



**Zoning Board of Appeals
Regular Meeting
October 10, 2024 – 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. September 12, 2024 Regular Meeting**
- 4. Public Comments**
- 5. Unfinished Business: None**
- 6. New Business:**
 - A. 810 Allegan 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*
September 12, 2024, Minutes

The Saugatuck Zoning Board of Appeals
Met in regular 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.

Absent: Board member Bont.

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

2. Agenda Changes/Approval of Agenda:

Motion by Bouck, second by Kubasiak, to approve the agenda for September 12, 2024, meeting as presented. Upon voice vote, motion carried 3-0.

3. Approval of Minutes:

Motion by Crawford, second by Bouck, to approve the Regular meeting minutes from March 14, 2024, and the Special meeting minutes from March 28, 2024. Upon voice vote, motion carried 3-0.

4. Public Comments:

- Ethan Barde (584 Lake) – Spoke in support of the applicant for the Public Hearing on 560 Campbell St.
- Tammy Kerr (3191 Beach Trail Drive, Saugatuck Township) – Spoke in support of the applicant for the Public Hearing on 560 Campbell St.

5. Unfinished Business: None.

6. New Business:

A. 560 Campbell – Change of a nonconforming use of the subject property to a different nonconforming use.

1. The Public Hearing was called to order by the Chair at 7:10 p.m.

2. Summary by Director of Planning & Zoning Luke Thompson.

The applicant requests the change of a nonconforming use of the subject property to a different nonconforming use. The current use was determined to be a legally nonconforming “multi-family dwelling,” and the proposed use is a nonconforming motel.

MOTEL. A commercial enterprise oriented to the public traveling by motor vehicle, with individual sleeping rooms typically exiting directly to the outside, with patron parking located at or near each room exit. A motel may contain an accessory restaurant, gift and specialty shop, lounge, swimming pool, and exercise facilities.

The Zoning Administrator provided a land use determination on May 15, 2024, and the document is included in the application packet. As a multi-family dwelling, the units were also established as single-family residential condominium units under a master deed for the property. However, the applicant maintains that the use is already a motel and operates in that manner. Although the applicant provides opinions and arguments regarding the use designation, the ZBA must rely on the Zoning Administrator’s determination unless an appeal is submitted or an interpretation on the matter is requested.

3. Presentation by the Applicant: Dino Tedaldi & Cheryl Soard.

4. Public comment regarding the application:

- a. Supporting comments (audience and letters): letters from Tammy Kerr and Mark Bekken.
- 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 7:19 p.m.

6. Commission deliberation:

The board went into deliberation, and they discussed the applicant’s request for a change of a nonconforming use of the subject property to a different nonconforming use. The current use was determined to be a legally nonconforming “multi-family dwelling,” and the proposed use is a nonconforming motel.

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

Standard 1: *The proposed use does not increase the degree of nonconformity existing prior to the change of use. Pursuant to this standard, the proposed use shall not create, or result in, impacts which are considered more objectionable than the use to be replaced. These impact shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation, noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage and other factors. Bouck, Crawford, & Kubasiak, found this standard has been met because:*

Although not determined to be a motel, operations are intended to stay the same. The applicant desires an official substitution to be considered a motel. Traffic impact is not anticipated due to a substitution, and the seasonable fluctuations of tourist stays would remain similar. Delivery traffic, parking, pedestrian movement, and potential external effects of multi-family use and motel use have comparable impacts. The impacts on infrastructure and utilities for both uses are similar.

Standard 2: *No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will bring the structure into greater conformity with the underlying zone district standards. Bouck, Crawford & Kubasiak, found this standard has been met because:*

No expansion, alterations, or additions are required or proposed. The current and intended use of the property will be accommodated by the existing building. It should also be noted that the use will remain nonconforming, meaning that it can continue but cannot “be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located (§154.174 D.2).

(b) *In approving a change in use, the Board may require reasonable conditions in order to decrease the impact on adjoining properties. These conditions may include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation and other such conditions to reduce any negative impact.*

The ZBA may discuss whether conditions of approval are appropriate.

Motion by Bouck, second by Crawford to approve the substitution of a nonconforming multiple-family dwelling to a nonconforming motel based on the following findings:

1. *That it satisfies the standard number one for a change in from one nonconforming use to another both legal.*

2. *That it meets standard number two for changing one legal, nonconforming use to another.*

Upon roll call vote, motion carried 3-0.

B. Start time for ZBA Meetings.

Motion by Kubasiak, second by Bouck, to approve the change of the meeting time for the ZBA scheduled meetings to 6:30pm, on the second Tuesday of the month, from 7pm as originally structured. Upon roll call vote, motion carried 3-0.

7. Communications: None.

8. ZBA Comments:

- Chair Kubasiak raised the issue of providing printed packets for meetings, with Bouck mentioning the complexity of some of the cases and that they take longer to research and review. Crawford added that he would like the packet printed one-sided as it is easier to follow. The board discussed the pros and cons of printed packets versus digital copies and agreed to continue with the digital copies but allow members to request printed packets if needed.

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 Bouck adjourned the meeting at 7:53pm.

