

## SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

May 22, 2003

The Saugatuck Township Zoning Board of Appeals met on May 22, 2003, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Oyler, Phelps and Powers

Absent: None

Also present: Z. A. Ellingsen, Mike Condron, Chris Gorgas and Bill Weston

Chairman Oyler called the meeting to order at 4:04 P.M. Phelps made a motion to approve the minutes of March 13. Oyler seconded and the motion carried.

Oyler read the notice for the public hearing on the request from Shri Krishna Enterprises, 3457 Blue Star Highway, for variance to setback from the 30 feet required in Sec. 40-232 (2) c to 10 feet. The parcel is a single lot in R-1 east of the Holiday Inn on Clearbrook Drive. Oyler asked if there were objections to the notice, and Gorgas said he thought a different section of the Ordinance was involved. He said they were asking for the shorter of the roads forming the corner on which this lot sits to be the "front," thereby making the 10-foot setback a side yard setback. Z. A. Ellingsen explained that he had to publish a notice based on reality, and the side road to be called Clearbrook Court, which will serve the platted subdivision planned for the adjacent property to the south, is not yet built. The plat has not been finally approved by the township board as yet. Ellingsen added that the west side of the lot cannot be considered the front yard because there is no road there. Oyler asked whether Gorgas would waive his objection to the notice, and he finally said he did.

Gorgas explained that the applicant wants to build a house on the lot facing Clearbrook Drive. Dee Patel, who owns the property, has a letter of approval from the Allegan County Road Commission to build the road, Clearbrook Court, and will commence June 15. He also has approval for public utilities. The applicant is asking that Clearbrook Court be considered the front yard of this excepted lot so the setback to the south can be only 10 feet. The proposed house is too wide to fit on the lot in the other direction. Gorgas said Patel was hoping to pay for the building of the road with the sale of the lot in question, and Gorgas understood the final plat would not be approved until the road is in.

Oyler asked Ellingsen if the ZBA could grant a variance on the contingency of the road going in, and Ellingsen thought they could give a 20' variance, which only applied if the road went in. Gorgas then wondered if Condron wanted to wait six months until the road was in and the final plat approved before getting a building permit. Ellingsen explained that an easement off Clearbrook Drive, which Gorgas stated will be granted with the closing on the property, could not be called a public road.

After a brief recess, Oyler made a motion to grant the request, however it is specifically titled, for construction of the driveway off Clearbrook Court, and whatever side yard setbacks are included in that, with the condition that the road be constructed pursuant to the preliminary plat within 120 days from today. Phelps seconded, and the motion carried.

Meeting adjourned at 4:55 P.M.

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Betty A. White, Recording Secretary