



**Zoning Board of Appeals
Regular Meeting
April 10, 2025 – 6:30PM
102 Butler St, Saugatuck, MI**

In person meeting

- 1. Call to Order/Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Minutes:**
 - A. January 9, 2025 Regular Meeting**
- 4. Public Comments**
- 5. Unfinished Business: None**
- 6. New Business:**
 - A. 40 Butler St – Dimensional variance request**
- 7. Communications:**
- 8. ZBA Member Comments**
- 9. Public Comments**
- 10. Adjourn (Voice Vote)**

This public meeting will be held in person at Saugatuck City Hall. Interested parties may attend in person or participate by using Zoom video/audio conference technology.

Join online by visiting:
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:
**(312) 626-6799 -or-
(646) 518-9805**

Then enter "Meeting ID":
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:
rcummins@saugatuckcity.com

Public Hearing Procedure

- A. Hearing is called to order by the Chair
- B. Summary by the Zoning Administrator
- C. Presentation by the Applicant
- D. Public comment regarding the application
 - Participants shall identify themselves by name and address
 - Comments/Questions shall be addressed to the Chair
 - Comments/Questions shall be limited to five minutes
 1. Supporting comments (audience and letters)
 2. Opposing comments (audience and letters)

- 3. General comments (audience and letters)
- 4. Repeat comment opportunity (Supporting, Opposing, General)
- E. Public comment portion closed by the Chair
- F. Commission Deliberation
- G. Commission Action



Saugatuck Zoning Board of Appeals Meeting - *Proposed* January 9, 2025, Minutes

The Saugatuck Zoning Board of Appeals
Met in regular session at 6:30 p.m.
City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Chairman Kubasiak at 6:30 p.m.

Attendance:

Present: Chairman Kubasiak, Board Members Bouck, Crawford.

Absent: Board member Bont.

Others Present: Director of Planning and Zoning Thompson, Deputy Clerk Williams.

2. **Agenda Changes/Approval of Agenda:**

Motion by Bouck, second by Kubasiak, to approve the agenda for January 9, 2025, meeting as presented. Upon voice vote, motion carried 3-0.

3. **Approval of Minutes:**

Motion by Crawford, second by Bouck, to approve the regular amended meeting minutes from October 10, 2024, Upon voice vote, motion carried 3-0.

4. **Public Comments:** None.

5. **Unfinished Business:** None.

6. **New Business:**

A. Annual Election of Officers.

Motion by Crawford, second by Bouck to nominate Kubasiak as ZBA Chair. Upon roll call vote, motion carried 3-0.

Motion by Kubasiak, second by Crawford to nominate Bouck as ZBA Vice-Chair. Upon roll call vote, motion carried 3-0.

B. Activity Report 2024. – Discussion only.

C. 2025 Meeting Dates.

Motion by Bouck, second by Crawford to approve the revised meeting schedule. Upon roll call vote, motion carried 3-0.

7. Communications: None.

8. ZBA Comments:

- Chair Kubasiak said that they are in the process of interviewing potential new members to fill Kate and the alternate's seats on the board.

9. Public Comments: None.

10. Adjournment.

Motion by Crawford, second by Bouck, to approve adjournment of the meeting. Upon voice vote, motion carried 3-0. Chair Kubasiak adjourned the meeting at 6:55 pm.

Respectfully Submitted,
Sara Williams
City Deputy Clerk



**BACKGROUND REPORT
ZONING BOARD OF APPEALS APRIL 10, 2025**

**40 BUTLER STREET 03-57-300-214-00
SINGAPORE YACHT CLUB**

REQUEST: The applicant requests a variance to replace the existing pool fence at 40 Butler Street. The existing pool deck and pool area are very close to the waterfront, and the existing fence does not comply with the requirement that it maintain “a minimum ratio of six parts open space to one part solid material” with 25 feet of the waterfront. The applicant states that the style of fencing required would not meet the state building code and EGLE requirements.

Section 154.143(F)(6) Waterfront. Fences located within 25 feet of the shore of any lake, river or stream shall not be greater than four feet in height and shall be wrought iron, open mesh, chain link, lattice, slatted or similar type fencing provided that a minimum ratio of six parts open space to one part solid material is maintained.

SUBMITTAL CHECKLIST: The applicant has provided survey information, a mark-up showing the proposed location of the fence, and an image showing the fence style.