Respectfully Submitted,
Sara Williams
City Deputy Clerk

**BACKGROUND REPORT
ZONING BOARD OF APPEALS OCTOBER 10, 2024**

**810 ALLEGAN STREET 03-57-350-023-00
CHRIS VISHEY**

REQUEST: The applicant requests variances to expand the existing principal dwelling and accessory building at 810 Allegan Street. The variance requests relate to the minimum front setback requirement and maximum lot coverage requirement noted in Section 154.026(D) of the Zoning Ordinance. Below is a summary of existing conditions, requirements, and the variance request.

Requirement	Existing	Required	Requested	Variance
Maximum Lot Coverage	27.7%	30%	38%	8%
Minimum Front Setback for Principal Building	0 feet	20 feet	10 feet	10 feet
Minimum Front Setback for Accessory Building	7 feet	20 feet	7 feet	13 feet

BACKGROUND: The property is located in the R-1 Community Residential District. The corner lot is 57.50 feet wide along Allegan Street and 142 feet wide along East Street, with a total lot area of 8,156 square feet. The lot is nonconforming, as the width along Allegan Street is 12.9% lower than the minimum requirement (66 feet), and the existing lot area is 6.4% lower than the minimum required by the district (8,712 square feet). The lot is not irregular in shape, and the degree of its nonconforming nature is not extreme.

A principal single-family detached dwelling and a detached garage with a second-floor accessory dwelling unit exist on the lot. The placement of the principal dwelling falls within the East Street front setback and encroaches into the City's right-of-way. The accessory building also falls within the East Street front setback and is seven (7) feet from the right-of-way.

The ZBA previously approved a variance in 2018 to allow an addition to the northwest corner of the home within the front setback to extend the building along the same nonconforming plane. It is assumed that a setback variance was also secured for the accessory building front setback of seven (7) feet.

The applicant has also referenced "unaccounted + maintained land- city right-of-way" in the submittal. City records show that the dwelling was built in 1890. The neighborhood plat ("Leland's Addition"), including the East Street right-of-way, was recorded in 1904 (see Exhibit

#1). However, the subject property was rearranged after it was platted to a combination of the west halves of lot 23 and lot 24, amending the boundary of the home site after the East Street right-of-way and previous lots were platted.

As such, this historic platting information is not considered in the variance analysis, as changes to the lots occurred after the East Street right-of-way was platted. Further, it is not uncommon for private property owners to maintain and use lawn and driveway areas within right-of-way abutting their property. However, it cannot be considered during variance review for the calculation of lot coverage or measurement of setbacks.

SUBMITTAL CHECKLIST: Concerning the submittal, the applicant has not included the checklist items noted on the application. All checklist items were marked as “N/A.” While all checklist items are not necessary, the primary elements that are missing or inaccurate are as follows:

- Required building setbacks must be shown. The East Street setback noted on the survey is incorrect and must be measured from the right-of-way *into* the property. A setback line cannot exist *in* the right-of-way as shown on the plan.
- Building elevations drawn to an appropriate scale must be provided (front, side, and rear views).

Showing building elevations in as part of the submittal is crucial for assessing a proposed structure’s bulk, scale, and overall visual impact, especially when considering variances from setback and lot coverage requirements. Building elevations help illustrate how the building will interact with its surroundings, allowing the ZBA to gauge potential effects on neighboring properties, such as overshadowing, streetscape impact, privacy concerns, and compatibility with the character of the area. Specifically, without the elevation drawings, it is challenging to fully understand the three-dimensional aspect of the proposal when only a plan view is provided.

Additionally, accurate setback notations are necessary to assess the degree of the requested setback variance and how much of the proposed building falls within the minimum required setback area.

Please note that the City has required ZBA submittals over recent years to be complete or primarily complete regarding the information requested on the variance application checklist. The applicant was informed of the setback measurement error and building information checklist requirements and pursued the request without addressing these concerns.

ZONING AND LOT COMMENTARY: Concerning the lot coverage request, the applicant proposes an additional 850 square feet of building area (420 square feet for the garage and 430 square feet for the dwelling). Considering the existing lot area (8,156 square feet) and buildings (2,255 square feet), the applicant currently has approximately 192 square feet available before

the lot coverage maximum (30%) is exceeded. The request of 850 square feet is 658 square feet beyond what the zoning district requires based on the land area (38% lot coverage).

It should be noted that even if the lot area conformed to the 8,712 square foot minimum requirement, the request would calculate as 35.6% lot coverage, which would be 491.4 square feet beyond what would be allowable. As such, the nonconforming size of the lot cannot reasonably be used to justify the excess square footage requested.

Concerning the corner lot designation, a corner lot has a smaller allowable building envelope than a similarly sized interior lot, as front setbacks are applied from both abutting rights-of-way. The nonconforming width of the lot, coupled with two (2) front setbacks, certainly has an impact on its development potential.

While the setback variances are less concerning, the project cannot move forward without a lot coverage variance. Lot coverage variances are very difficult to justify based on the standards noted on the following pages. Typically, when lot coverage is maximized, it means the lot is reasonably “built-out” from a zoning perspective.

