



Saugatuck Zoning Board of Appeals Special Meeting March 28, 2024, Minutes

The Saugatuck Zoning Board of Appeals
Met in special session at 7:00 p.m.
City Hall, 102 Butler Street, Saugatuck, Michigan.

1. **Call to Order** by Chairman Kubasiak at 7:00 p.m.

Attendance:

Present: Chairman Kubasiak, Board Members Bouck, Crawford, Hundreiser & McPolin.

Absent: Board member Bont.

Others Present: Director of Planning and Zoning Ryan Cummins, City Clerk Jamie Wolters, City Attorney Jacob Witte

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

Motion by McPolin, second by Bouck to approve the agenda for March 28, 2024, meeting as presented. Upon voice vote, motion carried 5-0.

3. **Approval of Minutes:** None.

4. **Public Comments:** None.

5. **Unfinished Business:** None.

6. **New Business:**

A. 650 Water St – Setback Variance.

1. The Public Hearing was called to order by the Chair at 7:11 p.m.

2. Summary by Director of Planning, Zoning & Project Management Ryan Cummins.

The applicants request variances to install a structural expansion to accommodate kitchen hood equipment. The proposal requires dimensional variances to:

- Reduce the front setback on Spear Street to zero feet (0') instead of the minimum 5-foot setback, a reduction of five feet (5').
- Reduce the waterfront setback to fourteen feet (14') instead of the minimum 25-foot setback, a reduction of eleven feet (11').

The property is located in the newly established C-2 Downtown Waterfront Preservation District zoning district. The property is considered a corner lot with frontages on Water Street and Spear Street, although the Spear Street right-of-way ends in a boat launch.

The buildable area of the lot is approximately 65 feet by 65 feet. The property does not conform to the minimum lot width requirement and appears nonconforming with the minimum lot area requirement. The principal building does not conform to both front setbacks, the south side setback, and the waterfront setback.

3. Presentation by the Applicant: Alec & Lindsay Payleitner.

4. Public comment regarding the application:

- a. Supporting comments: None.
- b. Opposing comments (audience and letters): None.
- c. General comments (audience and letters): None.
- d. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by the Chair at 7:11 p.m.

6. Commission deliberation:

The board went into deliberation, and they discussed the applicants' variances to install a structural expansion to accommodate kitchen hood equipment. The proposal requires dimensional variances to:

- Reduce the front setback on Spear Street to zero feet (0') instead of the minimum 5-foot setback, a reduction of five feet (5').
- Reduce the waterfront setback to fourteen feet (14') instead of the minimum 25-foot setback, a reduction of eleven feet (11').

ZBA Findings of Fact: *Note: Applicant must show practical difficulty by demonstrating that all four standards are met.*

Standard 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." § 154.155(B)(1). Bouck, Crawford, Hundreiser, Kubasiak, & McPolin found this standard has been met because:*

Strict compliance with the minimum front and waterfront setbacks would unreasonably prevent the owner from using the property as a restaurant or would render conformity unnecessarily burdensome. Due to the nonconforming nature of the lot and the nonconforming placement of the principal building, a compliant structural extension for the exhaust equipment for an interior kitchen area conversion is nearly impossible. The only potential compliant location is immediately west of the wood deck on the south

side of the building (as shown on the Alta/NSPS survey). However, this location is not feasible because it aligns with the interior location of the restroom facilities.

Board member Crawford said that number one criteria has been met. Chair Kubasiak added that there have been some efforts to minimize and burdensome to the outside and effecting any neighboring situations. Board members Bouck, Crawford, Hundreiser, Kubasiak, & McPolin agree that the standard has been met.

Standard 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.” § 154.155(B)(2).* Bouck, Crawford, Hundreiser, Kubasiak, & McPolin found this standard has been met because:

A variance may give substantial relief to the applicant because the request is minimal (two-foot extension from the building), and the system would be no closer to the north property line than other portions of the building that currently encroach into the north front setback and public right-of-way. Lesser relief would make the entire request unfeasible.

Justice for neighboring property owners would be preserved based on the minor nature of the request and minimal extension into the public right-of-way. Sufficient space along the seawall would be maintained for foot travel. Additionally, the exhaust equipment would have no impact on water quality and would not significantly impact views of the river from the public right-of-way.

Standard 3: *“That the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions.” § 154.155(B)(3).* Barna, Bouck, Crawford, Kubasiak, & McPolin found this standard has been met because:

This particular property is unique based on its corner location, size and width compared to compliant lots, and the placement and orientation of a long-established Historic District contributing structure on the lot. These conditions are not general neighborhood conditions; otherwise, the C-2 Waterfront Preservation District would not have been adopted as written.

Standard 4: *“That the problem is not self-created or based on personal financial circumstances.” § 154.155(B)(4).* Barna, Bouck, Crawford, Kubasiak, & McPolin found this standard has been met because:

The overall problems related to the site are not self-created, as the building is a historic structure, and zoning conformity issues arose long ago. Additionally, new setback requirements for the C-2 Waterfront Preservation District have increased the building's degree of nonconformity. None of these issues result from the applicant's actions.

Additionally, the variance requests have no relationship to the project cost but the burdensome nature of compliance.

Motion by McPolin, second by Bouck to approve a variance to reduce the waterfront setback from the west to 14 feet and to eliminate the north front setback requirement to allow a two-and-a-half (2.5) foot encroachment into the Spear Street right-of-way (two feet from the wall) for the construction and installation of kitchen exhaust equipment at 650 Water Street based on the positive findings documented in the staff memo provided to the ZBA for its March 28, 2024 meeting. This approval is contingent upon the construction of the kitchen exhaust equipment being in substantial conformance with the location, design, and size as proposed and included in the 2024 ZBA variance applicant materials. Upon roll call vote, motion carried 5-0.

7. Communications: None.

8. ZBA Comments: None.

9. Public Comments:

- Chris Raphael (569 Weirich) – Thanked the board for their service. He congratulated the applicant and thinks it's nice to see that they are doing something wonderful for the city and says it is a fantastic use of the property.

10. Adjournment.

Motion by Bouck, second by McPolin to adjourn the meeting. The meeting was adjourned at 7:46 pm by Chair Kubasiak.

Respectfully Submitted,
Sara Williams
City Deputy Clerk