°00'00" E 2592.44'



N 00° 30' 08" W 100.00'

S 89° 22' 27" W

150.77'

N 89° 22' 27" E

STREET

294.04'

40.00'
S 23° 07' 24" W

N 89° 42' 00" E
83.00'

RIVER

10" WATERMAIN

SANITARY SEWER (Approx. Location)

T.C. 58914

PIPE

P.C.

CKC

Architect, LLC

P.O. Box 111
Douglas, MI 49406

616-886-1688
www.ckcarchitect.com

Standards for Variance

31 August 2016

Re: Park and Vine
Saugatuck, MI 49453

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 of a permitted purpose, or would render conformity unnecessarily burdensome;

Over 50% of the property has a 1 on 3 slope or greater rendering it an unbuildable area as determined by the Michigan Department of Environmental Quality (MDEQ). In addition, the unique lot shape, 8600 square feet of the front yard (along Park Street) is not buildable because of the extremely narrow (77'-9") street front.

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

The variance will allow a residence of comparable size to other residences in the neighborhood.

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

Due to the unusual lot shape in addition, the required building setbacks required by zoning, the restrictions place by the MDEQ the allowable buildable area would require an odd and small shape building footprint/foundation. A setback variance along Vine Street (the least used street) would allow a more suitable building foundation/footprint.

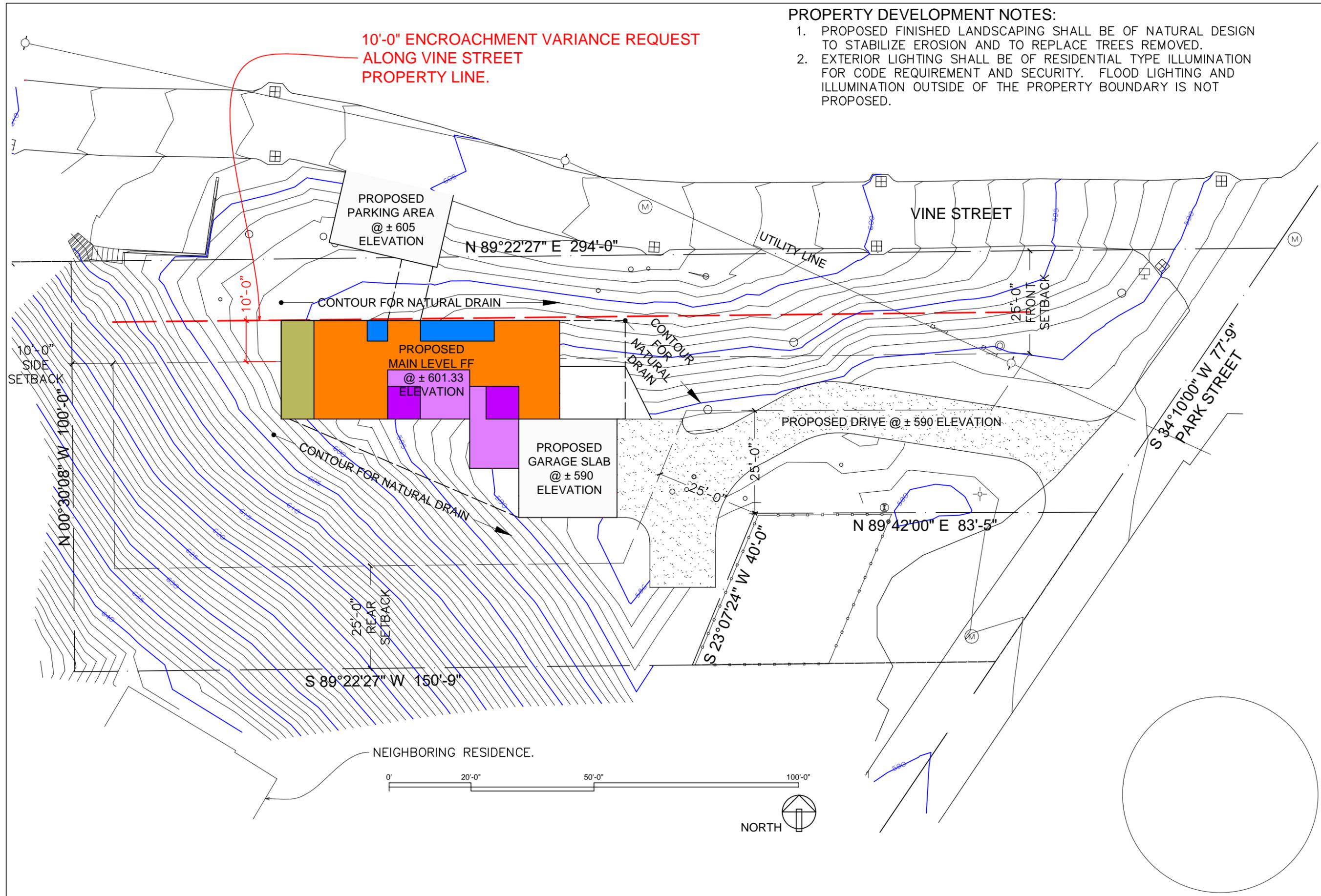
(4) Explain how the problem is not self-created or based on personal financial circumstances;

