

## SAUGATUCK TOWNSHIP BOARD OF APPEALS

January 17, 2008

The Saugatuck Zoning Board of Appeals met on January 17, 2008, at the township hall on Blue Star Highway, Saugatuck, MI 49453.

Present: Shawn Powers, Tedd Oyler, Bill Rowe  
Absent: Z. A. Ellingsen  
Also present: Supervisor Wester

Chairman Oyler called the meeting to order at 4:00 P.M.

Approval of Oct 18, 2007 minutes, motioned by Rowe to approve the ZBA minutes, Chair Oyler seconded. Unanimously approve.

First hearing was a request from Khodiyar Hospitality LLC, 3353 Blue Star Hwy, (Parcel #0320-010-017-20) to gain permission to continue the use of the permanent sign in its current location which is in the road right-of-way.

Chairman Oyler read the notice from the paper.

Chairman Oyler read some notes from Z. A. Ellingsen stating that Mr. Patel had permission from the Road Commission to place the sign in the ROW. If the sign was set back 60 feet from the centerline of the road it probably could be seen by traffic going north, but could not be easily seen to any extent by traffic going south until you would get very close to it. Clearing of the trees would expose more of the building to view the sign but also is in the "Tree Protection Zone".

Mr. Patel stated he put the sign in after the county okayed it and that he placed it where the customers would know where to come in at. Using the old sign they would have problems following the directions going in.

Chairman Oyler went through the conditions to see weather or not a variance is issued.

- 1) Can the land be reasonably built or used in conformance with the Ordinance? Oyler-No, Rowe-No, Powers-No.
- 2) Was the hardship self-imposed? Oyler-No, Rowe-No, Powers-No.
- 3) Do unique circumstances exist for this parcel? Oyler-Yes, Rowe-Yes, Powers-Yes.
- 4) Would a variance alter the character of the neighborhood? Oyler-No, Rowe-No, Powers-No.
- 5) Do unique or exceptional extraordinary conditions apply to this property that generally do not apply to other properties in the same zoning district? Oyler-Yes, Rowe-Yes, Powers-Yes.

Rowe made a motion to approve the variance with the condition that the lettering section to be removed from the pre-existing sign by April 30, 2008 and that lights on the pre-existing sign not be used ~~in the interim~~ **at all**. Powers seconded. Carried Unanimously.

Second request from Howard Bouwens, Jr., 6630 Halcyon Hills, Holland, to overturn the decision of the Saugatuck Township Planning Commission to terminate the special approval use permit granted in 2006 to operate an open air boat sales and repair service at 365 Maple St, Saugatuck(Parcel# 0320-010-054-20).

Chairman Oyler read the notice from the paper.

Rowe excused himself stating he voted on the issue once before.

Mr. Bouwens stated he is complaint with the SAU and that under the lighting code he stated he was grandfathered in. Building now is vacant. Coral Gables the tenant had moved out. Josh Vanhowe, tenant of Coral Gables received notice from Z. A. Ellingsen regarding the meeting with the Planning Commission. Mr. Bouwens stated he did not receive notice in time for the meeting from the Planning Commission. Mr. Bouwens called Z.A. Ellingsen the Friday before the P.C. meeting and told him he would not be able to attend and that he would be out of town. Mr. Bouwens thought the P.C. would have tabled it since he was not present. Mr. Bouwens stated he is complaint with all 3 issues that the P.C. had addressed.

Supervisor Wester explained that there was “miscommunication” between the Zoning Administrator and Bouwens. Mr. Bouwens fee were waived.

Ron & Betty VanWieren, 445 S. Maple, directly south of the Bouwens parcel. Their concern is the fencing is 40 feet too short on the east end. They were told when Onkens had it before Mr. Bouwens that they were suppose to have the fence run along the length lot line.

Jon Reus, 297 S. Maple, Macatawa Bay Boat Works, supported Mr. Bouwens.

Mr. Bouwens stated he had already met with Z.A. Ellingsen and that he ~~seems~~ thinks everything is compliant. He also stated it is private property.

Chairman Oyler motioned the enforcement of the SAU permit revocation is suspended for 60 days from today’s date, provided that the property owner work with the zoning administrator to determine compliance with all of the conditions make a part of the original permit. If the Z. A. determines that there is full compliance, then the permit is reinstated. If compliance is not achieved within 60 days, the revocation action of the Planning Commission is affirmed. Powers seconded. Unanimously approved.

Meeting adjourned at 4:45 P.M.

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Lori Babinski, Recording Secretary