ZBA AUTHORITY: According to Section 154.155 (A), where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Zoning Board of Appeals (“Board”) may, in passing on appeals, vary or modify any of the rules or provisions of the Zoning Ordinance relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the intent of the ordinance is observed, public safety secured, and substantial justice done. Variances should only be approved in limited cases with unique circumstances and extraordinary conditions.

DIMENSIONAL VARIANCE: Section 154.155 (B) provides the standards that must be met in order for the Board to grant a dimensional (non-use) variance:

1. *That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.*

Comment: Strict compliance with the zoning requirement for an open-style fence with a minimum ratio of six parts open space to one part solid material would unreasonably burden the property owner by preventing the replacement of a compliant pool safety barrier required by state code. State regulations for pool safety require fencing with rails that prevent a 4” sphere from passing through, which is incompatible with the open-style design mandated by

Section 154.143(F)(6). While a solid fence is not required to meet state code, it could be considered reasonable to allow the replacement of the existing fence with a similarly solid fence.

2. *That a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.*

Comment: Granting the variance would do substantial justice to the property owner by allowing for a one-for-one replacement of an aging existing fence that ensures pool safety. The replacement fence will be similar in appearance and location to the existing one and will not increase visual or physical impacts on adjacent property owners.

The ZBA could consider a lesser relaxation for a semi-opaque fence, but the current circumstances should be considered.

3. *That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.*

Comment: This is a unique situation based on the location of the pool on a waterfront lot, which triggers two somewhat conflicting requirements. Few properties in the applicable zoning district contain pools within such proximity to the waterfront, making this a rare and specific circumstance that is not broadly shared.

4. *That the problem is not self-created or based on personal financial circumstances.*

Comment: The issue is not self-created nor based on financial circumstances. The need to replace it is driven by its conditions and mandatory state safety regulations. The applicant is not requesting any expansion, encroachment, or height increase.

RECOMMENDATION: Pursuant to Section 154.155 (B), if the applicant is not able to meet all the required standards noted above, the Board must deny the request. If the Board finds that the practical difficulty is not unique but common to several properties in the area, the finding shall be transmitted by the Board to the Planning Commission, who will determine whether to initiate an amendment to the Zoning Code, per Section 154.156 (C). Any motion supporting or against the variance request must specifically reference the Board's findings concerning all applicable standards.

The ZBA certainly has the discretion to consider a fence that is not completely solid, but that would still meet the state requirements. The state requirement does not mandate a solid fence, as proposed. However, considering the circumstances, the location of the pool in relation to the walkway, and the existing conditions, it is not unreasonable to consider a fence similar to what is proposed to be replaced.

Regardless of the decision, the minutes and written record of the decision must document the Board's findings and conclusions.

Possible motion:

I move to _____ a variance to allow a solid fence within 25 feet of the waterfront at 40 Butler in accordance with the applicant's materials based on the following findings (or reference report):

1. _____.
2. _____.
3. _____.
4. _____.



Zoning Board of Appeals Application

LOCATION INFORMATION

APPLICATION NUMBER _____ - _____

Address 40 Butler StParcel Number 57-300-214-00**APPLICANTS INFORMATION**Name Singapore Yacht Club Address / PO Box PO Box 1000City Saugatuck State MI Zip 49453 Phone 269-857-8442Interest In Project Kevin Phillips E-Mail vicecommodore@singaporeyachtclub.comSignature _____ Date 03/12/2025**OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)**Name Jeremy Edwards Address / PO Box 5500 Cascade Rd. SE Suite 100City Grand Rapids State MI Zip 49546 Phone 616-285-9898E-Mail jedwards@redwater.com

I hereby authorize that the applicant as listed above is authorized to make this application for proposed work as my agent and we agree to conform to all applicable laws and regulations of the City of Saugatuck. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed or to gather further information related to this request.

Signature _____ Date 03/12/2025**CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)**Name JPD Construction Contact Name Jason DedicAddress / PO Box PO Box 278 City SaugatuckState MI Zip 49453 Phone 616-566-0337 Fax _____E-Mail jason@jpdconstruction.com

License Number _____ Expiration Date _____

PROPERTY INFORMATIONDepth 60' Width 77' Size _____ Zoning District Waterfront Current Use fenceCheck all that apply: Waterfront ☒ Historic District ☒ Dunes _____ Vacant _____Application Type: Interpretation ☒ Dimensional Variance _____ Use Variance _____**REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)**Zoning Requirement 154.143 Section 6 Proposed Variance omit the 6 to 1 opening

Zoning Requirement _____ Proposed Variance _____

Zoning Requirement _____ Proposed Variance _____

Section 6 states there needs to be a ratio of 6 open parts to 1 closed part within 25' of the shore of any lake river or stream.