The hardships places on the property are defined by the MDEQ, the uniquely shaped property lines, and the building setback lines required for a corner lot.

**10'-0" ENCROACHMENT VARIANCE REQUEST
ALONG VINE STREET
PROPERTY LINE.**

PROPERTY DEVELOPMENT NOTES:

1. PROPOSED FINISHED LANDSCAPING SHALL BE OF NATURAL DESIGN TO STABILIZE EROSION AND TO REPLACE TREES REMOVED.
2. EXTERIOR LIGHTING SHALL BE OF RESIDENTIAL TYPE ILLUMINATION FOR CODE REQUIREMENT AND SECURITY. FLOOD LIGHTING AND ILLUMINATION OUTSIDE OF THE PROPERTY BOUNDARY IS NOT PROPOSED.



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Chinnici
 Residence
 Park and Vine
 Saugatuck, MI
 49453

Site Plan

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Chinnici
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Lower Level
Plan

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Main Level
Plan

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North
Elevation

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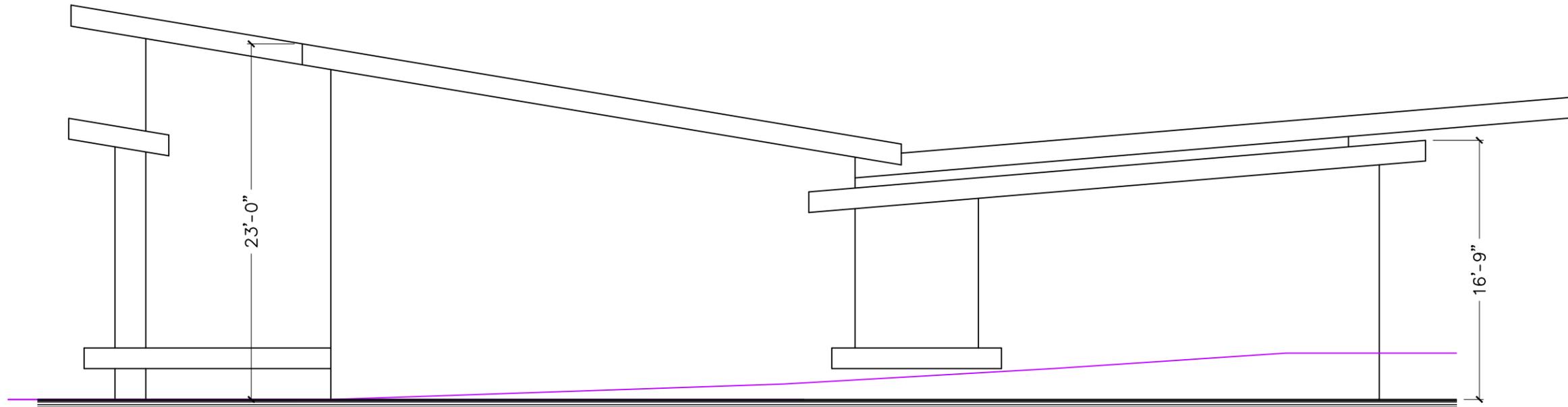
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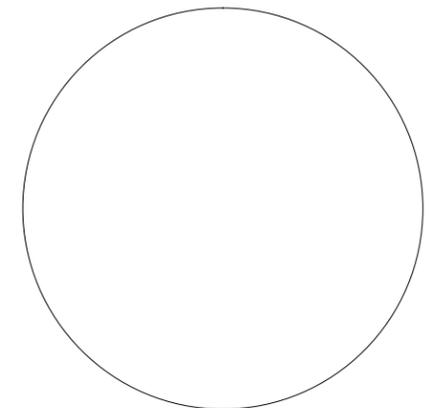
Four

