

**SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS**

**THURSDAY, January 13, 2011 4:00 p.m.**

**SAUGATUCK TOWNSHIP HALL**

**3461 BLUE STAR HWY, SAUGATUCK, MICHIGAN 49453**

**MINUTES**

Chairman Shawn Powers called the meeting to order at 4:20 p.m.

**Members present:** Shawn Powers, Mark Putnam, Bill Rowe.

**Also present:** Zoning Administrator, Al Ellingsen & John Severt.

**Absent:** None

Powers read the notice from the paper.

One hearing was scheduled: A request from Katherine Smalley Trust, 1801 W 13<sup>th</sup> Ave., Emporia, KS 66801 for a variance from Section 40-346(b)3 which requires a 200 foot setback from the water's edge of Ox Bow Lagoon in the R-4 zone for a proposed new 12' x 17' porch to be attached to the existing dwelling at 3423 ½ Park, Saugatuck, (Parcel # 0320-004-016-00). If the existing structure is determined to be in the floodplain then the applicant may also need a variance from Section 40-590(f)(1) which requires the lowest structural member of the lowest floor to be five feet above the 100 year flood elevation. The parcel is an existing lot of record and the dwelling is non-conforming since it lies within the 200 setback from the Ox Bow Lagoon.

Chairman Powers mentioned that the board over looked the last question at the November 18, 2010 meeting regarding Ox Bow variance. Powers read the last question: Do unique or exceptional extraordinary conditions apply to this property that generally do not apply to other properties in the same zoning district? Putnam-Yes, Powers-Yes, Rowe-Yes.

Approval of minutes: **Motion by Rowe, seconded by Putnam to approve the minutes of November 18, 2010 as amended. Unanimously approved.**

Zoning Administrator, Ellingsen stated that Smalley's parcel is non-conforming since the R-4 zoning took place. The set back is 200 feet from the lagoon. The other variance is in regards to the elevation. Ellingsen asked Smalley to have a survey but realizing it's a costly issue that she wouldn't have it done unless need be. Ellingsen feels that the elevation is around 585 to 586. He believes that Smalley is not in the flood plain, 584 above sea level. Ellingsen mentioned that the builder, John Severt had already dug the footings and there has been no water coming in the holes. Ellingsen stated that he is only using pier footings.

Discussion took place and the Board determined that Smalley was not in the floodplain and so she did not need to get a variance from Section 40-590(f)(1).

John Severt, stated the reason for the enclosure porch is because of the problems with mildew and moss on her asphalt shingles. Severt would replace it with a steel roof but than this could cause a dangerous situation because of the ice sliding off. Severt recommended that he reconfigure the roof and change the entry way so the ice & water would be diverted in another direction. It would make the front entry way easier for the owner.

Jason Kalajainen, Ox Bow, supported Kay Smalley's renovation plans. John Severt also supported the plan, which is her neighbor.

Chairman Powers went through the following questions for approval or denial regarding the variance in Section 40-648.

- 1) Putnam-No, Powers-No, Rowe-No
- 2) Putnam-No, Powers-No, Rowe-No
- 3) Putnam-Yes, Powers-Yes, Rowe-Yes
- 4) Putnam-No, Powers-No, Rowe-No
- 5) Putnam-Yes, Powers-Yes, Rowe-Yes

**Motion by Putnam, seconded by Rowe to approve the variance with condition that the footings are above flood elevation level.** Carried unanimously.

There being no further business meeting adjourned at 4:45 p.m.

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Lori Babinski, Recording Secretary