This requirement conflicts with EAGLE R 325.2128 the requirements for swimming pools enclosures that states

"does not provide ready footing for climbing, and is designed to prevent passage through or under the enclosure." The building code for Decks

and rails states if you are 30" above grade it requires that a 4" sphere cannot pass under or through intermediate rails. Currently a fence is in place that meets all of the requirements for the 3 different types of fence regulations. Proposed variance is to have solid tongue and groove cedar inlaid in steel framed fencing, see attached.



SITE PLAN REQUIREMENTS (SECTION 154.061)

A site plan and survey showing the following information shall be submitted with the coverage of this application and other required information as outlined below. (Please note that not all will apply for minor waterfront construction)

Y N NA

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| ☐ | ☐ | ☐ | Dimensions of property of the total site area, |
| ☐ | ☐ | ☐ | Contours at 2-foot intervals |
| ☐ | ☐ | ☐ | Locations of all buildings |
| ☐ | ☐ | ☐ | Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property |
| ☐ | ☐ | ☐ | Parking areas |
| ☐ | ☐ | ☐ | Driveways |
| ☐ | ☐ | ☐ | Required and proposed building setbacks |
| ☐ | ☐ | ☐ | Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths; |
| ☐ | ☐ | ☐ | Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate; |
| ☐ | ☐ | ☐ | Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths; |
| ☐ | ☐ | ☐ | Proposed water supply and wastewater systems locations and sizes; |
| ☐ | ☐ | ☐ | Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain; |
| ☐ | ☐ | ☐ | Proposed common open spaces and recreational facilities, if applicable; |
| ☐ | ☐ | ☐ | Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials; |
| ☐ | ☐ | ☐ | Signs, including type, locations and sizes; |
| ☐ | ☐ | ☐ | Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives; |
| ☐ | ☐ | ☐ | Exterior lighting showing area of illumination and indicating the type of fixture to be used. |
| ☐ | ☐ | ☐ | Elevations of proposed buildings drawn to an appropriate scale shall include: <ol style="list-style-type: none">1. Front, side and rear views;2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and3. Exterior materials and colors to be used. |
| ☐ | ☐ | ☐ | Location, if any, of any views from public places to public places across the property; |
| ☐ | ☐ | ☐ | Location, height and type of fencing; and |



- ☐ ☐ ☐ The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.
- ☐ ☐ ☐ Other information as requested by the Zoning Administrator

DIMENSIONAL VARIANCE REQUEST STANDARDS PER SECTION 154.155(B)

Please respond to each of the following questions. As part of your request to obtain a dimensional or non-use variance, the owner must show a practical difficulty by demonstrating that all of the following standards are met:

- (1) Explain how strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
The conflicting requirements from Zoning rules and Swimming pool regulations will not allow for any new items. There has to be some relief on the zoning regulation to allow replacement of the fence.
- (2) Explain how a variance would do substantial justice to the owner as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
The variance will allow the owner and any other pool to be in compliance with all regulations necessary regarding pools and fences in the 25' proximity to a lake, river or stream.
- (3) Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and
The fence in question is very unique in location. This fence provides protection needed around pools it provides safety because of the pool being 30" lower than walkway the fence is located on. The fence is also unique as it does not block any views, there is nothing behind it or away from the waterfront that cannot see over the fence
- (4) Explain how the problem is not self-created or based on personal financial circumstances.
The fence is currently in place and the request is just to replace what is there. From our understanding we cannot do anything unless there is some relaxation of the zoning requirement



USE VARIANCE REQUEST STANDARDS PER SECTION 154.155(C)

Please respond to each of the following questions. As part of your request to obtain a use variance, the applicant must show an unnecessary hardship by demonstrating that all of the following standards are met:

- (1) Please explain how the property in question cannot be used for any of the uses permitted in the district in which it is located;

- (2) Please explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions;

- (3) Please explain how by granting the variance, the essential character of the neighborhood would not be altered; and

- (4) Please explain how the problem is not self-created or based on personal financial circumstances.



Chair Signature_____	Vote
Member Signature_____	Vote
Member Signature_____	Vote
Member Signature_____	Vote
Member Signature_____	Vote



ZONING PERMIT APPLICATION

Failure to answer all pertinent questions and to supply all of the requested information will delay processing of this application.