Of Ten



ELEVATION NOTES:

1. PROPOSED ELEVATIONS ARE CONCEPTUAL FOR VARIANCE APPROVAL. FINAL ELEVATIONS PENDING FINAL PLAN DESIGN.
2. PROPOSED EXTERIOR MATERIALS SHALL BE A COMBINATION OF WOOD OR CEMENT BOARD SIDING, STONE, BRICK OR FINISH CONCRETE, METAL AND GLASS.
3. EXTERIOR COLORS TO BE DETERMINED.
4. PROPOSED FINISH GRADES ARE ESTIMATED. FINAL GRADE TO BE DETERMINED BASE ON APPROVED VARIANCE AND DEQ REQUIREMENTS.



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Chinnici
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South
Elevation

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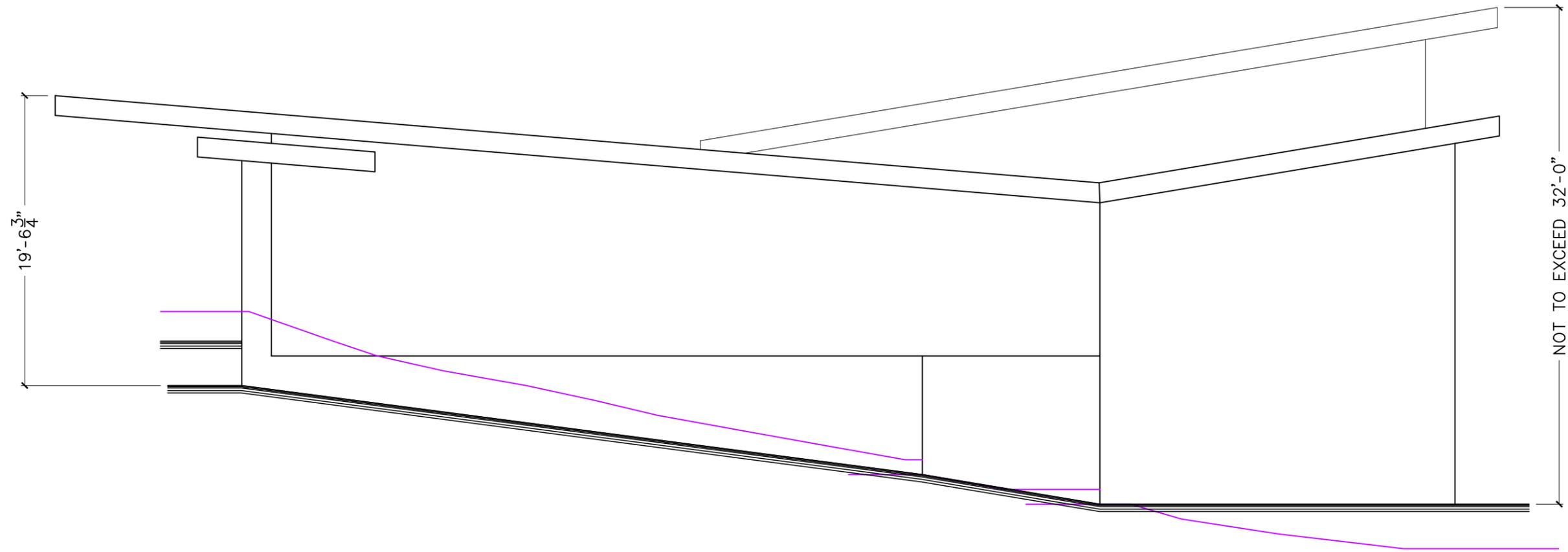
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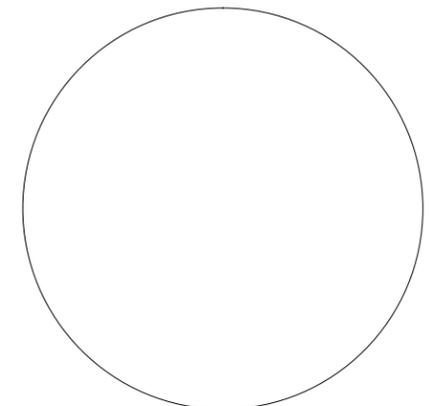
