

SAUGATUCK TOWNSHIP BOARD OF APPEALS

March 26, 2009

The Saugatuck Zoning Board of Appeals met on March 26, 2009, 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, R.J. Peterson, and George Bauer

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

Approval of the minutes of January 29, 2009. Motioned by Rowe, Powers seconded. Unanimously approved.

Chairman Oyler read the notice from the paper.

One hearing was scheduled: A request from Roland Peterson, 116 Riverside Dr., Saugatuck (Parcel # 0320-004-026-00) for a dimension variance from section 40-1012 (a). The applicant wishes to complete the enclosure of an existing boathouse that encroaches on the 75 foot setback requirement in the R-2 Zone as stated in section 40-277. There is no change in the building requirement.

Chair Oyler did state that there was a hearing on this matter on January 29, 2009 and that the board did make some conclusions and had been memorialized by 2 motions brought before the board today by the Attorney, Ron Bultje.

There was a letter sent from Peter Kauffman, 1010 Holland St. in support of the variance. There were no phone calls made to the office opposing or in favor of the variance.

Two motions were prepared by Attorney Ron Bultje. A motion to grant a variance from Section 40-1012 for R.J. Peterson the second motion on Zoning Chapter interpretation for R.J. Peterson, prior to discussion at the last meeting on January 29, 2009.

Motion made by Rowe and seconded by Powers to allow R.J. Peterson to withdraw his request for an interpretation of Section 40-1012 of the Zoning Chapter in the Code of Ordinances, pertaining to the expansion of nonconforming buildings. However, pursuant to the public hearing held on January 29, 2009, the Zoning Board of Appeals further finds that the undefined term "area" as used in Section 40-1012(a) refers to all applicable dimensions, including without limit lot area, lot width, lot depth, frontage requirements, setback requirements, etc. The Zoning Board of Appeals finds that since "area" is not defined, its use should not be limited to a particular type of measurement, but should rather apply to all dimension requirements established by the Zoning Chapter. Unanimously approved.

Motion made by Powers and seconded by Rowe to grant the dimension variance under Section 40-1012 of the Zoning Chapter in the Code of Ordinances, requested by R.J. Peterson, specifically to allow him to complete the enclosure of a boathouse even though it encroaches on the 75 feet setback requirement established by Section 40-277. Pursuant to the motion to grant the variance, the Zoning Board of Appeals finds as follows.

Chair Oyler went through the finding of the facts questions 1-5.

Unanimously approved.

Meeting adjourned 4:10 p.m.

Lori Babinski, Recording Secretary