

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

Thursday, May 02, 2019 4:00 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453

MINUTES

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

Members present: Catherine Dritsas, Rex Felker, Alan Kercinik, Bill Rowe, John Tuckerman.

Also present: Nick Curcio, Township Attorney.

Review and Adopt agenda: Motion by Dritsas seconded by Kercinik to approve the agenda as amended in moving item # 4 & 5 to the bottom of the agenda. Unanimously approved.

Zoning Interpretation request from Sparefoot LLC, 6333 Old Allegan Road, to provide interpretation of Section 40-746a (12) regarding medical marihuana grower facilities.

Bill Sikkel, representative for Sparefoot LLC, stated that his clients have been approached by potential buyers to buy a portion of this parcel for a medical marihuana grow facility. Seeking clarification on the determination pertaining to the zoning ordinance.

(1) Does “residential dwelling” include an individual RV park site pad?

Would the RV park be considered a residential use that would impact the 500 foot buffering requirements of Section (12)? The ordinance states that growing facilities must be located at least 500 feet from the site of any residential dwelling that exists as of March 1, 2019.

(2) How is the 500 foot buffer zone measured? This measurement shall be taken from the closet point on the property of each of the two lots. Mr. Sikkel read subsection 12(b) and would like guidance on that. He is wanting clarification on where is the measurement taken at from at a residential standpoint and the grower facility.

Attorney Curcio pointed out that his memo and the Zoning Administer memo states that they have concluded that it is measured from the property line. He stated that Mr. Sikkel had some good arguing points but the commissioners need to look at the ordinance as a whole and that an ordinary person would be able to understand that language.

Commissioners discussed the interpretation of the measurement from lot line to lot line verses structure to structure.

Rowe stated at the April Planning Commission meeting there was an agenda item for a medical marijuana ~~dispenser~~ grow operation and it was clearly stated that the setbacks were measured from lot line to lot line.

Felker made a motion that the interpretation would be building site to building site and not property line to property line, Dritsas seconded.

Roll call vote. Tuckerman - Yes, Dritsas – No, Rowe – No, Kercinik – No, Felker – Yes. Two yes’s which is in favor of the motion. Three no’s which is not in favor of the motion.

Attorney Curcio stated that the commissioners need to make an inverse motion.

Dritsas made a motion that the interpretation be considered from property line to property line for this particular statue and to send this back to the Planning Commission for clarification, Kercinik seconded.

Roll call vote. Tuckerman – No, Dritsas – Yes, Rowe – Yes, Kercinik – Yes, Felker – No. Three yes’s which is in favor of the motion. Two no’s which is not in favor of the motion. Passes 3-2.

Approved **MINUTES**

Rowe questioned if the commissioners should vote on the proposed RV park that they are proposing to develop. Rowe stated that there is a date certain in the ordinance, March 1, 2019 for residential use and the date has come and gone.

Felker made the motion to recognize March 1, 2019 as the date certain for residential use. Dritsas seconded. Unanimously approved.

Dimensional Variance request from Mark Davis, owner of 3424 Riverside Drive in the R-2 district, to allow a variance from zoning ordinance section 40-277 to allow a home to be built on a non-conforming residential lot with lesser setbacks than required by ordinance.

Doug Damstra, representing 42 North Custom Homes, is asking to modify and rebuild Mark Davis's home and the proposed new design which will also be non-conforming and would be consistent with the neighborhood.

Rowe of twelve years' experience on the board stated that this neighborhood is problematic. There had been many requests for variances, including the house next door which was granted. When this zone was changed it created non-conforming lots. Granting these variances has been setting a precedent.

Multiple letters were submitted in support of the variance. There was one letter that did not agree with the variance.

Mike Morse, 3428 Riverside Dr. spoke in favor of the renovation.

RJ Peterson, 116 Riverside Dr. spoke in favor of the renovation.

Motion by Felker, seconded by Kercinik to grant a dimensional variance from ordinances 40-275 and 40-277 to allow to build a home sized 38' x 84' or 3,192 square feet on the non-conforming lot at 3424 Riverside Dr within the setbacks shown on the plan submitted. Roll call. Unanimously approved.

Dimensional Variance request from Patrick Monroe, owner of 2935 66th Street in the A-2 district, to allow a variance from section 40-182 (1) (b) to allow the ground floor of a newly constructed pole barn/residence to be less than 700 square feet.

Applicant left and there was no correspondence.

Discussion took place regarding the dimensional variance and that there is no hardship involved. There is no non-conforming on this property. The ordinance states a minimum square footage on the first floor of 700 feet. Patrick Monroe could do something differently that would follow the ordinance which Mr. Monroe wasn't present so the commissioners could not ask.

Motion by Dritsas, seconded by Kercinik to deny the dimensional variance as requested. Roll call. Unanimously approved.

Public comments and correspondence. None.

Approval of minutes: Motion by Felker seconded by Tuckerman to approve the minutes of November 14, 2018. Unanimously approved.

Election of officers. Felker made a motion to elect Bill Rowe as Chairperson, Dritsas seconded. Unanimously approved.

Rowe made a motion to elect Catherine Dritsas as Vice-chairperson, Felker seconded. Unanimously approved.

Meeting adjourned at 4:56 pm.

Lori Babinski, Recording Secretary