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Chinnici
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East
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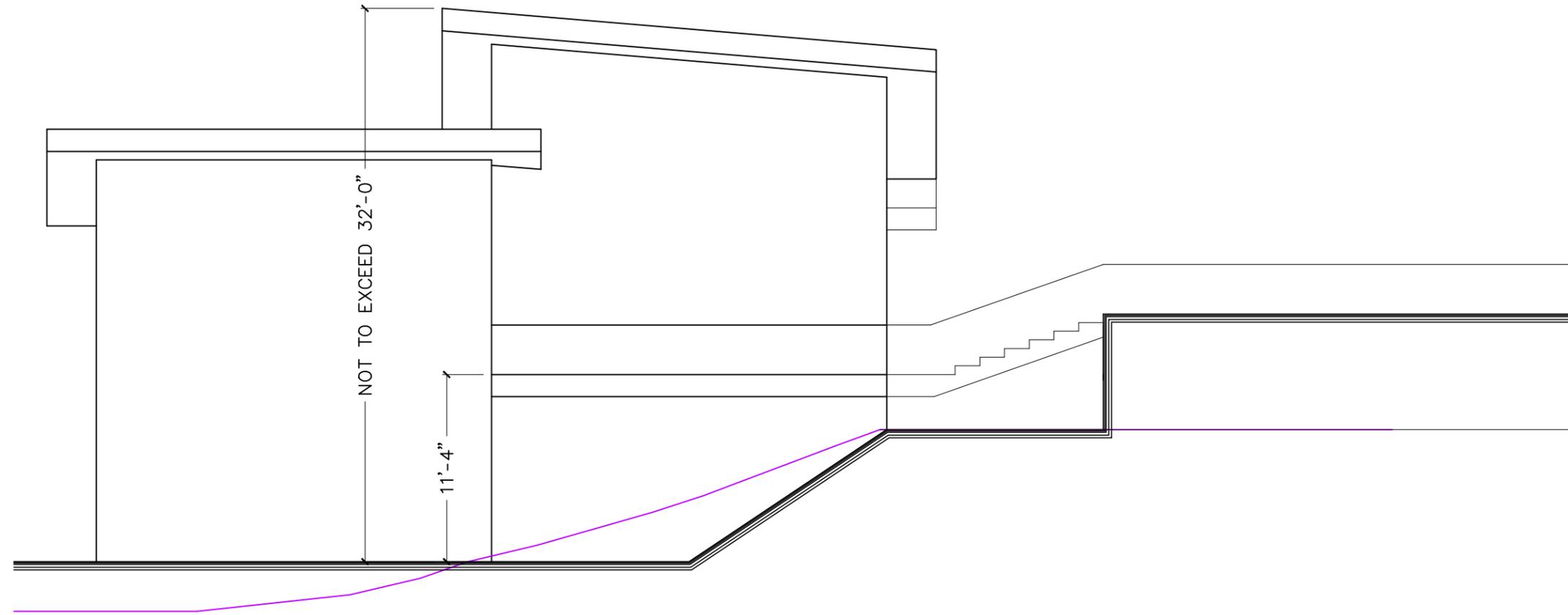
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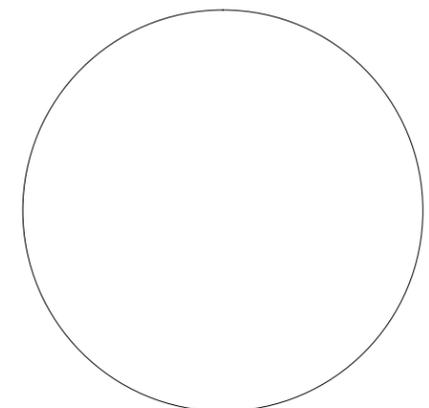
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Chinnici
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West
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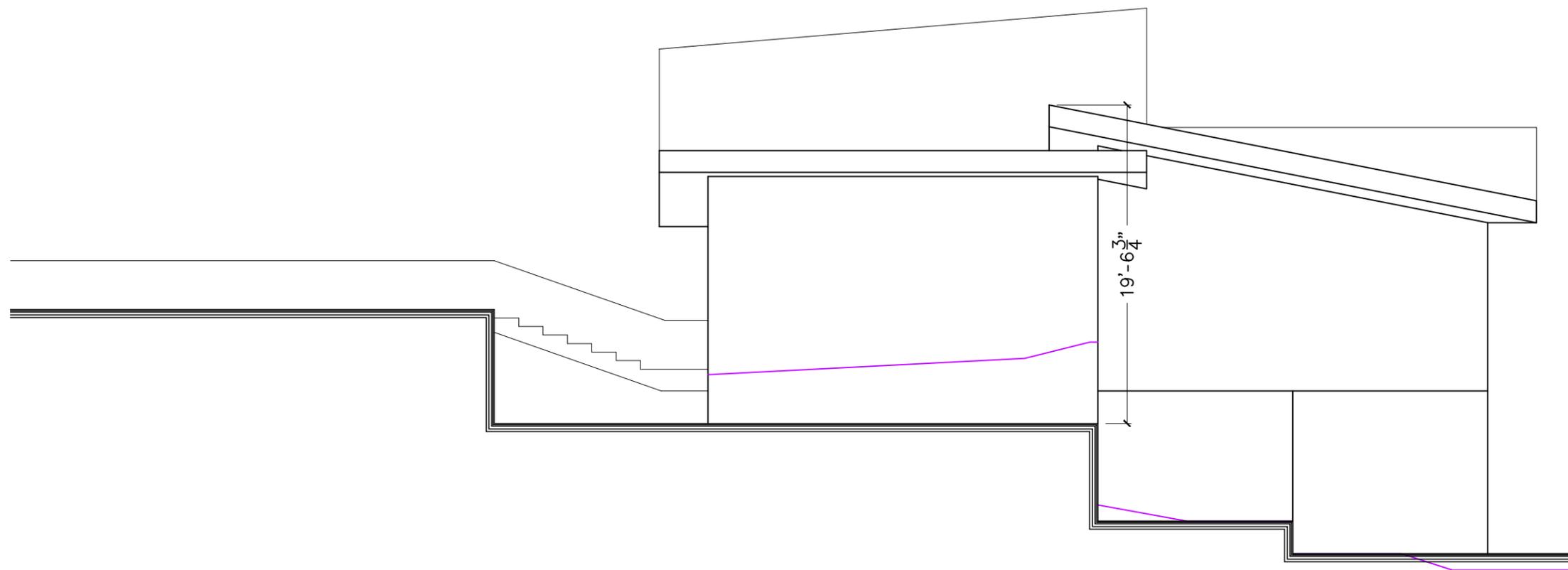
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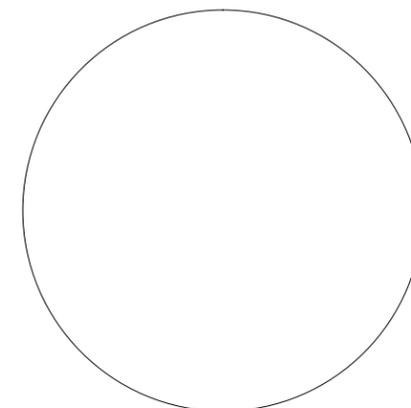
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Perspectives