FEES

Fence Only: \$75.00

Deck, Patio, Shed, Pool or Hot Tub Only (per item): \$125

New Dwelling (Single or Two Family) or Bed and Breakfast: \$500

All Others: \$250

Escrow Deposit: Zoning Administrator Discretion

City of Saugatuck Zoning Code: [https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck mi/0-0-0-4355](https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck_mi/0-0-0-4355)

PROPERTY ADDRESS 410 Butler St

PARCEL NUMBER 57-300-214-00

PROPERTY OWNER Butler Place Property LLC

ADDRESS / PO BOX 5500 Cascade Rd. SE Suite 100

EMAIL Jedwards@Redwater.com

PHONE 616-285-9898

I hereby authorize the applicant listed below to make this application for proposed work as my agent. I agree the statements made in this application and submitted plans are true, and if found not to be true, any zoning permit that may be issued may be void. Further, I agree to comply with the conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Saugatuck Zoning Ordinance and all other applicable laws, ordinances and regulations will be complied with. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed. Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, does not include any representation or conveyance of rights in any other statute, building code, fire code, deed restriction or other property rights.

OWNER SIGNATURE  Date 02/19/2025



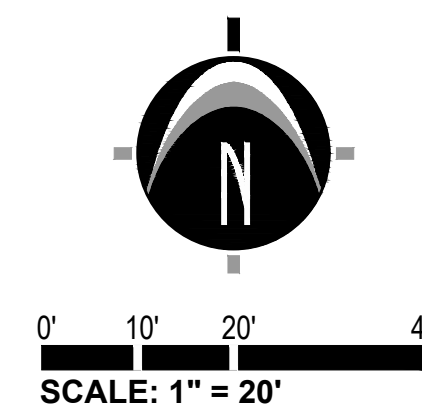
GRAND RAPIDS
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Phone: 616.575.5190

