



**THE CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS (ZBA) MEETING  
TUESDAY, OCTOBER 22, 2024, AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

---

**AGENDA**

---

**To attend and participate in this remote meeting of the City of the Village of Douglas Planning Commission, please consider joining online or by phone.**

**Join online by visiting:** <https://us02web.zoom.us/j/83108824160>

**Join by phone by dialing:** +1 (312) 626-6799 | **Then enter "Meeting ID":** 831 0882 4160

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
  - A. Motion to Approve; ZBA Meeting, 9-24-2024. (Roll Call Vote)
- 4. NEW BUSINESS**
- 5. UNFINISHED BUSINESS**
  - A. Public Hearing and Decision: 177 St. Peters Dr – Relief from Section 16.13 (7), Front Yard Prohibition
    - 1) Chairman declares the Public Hearing Open
    - 2) Presentation of Written Communications
    - 3) Presentation by the Petitioner
    - 4) Comments from the Audience/Response from the Petitioner
    - 5) Questions/Comments from the ZBA Members
    - 6) Chairman declares Public Hearing Closed
    - 7) Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)
- 6. REPORTS OF OFFICERS, MEMBERS, COMMITTEES**
- 7. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES)**
- 8. ADJOURNMENT**

**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 Laura Kasper, City Clerk, at (269) 857-1438 ext. 106, 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**



**THE CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS (ZBA) MEETING  
TUESDAY, SEPTEMBER 24, 2024, AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

---

**AGENDA**

---

**1. CALL TO ORDER** – Chair called to order at 7:03pm

**2. ROLL CALL**

Present – Kutzel, Pattison, Freeman, Schumacher

Not Present - Pullen

Also Present – Planning & Zoning Administrator Sean Homyen

**3. APPROVAL OF MINUTES**

A. Motion to Approve; ZBA Meeting, 8-27-2024. (Roll Call Vote)

Kutzel pointed out a few grammatical issues. In the third paragraph, he suggested changing “were” to “was.” In the fourth section, he recommended adding “does” to complete the phrase “does not harm.” Additionally, in the fifth section, he advised removing “the”.

*Motion by Kutzel, seconded by Pattison to approve the 8-27-2024 Minutes as amended. – Motion carried unanimously by roll call vote.*

**4. NEW BUSINESS**

A. Public Hearing and Decision: 177 St. Peters Dr – Relief from Section 16.13 (7), Front Yard Prohibition

- 1) Chairman declares the Public Hearing Open
- 2) Presentation of Written Communications – Jeff Kerr
- 3) Presentation by the Petitioner –

Olaf Huebner began his presentation by outlining the history of the property, including the home and garage, as well as the overall layout. He discussed the advantages and disadvantages of the midcentury home and then outlined the objectives for constructing the new garage.

Next, he explored the intent of the Zoning Board of Appeals, the R-4 district, and the Tri-Community Comprehensive Plan, illustrating how these elements align with his goals for the new garage. He emphasized that the criteria for constructing an accessory building are met by his property, which shares characteristics with the adjacent waterfront properties.

Huebner raised questions about how the ordinance has been applied in the past, particularly regarding detached garages constructed in front yards. He provided examples of properties that have successfully integrated such garages, acknowledging that many of these cases involved extensions of the home, such as breezeways or covered porches.

He then pointed out discrepancies in the map referenced in the staff report, explaining how it misrepresents the actual property and why certain proposed locations for the garage are not feasible. He concluded his presentation by summarizing his rationale for requesting a variance.

Following Huebner's presentation, Brian Ruitter from Schipper's Construction introduced himself and expressed gratitude to the ZBA for their service. He added to Olaf's presentation by discussing the impact of setback requirements on neighboring properties and their values. He noted that placing the garage to the right of the property would diminish its size. He emphasized their openness to dialogue and collaborative solutions.

- 4) Comments from the Audience/Response from the Petitioner - None
- 5) Questions/Comments from the ZBA Members -

Schumacher noted that the garages in front yards mentioned by Huebner had not been submitted to the Zoning Board of Appeals (ZBA) for variance approval, prompting him to seek clarification from the Planning & Zoning Administrator. The Administrator was uncertain about the garages' legality and agreed to investigate further.

Pattison provided background on Westshore, explaining that garages were originally prohibited and expressing concerns about the proposed garage's size and its impact on trees. Huebner and Ruitter clarified that the proposed garage would be 1,200 square feet across both floors, necessary for vehicle storage and living space. They emphasized their intention to build a new garage with a larger footprint. Ruitter added that a variance would still be required, regardless of height.

