

SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

March 18, 2004

The Saugatuck Township Zoning Board of Appeals met on March 18, 2004, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Oyler, Harrison and Wester

Absent: None

Also present: Z. A. Ellingsen, Maria Martinez, Robert VanderSloot, and two members of the public.

Chairman Oyler called the meeting to order at 4:30 P.M. and introduced the first hearing on a request by Maria Martinez, 6831 M-89, for a variance to "reroof." However, the application was incomplete and did not correspond with the notice published in the newspaper, which stated that the variance was for an addition upward to an existing non-conforming single family residence in C-1. He said the board could choose to table this application until it is complete.

Harrison said he thought since this has been a residence for a long time and Martinez only wanted to add living space, the board should hear her application now; Wester agreed. Therefore, Oyler asked Martinez to explain what she wanted to do with the home. She explained that she was trying to repair the damage done by snow and the project became much more than that. In the process she had to tear down some of the walls that were damaged, she changed the roofline, and she added insulation also. Wester asked if she had added footage going up, and she said, "Four inches." She said she has lived there since 1985.

Ellingsen stated that he gave Martinez a permit to enclose an existing porch, which he did not deem an expansion. In January he gave her a permit to repair the roof, thinking that meant re-shingling with minor rafter repairs, but in February he noticed that the roof had been raised on both sides, adding considerable space to the 2nd floor. No plans had been submitted for this kind of addition, so he issued a Stop Work order but allowed the area to be sealed against the weather. Martinez said the wiring is not up to code, and that is why part of the roof is still not closed.

Oyler said he did not like to set a precedent by ratifying an incorrect application because the work has been done. Harrison said he didn't like to get hung up on an incorrect application when there was probably not a 50% increase in the building. Oyler wondered if this improvement extended the probable duration of the non-conforming use, but Harrison didn't think so.

Harrison made a motion to approve the variance for Martinez under Sec. 40-1012b with the condition that she present proper drawings of the improvements to Ellingsen so he can approve them. Motion failed.

Wester made a motion to table the variance so Martinez can go through the proper procedure. Oyler seconded. Harrison asked to amend the motion to require only basic drawings and to reconvene to reconsider the variance in 10 days or so. Wester agreed to the amendment. The amended motion carried. Oyler told Martinez the board was not denying her request, but just wanted her to go through the proper procedure, and that she would not be charged another fee. Martinez was advised to bring the plans to Ellingsen for his help.

The second issue involved an application by Robert VanderSloot, 289 Norwood, Holland, to convert two buildings at 6625 M-89 in A-1 from apple storage to boat and RV storage. Stand alone storage units are not allowed in A-1, even with SAU. VanderSloot stated that when he was looking at this property last summer, he noticed that the adjacent property was being used in exactly the way he hoped to use his parcel.

However, he found out after buying the parcel that he can not store boats in the buildings, and no one wants to buy them from him to use in agriculture either. He thought the real estate agent who sold him the parcel knew what he wanted to do with it, but he did not consult the Ordinance.

Harrison asked if this was his main business, and he replied that he does it on the side. He has other storage units on 63rd St. and on Old Allegan. On the 6-acre parcel in question there are two large buildings and three small ones, formerly used for migrant housing. He showed the board an ad for the neighbor's operation. Ellingsen said the neighbor's property was declared contaminated by the DEQ, and the ZBA gave a variance for that building to be built as "personal storage," allowed as an accessory use to a residence, and it has been condominiumized so some of the units are for sale. The point was made that VanderSloot should have made himself aware of the zoning.

The Zoning Board went through the four suggested questions: (1) Can the land be reasonably used in conformance with the Ordinance? Yes; (2) Is this hardship self-imposed? Yes; (3) Do unique circumstances exist for this parcel? No; (4) Would a variance alter the character of the neighborhood? Potentially setting a precedent. VanderSloot wanted to know if he drove through the A-1 areas and saw RV's stored, which he knew did not belong to the property owner, was the property owner in violation. The answer was that they would be dealt with in the same way. It was suggested that VanderSloot investigate what the original listing of his property said and/or approach the Planning Commission about rezoning the area.

Harrison made a motion to deny the variance requested by VanderSloot based on the findings of the ZBA. Wester seconded and the motion carried. Harrison said he would follow up on the neighbor, and he suggested that VanderSloot write a letter about zoning violations of this type.

Oyler made a motion to approve the minutes of February 5. Wester seconded and the motion carried.

Meeting adjourned at 5:20 P.M.

Betty A. White, Recording Secretary