ANN ARBOR
CHICAGO
COLUMBUS
HOLLAND
INDIANAPOLIS
ST. LOUIS

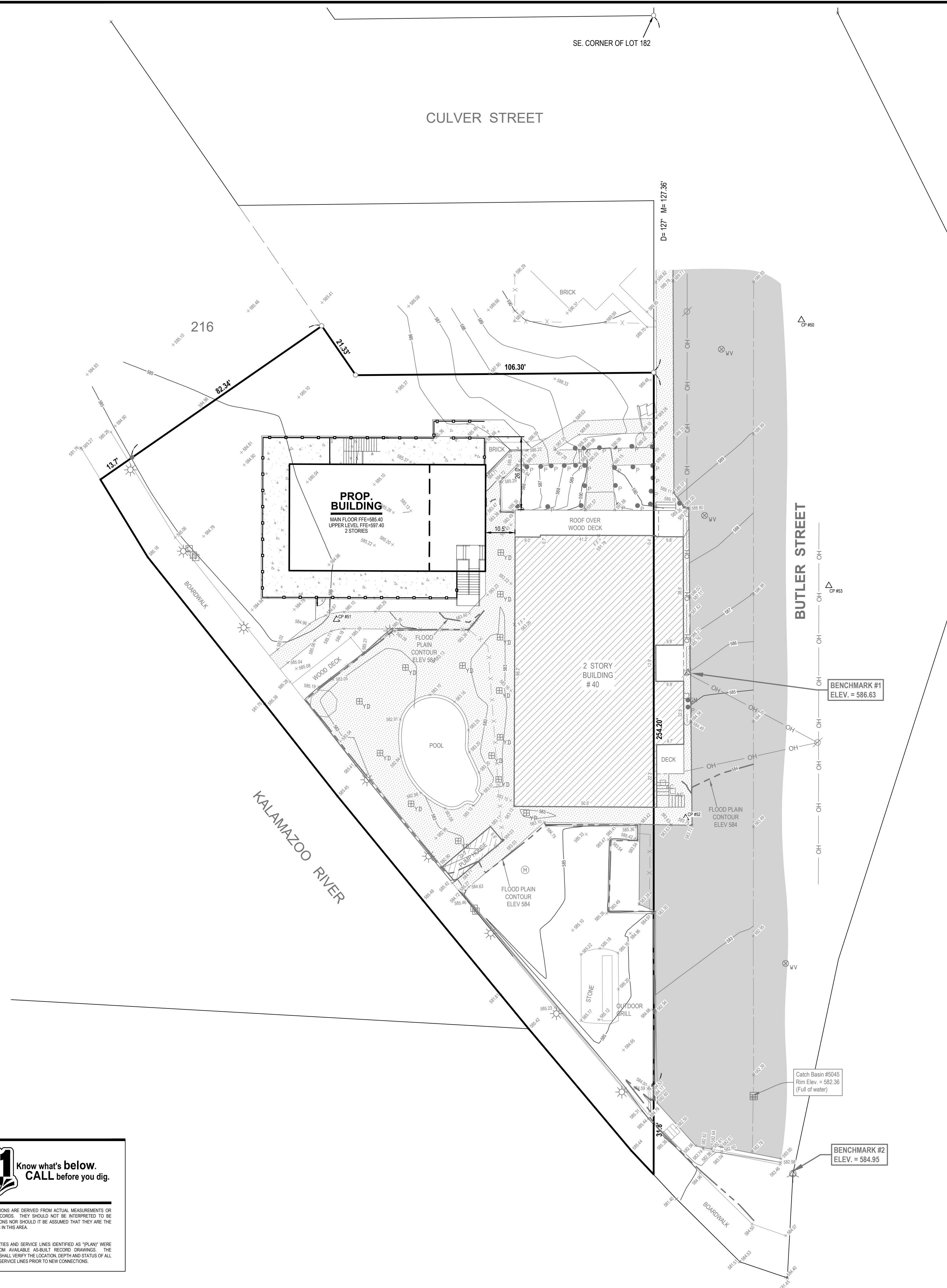
Redwater Group
Craig Smith

5500 Cascade Road SE
Suite 200
Grand Rapids, MI 49546

Title: City Submittal
Drawn: Brad M. Checked: Jack B. Date: 10.12.202



	EXISTING BITUMINOUS
	EXISTING CONCRETE
	PROPOSED CONCRETE (STANDARD DUTY)



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE:
EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE
OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE
CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL
UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

The Butler

Site Layout Plan

40 Butler Street
PART OF THE SW 1/4 OF SECTION 9, T3N, R16W,
CITY OF SAUGATUCK, ALLEGAN COUNTY, MICHIGAN

STATE OF MICHIGAN
★ ROGER JACK BARR II ★
ENGINEER
No.
41990
LICENSED PROFESSIONAL ENGINEER

R. J. Barr

PROJECT NO:
2120185

SHEET NO:

C-205

Luke Thompson

From: SYC Vice Commodore <ViceCommodore@singaporeyachtclub.com>
Sent: Wednesday, January 22, 2025 12:20 PM
To: Bayha, John (EGLE)
Subject: Re: 40 Butler St Saugatuck Mi

Sounds good, thank you.

Thanks much for the quick response. That is exactly what we are doing, I appreciate your help.

Kevin Phillips
Singapore Yacht Club Vice Commodore 2025
Cell 616-204-0489
vicecommodore@singaporeyachtclub.com



From: Bayha, John (EGLE) <BayhaJ@michigan.gov>
Sent: Wednesday, January 22, 2025 12:06 PM
To: SYC Vice Commodore <ViceCommodore@singaporeyachtclub.com>
Subject: RE: 40 Butler St Saugatuck Mi

Thanks Kevin. If you are just replacing the existing fence with a new fence that is basically the same I do not see a need for an EGLE permit for the project.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555



From: SYC Vice Commodore <ViceCommodore@singaporeyachtclub.com>
Sent: Wednesday, January 22, 2025 11:51 AM
To: Bayha, John (EGLE) <BayhaJ@michigan.gov>
Subject: Re: 40 Butler St Saugatuck Mi

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

John,

I attached some pictures it is on the south side of the Butler restaurant, let me know if this works for you.

Kevin

Kevin Phillips
Singapore Yacht Club Vice Commodore 2025
Cell 616-204-0489
vicecommodore@singaporeyachtclub.com



From: Bayha, John (EGLE) <BayhaJ@michigan.gov>
Sent: Wednesday, January 22, 2025 11:25 AM
To: SYC Vice Commodore <ViceCommodore@singaporeyachtclub.com>
Subject: RE: 40 Butler St Saugatuck Mi

Kevin,

Please provide a location for this fence (address or lat/long) and some photos of the fence would be helpful if available.

Thanks,

John Bayha, P.E. | Kalamazoo District Engineer | Water Resources Division
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
7953 Adobe Road, Kalamazoo, MI 49009 | Cell 269-568-2680 | Fax 269-567-3555



From: SYC Vice Commodore <ViceCommodore@singaporeyachtclub.com>
Sent: Wednesday, January 22, 2025 11:23 AM
To: Bayha, John (EGLE) <BayhaJ@michigan.gov>
Subject: 40 Butler St Saugatuck Mi

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

John,

I would like to introduce myself. I am the Vice Commodore for Singapore Yacht Club in Saugatuck. Our club is responsible for the fence surrounding the pool area, and it needs to be repaired-upgraded. While visiting the City and reviewing the materials with the Historical District Society, Luke

mentioned that we might need to have some sort of approval from your office, can you let me know if that is true and if so, what I would need to do to get that started.