Kutzel pointed out that increasing nonconformity is generally not allowed, but Huebner responded that the ZBA could grant a variance despite this restriction, citing manmade hardships related to the property's size. Pattison acknowledged these points but emphasized that the focus should be on this specific property, as some properties have limited options for accessory building construction. Schumacher expressed concerns about the fairness of enforcing the ordinance inconsistently compared to past practices. The Planning & Zoning Administrator explained that once a nonconforming building is removed, it loses its status, which is why the applicants are seeking approval for a new garage in the front yard.

Pattison inquired if the proposal could be approved under the current ordinance, and the Planning & Zoning Administrator confirmed that a variance would be necessary. Freeman asked whether they were adding to the existing garage, and the applicants clarified that they intended to remove it and build a new one in the same location with a larger footprint. Ruitter mentioned the engineering difficulties of expanding the existing garage or orienting it vertically.

Schumacher also asked if the garage could be built further back, and the Planning & Zoning Administrator referenced an example from Ferry Street, explaining that there is no setback requirement once a variance is granted, allowing construction in the front yard. Freeman questioned whether the front of the property could be considered as facing the lake, but the Planning & Zoning Administrator clarified that the lot must be adjacent to the lake for that interpretation.

The Planning & Zoning Administrator asked the ZBA members whether they felt the Planning Commission should review the ordinance to allow accessory buildings in the front yard, considering potential future requests. Huebner wanted to add that he believes he has met the first condition.

ZBA members discussed the potential outcomes of denying or tabling the request and ultimately decided to advise the applicants to meet with the Planning & Zoning Administrator to explore possible solutions.

- 6) Chairman declares Public Hearing Closed -
- 7) Motion to Approve, Deny, or Approve with Conditions (Roll Call Vote)

*Motion by Kutzel, seconded by Freeman to table the variance request. – Motion carried unanimously*

5. **UNFINISHED BUSINESS** - None
6. **REPORTS OF OFFICERS, MEMBERS, COMMITTEES** - None
7. **PUBLIC COMMUNICATION – VERBAL (LIMIT OF 5 MINUTES)** - None
8. **ADJOURNMENT**

*Motion by Kutzel, seconded by Freeman to adjourn the meeting – Motion carried unanimously*

**To:** City of the Village of Douglas Zoning Board of Appeals  
**Date:** October 18, 2024  
**From:** Sean Homyen, Planning & Zoning Administrator  
**RE:** 177 St. Peters Dr – Variance Request – Relief from Section 16.13 (7) Front Yard Prohibition



*The Village of Friendliness – Since 1870*

On September 14, 2024, the Zoning Board of Appeals considered the variance request for a non-use variance under Section 29.02 (1) that would provide relief from Section 16.13 (7) Front Yard Prohibition, to remove the existing non-conforming accessory building and construct a new 1200 SF, second story accessory building in the front yard in the R-4 Harbor Residential District.



*Figure 1: 177 St. Peters Drive – Subject property*

At the meeting, the Zoning Board expressed concerns about the request potentially increasing the non-conformity of the accessory building. For clarification, once the accessory building is removed, its non-conforming status is lost. Since

accessory buildings are prohibited in the front yard, the applicant may only construct a new accessory building in that location if the Zoning Board of Appeals grants a variance. Ultimately, the Zoning Board decided to table the item and advised the applicant to meet with the Planning & Zoning Administrator to discuss alternatives.

The applicant met with staff on October 3, 2024 to discuss potential solutions for a larger accessory building that would comply with the current ordinance. The offered solutions were not preferable to the applicant, and he wished to proceed with the variance request to the ZBA.

During the meeting, the applicant asked about some instances of front yard accessory buildings that exist within the City currently. Staff acknowledged that there are some existing front yard accessory buildings in the City. Although I did not have answer at the time, I explained to the applicant that there are a few different scenarios under which other front yard accessory buildings may exist. The applicant expressed concerns about the ordinance being equitably administered and what the potential legal ramifications are of not “adhering to established precedent”.

It is important to note that the Zoning Board's ability to approve or deny relief is governed by the criteria outlined in Section 29.05, and not by any perceived precedent that has been set. The Zoning Board is aware that each variance request comes with its own set of variables, and no two requests are alike, therefore it is not likely for the Zoning Board to set precedence by the granting of a variance. The existing accessory buildings in front yards within the City also do not set a precedent, since each one was constructed under different circumstances, whether a variance was granted, or the building exists as a lawful nonconforming building having existed before the front yard prohibition went into effect, or even if a property owner was issued a permit in error. These factors have no bearing on the subject case.

