Zoning Board of Appeals

Meeting Minutes - Approved

May 14, 2026, 2026, at 6:30 P.M.
Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453

1. Call to Order
The meeting was called to order at 6:30 by Chair Kubasiak.

2. Roll Call
Members Present: Bouck, Crawford, Holley (arrived at 6:31pm), Raphael, Kubasiak.
Members Absent: None.
Staff Present: Planning & Zoning Director Moore, Deputy Clerk Williams.
Others Present: City Attorney, Trent Cunningham.

3. Approval of Agenda
Motion by Bouck, supported by Raphael, to approve the agenda as presented for May 14, 2026. Via voice vote, motion carried 4-0. Holley was not present for vote.

4. Approval of Minutes
Motion by Crawford, supported by Raphael, to approve the minutes from the March 12, 2026, meeting. Via voice vote, motion carried 5-0.

5. Public Comment
None.

6. New Business

A. **810 Allegan – Dimensional Variance Request**

Public Hearing

1. The Public Hearing was called to order by the Chair at 6:35 p.m.

2. Summary by the Zoning Administrator.
Planning & Zoning Director Moore explained that the applicant at 810 Allegan is seeking to expand the existing primary house with two additions: a front porch and a rear sunroom. To do this, they are requesting variances from the minimum front yard setback measured from East Street, a 15-foot variance for the front porch, and

a 6.3-foot variance for the rear sunroom – as well as a variance to exceed the maximum lot coverage requirement by 5.3%.

3. Presentation by the Applicant:

Mark Veins stated that he and his partner at 810 Allegan are seeking limited variances designed to modestly improve and protect their historic home, not to overbuild it. He stressed that their request is different from the prior owner's and should not be judged by that history. The core of their argument is that the lot itself is unusually constrained: it is one of the smallest in the Community Residential R-1 District, it is a corner lot with two front setbacks, and the existing house and prior structures were placed in a way that leaves no area where an addition can be built in full compliance. Because of this, they tried to stay within existing lines proposing the extension of the front porch along an existing façade and enclosing an area that largely matches the current deck footprint – rather than pushing further into setbacks. Veins contrasts their lot with nearby properties that enjoy much larger parcels and homes without needing variances, arguing that those owners can expand by right while they cannot. He also notes that an adjacent city right-of-way provides additional open space that helps offset any small increase in lot coverage. He closes by characterizing the project as a measured, less intrusive way to make normal improvements on a uniquely constrained parcel and asserts that their request satisfies the variance standards, asking the board to approve both the porch and the sunroom.

4. Public comment regarding the application:
   a. Supporting comments (audience and letters): None.
   b. Opposing comments (audience and letters): John Thomas.
   c. General comments (audience and letters): Brian Stephens.
   d. Repeat comment opportunity (Supporting, Opposing, General): None.

5. Public comment portion closed by the Chair at 6:57 p.m.

6. Commission deliberation:

The Commissioners discussed how to evaluate the 810 Allegan request by separating the front porch from the rear sunroom/lot-coverage issues. They clarify that the front porch can be built within the 30% lot coverage limit but needs a 15-foot variance from the East Street front setback (reducing it to a 5-foot setback), while enclosing the rear deck as a sunroom would both encroach into the East Street setback and push lot coverage to 35.3% triggering two variances. They verified how decks and covered/enclosed structures count toward lot coverage and confirm that the existing deck is currently exempt. They note that the garage and upper accessory unit are existing nonconformities that already consume coverage. The board also remarks that some expansion options still exist within the ordinance

(such as building upward within the current footprint or reconfiguring the garage), and that lot coverage rules are intended to preserve open space and neighboring character. They then move into the formal standards review, signaling that the porch will be evaluated as a standalone dimensional variance (with coverage compliant), and the sunroom as a separate request that combines both setback and lot-coverage relief.

FRONT PORCH

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).*

The commissioners agree that strict compliance with the 20-foot East Street setback would be unnecessarily burdensome. Bouck noted that blocking a relatively shallow, 254 sq ft porch would prevent a reasonable covered entry and small sitting area the porch would keep total lot coverage under 30% and would only reduce the East Street setback to 5 feet. Commissioners also point out that the existing house is already very close to that lot line, so insisting on the full setback for a modest porch, while the main structure remains nonconforming, does not make practical sense. Bouck, Crawford, Holley, Kubasiak, and Raphael all agreed that the standard was met for the front porch.

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).*

The commissioners find that the variance would fairly benefit the owners without disadvantaging the neighboring properties. They emphasize that the porch does not add habitable living area, does not push the house closer to Allegan Street, and does not harm neighbor's light, air, or access. Bouck notes it simply provides a reasonable covered entry and small outdoor sitting area and remains within the 30% lot-coverage cap. They also stress that they are not granting any new relief on the Allegan Street side, which protects other Allegan Street property owners from precedent pressure. On that basis, Bouck, Crawford, Holley, Kubasiak, and Raphael agreed that the standard of substantial justice is satisfied for the porch.

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).*

The commissioners agree the situation arises from the specific conditions of this property, not from general neighborhood patterns. They point to the house's pre-existing nonconforming placement near East Street and the nonconforming lot width/size as the key factors. Because the existing main structure sits so close to the East Street lot line, they view the need of a setback reduction for a modest porch is a direct result of those historic, physical conditions, rather than anything created by the current owners or shared widely by other lots. Bouck, Crawford, Holley, Kubasiak, and Raphael concurred that Standard 3 had been met for the porch.