Thanks in advance for your help in this matter.

Kevin Phillips

Singapore Yacht Club Vice Commodore 2025

Cell 616-204-0489

vicecommodore@singaporeyachtclub.com



Zoning Variance request

Saugatuck Zoning.

154.143 FENCING.

(6) Waterfront; Fences located within 25 feet of the shore of any lake, river or stream shall not be greater than four feet in height and shall be wrought iron, open mesh, chain link, lattice, slatted or similar type fencing provided that a minimum ratio of six parts open space to one part solid material is maintained.

EAGLE EQP2263 (Rev 06/2023)

R 325.2128 Enclosures.

Rule 28. (1) A swimming pool owner shall completely enclose a swimming pool facility by a wall, fence, or other protective enclosure. A swimming pool owner shall ensure that the entire enclosure, including doors and gates, is not less than 4 feet high as measured on the outside, does not provide ready footing for climbing, and is designed to prevent passage through or under the enclosure

Michigan Building Code.

Deck rails

Decks, balconies, and porches that are more than 30 inches above grade will need guardrails to be at least 36" tall

Guardrails must have intermediate rails that prevent a 4" sphere from passing through.

Proposal

To remove the ratio of 6 open to one closed allowing the fence to meet all applicable standards and regulations in the 25' waterfront zone. There is one 76'6" long section of fence (see purple line on exhibit A) and one 6'8" section (also purple line on exhibit A) that would need the variance as they are the only items within 25' of the shoreline (seawall)

Exhibit A

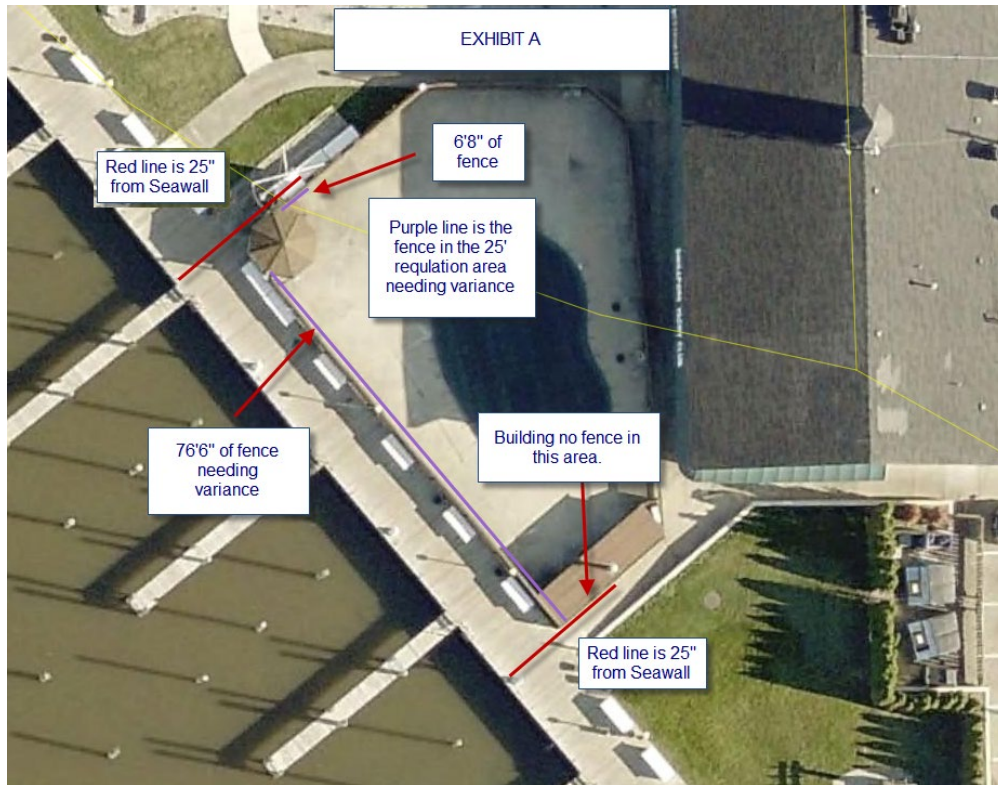


Exhibit B Current and Proposed.

