

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

Monday, April 9, 2018 4:00 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453

MINUTES

Catherine Dritsas called the meeting to order at 4:00 p.m.

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

Also present: Zoning Administrator Steve Kushion, Saugatuck Township Litigation Attorney Jim Straub, North Shores of Saugatuck LLC Attorney Carl Gabrielse, Saugatuck Dunes Coastal Alliance Attorney Scott Howard and various members of the general public.

Review and Adopt agenda: Motion by Kercinik seconded by Felker to approve the agenda. Unanimously approved.

Approval of minutes: Motion by Felker seconded by Kercinik to approve the minutes of October 11, 2017. Unanimously approved.

Request for Appeal of Saugatuck Township Planning Commission final approval of PUD/Site Condo and SAU approval for North Shores of Saugatuck, LLC, Parcels 03-20-004-006-00 and 03-20-004-002-00, Saugatuck Dunes Coastal Alliance.

Chairperson Dritsas stated that the meeting will be broken in to two sections. The first part is whether the SDCA has a legal standing on this appeal. If the SDCA does have standing than the ZBA will go to the second portion of the public hearing and deal with their substances issues of their appeal.

David Swan, President of Saugatuck Dunes Coastal Alliance did a power point presentation of describing the characteristics of the surrounding areas around North Shores development.

Attorney Scott Howard, representing the Saugatuck Dunes Coastal Alliance stated that the Planning Commission failed to apply the zoning ordinance when it came to the boat basin, expansion of water front usage. He believes that the Bily's parcel will have a negative impact due to the dredging spoils or the staging area being approximately 300 feet from their parcel. He stated that people that use the surrounding areas are affected and would have standing to this development.

Attorney Carl Gabrielse, representing the owner and developer of North Shores of Saugatuck LLC, stated that the SDCA are an opposed party to this development but not an aggrieved party which doesn't give them legal standing. He feels that North Shores have not violated the zoning ordinance. He stated that a party that is bringing the challenge for standing has to have legal protected interest that is in jeopardy of being adversely affected.

Public Comments:

Chairperson Dritsas opens the floor up to the public and asked that they state their name, address and if you are a township resident.

1. Jon Helmrich, 3522 64th St. Saugatuck twp, feels that the Planning Commission didn't follow through on why they approved North Shores development. He supports the standing for the SDCA.
2. Cynthia McKean, 1000 Mason St, Saugatuck City, feels that what the Planning Commission did was illegal. She supports the standing.

Chairperson Dritsas closed the public hearing.

Correspondence:

1. Letter from Jeff Sluggett, Attorney for Saugatuck Township Fire District dated March 26, 2018.
2. Letter from Scott Howard, Attorney for Saugatuck Dunes Coastal Alliance dated September 20, 2017.
3. Letter from Scott Howard, Attorney for Saugatuck Dunes Coastal Alliance dated October 11, 2017.
4. Letter from Scott Howard, Attorney for Saugatuck Dunes Coastal Alliance dated April 6, 2018.

Discussion amongst the board took place.

Felker addressed a couple of the concerns from the SDCA which he felt they didn't have standing.

Dritsas stated she doesn't agree on what standing means but cannot go against what the law says.

Attorney Straub stated he had two proposed drafted resolutions. One that deny's standing and the other is to grant the standing.

Attorney Straub read the proposed resolution to deny standing that would be inserted into the minutes with the correction on page 2 sub-paragraph 1. Striking out SAU and permit should be singular and not plural.

Attorney Straub stated that the board could make changes to the resolution and then make a formal vote on the resolution.

Motion by Felker, seconded by Kercinik to deny standing. Motion passes 4-0.

Motion by Felker, seconded by Kercinik to deny the standing on this appeal as stated in the resolution. Felker, yes, Kercinik, yes, Dritsas, yes, Tuckerman, yes.

Motion by Dritsas to adjourn meeting, Felker seconded.

There being no further business meeting adjourned at 4:55 pm.

Lori Babinski, Recording Secretary