At the upcoming meeting on October 22, 2024, the Zoning Board will revisit this item and making a decision to approve, deny, or table it again. Staff would caution the Board against tabling the issue unless there is additional information that may be provided to aid in the Board's decision. Below is a recap of the criteria which must be met from our last report. There are no changes to our analysis of each criterion.

**Criteria for Granting Variances:** Section 29.05 outlines the criteria for granting a non-use variance. The following criteria must be taken into consideration by the Zoning Board of Appeals in its review of the request. All criteria must be met for the variance to be granted. Each criterion is provided below, along with staff's analysis.

- a) *That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.*

**Remarks:** The applicant states that there is a steep slope in the rear yard (as shown in Fig. 3) and there is no space between the house and bluff to build the accessory building. The lot does contain a steep slope for the eastern most 40 feet of the rear yard, the home is set back approximately 125' from the edge of the road, and there is a pool on the north side yard, thereby causing a bit of limitation in where an accessory building can be placed. Figure 3 shows the steep slope in the rear yard in relation to the other structures and features located on the lot.



Figure 2: Steep Slope highlighted in rear yard

Although there may be some

constraints on where the accessory building can be placed on the property, these constraints would not prevent the applicant from placing an accessory building in a location that meets the requirements of the ordinance . There is space to the north and west of the swimming pool, however, the applicant would prefer not to relocate the driveway, and would also prefer not to place it close to the swimming pool. These preferences, while valid, are not variables that the Zoning Board should take into consideration when determining whether a hardship exists related to the land itself, which causes the applicant the inability meet the letter of the ordinance.

Based on these findings, staff has determined that this criterion is not met.

- b) *That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and shall not be recurrent in nature.*

**Remarks:** As noted earlier, there are some unique features on the lot, such as the deep front yard setback and the steep slope in the rear yard. As noted in criterion a, these are not limitations that would prevent the applicant from placing an accessory building in a location that does comply with the ordinance.

Based on these findings, staff has determined that this criterion is not met.

- c) *That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant.*

**Remarks:** In staff's view, the request for a variance is prompted by the desire to remove the existing building, causing it to lose its nonconforming rights. In an effort to continue locating the accessory building in the front yard, the applicant must be granted a variance for such location. The desire to have a larger accessory building is the reason the applicant wants to remove the existing building and rebuild it in the same location, when there are other areas on the property that would comply with the ordinance. The Zoning Board has also made the interpretation in past cases that, regardless of when the applicant took ownership of the property, the man-made features on the property fall into the category of "self-created". The Zoning Board should be consistent in its application of this standard when determining if the placement of the pool is considered "self-created".

ZBA Members will determine if this criterion is met.

- d) *That the variance will relate only to property under the control of the applicant.*

**Remarks:** The proposed accessory structure will still be located on the applicant's



property.

This criterion appears to be met.

- e) *That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

**Remarks:** The requested variance would not likely pose any adverse effects on the property since there is currently an existing accessory building in the front yard that has been there since the 1960s.

Based on this finding, this criterion appears to be met.

- f) *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.*

**Remarks:** Based on the site plan that was provided, the applicant does have the ability to meet the ordinance and construct the accessory building on the right side of the home or west of the pool. This can be seen in the ariel view of the property and site plan. This route may require the applicant to reduce the size of the accessory building to meet the side lot coverage of not exceeding 25% of the lot area, setback requirements, and they would have to reconfigure the driveway to the accessory building, but it would not “unreasonably prevent the owner from using the property for a permitted purpose”.

Based on these findings, this criterion does not appear to be met.

- g) *That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.*

**Remarks:** The proposed accessory building is larger than the existing accessory building. The increase in size would not be the minimum amount necessary.

This criterion does not appear to be met.

- h) *That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which*

*compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

**Remarks:** This criterion is not applicable, as this is not a use variance request.

**Recommendation and Summary of Findings.** At the upcoming Zoning Board of Appeals meeting, the board should carefully consider all the facts presented in this report, any additional testimony given by the applicant, and comments provided by the public. Again, all the criteria outlined in section 29.05 *must be* met in order for a variance to be granted.

Suggested motions are provided below. The Zoning Board of appeals **MUST** state its findings into the record in its motion.

