

SAUGATUCK TOWNSHIP BOARD OF APPEALS

February 28, 2008

The Saugatuck Zoning Board of Appeals met on February 28, 2008, at the township hall on Blue Star Highway, Saugatuck, MI 49453.

Present: Shawn Powers, Tedd Oyler, Bill Rowe

Absent: None

Also present: Z.A.Ellingsen, Ryan Petroeje, agent for Frank Vandervort, Bill Sikkel, Attorney for Mr. Huyge & Mr. Borland, John Huyge.

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

One variance request and two requests from Z.A on an opinion to be heard at this hearing.

Minutes of January 17, 2008 were amended as follows: Page 1, 7th paragraph, second sentence should say "Using the old sign they would have problems following the directions going in." Page 1, last paragraph should read "Rowe made a motion to approve the variance with the condition that the lettering section to be removed from the pre-existing sign by April 30, 2008 and that lights on the pre-existing sign not be used at all." Page 2, 6th paragraph, last sentence should read "They were told when Onkens had it before Mr. Bouwens that they were suppose to have the fence run along the length lot line." Page 2, 8th paragraph should read "Mr. Bouwens stated he had already met with Z.A. Ellingsen and that he thinks everything is compliant."

Approval of the amended January 17, 2008 minutes, motioned by Powers to approve the amended ZBA minutes, Rowe seconded. Unanimously approve.

First hearing was a request from Ryan Petroelje, 15 West 31st St., Holland, acting agent for Frank Vandervort, 5591 Textile Rd, Ypsilanti, MI, for a variance from Section 40-232(a) which requires a 40 foot front yard setback from the road ROW in the R-1 zone for a proposed porch addition to the dwelling at 6643 Bandle, Saugatuck, (Parcel #0320-380-012-00). The applicant wishes to place the porch addition 34 feet from the road ROW.

Chairman Oyler read the notice from the paper.

Z.A. Ellingsen stated that they want to upgrade the looks of the house. The applicant is also requesting additions but they are in the setbacks and are compliant. This lot is non-conforming due to its narrowness of 60 feet in width; compliant lots are 100 feet in width. Also, the parcel is only 7200 sq. ft. whereas a compliant lot would be 20,000 sq.ft.

Two letters were received: Gary DeMond, 3416 Riverside Dr., in favor of the variance. Thomas & Patsy Hopper, 3424 Riverside Dr., object to the variance.

Chairman Oyler went through the conditions to see weather or not a variance is issued.

- 1) Can the land be reasonably built or used in conformance with the Ordinance? Oyler-No, Rowe-No, Powers-No.
- 2) Was the hardship self-imposed? Oyler-No, Rowe-No, Powers-No.
- 3) Do unique circumstances exist for this parcel? Oyler-Yes, Rowe-Yes, Powers-Yes.
- 4) Would a variance alter the character of the neighborhood? Oyler-No, Rowe-No, Powers-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? Oyler-Yes, Rowe-Yes, Powers-Yes.

Powers made a motion to approve the variance. Rowe seconded. Carried Unanimously.

Second request from Z.A. Ellingsen asking the ZBA if Mr. Huyge's "farming operation" is a conforming use or does it need a SAU from the planning commission as stated in Sec 40-182 (16).

Z.A. Ellingsen stated the property in question, owned by John Huyge, is located on the east side of 63rd St, south of 136th Ave. in the A-2 zone. Property is part of the old Fairview Farm operation.

The operation is collecting grass clippings(yardwaste) given from the City of Saugatuck & Douglas and other high carbon feedstocks with farm manure and other high nitrogen feedstocks into specialty soils, soil additives and biostimulants, which Lakeshore Microboost, Inc. (John Huyge business)produces, packages and sells.

Mr. Huyge stated he purchased the 13 acres from Shelly Wolters. His plans were to clean up the farm and make it into a permanent business and make compost yard waste into landscaping mulch & compost product.

Powers asked Huyge if he had to go through DEQ for possible run offs. Huyge replied the run offs would run down hill into the lagoon into the wet land area.

Attorney Sikkel went through the procedure that he is taking yard clippings and compost and producing spores & micro-organisms on site. Mr. Huyge will grow these micro-organisms on the farm.

Rowe had an issue with Huyge "making" the product and thinks its more of a manufacturing instead of agriculture facility.

Chair Oyler stated that the language in the ordinance and the "Michigan Right to Farm Act" does not mention this process.

Rowe stated that through the Planning Commission as a SAU they would more than likely grant Mr. Huyge his farming operation.

Attorney Sikkel mentioned in Section 40-182(11) it reads: Retail and wholesales sales of agricultural products sold on the land from which produced. Which he says pertains to Mr. Huyges farm operation.

Power stated that this type of technology, items are grown and fall under the “Right to Farm Act”.

Powers made a motion that the proposed use, Lakeshore Microboost, Inc. in the A-2 zone conforms to the permitted use in Section 40-1829(2) & (11).Chair Oyler seconded the motion. Unanimously approved.

After a brief recess, Chair Oyler opened discussion on Dean Borland’s property.

Z.A. Ellingsen stated the RV park store,6471 Blue Star Hwy, Mr. Borland moved into it early last year. Mr. Borland was told he needed a SAU. Building there is non-conforming. Mr. Borland had plans to expand but dropped everything because of the cost. Z.A.Ellingsen believes it is a travel agency and a realty company

The request from Z.A. Ellingsen: Is it considered a “Professional Office” building which requires a SAU as stated in Section 40-368 or if the current use is an allowable conforming use in the C-1 zone listed in Section 40-367? Z.A.Ellingsen opinion is that it is still a “Professional office” which means it’s a service to someone.

Attorney Sikkel states the problem is the definition of a “Professional office”. It could be defined as anyone with a professional license such as a dentist, hair salon, medical and those are all permitted in this zone. Mr. Borland has two businesses: Michigan Vacation & 360 Degree Realty. Mr. Borland does the majority of his job booking people over the phone for a vacation home in this area. Mr. Sikkel believes it’s a travel agency rather than a “Professional office” which would be allowed in the C-1 zone.

Z.A.Ellingsen stated that Mr. Borland is not booking traveling he is booking rentals for people.

Powers stated when these customers have a contract or a legal agreement that titles him to be a broker. That is defined a professional business.

Powers made a motion that the use fall under Section 40-368 under a professional office. Rowe seconded. Unanimously approved.

Meeting adjourned at 5:10 P.M.

Lori Babinski, Recording Secretary