

SAUGATUCK TOWNSHIP BOARD OF APPEALS

September 18, 2008

The Saugatuck Zoning Board of Appeals met on September 18, 2008, at the township hall on Blue Star Highway, Saugatuck, MI 49453.

Present: Shawn Powers, Tedd Oyler, Bill Rowe

Absent: None

Also present: Z.A.Ellingsen, Jim Hanson & Don Olendorf

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

Approval of the minutes of July 31, 2008. Motioned by Rowe, Powers seconded. Unanimously approved.

One hearing was scheduled: A request from Don Olendorf, 2452 Lakeshore Dr. (Parcel #0320-032-030-00) for a variance to renovate an existing partially finished detached garage to add amenities such as a shower and kitchen are along with sleeping quarters for his infirmed aged mother.

Chairman Oyler read the notice from the paper.

Jim Hanson, Ron & Mary Voss & the Tharp family all approve of the variance.

Z.A. Ellingsen stated that it's not a use variance, he is asking for a use that does exist in the zone for a single family residence he is asking for a second dwelling on a single parcel. There is no way he can divide the lot because it's too small. He has a non-conforming building in regards to the setback from the DEQ. Z. A. Ellingsen stated it's for a specific use although the ordinance allows only a single family use on a single parcel.

Don Olendorf, 2452 Lakeshore Dr. shared with the ZBA why he wants a variance. The 56 years he's resided there and stated his cottage was an historic structure and would not want to tear it down. This variance will enable his family to still be together.

Rowe asked Ellingsen how you would approve this for the next person that wanted a second dwelling on their property if it states in the ordinance that no portion of an accessory building shall be utilizes as a dwelling or for sleeping quarters. Ellingsen stated it depends on the circumstances. To grant a variance you need to determine if it's a hardship.

Chair Oyler questioned why the township board chose not to amend the ordinance. So to approve this variance the ZBA would be going against the township board decision.

Olendorf went through the 5 conditions for a variance in Section 40-76 to determine if he should be granted a variance.

Commissioner Hanson stated that the board decision was because of taxation and the accountability if the second home would be rented.

Chair Oyler read the 5 questions on finding facts for approval/denial of variance request:

- 1) Can the land be reasonably built or used in conformance with the Ordinance? Rowe-Yes, Powers-Yes, Oyler-Yes
- 2) Was the hardship self-imposed? Rowe-No, Powers-No, Oyler-No
- 3) Do unique circumstances exist for this parcel? Rowe-Yes, Powers-Yes, Oyler-No
- 4) Would a variance alter the character of the neighborhood? Rowe-No, Powers-No, Oyler-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? Rowe-No, Powers-Yes, Oyler-No

Rowe stated that the zoning should be changed just because the zoning allows duplexes in that area.

Rowe motioned to deny the variance, Oyler seconded.

Motion to deny variance was approved, with a 2 yes 1 no vote.

Meeting adjourned 4:50 p.m.

Lori Babinski, Recording Secretary