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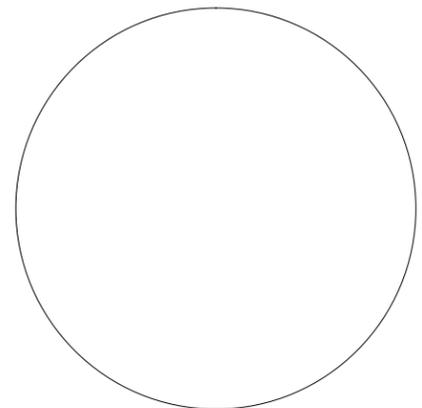
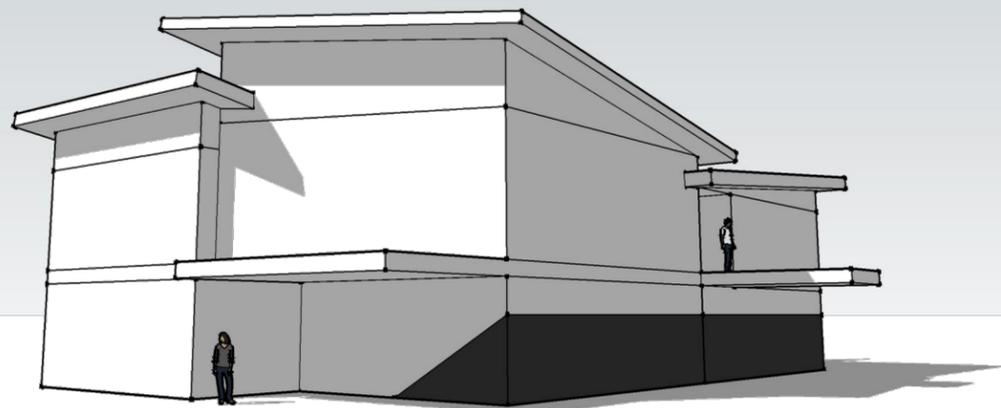
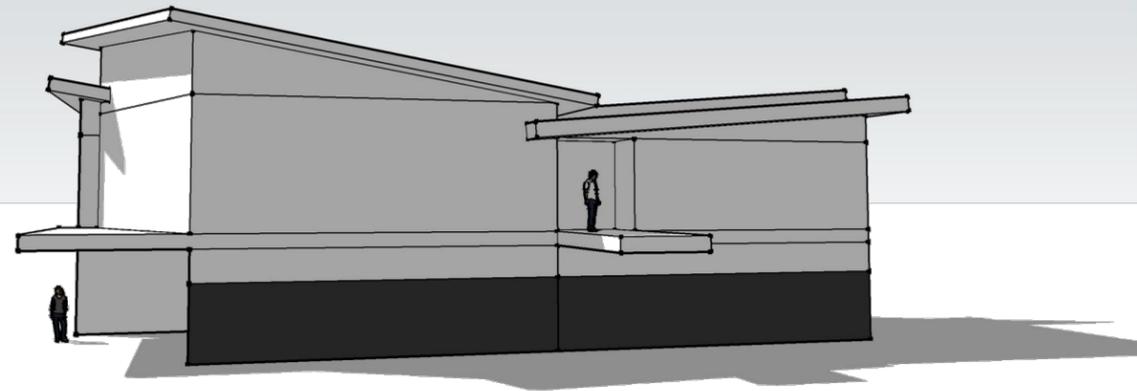
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Eight