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: The applicant has already secured variances to approach the build-out of the lot. As such, strict compliance with the zoning ordinance and previously approved variances has already allowed reasonable use of the property for a residential dwelling, garage space, and an accessory dwelling unit. Conformance with the lot coverage requirement is not considered unnecessarily burdensome, especially because the lot coverage requested is beyond what would be allowable for a conforming lot.

The setback variance related to the principal dwelling seems reasonable overall, especially as it falls behind the building area approved through the 2018 variance. However, the accessory building extension does not appear appropriate, as the applicant has already constructed a reasonably sized garage and accessory dwelling unit within a required setback area.

Concerning this standard, compliance is not considered unnecessarily burdensome. However, if the application was limited to principal dwelling expansion with a lesser overall lot coverage variance request, granting a variance may be more appropriate.

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: The request would provide the applicant with a right that is beyond what is available to owners of similar-sized nonconforming lots, as well as conforming lots. The lot coverage requirement is intended to control the overall scale and density of the built neighborhood environment within a single-family residential area. Approval of a lot coverage variance to the extent requested would not respect the justice of other property owners.

Further, the past variances already provided substantial relief, and additional building area within seven (7) feet of the right-of-way will continue a development pattern that is significantly less than anticipated by the 20-foot setback required by the ordinance.

Relaxation of the setback for the principal dwelling may be more appropriate as it falls behind the northwest addition. However, the overall lot coverage issue remains.

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

Comment: The corner lot designation and nonconforming size and width are somewhat unique, but these factors do not relate to the lot coverage requirement. As mentioned earlier, the overall square footage request would be five percent (5%) beyond the allowable lot coverage for a conforming lot.

Concerning the front setback, the corner lot designation and nonconforming width are somewhat unique and have a great impact on compliance. However, as mentioned earlier, the site is already approaching build-out based on the current lot coverage.

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

Comment: The problem related to setback compliance could be considered a factor related to the preexisting conditions of the lot and corner lot designation. However, expanding

buildings beyond lot coverage maximums is self-created. Reasons for variances that area not directly related to unique factors are typically self-created.

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.

Based on the incomplete submittal and review against the four (4) variance standards, it is recommended that the requests be denied. However, if the applicant is willing to provide additional building information and scale back the request to only the principal dwelling expansion, the request may be more consistent with the spirit and intent of the variance process. Overall, the ZBA must determine what is considered unnecessarily burdensome and a practical difficulty based on the standards above.

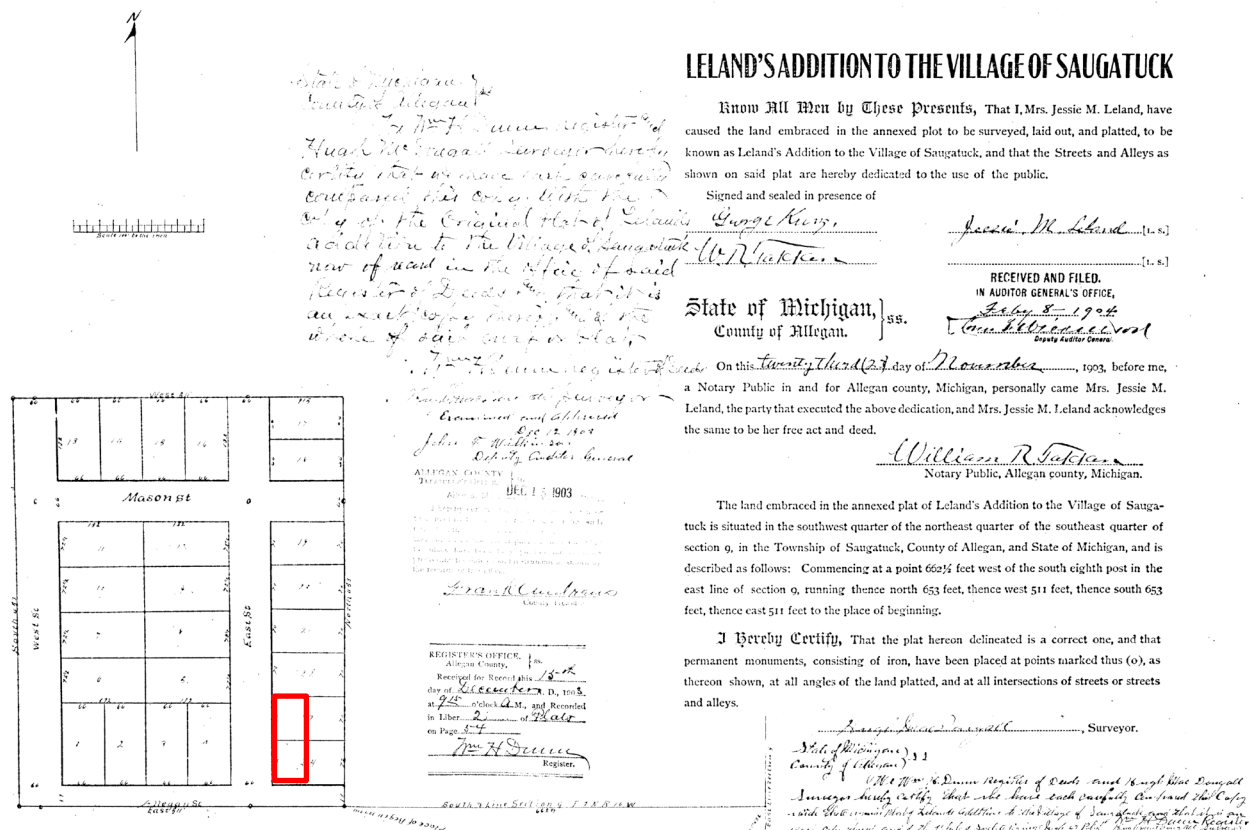
Possible motions:

