

**SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS**

September 18, 2003

The Saugatuck Township Zoning Board of Appeals met on September 18, 2003, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Oyler, Harrison and Wester

Absent: None

Also present: Z. A. Ellingsen, Paul Cook, Ric and Cathy Gillette, Mike Condron, and members of the general public.

Chairman Oyler called the meeting to order at 4:00 P.M. and reviewed action at the May 22, 2003, ZBA meeting which gave Shri Krishna Enterprises 120 days to complete the road to a platted subdivision before a setback variance could be granted for the lot facing Clearbrook Drive. Because the road is almost finished, the applicant requests an extension of 60 days. Oyler said he was willing to grant the extension without going through the hearing. Harrison made a motion to grant the 60-day extension for completion of the road. Wester seconded and the motion carried unanimously.

Oyler introduced the request by Paul Cook, Captain's Quarters, 3242 Blue Star Highway, for a side-yard setback variance to expand the motel which is a non-conforming use in C-2. Oyler read the public notice. Ellingsen said he had explained to Cook that motels are allowed a 50% expansion with SAU from the Planning Commission, but he would need a setback variance from the 20 feet required in Sec. 40-424(2).

Cook explained that from the existing building the addition would be attached at the point closest to the side boundary, going away from the boundary. He said he thought it was an exceptional case because the motel is now a non-conforming use but was not in the past. Cook stated that the motel was built in 1949, and this would be an expansion of the lobby only.

Judith Schneider, 207 S. Maple, said she supported the expansion because there is only room for one person to stand at the desk, and Cook is a good neighbor and an asset to the neighborhood.

Upon questioning, Cook stated that vacant property lies to the north of his motel. Harrison and Wester agreed they saw no problem in granting the variance since the motel has been grandfathered for years, was rezoned non-conforming, and the only response from a neighbor was support for the variance. Ellingsen stated that he had received no letters or faxes. Wester made a motion to grant the variance, seconded by Harrison. The motion carried unanimously. Harrison asked to amend the motion to base approval on the provisions of Sec. 40-76. Wester agreed and the amendment carried.

Oyler then read the public notice for the request by Ric Gillette, 3581 65<sup>th</sup> St., to further expand the existing Goshorn Lake Cottage Condominiums to add a swimming pool/pavilion, storage/manager's apartment and two 2-story duplexes. A previous variance had been granted in 1994 for a 50% expansion of the non-conforming use in R-1 that allowed the 16-unit resort to enlarge to 24 units. Oyler read Sec. 40-1012 dealing with such expansions.

Gillette stated that he and his wife owned Goshorn Lake Resort, which has now become Goshorn Lake Cottage Condominiums, and in 1994 when they came for an expansion, they were told that if they wanted to do anything further, they would have to come back to the ZBA. He said they had improved the resort property when they took over and now wished to complete the project. The additions would not affect neighboring property, would not even be seen from neighboring property.

Harrison asked if he had ever looked into a zoning change, and Gillette said he was advised at the hearing in 1994 that it was not a good thing to pursue. Ellingsen said he'd talked with Atty Bultje, who said that since the expansion was granted as a variance, rather than a land split, Gillette must come back to the ZBA. If he were asking for the original expansion now, he would have to go through the site condominium PUD process. The pool and storage building are use variances because they do not exist on the property now. Harrison reviewed the R-1 one-half acre (20,000 s.f.) minimum lot size requirements. The 11 acres would yield 20 lots, and there are already 24 units. Ellingsen said the township has no control over such formation of a site condominium done at the state level. Gillette said a master deed has been created and an association has been formed, but only one unit has been sold.

It was pointed out that Gillette's situation is quite different from other property owners in the R-1 district meant for single-family homes or duplexes, but the variance is not necessary for him to enjoy a substantial property right similar to others in the zone, and requests for expansion tend to be of a recurring nature, which becomes a zoning issue. Gillette said he didn't realize the first expansion was given to him on a density basis. The storage would be for the cottage owners to store their summer equipment, the manager now lives off-premises, and one of the duplexes would be for Gillette's family. He asked if one could not take into account the adjacent neighbors who have condominium-type resorts.

The ZBA members decided to split the issues into four: the pool/pavilion, the storage building, the manager's apartment, and the two duplexes. They agreed that the main issues were the two duplexes and the manager's apartment because they constitute 5 additional dwelling units. Wester said he thought the pool and storage building without a residence would not be a problem.

Harrison made a motion to approve a variance for the swimming pool and Wester seconded. Oyler asked Gillette if he would proceed with the swimming pool alone, and the answer was "Yes." Oyler called for a vote, and Harrison and Wester approved the motion, but Oyler voted "no."

A discussion ensued regarding the present storage at Gillette's home and possibilities of other types and sizes of storage units. Ellingsen stated that the proposed storage unit would have to be in the common area, because the condo buyer only owns to the existing walls of his individual cottage, and some provision would have to be made in the master deed.

Wester made a motion to deny approval of the variance for the storage building as a residence and as a storage area based on Sec. 40-76(2). Oyler seconded, and the motion carried unanimously.

Discussion on the duplexes centered on the increased density, the nonconformity with R-1, and the commercial and recurrent natures of the requests. Harrison made a motion to deny the variance for two duplexes based on Sec. 40-76(1,2,4). Wester supported, and the motion carried unanimously.

There was a discussion of the size of the pool and pavilion. Harrison made an amendment to the motion on the pool to limit the size of the pavilion to 40'X36'. Oyler asked Gillette if he was comfortable with that size, and he replied "yes." Wester seconded the amendment and it carried, with Oyler voting "no."

Oyler asked the ZBA members to consider the minutes of May 22, 2003, and Harrison made a motion to approve them. Wester seconded and the motion carried.

Meeting adjourned at 5:30 p.m.

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Betty A. White, Recording Secretary

