

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

February 5, 2004

The Saugatuck Township Zoning Board of Appeals met on February 5, 2004 at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Oyler, Phelps and Wester

Absent: None

Also present: Z. A. Ellingsen, Dale Bauer of Tangram Construction and Thom Carpenter of Driesenga & Associates

The meeting was called to order by Chairman Oyler at 4:07 P.M. He introduced the hearing for a request by Dale Bauer, 4265 M-40, Suite 400, Holland, MI, for a variance to Sec. 40-428c of the Zoning Ordinance, which requires that no more than 20% of parking in C-2 be located in the front yard abutting a public street. Bauer wishes to construct a commercial retail plaza on property just to the north of the township hall on Blue Star where the present owner, Dimitrios Economides, had planned a commercial strip. Economides' 1998 approval has expired. Bauer will have to apply for SAU and site plan review of his new plan with the Planning Commission.

Oyler read the public notice from the newspaper and stated that notices had been sent to the appropriate neighbors. Ellingsen reported that no responses had been received, either by mail or phone.

Bauer and Carpenter introduced themselves, and Carpenter, the engineer, explained that they would like to place parking in the front of the parcel where two buildings are shown at right angles on the plan. He said the property lends itself to that arrangement, there would be loading doors in the back of the buildings, and putting parking behind the buildings interferes with an appropriate loading zone. He added that putting loading doors between the public and the building creates a safety hazard, and besides, it is not aesthetic. Adjacent property has parking in the front. He maintained that rear parking would severely limit the use of this parcel for commercial tenants. Bauer, the contractor, said that pulling the buildings to the front in order to put parking in the rear would add to the cost of the project.

The ZBA compared this plan to the one approved for Economides. An owners' apartment was eliminated, a rear delivery zone has been created for both buildings, square footage has been reduced, stores will be smaller, there will be landscape berms in front and in the center of the parking lot. Water/sewer is now available. The former plan was created before the more stringent parking requirements became part of the Ordinance with the Blue Star Commercial rezoning.

Wester asked if there were limits on parking spaces, and Ellingsen said parking is based on the type of business and on square footage of buildings, but it is for the Planning Commission to decide how much parking is needed. Ellingsen said this is an issue the Planning Commission needs to address for the shallower lots in C-2, since there is a 70-foot front setback requirement. Bauer said they have planned for a worst-case scenario (1-200 s.f.) by going from 81 spaces to 93 in the current plan because there will be tenant turnover, which is difficult to foresee.

Oyler asked Ellingsen if he thought the Ordinance created a hardship for this parcel, and Ellingsen replied that in the scheme of most lots on Blue Star, this one doesn't fit. Asked about the intentions of the Ordinance in requiring most of the parking in the rear, he replied that the intention was not to see rows of cars from the road. It further came out that the parcel in question backs up to commercially zoned property used for residential; therefore, only a 50-foot buffer is not required. Bauer said if they were allowed to go to

a 1-250 s.f. ratio for parking spaces, they could put a line of trees or a fence as a buffer on the back property line. Wester asked if both buildings would be constructed at the same time, and the answer was "Yes."

The ZBA proceeded through the four standards for permitting a variance in Sec. 40-76. Wester did not think this was an exceptional nor extraordinary circumstance or condition, as in Sec. 40-76 (1). Carpenter stated that they would like to keep the intensity of 80% of the parking away from the residential use next door. The suggestion was made that the project could be smaller. These issues are for the Planning Commission to decide, Oyler pointed out. Under Sec. 40-76(2) Oyler recalled that Ellingsen has listed other properties along Blue Star which have been allowed leeway in parking regulations. Under Sec. 40-76(3) Phelps said having a loading zone near parking could be a safety hazard.

Upon questioning about what happens next with this project after it passes the ZBA, Ellingsen answered that the Planning Commission will review the plan to consider SAU and site plan review, and he suggested that a condition could be made that the Planning Commission decide where the parking should be located on this site. Oyler then asked what would change if the ZBA denied this application, and Ellingsen said the applicant would have to reconfigure his plan or go to the Circuit Court.

Phelps made a motion to approve the variance as meeting the required conditions set by Sec. 40-76, with a recommendation to the Planning Commission that the Ordinance requiring 80% of parking in the rear be revisited. Oyler seconded. Wester said he would agree with the motion if the applicant would stick to the original plans for the beautification to the rear of the building: fences, pines to be defined later. Phelps amended the motion to include Wester's statement. The amended motion carried.

The meeting adjourned at 5:00 P.M.

Betty A. White, Recording Secretary