- A. *I move to **deny** the variance requests to increase the maximum lot coverage to 38%, reduce the principal building setback to 10 feet for a building addition, and reduce the accessory building setback to seven (7) feet for an accessory building addition.*
- B. *I move to **table** consideration of the variance requests until the applicant provides an amended site plan and building elevations and) the following changes _____(if applicable).*
- C. *I move to **approve** the variance requests to increase the maximum lot coverage to 38%, reduce the principal building setback to 10 feet for a building addition, and reduce the accessory building setback to seven (7) feet for an accessory building addition.*

This motion is based on the following findings:

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

Exhibit 1: Original 1904 Plat and Subsequent Lot Line Adjustments (Red)





Zoning Board of Appeals Application

LOCATION INFORMATION

APPLICATION NUMBER _____ - _____

Address 810 Allegan StParcel Number 23 + 24**APPLICANTS INFORMATION**Name Chris Vishey Address / PO Box 810 Allegan StCity Saugatuck State MI Zip 49453 Phone 313.478Interest In Project Owner E-Mail visheyc@gmail.comSignature Chris Vishey Date 9/6/2024**OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)**Name same^ Address / PO Box _____

City _____ State _____ Zip _____ Phone _____

E-Mail _____

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 _____

CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)Name Westing Building Contact Name John WestingAddress / PO Box 8523 South Maple City ZeelandState MI Zip 49464 Phone 616.218.9853 Fax _____E-Mail nailbenders@gmail.comLicense Number 2101102569 Expiration Date 5/31/2026**PROPERTY INFORMATION**Depth 57.5' Width 142' Size 8,165 SF Zoning District R-1 Current Use Residential

Check all that apply: Waterfront _____ Historic District _____ Dunes _____ Vacant _____

Application Type: Interpretation _____ Dimensional Variance X Lot Covg Use Variance _____**REQUESTED VARIANCE AND DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)**Zoning Requirement Corner Set Back 20' Proposed Variance 10' house & 13' garage variaZoning Requirement 30% Lot Coverage Proposed Variance Not to exceed 38%

Zoning Requirement _____ Proposed Variance _____

Please see supporting page #6

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; and 3. 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;

Please see supporting page #6

- (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;

Please see supporting page #7

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

Please see supporting page #7

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

Please see supporting page #7

[CLOSING COMMENTS - Please see supporting page #8](#)

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;

N/A

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

N/A

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

N/A

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

N/A

OFFICE USE ONLY:

Application Complete_____Date_____Fee Paid_____Date Paid_____

Date Notice Sent_____Date Resident Notification_____Hearing Date _____

Notes: _____

Motion to Approve_____Deny_____

Findings of Fact:

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

We are a growing family living as full-time residents of 810 Allegan St. looking to make a long-term investment to ensure structural integrity and improve MEP safety. Two setback variances and a Lot Coverage variance is required to expand outside the current perimeter of the house to minimize project timeline, cost and disturbance to neighbors. This will allow development of a proper foundation and capturing safety enhancements to meet our long-term family needs. The lot coverage variance will support exploration and design flexibility needed to correct known and unknown challenges, being the oldest section of the house dating back to 1890 experiencing +120 years of irresponsible deferred maintenance prior to our occupancy. Additional known issues include a corroding sewage line, rodents, lack of insulation and overall sinking of 0.25” per year.

Due to the house predating the development of East Street and regulations, prior variance approval was successfully gained in 2018 and sets precedence for the setback variances off East Street as any new development will not encroach the property line or the distance of existing structures towards the property line. The rezoning of East St and subsequent regulations also impacts 810 Allegan’s lot coverage as a plot of land to our west that we continuously maintain is excluded from lot coverage calculations and is more than sufficient to keep lot coverage below 30%. A second garage stall would be developed in addition to house enhancements to support growing family needs and childcare; this provides an opportunity to fix the cracked driveway and garage floor due to historical poor water management.

Due to the house pre-dating the development of East St., subsequent rezoning and regulations, exclusion of wester strip of land from lot coverage, and over +120 years of deferred maintenance prior to our occupancy; these are all unique hardships to our home that we are looking to make a long-term investment to resolve for our family and neighbors. We are looking toward your approval to advance our vision for 810 Allegan as our forever home, retain architectural services for detailed diagram/schematic development and permit submission.

