

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

Tuesday, April 21, 2020 4:00 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453

Approved MINUTES

Catherine Dristas called the meeting to order at 4:10 p.m.

Members present: Catherine Dristas, Rex Felker, Alan Kercinik, Patrick Stewart, Rick Brady.

Also present: Lynee Wells, Zoning Administrator

Review and Adopt agenda: Motion by Brady seconded by Stewart to approve the agenda and to ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting via Video Conference. Unanimously approved.

Review minutes of December 16, 2019: Motion by Kercinik seconded by Brady to approve the minutes of December 16, 2019. Roll call vote. Unanimously approved.

Use Variance request from Lyle and Terri Schippa, 2752 Blue Star Highway, Parcel number: 20-029-005-10 for a use variance in the C-2 district to allow Marijuana Retailer.

Bill Sikkel, representing Lyle and Terri Schippa, the Schippa's were under the impression that their parcel was zoned C-3. The zoning map stated it was zoned C-2. But the property tax data through BS&A stated it was zoned C-3. The Schippa's have a binding offer to purchase the parcel for marijuana use. Following up with the township staff it was found that the parcel was zoned C-2 and not C-3. They don't feel its detrimental to the surrounding area and it borders the C-3 zoning district. He mentioned there are buffers surrounding the parcel. The unique situation would be that over the years the Schippa's were in the understanding that this was a C-3 district. He mentioned it is close by the expressway and feels it's under a similar situation as a parcel was recently changed from C-1 to C-3 at exit 41 to allow marijuana use.

Mr. Schippa spoke about the history of the parcel and that he bought the house in 1996 and they had ran a small business. He mentioned during the years when paying taxes, it stated it was C-3 and when he did a land division it stated it was C-2, never thinking that it would be an issue 17 years later.

Commissioner Felker asked what's the reason for a hardship. Mr. Sikkel stated because of the purchase agreement under the assumption that it was C-3 because of an error at the township and an obligation to sell it to the buyers.

Planner Laynee Wells gave an overview for the use variance. She went on saying that a use variance is somewhat like a rezone because you're moving a use that is allowed in one district and moving that use to a different district.

For a use variance, two thirds of the members of the Board of Appeals must find that the following facts and conditions exist:

1. There are unique circumstances peculiar to the property.
The property is 2.5 acres. The record card lists the property as Residential. Schippa's did a land division in 2003 and the memorandum stated that it was C-2 in which the Schippa's were provided with this memo. The taxable value only increased by the CPI and the classification has remained 401 residential.
2. That the problem is not self-created.

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Schippa's relied on information from Allegan County GIS. The township official zoning map from 2019 as well as the zoning map from 2015 to 2019 include the parcel in the C-2 zoning district.

3. The property cannot reasonably be used for any of the uses permitted in the district. The property is currently used for residential. The property can also be used for C-2 commercial.
4. Granting the variance would not alter the essential character of the area. Granting the use variance may not alter the essential character of the area, however it may set a precedent. Planning Commission and Township Board have repeatedly held to the desire for marijuana facilities within the C-3 and Industrial districts.

Public Comments and Correspondence:

Correspondence:

1. Kyle Bigford, 2753 Blue Star Hwy, Opposing the use variance. Mr. Bigford feels like it would negatively impact his property located directly across the road from Schippa's.
2. Christopher Maitner & Josephine Berault, 2779 Blue Star Hwy, Opposing the use variance. They feel it would negatively impact their property as well as the community.
3. David Heilman & George Stoutin, 2755 Blue Star Hwy, Opposing the use variance. They reference that the board decision was to limit the number of marijuana establishments by only allowing them in the C-3 and Industrial districts.
4. Tony & Terry Schippa, 2750 & 2752 Blue Star Hwy, Support of the use variance. Referencing on why they should be granted the use variance.
5. Curtis & Shelly Lorbeck-Lacy, 2742 Blue Star Hwy, Opposing the use variance. They feel it would have a negative impact on the adjoining properties and residences.
6. Kathy Ricar, Manager, Johnson Village & Nathan Leader, Owner, Johnson Village, 2734 Blue Star Hwy, Opposing the use variance. They feel it would have a negative impact. Concerned that their park which is for senior citizens, feel that the crime rate may go up. They feel it will set a precedent as well.

Public Comments:

1. Nathan Leader, Owner of Johnson Village, 2734 Blue Star Hwy, Opposes the use variance. Concerned for the residence that is comprised of 75 residential homes that are mainly lived in by senior citizens.
2. Christopher Mainer & Josephine Berault, 2779 Blue Star Hwy, Opposes the use variance. They want to clarify that just north of the Schippa's is Amble Inn and has been approved for a medical/recreational marijuana store.
3. Kathy Ricar, Manager, Johnson Village, 2734 Blue Star Hwy, Opposes the use variance. Feels that we have too many marijuana facilities in the area.
4. David Heilman & George Stoutin, 2755 Blue Star Hwy, Opposes the use variance. Concerned that their driveway is directly across the road from Schippa's. They feel that the Schippa's were aware of their parcel being zoned C-2 because in the past there was a rezoning or special use to the north of them and the neighbors including the Schippa's went through the Tri-Community and knew that the properties north of that were zoned C-3 and south were zoned C-2. Also concerned about the parking.
5. Christopher Fanta, Owner, Redbud Roots Acme, Supports the use variance. He disagrees about the crime rate increasing, it's a misconception. He operates three facilities which he states they have numerous amounts of security cameras installed.
6. Kyle Bigford, 2753 Blue Star Hwy, Opposes the use variance. Mr. Bigford shares the driveway with David and George and is directly across the road from Schippa's. The township has an agreement to allow marijuana into the township but only in the C-3 and Industrial districts. He feels it's a house and it should be in a proper store front for this type of business.

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7. Tony & Terri Schippa, Applicant and owner, 2750 & 2750 Blue Star Hwy, Supports the use variance. Understands the neighbor's concerns and appreciates everyone's comments. Was glad that Redbud Roots Acme spoke on their behalf. Was not aware that Amble Inn was approved.

Chairperson Dritsas read the four criteria's that the commissioners will be voting on to determine the use variance.

Commissioner Felker made a motion to vote individual on the four questions each member voting on one, two, three, four concerning the use variance at 2752 Blue Star Hwy presented by the Schippa's, seconded by Brady.

1. **There are unique circumstances peculiar to the property.**
Brady, no; Kercinik, no; Felker, no; Stewart, no; Dritsas, no.
2. **That the problem is not self-created.**
Brady, no; Kercinik, no; Felker, no; Stewart, no; Dritsas, no.
3. **The property cannot reasonably be used for any of the uses permitted in the district.**
Brady, no; Kercinik, no; Felker, no; Stewart, no; Dritsas, no.
4. **Granting the variance would not alter the essential character of the area.**
Brady, no; Kercinik, no; Felker, no; Stewart, no; Dritsas, no.

Chairperson Dritsas declared that the use variance has been denied unanimously.

Motion by Kercinik, seconded by Brady to adjourn the meeting.

Meeting adjourned at 5:27 pm.