

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

June 16, 2005

The Saugatuck Township Zoning Board of Appeals met on June 16, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Oyler, Marczuk and Wester

Absent: None

Also present: Z. A Ellingsen, Lola Lawson, Ryan Peterson, Crystl Oberth, Terry Stewart, Elizabeth Johnson, and Brent Johnson.

Wester called the meeting to order at 4:00 P.M. Chairman Oyler was running late so Wester introduced the three hearings that were scheduled: (1) Lola Lawson wants a variance to build a pole barn that is zoned Industrial (2) Ryan Peterson & Crystl Oberth are requesting to add a addition and a deck to their non-conforming single family residence. (3) Terry Stewart is requesting a variance to have a driveway closer than the required 275 feet from adjacent existing driveways.

Oyler introduced the first hearing on a request for a variance by Lola Lawson, 6313 134th, Saugatuck, to build a 40ft. x 60ft. pole barn, contrary to the requirements of sections 40-522 & 40-1046.

Z. A Ellingsen introduced where the Industrial lies and explained that most of the Industrial area is residential. Consequently houses that are here are non-conforming and have been for 20 some years or so. Doesn't allow for any expansion or any use for residential. Consequently this doesn't allow Lola Lawson to build a polebarn. The issue is that it is residential use and has been for many years and the house has been there for a long time but cannot expand the use of it. Consequently Lola Lawson is here to ask for a variance for a particular use.

Wester asked Lola Lawson what she would use the barn for and if she would have a business in it, she replied saying she would be only using it for storage for her car, boat, and motorcycle. There are no problems with setbacks and her parcel is 6 acres.

Z. A Ellingsen did ask the ZBA to give a recommendation to the Planning Commission to look into the entire area and to determine weather or not if it's an excessively large Industrial zone area giving the fact that there are so many non-conformities that have been there for many years. The P.C. are in the process know of changing a portion of the Commercial C-3 zone to make it smaller because they felt it was to big of an area for C-3. The Industrial zone there should be knocked down to a third of its size and go back to an A-2 classification. Wester did agree that it should be recommended to the Planning Commission to shrink or and to grandfather those parcels in the Industrial zone that are residential. Z. A Ellingsen mentioned there are really no industrial uses in that area. Z. A Ellingsen stated that Lola Lawson's parcel is non-conformity with the residential use and in order to have an accessory use property you have to have a conforming use of the

zone. Since her resident is a non-conforming use you can't have a an accessory building or no one in that zone can build a garage or put up an accessory building on that property with out a valued conformity use to it.

Oyler read through the questions on finding the facts for approval or denial of variance request:

(1). Can the land be reasonably built or used in conformance with the Ordinance?

The board answered no.

(2). Was the hardship self-imposed? The board answered no.

(3). Do unique circumstances exist for this parcel? The board answered yes.

(4). Would a variance alter the character of the neighborhood? The board answered no, it would be "conforming" to the neighborhood. Z. A. Ellingsen mentioned it is in a residential neighborhood.

(5). Do unique or exceptional extraordinary conditions apply to this property that generally do not apply to other properties in the same zoning district? Yes.

There was no letters, calls or anybody at the meeting for this variance request.

Wester made a motion to approve Lawson's application for a variance from Sec.40-522 & 40-1046, and Marczuk seconded. Motion prevailed.

Oyler than introduced the second request which is from Ryan Peterson, 6347 Old Allegan Rd., Saugatuck, to add a 15ft. x 26ft. addition and a deck to a non-conforming single family residence. The parcel is 50ft. x 385ft. and the residence is closer to the side lot line than the 10 feet required in the R-2 zone and closer than 40 feet from the Private Road as stated in Sections 40-277(3)a & b. The proposed addition and the deck will be closer than the required setbacks.

Z. A Ellingsen stated it is a non-conforming lot and also has excess easement that runs through part of it, which exacerbates the situation. The house has been there for a lot of years and they want to add to it but it appears that their wanting to add to the house on the north side adjacent to the east side. The rest of the setbacks are compliant. It's the side yard that's the problem. They are going to have some overlying deck area approaching the neighbors. The easement overlaying into the other parcel is 16ft., which would give them 34ft. of their lot line. The easement is used for either property to get to their parcels, if it wasn't an easement it would be considered a private road. The problem is because of the easement and also the lot line is only 50 ft. wide. A normal lot width is 150 ft. wide.