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

Due to site limitations as a result of the house predating the development of East St and subsequent rezoning (confirmed by historical MI LARA subdivision plat records), the 2018 zoning variance sets precedence to the set back variances required. Additionally, a large portion of land totaling 3,000 SF is not included in lot coverage calculations, thus unnecessarily constraining the site beyond reasonable use.

As full-time residents in an R-1 district, we require a safe house for our growing family and to correct deferred maintenance that has been ignored prior to our occupancy. This is a long-term investment to support family needs in a residential district. Strict compliance will not support our long-term housing needs and result in our relocation, likely outside the City of Saugatuck and school district due to current housing prices and taxes.

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;

Due to the historic nature of our specific lot, the subsequent impact of East Street development and rezoning a substantial portion of our parcel creates a unique burden to navigate, especially as a growing family in a residential district attempting to make a long-term investment fiscally responsible. Substantial justice would be provided following precedence of prior zoning variance approvals to the owner. Additionally, there are currently two homes in degrading condition on the East St. block, making this long-term investment provides equal justice to the other neighbors who work hard maintaining their fulltime homes.

The rich history of our city gives character but needs to be considered to functionally support primary residents to navigate the timeliness of housing developments and subsequent impact of rezoning and regulations.

3. Explain how the plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions; and

The house age, timing of East St. development, subsequent rezoning and lack of proper foundation/infrastructure combined create a very unique burdening circumstance at 810 Allegan. 810 Allegan was first built in 1890 with the subsequent development of East St, the rezoning and regulations that followed and burden of this magnitude are very unique to the lot. Other corner and smaller lots may experience some of these factors, very few (if any) have a 3,000 SF parcel excluded from lot coverage calculations at the proportional impact. Additionally, majority of houses on the hill in the R-1 district have some form of a proper foundation, 90% of our current house is a stilt foundation with a steel skirt wrap around where any rodent capable of digging 6” down can access the crawl space.

We love the character and charm of our home, but combining the historical developments and current conditions is a very unique burden.

4. Explain how the problem is not self-created or based on personal financial circumstances.

The historical site constraints that prior zoning approvals have navigated caused by the subsequent East St development and rezoning in addition to extended deferred maintenance have all existed prior to occupancy. Improvements in the house foundation and safety elements (sewage, electrical, etc.) are required regardless.

Closing Statement

Our ultimate goal is to create a safer home and lasting investment while preserving the history of 810 Allegan and its lot. We are also mindful of our contribution to our neighborhood and city. As nearly 10-year, year around Saugatuck residents, it's a priority to stay in the City by expanding our home and making it safe for our growing family, creating our 'forever home' on a lot we have loved and cared for since we moved in.

Given the current cost of homes in the City coupled with city tax rates and a cap on Short Term Rentals limiting our ability for a supplemental income against high property and tax costs, our viable path forward is renovation. Our only other option which we are sincerely hoping to avoid is leaving altogether to the township or further, where home prices and tax rates are significantly more palatable.

