

SAUGATUCK TOWNSHIP BOARD OF APPEALS

June 14, 2007

The Saugatuck Zoning Board of Appeals met on June 14, 2007, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Wester, Oyler and Powers

Absent: None

Also present: Z. A. Ellingsen, Jason Kalajainen; Executive Director of Oxbow

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

One hearing was scheduled: A request from Ox-Bow, Inc., 37 S. Wabash, Chicago, Illinois 60603 to expand the existing facility located at 3435 Ruprecht Way, Saugatuck, MI (Parcel#0320-004-014-10 & part of adjacent parcel) in accordance with the submitted Site Plan. The applicant wishes to gain approval for the construction of a new dormitory that was previously approved by the Planning Commission but at a slightly different location. Also involved in the proposed expansion is a 2200 sq. ft. residence for the Executive Director and a 1600 sq. ft. Lodge for visiting artists. The facility is located in the R-4 zone and the complex has Special Approval Use status but the applicant has requested that the enlargement be adjudicated as an expansion of a non-conforming use as stated in Section 40-1012(b). The current use is non-conforming because Section 40-341 requires any use in the R-4 zone to be adjudicated as a PUD(Planned Unit Development).

Wester stated for the record that he has been excusing himself because of his position as Supervisor, legally he can sit on the board and since this is an emergency he is sitting on this hearing.

Z.A. Ellingsen stated Ox-Bow before it became R-4 was adjudicated as a Special Approval Use but since it became R-4 the PUD section of the ordinance has to be used for any use. R-4 is made for large projects so this is an exception along with the Denison property being it's one parcel for an individual residential. Ellingsen also stated that before the R-4 went in to affect, if Ox-Bow wanted to expand or add on they would go through the Special Approval Use process. Ox-Bow needs the variance basically it's required for the R-4 zone.

Jason Kalajainen, Executive Director of Ox-Bow, stated that they have been at the Planning Commission twice in preparation for this. They are asking to construct 2 new buildings, 1 is a dormitory, and the second structure will be executive director residence and visiting artist residence. There is a current structure they will be taking down where the one structure will be going and that current structure is already connected to sewer and water and they will be using that same connection.

Z.A. Ellingsen stated that they did get there final approval from the Planning Commission and they were coming to the ZBA for the variance because it was a condition that the PC had placed on Ox-Bow.

David Balas, 555 Spear St., member of the Ox-Bow board, is in support of the variance.

Bill Johnson & Larry Gammons, members of the Ox-Bow board and are also in support of the variance.

Chair Oyler went through the conditions.

- 1) Can the land be reasonably built or used in conformance with the Ordinance?
Oyler-No, Wester-No, Powers-No
- 2) Was the hardship self-imposed? Oyler-No, Wester-No, Powers-No
- 3) Do unique circumstances exist for this parcel? Oyler-~~No~~Yes, Wester-~~No~~Yes, Powers-~~No~~Yes
- 4) Would a variance alter the character of the neighborhood? Oyler-No, Wester-No, Powers-No
- 5) Do unique or exceptional extraordinary conditions apply to this apply to this property that generally do not apply to other properties in the same zoning district? Oyler-Yes, Wester-Yes, Powers-Yes

~~Chair Oyler motioned to approve the variance as requested.~~ Wester made a motion to approve the variance, Powers seconded. Carried unanimously. Variance granted.

Chair Oyler motion to close the hearing, Wester seconded. Carried unanimously.

Meeting adjourned at 4:15 P.M.

Lori Babinski, Recording Secretary