Crystl Oberth, wife of Ryan Peterson, presented a model of the house as it is now and a model of what it would look like afterwards. She explained to the board the situation of the deck approaching the east side of the property. Oberth & Peterson are proposing to add to the front 15ft. out and 26ft. wide and to also build a basement under that.

Neighbors from the direct west side were present at the meeting. Elizebeth and Brent Johnson, 6351 Old Allegan Road, Saugatuck, supported their request and had no problems with them adding on to their home.

Wester had asked how long they had been in this home and they replied a year and a half. Wester also asked what the square footage of the house was and Oberth said 1200 sq. ft. The total sq. ft. of the new addition and deck and the existing house will be 2400 sq. ft. Essentially they are down grading in square footage of the house. The current deck is right on the easement; essentially it will bring the new deck further away from the easement. They are moving the steps back but the house itself will be moved up 4 feet closer. Current structure doesn't meet the setbacks.

Oyler read through the questions on finding the facts for approval or denial of variance request:

(1). Can the land be reasonably built or used in conformance with the Ordinance? The board answered yes.

(2). Was the hardship self-imposed? Sort of. Because they just bought the house not long ago, they should of looked into it more to see if they could of added on. The board is not supposed to help people that put themselves in a bad position. The board is supposed to try to enforce the ordinances.

(3). Do unique circumstances exist for this parcel? Yes (easement)

(4). Would a variance alter the character of the neighborhood? No

(5). Do unique or exceptional extraordinary conditions apply to this property that generally do not apply to other properties in the same zoning district? No

Wester suggested redevelop and keep the building itself in the same footprint. Wester recommended that they table it and pay no additional charges to come back. Than the board can consider it being grandfathered in. Wester made a motion to table it. There was no second to the motion. Marczuk than made a motion to approve Peterson's application for a variance from Sec. 40-277(3)a & b, and Oyler seconded. The vote was 2 to 1, with Wester voting NO. Motion carried.

Oyler introduced the third request, which is from Terry Stewart, 455 Culver St., Saugatuck, for a variance found in Sec. 40-849-Driveway spacing and location. Applicant wishes to be closer than the required 275 feet from adjacent existing driveways. The project is located at 3385 Blue Star Hwy, Saugatuck and the proposed construction is a 3000 sq. ft. office building. The parcel is a lot of record and is not compliant with the current minimum lot width of 200 feet in the C-2 Zone. If the above variance is granted the Planning Commission must review and approve the Final Site Plan.

The issue is that the new ordinance requires along the Blue Star corridor to have 275 feet from each driveway. It's based upon the speed limit of the road.

The Planning Commission has addressed this issue and is going to the public hearing on the 27th of June 2005, where they can modify this section by allowing the Planning Commission discretionary authority to limit this if there is an existing problem. They are in the process of changing it at the public hearing if the board approves it. Even if it is approved from the ZBA it will go to the PC for a conforming allowable use of the

zone for a site plan review. Future PC will react to this as a discretionary item rather than coming to the ZBA for a variance.

This is a vacant lot, used to be a car lot. Mr. Stewart tore down the old building that was there. No water issue. A variance was granted recently to Jeff Klemm for an office building not too far from this parcel. Mr. Stewart is planning on building an office building with 1 or 2 occupancies. Parking spaces will depend on the square footage of the building and the discretionary authority of the PC.

Oyler went through the questions:

- (1). Can the land be reasonably built or used in conformance with the Ordinance?
Not really.
- (2). Was the hardship self-imposed? Perhaps. Mr. Stewart thought that since it was a car lot business he would not have a problem putting an office building in.
- (3). Do unique circumstances exist for this parcel? Yes
- (4). Would a variance alter the character of the neighborhood? No
- (5). Do unique or exceptional extraordinary conditions apply to this property that generally do not apply to other properties in the same zoning district? Yes

There had been no letters or calls or no one present at the meeting on this variance request. Oyler made a motion to approve Stewart's variance from Sec. 40-849. Marczuk seconded. Wester agreed also and commented that the property would be rendered useless if the variance wasn't granted.

Approval of April 21st, 2005 ZBA minutes, Motion by Wester, Marczuk seconded. Carried unanimously.

Meeting adjourned at 5:10 P.M.

Lori Babinski, Recording Secretary