Maximum area considered for expansion

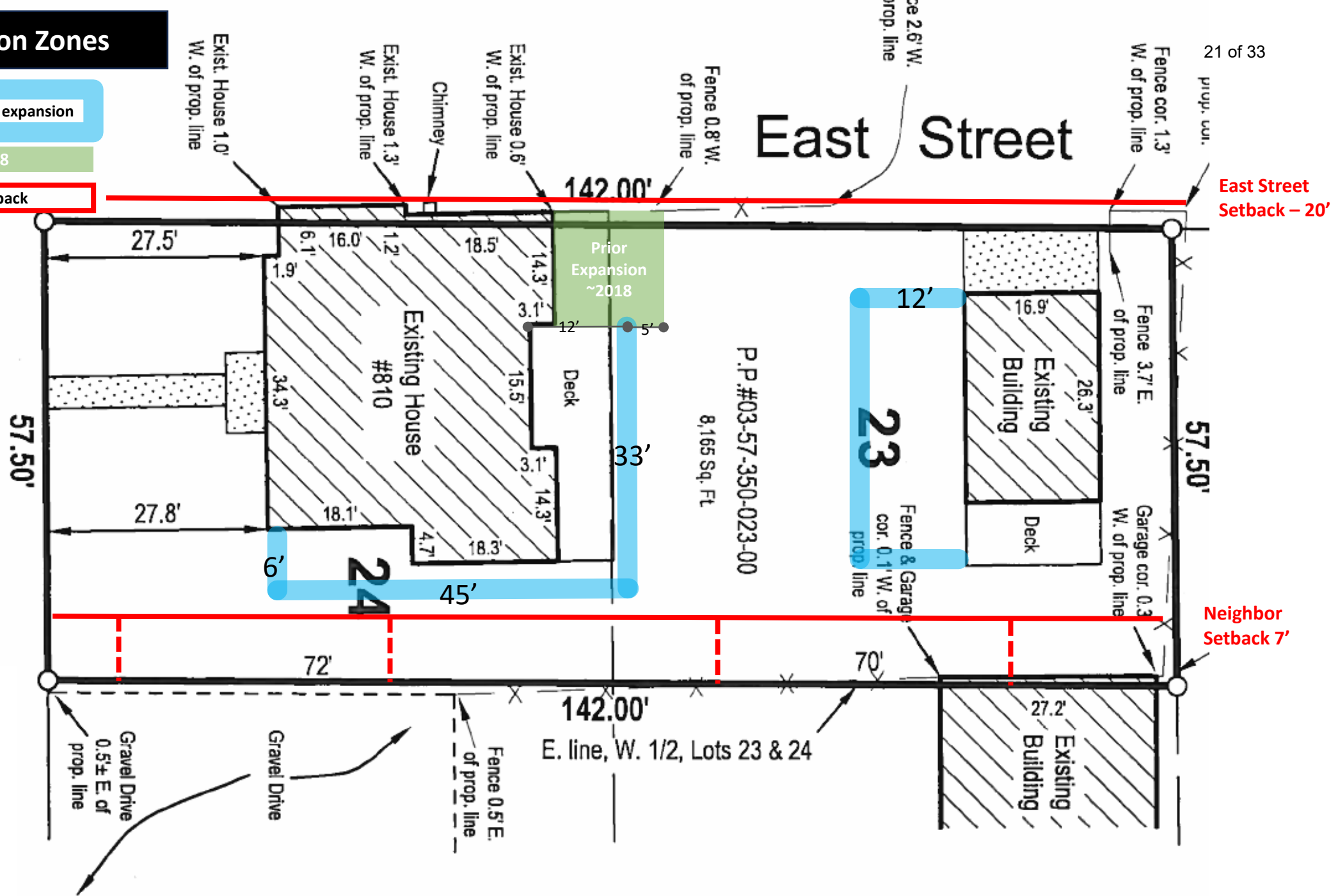
Prior Expansion ~2018

Street / Neighboring Setback

21 of 33



Attached are early conceptual-massing diagrams and our best estimates that we are committed to staying within. We intend to hire an architect following approval.



Development Setback Detail

Maximum area considered for expansion

Prior Expansion ~2018

Street / Neighboring Setback

The 2018 approved variance for the northwest addition sets precedence for proposed setback request and was based on the house predating East St and current regulations. This can be seen as the original house crosses current property lines.

At initial study, setbacks are estimated and do not appear to be a challenge based on prior variance approval.