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Perspectives

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Scale: As Noted

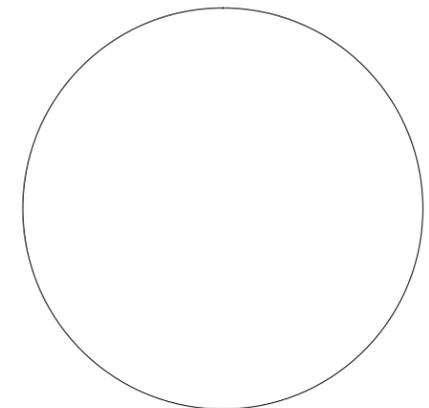
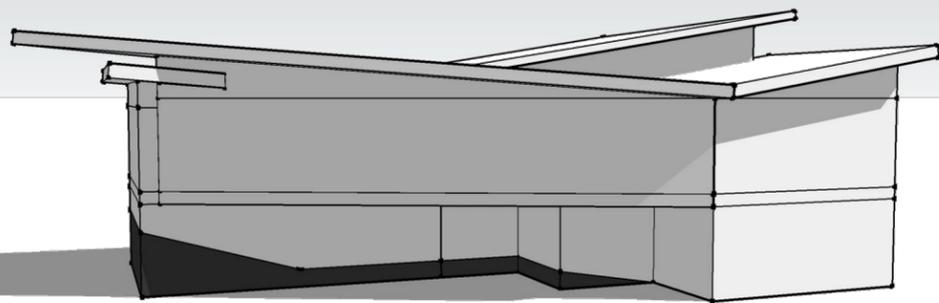
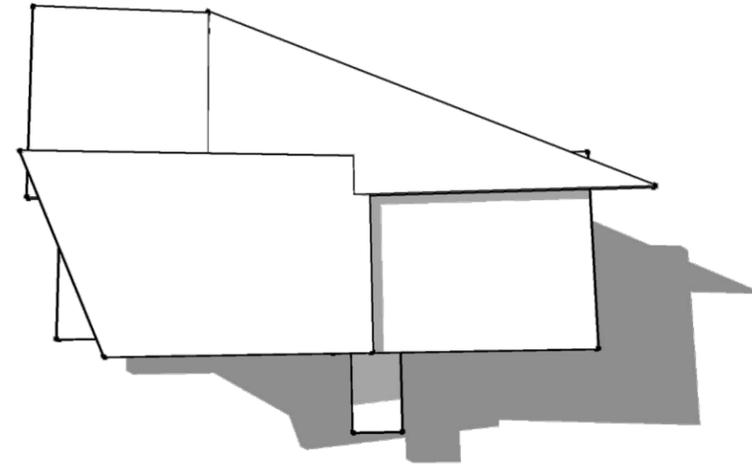
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Chinnici
 Residence
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Neighboring
 Properties

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