

SPECIAL SAUGATUCK TOWNSHIP ZONING BOARD OF APPEALS

**Thursday, May 30, 2:00 p.m.
Saugatuck Township Hall
3461 Blue Star Hwy, Saugatuck, MI 49453**

**Approved
~~DRAFT~~ MINUTES**

Chair Dritsas called the meeting to order at 4:00 p.m.

Members present: Dritsas, Stewart, Kerr, Webster, and Alternate Felker.

Members absent: Excused, Adams, Alternate Brady

Also present: Cindy Osman, Building Official, litigation Attorneys Straub and Semonin, Court Reporter, and support staff, Morgan Arens.

Review and Adopt agenda: Dritsas made a motion, seconded by Kerr to approve the agenda. Motion carried 5-0.

Review minutes of May 23, 2024: Webster made a motion, seconded by Stewart to approve the May 23, 2024 minutes as amended. Motion carried 5-0.

Official Minutes: A motion was made by Webster, supported by Stewart, to accept the Court Reporters Transcript of today's meeting as the official minutes of the meeting. Motion carried 5-0

New Business:

Andrew Shrock, on behalf of Darpel and associates, answered questions about the variance request for 3416 Elizabeth Street. The house as proposed will be approximately 21 feet from the north property where a setback of 30 feet is required, for a variance of 9 feet. The house as proposed will be set back from the east property line approximately 21 feet where 25 feet is required, for a variance of 4 feet.

Public Comments: The neighbor to the immediate west 6620 Bandle St, Michael attending via Zoom, is not necessarily opposed to the variance but is concerned about early morning construction noise. Andrew Shrock told him that they rarely start before 8:00 am.

After getting consensus on each of the standards, the Chair closed the public hearing.

Upon deliberation, Webster made a motion to approve the application as submitted, and attach the staff report to the application to be part of the minutes, supported by Felker, motion carried 6-0.

Unfinished Business: Saugatuck Dunes Coastal Alliance v. Saugatuck Township and Saugatuck Township Zoning Board of Appeals. Allegan County, County Circuit Court Case Nos. 2017-058639-AA and 2018-595598-AA.

Dritsas opened the public hearing. Comments by counsel will be limited to 20 minutes, comments by the general public will be limited to three minutes.

Scott Howard representing the SDCA presented his argument as to why the Board should not consider any documents, because the state and federal permits were not obtained per the conditions imposed by the Planning Commission. He also stated that the Board should consider the ruling by Judge Antkoviak, and documents submitted to the courts. He also reviewed standards for including documents - materiality, for good cause were not submitted to the ZBA at the original hearings, and special damages. Mr. Howard also requested the Board to consider the tribal impact.

Carl Gabrielse, on behalf of North Shores of Saugatuck LLC made a presentation as to why no new documents should be considered, and urged the Board to separate allegations from facts. He presented handouts showing why no new parties should be added, and reiterated the standards that any documents should be material, with good reason were not presented before, and evidence that there are special damages. He also stated that the SDCA would object to any development on the property, not just the one that was approved by the Planning Commission. He also presented that the only three documents that should be considered are the zoning map, the letter from Dickenson & Wright, and the McKenna memo.

There was no public comment.

Webster, supported by Felker, made a motion to close the public hearing, motion carried 5-0.

The Board, having had opportunity to review the documents submitted by the parties deliberated as to which documents might have relevance and meet the standards. Webster noted three documents that she thinks the Board could consider and these were:

The affidavit by Nick Wallace, dated November 10, 2022
The letter dated 11-15-22 with enclosures, and
August 29, 2023 EGLE public comments.

Felker did not add to this list.

Stewart added:

Water table report (same as Webster – dated 11-15-22) technical report page 6
Letter from Anthony Kendall dated March 20, 2023
Letter from Michigan State dated July 13, 2023

Webster made a motion to accept the identified documents submitted after the hearing with Judge Kengis held on April 24, 2023. The question of the previous documents came up, after much discussion, the documents seen by the ZBA at the hearing on October 11, 2017, and the documents submitted to the ZBA for the hearing on April 9, 2018, and the documents referenced in the Judge Antkoviak order are to also be included in the documents to be considered. It was made clear that this is the final list, and no additional documents would be considered.

(Added by author) For clarity, the documents to be considered are all of those submitted before April 9, 2018, and those submitted to Judge Kengis and Judge Antkoviak before remand to the ZBA, and the following:

1. *November 15, 2022. Letterhead – Department of the Army by Charles M. Simon to Martha MacFarlane-Faes State Historic Preservation Office with attachments.*
2. *November 25, 2019. Letterhead AeM from Doug Workman to Carl Gabrielse.*
3. *August 29, 2023. Letterhead Gabrielse from Carl Gabrielse to John Bayha EGLE.*
4. *March 20, 2023. From Anthony Kendall to David Swan.*
5. *July 13, 2023. Letterhead – Michigan State University from Peter Murphy to John Bayha, EGLE.*
6. *November 19, 2022. Affidavit by Nick Wallace.)*

There was no public comment or correspondence.

A motion to adjourn to June 27, 2024 by Webster, supported by Felker passed 5-0 at 5:40 PM.

Respectfully submitted,

Cindy Osman, Building Official