Future developments are not encroaching beyond the 2018 variance approval

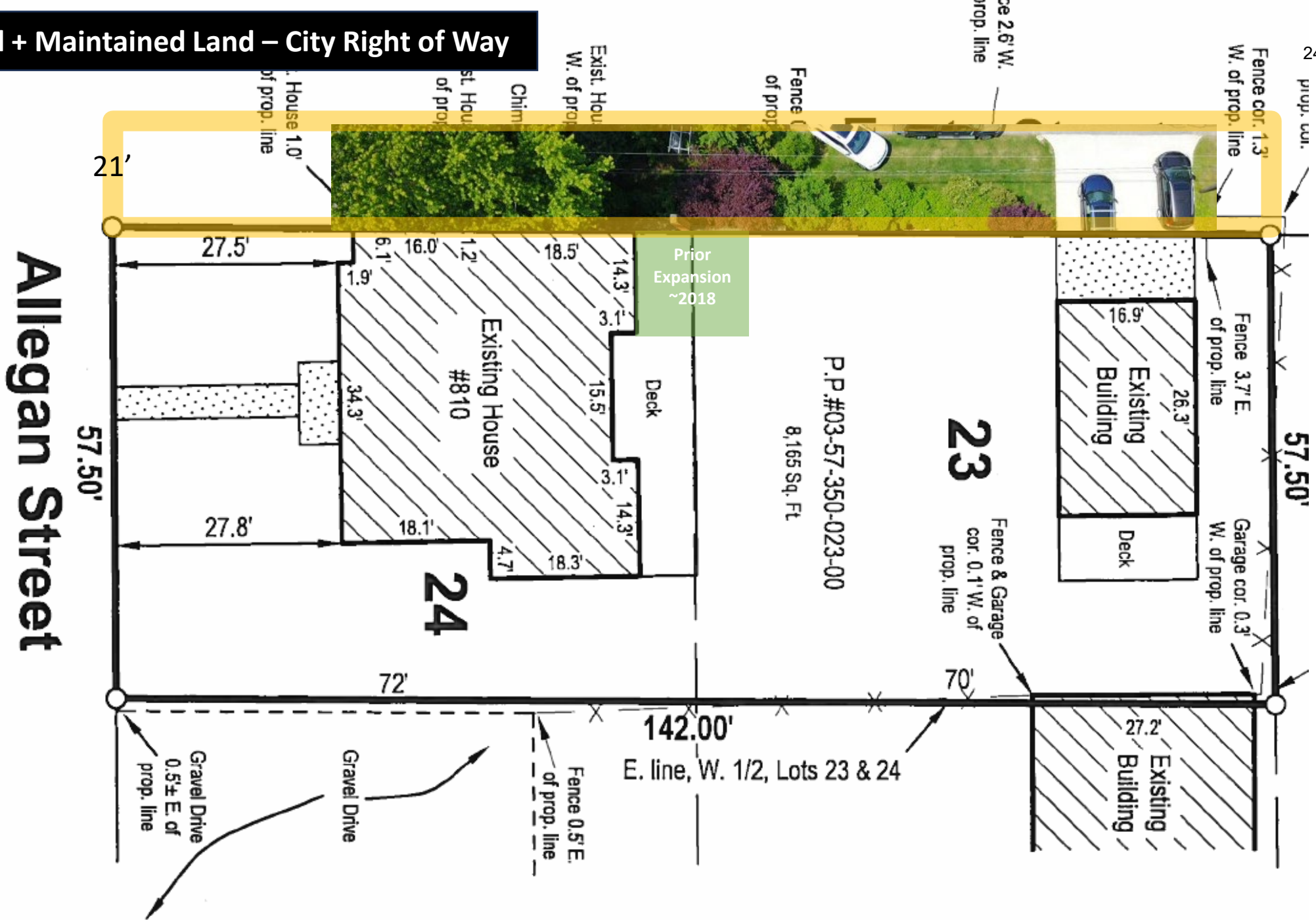


EXISTING

8,156	Total Lot Square Footage
1,676	House Coverage Square Footage
<u>579</u>	<u>Garage Coverage Square Footage + Upper Deck</u>
2,255	Existing Coverage Square Footage
27.7%	Lot Coverage

PROPOSED

420	Proposed Garage Addition (estimate)
<u>430</u>	<u>Proposed House Addition (estimate)</u>
850	Total Addition
3,105	Total Land Coverage w/ Addition
< 38%	Maximum Lot Coverage (worst case scenario to navigate discovery + design through excavation/renovations)
2,982	City Right of Way Unaccounted + Maintained Land Along East St
<u>11,138</u>	<u>Total Maintained Land (Lot SF + City Right of Way SF)</u>
28%	Revised Lot Coverage of Total Maintained Land w/ New Additions + Existing Structures





Dear Ryan Cummins / Luke Thompson,

Recently, we heard that Whitney Melchiori and Chris Vishey are interested in remodeling their home now that they have a new child, Palmer. We must add that she is adorable.

We understand they’re asking for a small variance and we are in favor of the city allowing that variance. Let us offer a few bits of information about these lovely neighbors.

We built a new home on East Street in 2020 and are extremely pleased with the way Whitney & Chris care for their home and yard and set a positive example for others in the neighborhood. We also believe that we need more young families to keep our community and our school system thriving and Whitney & Chris are a shining example.

Also, since their home is at the corner of Allegan and East Street it shows those driving into Saugatuck that the homes in our city are tidy and well kept.

Please feel free to contact us if you would like any other details concerning our support.

Ron & Sandy Collins

137 East Street

Saugatuck, MI 49453

616-340-7338

616-340-7339

Luke Thompson

Subject: FW: Comment for Public Hearing on 810 Allegan

From: Betsy Beckman <betsyjoybeckman@gmail.com>

Sent: Wednesday, October 2, 2024 8:02 PM

To: Luke Thompson <Luke@saugatuckcity.com>

Cc: Michael Beckman <michaeldbeckman@gmail.com>

Subject: Comment for Public Hearing on 810 Allegan

Caution: This email originated from outside of the organization. DO NOT click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Saugatuck Zoning Board,

We are residents of Saugatuck and reside on the same street as 810 Allegan. We love our neighborhood and love to see our neighbors invest in their homes and thus our community. We fully support the Vishey's plans to renovate their property and believe this is in the best interest of our community.

If you have any questions feel free to reach out to us.

Thanks!

Mike & Dr. Betsy Beckman

823 Mason St.

(P.S. We have a young son, and we need more young families in Saugatuck)

Luke Thompson

To: JOSEPH LEONATTI
Subject: RE: Zoning Variances

From: JOSEPH LEONATTI <jleonatti@comcast.net>
Sent: Thursday, October 3, 2024 9:05 AM
To: Luke Thompson <Luke@saugatuckcity.com>
Subject: Zoning Variances

Caution: This email originated from outside of the organization. DO NOT click on links or open attachments unless you recognize the sender and know the content is safe.

After reviewing the situation, I urge you to reject a variance for 812 Allegan. There is no hardship involved, only a desire to have more space. This could easily be accomplished by going up or out into the backyard. Allowing the variance would disrupt the look of the neighborhood and set a dangerous precedent for anyone else wanting to do the same.

Joe Leonatti
712 Allegan

9/11/24

Dear Ryan Cummins,

Recently, we heard that Whitney Melchiori and Chris Vishey are interested in remodeling their home now that they have a new child Palmer. We must add that she is adorable.

We understand they're asking for a small variance and we are in favor of the city allowing that variance. Let us offer a few bits of information about these lovely neighbors.

We built a new home on East Street in 2020 and are extremely pleased with the way Whitney & Chris care for their home and yard and set a positive example for others in the

neighborhood. We also believe that we need more young families to keep our community and our school system thriving and Whitney & Chris are a shining example.

Also, since their home is at the corner of Allegan and East Street it shows those driving into Saugatuck that the homes in our city are tidy and well kept.

Please feel free to contact us if you would like any other details concerning our support.

Ron & Sandy Collins
137 East Street
Saugatuck, MI 49453
616-340-7338
616-340-7339

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Luke Thompson

To: Brian Stephens
Subject: RE: 810 Allegan Street - Proposed Addition.

