



**THE CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS (ZBA) MEETING  
TUESDAY, JANUARY 10, 2023, AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

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**MINUTES**

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1. **CALL TO ORDER:** Chair Schumacher called the meeting to order at 7:00 PM

2. **ROLL CALL:** Present – Kutzel, Pullen, Pattison, Schumacher  
Absent - North

3. **APPROVAL OF AGENDA**

A. Motion to Approve; ZBA Meeting 1-10-2023.

*Motion by Pullen, with support from Pattison, to approve the January 10, 2023, meeting agenda as presented. Motion carried by unanimous roll call vote.*

4. **APPROVAL OF MINUTES**

A. Motion to Approve; ZBA Meeting, 7-27-2021.

*Motion by Pullen, with support from Kutzel, to approve the July 27, 2021, meeting minutes as presented noting that the bylaw amendments had never occurred. Motion carried by unanimous roll call vote.*

5. **PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES):** No verbal communication received.

6. **PUBLIC COMMUNICATION – WRITTEN:** No written communication received.

7. **NEW BUSINESS**

A. Election of Officers, by Majority Vote

Paper ballot votes were cast per City Council request. The ballots were then read out loud to comply with the Open Meetings Act.

	<u>Chair</u>	<u>Vice-Chair</u>	<u>Secretary</u>
Schumacher	Pullen	Kutzel	Schumacher
Pullen	Schumacher	Pullen	Kutzel
Kutzel	Schumacher	Pullen	Kutzel
Pattison	Schumacher	Pullen	Kutzel

Schumacher declared Chair, Pullen declared Vice-Chair, Kutzel declared Secretary of the Zoning Board of Appeals for 2023.

B. Public Hearing and Decision: 9 E. Fremont St. – Dimensional Variance Request

- 1) Chairman Schumacher declared the Public Hearing
- 2) No written communication received.
- 3) Joe Russell spoke on behalf of applicant John Rigas, who due to health reasons has proposed

to convert an existing garage into a bedroom/bath and construct an attached garage at the rear of his property. The home was moved from its Saugatuck location to its current location. Mr. Rigas has met with several elevator companies who stated an elevator was not an option due to the pitch of the roof. He had also looked into a chair lift, but it was determined this would be unsafe for him as the current stairs are narrow and steep.

ZBA members noted although they are sympathetic to the applicant, however, they cannot take someone's medical condition into consideration when making their decision. The 8 Criteria found in Section 29.05 were read along with supporting evidence and findings in meeting or not meeting the criterion, found in Ms. Anderson's report.

*Motion by Pullen, with support from Kutzel, to approve the request to grant a variance from Section 6.02 C, Minimum Rear Yard Setback, Neighborhood Conservation District for the purpose of constructing an attached garage at 7' from the rear (south) property line at 9 Fremont, where 25' is required, based on the following findings:*

- 1. Practical Difficulty – There are no practical difficulties as it pertains to the physical characteristics of the land that would be considered unique to the subject parcel.*
- 2. Adverse Effects – It is not anticipated that adverse effects would be imposed on nearby properties, however, there are options for a lesser variance.*
- 3. Not Self-Created – The difficulty in meeting the strict letter of the ordinance was created by the applicant when the home was placed in the current location, which does not leave space for any additions (though none were anticipated at the time).*
- 4. Minimum Variance Necessary – Other options appear to be viable that would lessen or avoid the amount of relief needed from the ordinance.*

*Motion carried by unanimous roll call vote.*

**8. UNFINISHED BUSINESS:** No unfinished business

**9. REPORTS OF OFFICERS, MEMBERS, COMMITTEES:**

Members of the ZBA expressed appreciation for the efforts put into this but unfortunately, they have no choice but to deny. This was a difficult decision because of the circumstances. One member suggested looking into an elevator that would be attached outside of the home.

**10. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES):** None

**11. ADJOURNMENT:** Motion by Kutzel, supported by Pullen, to adjourn. Motion carried. (7:50 PM)

**Please Note – The City of the Village of Douglas (the "City") is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Pamela Alderink, City Clerk, at (269) 857-1438, or [clerk@douglasmi.gov](mailto:clerk@douglasmi.gov) to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN**