

## SAUGATUCK TOWNSHIP BOARD OF APPEALS

May 10, 2007

The Saugatuck Township Zoning Board of Appeals met on May 10, 2007, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Marczuk, Oyler and VanOss

Absent: None

Also present: Z.A. Ellingsen, Connie Krupka, Jim Hanson & many neighbors opposing the farm labor housing.

Chairman Oyler called the meeting to order at 4:00 P.M.

Approval of April 26, 2007 ZBA minutes, motioned by Marczuk to approve the ZBA minutes, VanOss seconded. Unanimously approve.

Chair Oyler stated this is a continued meeting although this hearing has been closed regarding the Krupka's migrant farm housing.

Chair Oyler stated they will make their decision on this matter and will not take any more evidence.

Letters for support were sent after the first meeting, 4/26/07. Pete Palazzolo, David Gregersen, Dortha Earl, Gary Demond, Gary & Sandy Crane, Ed Korson.

2 letters opposing the farm labor housing that were sent after the first meeting, 4/26/07. Juliet & David Michele and Elliott Sturm & Kathy Tisdale Sturm.

Chair Oyler stated the members all did research and individually visited the property as well.

Marczuk read the motion for the resolution and supported by VanOss. Resolution declared adopted. Unanimously approve.

Chairman Oyler read the report (Exhibit A) of the Saugatuck Township ZBA concerning application by Harold Krupka (the "Applicant") for permission to locate four single-wide mobile homes on a five acre blueberry farm located at 6212 126<sup>th</sup> Ave (the "Parcel") in the township.

The decision of the ZBA is as follows.

1. The ZBA finds that the Applicant does not need a use variance from the Zoning Chapter of the Saugatuck Township Code of Ordinances (the "Zoning Chapter"). The Parcel is a legal lot in the A-1 Zoning District. The Parcel is in the process of being used as a bona fide blueberry farm, with 3,000 blueberry plants. Farm labor housing is permitted in the A-1 Zoning District when

located on a farm as defined in the Zoning Chapter. Therefore, the ZBA finds that no use variance is necessary for the Applicant to place the four single-wide mobile homes on the Parcel.

2. The ZBA further finds that the Zoning Chapter does not contain any specific standards pertaining to farm labor housing.
3. The ZBA further finds that Section 40-659 of the Zoning Chapter sets forth the requirements for single-family dwellings. The ZBA finds that it would not be reasonable to apply the requirements of Section 40-659 to farm labor housing.
4. Based on its interpretation of the Zoning Chapter, specifically that farm labor housing is allowed on a farm in the A-1 Zoning District, that there are no specific requirements in the Zoning Chapter for farm labor housing, and that it would be unreasonable for the Township to apply the requirements of single family dwellings to farm labor housing, the ZBA finds that the Applicant may locate the four single-wide mobile homes on the Parcel, subject to the following conditions.
  - a. The Applicant must comply with the representations made in the March 31, 2007 letter from the Applicant in support of this application, and with the drawing submitted by the Applicant.
  - b. The Applicant must comply with all applicable Federal, State, County and Township laws and ordinances.
  - c. The minimum setback from 126<sup>th</sup> Avenue shall be 160 ft, and the minimum setback from 62<sup>nd</sup> Street shall be 80 feet.
  - d. No more than four 12 feet by 60 feet mobile homes may be located on the Parcel, pursuant to this application.
  - e. For screening along the southern boundary of the Parcel, the Applicant shall plant fast growing hedges with trees directly behind them (i.e., to the north). The Applicant shall provide the Township's Zoning Administrator with detailed information about the hedges and the trees to be planted, their location and their number. If the Zoning Administrator is not satisfied with the detailed information from the Applicant, the Zoning Administrator may refer that detailed information to the ZBA for further review.
  - f. The ZBA notes that a 60 feet by 40 feet storage building will remain on the Parcel. The Applicant and the occupants of the Parcel may not have any outside storage.
  - g. This application shall be reviewed by the Saugatuck Township Fire Department. The four mobile homes in question may be located on the Parcel only after the Fire Department has granted its approval concerning the location of the mobile homes, their separation from each other, adequate access for Fire Department equipment to the mobile homes (which adequate access shall include at least a 20 feet wide cleared and adequately maintained driveway to all of the mobile homes on the Parcel), and such other factors as the Fire Department deems appropriate. If the Fire Department is not

satisfied with the details of this application, the Fire Department may return this matter to the ZBA, for further review.

- h. These mobile homes may be occupied as farm labor housing from April 1 to November 30, inclusive.
- i. The Applicant may maintain the four mobile homes in question on this Parcel only so long as the Parcel is an active, ongoing farm as defined in the Zoning Chapter.
- j. The ZBA finds that there is adequate parking on the Parcel.

In discussion Marczuk stated that State Law trumps Zoning Laws.

VanOss contacted the Dept. of Agriculture and stated it was clear on what the township can do.

Chair Oyler stated the Planning Commission will be addressing this issue. Hanson stated hopefully at the June meeting.

Motion by Marczuk supported by VanOss. Adopt the report and grant the application subject to conditions. Unanimously approved.

Marczuk motion to adjourn at 4:15 P.M., VanOss seconded.

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Lori Babinski, Recording Secretary