From: Brian Stephens <bbsstephens143@gmail.com>
Sent: Wednesday, October 2, 2024 2:59 PM
To: Luke Thompson <Luke@saugatuckcity.com>
Cc: Brian Stephens <bbsstephens143@gmail.com>; Kirbie Petersen <kirbie14@hotmail.com>
Subject: 810 Allegan Street - Proposed Addition.

Caution: This email originated from outside of the organization. DO NOT click on links or open attachments unless you recognize the sender and know the content is safe.

Luke - in your capacity as director of Planning, Zoning and Project Management we attach our letter of support for the addition proposed by Mr. and Mrs. Vishey at 810 Allegan Street to be included in the record for the upcoming meeting of the Zoning Board of Appeals on October 10, 2024.

Thank you very much.

Kind regards,

Brian Stephens and Kirbie Petersen.

Brian Stephens
KPMG LLP Retired Partner
Cell: 312 307 5842

From: jtmixedm@aol.com
To: [Luke Thompson](#)
Subject: Request for variance at 810 Allegan Street
Date: Wednesday, October 2, 2024 11:46:14 AM

Caution: This email originated from outside of the organization. DO NOT click on links or open attachments unless you recognize the sender and know the content is safe.

I live at 141 West Street. I recently read the notice in the paper that a neighbor at 810 Allegan Street was requesting multiple variances in order to expand their home. I believe they also requested a variance once before based to expand and that request was granted to them.

In this instance, it appears that the sole reason for their request is simply a desire to expand their dwelling and not because of any compelling hardship or unusual circumstances beyond their control.

If I am correct in my assumption, then I have to encourage the Commission to reject the request, absent any serious justification significant enough to deviate from the rules that apply to everyone else.

Thank you,
John Thomas

[Sent from the all new AOL app for iOS](#)

Brian Stephens and Kirbie Petersen
750 Allegan Street
Saugatuck MI 49453

October 1, 2024

City of Saugatuck
Zoning Board of Appeals
102 Butler Street
Saugatuck MI 49453
Attention: Mr. Luke Thompson, Director of Planning, Zoning & Project Management
luke@saugatuckcity.com

Dear Sir,

810 Allegan Street – Proposed Additions

We live and own our home at 750 Allegan Street, on the corner directly across East Street from Chris and Whitney Vishey at 810 Allegan Street. Our home is a sixth-generation family cottage purchased by Kirbie's family in 1946 with funds provided by the World War II GI Bill. While our address is Allegan Street our home, driveway and mailbox are all oriented to East Street, as is the Vishey residence at 810 Allegan Street.

East Street currently has 7 homes located on it, of which 2 are vacant and deteriorating with nothing being done to maintain or repair the homes. Any reasonable effort to invest and restore homes on our street is to be applauded. A few years ago, the Visheys wished to extend the footprint of their 1890s home to create a larger main bedroom. We supported their application for zone variances then, particularly given that the variances were essentially extending the existing 'non compliance' on setbacks etc. The setback allowances in 1890 by definition did not conform to subsequent zoning ordinances that were put in place after the home was built.

Since the aforementioned bedroom addition, the Visheys have remained in the home and started a family. In our opinion this is exactly the kind of resident we want as a neighbor and encourage them living in Saugatuck. As a family staying in their current home they will be engaged with the community, their children will attend the local Saugatuck schools, and their young family will bring a vibrancy to the neighborhood that we want to encourage as much as possible.

Chris Vishey has walked us through the details of their proposed addition, and we are fully in support of their planned additions to both the main house and the accessory building. Simply stated, the Visheys need more space for their growing family and beneficially wish to stay in the home and improve it. The Visheys have already invested substantial amounts of money to deal with basement and other issues in addition to the recent bedroom addition all in the interests of improving the home and making it more modern and livable – exactly what we want to encourage on our street.

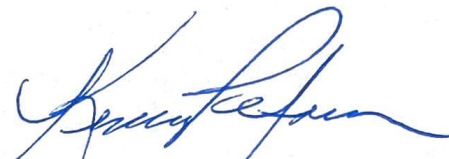
The proposed addition to the main and accessory structures will not impinge further on any space affecting us or our neighbors. The addition will be consistent with the existing character and style of the home. The variances requested stem from the underlying fact that the home has been positioned for 134 years outside of the current zoning and setback requirements. We also understand that the lot coverage calculation is done excluding any property that would ordinarily be included in the calculation due to the same underlying historical quirkiness of the house not being in compliance with modern setback requirements in the first place.

Overall, we believe that the Vishey's planned additions are reasonable, beneficial to our street and neighborhood and do not represent any kind of hindrance or impingement to us as close neighbors. Therefore, we support the Vishey's request for the variances as outlined in the Notice of Public Hearing we received in the mail concerning the Zoning Board of Appeals meeting to be held October 10, 2024 at 6-30PM. Because of prior travel commitments we will unfortunately not be able to attend in person, but would have attended if not for our travel.

Respectfully Submitted.



Brian B. Stephens


Kirbie L. Petersen