

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

Monday, December 16, 2019 4:00 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453

Approved 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: Lynee Wells, Zoning Administrator

Review and Adopt agenda: Motion by Kercinik seconded by Tuckerman to approve the agenda as amended in adding the pledge of allegiance to all agendas. Unanimously approved.

Review minutes of October 8, 2019: Motion by Dritsas seconded by Kercinik to approve the minutes of October 8, 2019. Unanimously approved.

Dimensional Variance request from Bayside Chiropractic, owner of 3325 Blue Star Highway in the C-2 district, to allow a variance from zoning ordinance sections 40.647 (e) (4) Parking Setbacks and 40.877 Buffer Yards.

Amy Cook, Dovetail Design Studio, representing Bayside Chiropractic (Eric and Connie Peet). The parcel for the variance is non-conforming and has been a single-family residence for many years. Connie and Eric Peet bought the home five years ago, their intent to remodel and have their Bayside Chiropractic business, which is located in the township on Elizabeth Street. Their proposal is a 2-way turnaround driveway with 4 parking spaces and 1 ADA with new access ramp. Their seeking a variance for a 40' front parking setback because of the adjacent neighbors and preserving the trees in back. The Peet's feel strongly keeping the parking and activity in the front of the business. Also, asking for a variance for a side yard setback for parking on the North side from 15' to 6'11". Also asking a variance for the buffer yards for land scaping for front (40') and side yard (15') and if approved would go before the planning commission for a site plan review.

Commissioner Felker asked what the road dimension from the new asphalt to Blue Star, Cook responded 56'.

Commissioner Dritsas wanted clarification as why there would be no parking in the back. Cook responded less disturbance with the neighbors, client access into the business. Dritsas asked if there could be an access in the back and Cook responded that it would be very costly.

Commissioner Kercinik asked if the drive to the North was public. Cook stated no it is private driveway. Kercinik understood the ADA issue for being in the front verses in the back, would have to utilize adjacent drive way which the neighbors would not agree to.

Commissioner Felker commented that there is 27' from the edge of home to the lot line. Cook said they would have to take out a several trees.

Commissioner Rowe understood that if the parking lot were in the back then the homes would be looking at the parking lot.

Commissioner Felker asked how many clients at one time. The owner, Eric Peet stated it would be low traffic volume. Hours in his current office located in the township are M-T-W, 8-6pm. Building would have two treatment rooms and one filing room. Felker thinks you could accommodate for back parking spaces. Felker stating that it's Commercial property and the decision is based on the parking and zoning and not affordability.

Public Comments and Correspondence:

Rodney & Shirley Wolff, neighbor to the south, have no issue with the variances. Would like to see it in the front than back.

Commissioner Rowe read a letter from Doug McIntosh, owner of Roan and Black, in favor of the variance.

Discussion took place with the Commissioners based on the 5 standards for review regarding that the home was built in 1950's. It's an existing non-conforming. Will this make it better or worse for this property. The structure isn't being touched by the variance. Tree preservation ordinance states 70' from the edge street ROW.

Chairperson Rowe went through the variance worksheet, Section 40-76

- 1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone. Tuckerman, yes; Felker, no; Kercinik, yes; Rowe, yes; Dritsas, yes.
- 2) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance. Tuckerman, yes; Felker, no; Kercinik, yes; Rowe, no; Dritsas, no.
- 3) The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest. Tuckerman, yes; Felker, no; Kercinik, yes; Rowe, no; Dritsas, yes.
- 4) The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for such condition or situation. Tuckerman, yes; Felker, yes; Kercinik, yes; Rowe, yes; Dritsas, yes.
- 5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created. Tuckerman, yes; Felker, no; Kercinik, yes; Rowe, yes; Dritsas, no.

Commissioner Rowe stated each question has to have a majority of yes votes. Question #2 were three no's. Rowe stated that an applicant coming to the ZBA means that they have no alternatives. Rowe stated ZBA's concerns is that in terms you have to be careful on setting precedents. Rowe explains that the Peet's have alternatives.

Motion by Dritsas, seconded by Felker to deny the dimensional variance as requested. Unanimously approved.

Meeting adjourned at 4:45 pm.