Standard 4: *"That the problem is not self-created or based on personal financial circumstances." § 154.155(B)(4).*

The commissioners agree the setback problem is rooted in pre-existing conditions, not in choices by the current owners or their finances. They note that the house's age, its historic siting close to East Street, the corner-lot designation, and the nonconforming lot width all pre-date the applicants. They also consider the weather-related deterioration of the front portion of the dwelling as a consequence of those conditions, not something the owners caused. Bouck, Crawford, Holley, Kubasiak, and Raphael concluded that this standard is satisfied for the porch variance.

SUNROOM

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).

The commissioners agree that strict compliance with the ordinance would not unreasonably prevent the owners from using the property for a permitted purpose, since the house and accessory dwelling already provide full residential use. Bouck emphasized that the lot is essentially "at build-out" under the 30% coverage rule and that many owners would like more house than their lot allows, but lot-coverage limits are a core intent of the ordinance, not something easily waived. They note there are other theoretical options – such as building upward within the existing footprint or reconfiguring/removing the nonconforming garage and ADU – even if those may be less desirable to the applicants. Because the proposed rear sunroom would push lot coverage well beyond the 30% maximum and there is no clear practical difficulty or hardship tied to continued reasonable use of the property,

Bouck, Crawford, Holley, Kubasiak, and Raphael concluded that the standard has not been met for the sunroom.

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).*

The commissioners conclude the variance would not be fair relative to other property owners. They note that allowing a rear sunroom that pushes lot coverage to 35.3% would grant these applicants a significant advantage over owners of similarly sized nonconforming lots – who must stay within the 30% cap. They also point out that a "lesser relaxation" already exists in the form of the front-porch-only option, which gives the applicants meaningful relief while keeping lot coverage compliant and better preserving parity with neighbors. On this basis, Bouck, Crawford, Holley, Kubasiak, and Raphael determined that Standard 2 is not satisfied for the sunroom request.

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).*

The commissioners acknowledge that 810 Allegan is somewhat unusual – a small, older corner lot with dual front setbacks and existing nonconformities – but they conclude those factors do not justify the additional eclosed living space and lot-coverage increase being requested. They note that while the lot is smaller than standard, it is not extraordinarily so for the city, and the desire to enlarge indoor space (via a sunroom) is a common situation, not a unique site condition. The key issue – exceeding the 30% lot-coverage limit for more habitable area – is therefore seen as a typical preference rather than a hardship tied to distinctive physical characteristics of the property. As a result, Bouck, Crawford, Holley, Kubasiak, and Raphael find that Standard 3 is not met for the sunroom.

Standard 4: *"That the problem is not self-created or based on personal financial circumstances." § 154.155(B)(4).*

Commissioners distinguish between the historic, pre-existing conditions that explain the house's siting and setbacks, which they accepted for the porch, and the new request to enclose additional living space that pushes lot coverage beyond what the ordinance allows. In their view, the need for more indoor area via a rear sunroom is a personal preference and the lot-coverage noncompliance would be a self-created situation, since the property can already be used fully as a residence without it. Because there is no external, property-driven necessity for exceeding

30% coverage, Bouck, Crawford, Holley, Kubasiak, and Raphael find Standard 4 fails for the sunroom request.

Motion by Bouck, second by Holley, to approve the variance request related to Section § 154.026(D), submitted by Marc Viens to construct a 254-square-foot front porch addition with a variance of 15-feet to the western front setback (East Street) to allow a five-foot setback and to deny the variance requests necessary to construct a 464-square-foot rear sunroom addition with a reduced western front setback of 13.7 feet and lot coverage increase to 35.3%. The decision is based upon the board's findings related to Section § 154.155 (B). Upon roll call vote, motion carried 5-0.

7. Communications
John Thomas (Noted in public hearing)

8. ZBA Member Comments
Raphael: He raised a policy-level questions about whether the city should treat corner lots with dual front setbacks differently when calculating what can be built, suggesting there might be a way to adjust how coverage or setback are handles so those owners aren't disproportionately constrained. Bouck and Kubasiak respond that lot coverage is based on the full lot area (lot line to lot line) for everyone, and that the 30% cap plus the larger front setback on corner lots are intentional – to preserve open space, ensure corner visibility for traffic, and maintain neighborhood character. They emphasize that corner lots are common (every block has four), so they are not inherently unique in a zoning sense. The board briefly considers whether this is something to refer to the Planning Commission but ultimately recognize that, in general, people are already able to build adequately sized homes under the current rules, and loosening coverage or setback standards to relieve corner-lot constraints would undercut the core purpose of the ordinance.

Kubasiak: He announced that Dick Bont has sold his home and therefore will be stepping off the ZBA. He noted Dick's long service and said that the City will need to recruit a replacement. Bob also emphasized that board members need earlier notice of upcoming meetings and packets – more than a week in advance – so they can plan around other obligations. He ended by requesting that staff give them as much notice as possible once it's clear a meeting will be held.

9. Public Comments
None.

10. Adjournment
Motion by Crawford, supported by Bouck, to adjourn at 8:14 pm. Via voice vote, Motion carried 5-0.

Submitted by:
Sara Williams
Deputy Clerk
City of Saugatuck