

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

Tuesday, March 23, 2021 4:00 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453

Approved MINUTES

Chairperson Bill Rowe called the meeting to order at 4:00 p.m.

Members present: Alan Kercinik (Saugatuck), Bill Rowe(Douglas), Patrick Stewart(Edisto Island SC, Charleston county), Catherine Dritsas(Inverness, Fl), Richard Brady(Ocala, Fl).

Also present: Lynee Wells, Zoning Administrator

Review and Adopt agenda: Motion by Dritsas seconded by Kercinik to approve the amended agenda and to ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting via Video Conference. Please state your name, city and county where you are participating. Roll call vote. Unanimously approved.

Review minutes of March 9, 2021: Motion by Kercinik seconded by Dritsas to approve the amended minutes of March 9, 2021. Roll call vote. Unanimously approved.

Public Hearing and Consideration of the expansion of a legal non-conforming use at 2885 Lakeshore Drive, encompassing 20.48 acres of land to build an additional 8 units (7,000 sq.ft.) in four new buildings. Sec. 40-1012 (b)

Applicant Andrew Milauckas gave a history on the family business and mentioned he would be operating and managing Lake Shore Resort like always. Milauckas introduced Nederveld Engineer, Greg Radd, and Real Estate Attorney Bill Sikkell.

Nederveld Engineer, Greg Radd went over the proposed expansion which will include four new buildings in addition to the 32 existing units. Each building will be a two-family building for a total of eight new units. Each unit will have either one or two bedrooms.

Radd stated that it is an expansion of a non-conforming use as provided in Section 40-1012. The requested expansion of the 8 units is well below the 50% expansion limitation in the ordinance. Two main consideration for approving a non-conforming structures.

1. Whether the extension or enlargement will substantially extend the probable duration of such Non-conforming Use. Radd stated that this is a well-maintained property and remains to be a viable business for the foreseeable future.
2. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the Uses for which they have been zoned or with the use of such other properties in compliance with this chapter. Radd stated it is a residential type in a residential area and it's compatible with this area.

Radd stated that there had been similar expansion request that had been granted by the ZBA.

Real Estate Attorney, Bill Sikkell mentioned that there will be no change in use as in the existing units. The new units will be managed under the same management as before.

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Public Comments and Correspondence:

Doug and Deborah West, 2879 Lakeshore Dr., supporting the variance.
Steve and Nancy McKown, 2845 Lake Breeze Dr., supporting the variance.
Lowell French, 2901 Lakeshore Dr., opposing the variance.
Shelly Padnos and Carol Sarosik, 2909 Lakeshore Dr., supporting the variance.
John and Donna Leonard, 2924 Lakeshore Dr., supporting the variance.
Joe Milauckas, 2895 Lakeshore Dr., supporting the variance.

Brad Fowler, Attorney representing Nick and Lowell French objecting to the expansion. Fowler stated a court case, High v Cascade Hills, that prohibited this type of expansion for this non-conforming use and mentioned it does not comply with the zoning standards that the applicant is asking for. Fowler stated that it is impossible to enlarge or extend that which does not exist.

Chairperson Rowe closed the public meeting and board had discussion and will vote on the two standards for consideration.

1. Whether the extension or enlargement will substantially extend the probable duration of such Non-conforming Use. **Kercinik no, Dritsas no, Stewart no, Brady no, Rowe no.**
2. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the Uses for which they have been zoned or with the use of such other properties in compliance with this chapter. **Kercinik no, Dritsas no, Stewart no, Brady no, Rowe no.**

Dritsas made a motion to approve the use variance requested by Lake Shore resort based on the approval of the extension or enlargement will substantially extend the probable duration of such Non-conforming Use, unanimously voting no and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the Uses for which they have been zoned or with the use of such other properties in compliance with this chapter, unanimously voting no and a condition that site plan be reviewed by the Planning Commission seconded by Kercinik. Roll call vote. Unanimously approved.

Motion by Kercinik seconded by Brady to adjourn the meeting. Roll call vote. Unanimously approved.

Meeting adjourned at 4:59 pm.