Based on the findings outlined in this memorandum, staff would recommend the denial of the variance request. The suggested motion is provided below:

*I move to **deny** the granting of a variance from Section 16.13 (7) – Front Yard Prohibition for 177 St. Peters Dr. in the R-4 Residential Harbor District, on a parcel of land described as P.P 59-750-003-00 to allow for an accessory building in the front yard, based on the findings that the request **does not meet** all the criteria set forth in Section 29.05 of the ordinance.*

- There is not a practical difficulty in carrying out the strict letter of the ordinance that is not related to an economic hardship or circumstances that are self-created.
- There is not a genuine practical difficulty relevant to the land itself, such as steep slopes, narrowness, shallowness or other encumbrances that would prevent the applicant from meeting the strict letter of the ordinance.
- The need to request a variance is the result of the affirmative action on behalf of the applicant, and is deemed “self-created”.
- Meeting the requirements of the ordinance will not prevent the applicant from using the property for a permitted purpose, nor would it deprive the applicant from enjoying a substantial property right enjoyed by others in the same vicinity and zoning district.

If the ZBA is inclined to approve the request, the suggested motion is provided below (ZBA to fill in findings of fact):

*I move to **approve** the granting of a variance from Section 16.13 (7) – Front Yard*

**To:** City of the Village of Douglas Zoning Board of Appeals  
**Date:** September 19, 2024  
**From:** Sean Homyen, Planning & Zoning Administrator  
**RE:** 177 St. Peters Dr – Variance Request – Relief from Section 16.13 (7) Front Yard Prohibition



*The Village of Friendliness – Since 1870*

**Request.** Schippers Construction, on behalf of Olaf and Jessica Huebner, has submitted an application for a non-use variance under Section 29.05 (1), that would provide relief from Section 16.13 (7) Front Yard Prohibition, to demolish the existing nonconforming accessory building and to construct a new, larger accessory building the front yard in the R-4 Harbor Residential District.

**Background.** The subject property is located at 177 St. Peters Dr, zoned as R-4 Harbor Residential. The lot consists of two platted lots within the St. Peters Subdivision Plat and is a total of 1.04 acres (45,302.4 SF). The home was constructed in 1964, and the existing accessory building was constructed around the same time as the home, according to the



*Figure 1: 177 St. Peters Drive – Subject property*

applicant. The existing accessory building is approximately 675 square feet according the survey, and is considered a nonconforming structure, as it is currently located in the front yard, contrary to Section 16.13 (7). The applicant is requesting to tear down the existing building and construct a new, 2-story 1200 square foot accessory building. The applicant intends to use the second story of the proposed building as an accessory dwelling unit, which requires special land use approval by the Planning Commission ..

As stated above, the existing accessory building is considered nonconforming, due to it being located in the front yard. Section 15.04, Nonconforming Structures (see Figure 2) outlines the limitations relevant to alterations, enlargements, and reconstruction. Sections 15.04 (b), (c), (d), and (e) outline the actions that shall cause a nonconforming structure to lose its nonconforming status. Part (b) indicates that a nonconforming structure shall not be reconstructed except in conformity with the Ordinance. Thus, if the existing building is demolished for the purpose of building a new, larger building, the new building shall conform with the current ordinance.

**Section 15.04 Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases the degree of a structure's nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Alterations or enlargements of structures that do not alter the nonconforming nature of the structure may be permitted, provided the alteration or enlargement complies with the provisions of this ordinance.  
Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
- b) Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.
- c) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed thereafter.
- e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

*Figure 2: Section 15.04 Nonconforming Structures*

Because an accessory building is prohibited in the front yard, the applicant can only construct a new accessory building in place of the existing one in the front yard if a variance is granted by the Zoning Board of Appeals.

The remainder of this memorandum is intended to provide the Zoning Board with the requirements and procedures of Article 29, Zoning Board of Appeals, and to provide a recommendation on the request.

**Pre-Hearing Conference.** Section 29.05 (3) requires that a pre-hearing conference be held to ensure that the applicant understands the requirements and procedures related to seeking relief from the Ordinance. Staff has engaged in communication with the applicant via email and phone calls, fulfilling the requirements for a pre-hearing conference.



**Criteria for Granting Variances:** Section 29.05 outlines the criteria for granting a non-use variance. The following criteria must be taken into consideration by the Zoning Board of Appeals in its review of the request. All criteria must be met for the variance to be granted. Each criterion is provided below, along with staff’s analysis.

- a) *That there are practical difficulties that prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.*

**Remarks:** The applicant states that there is a steep slope in the rear yard (as shown in Fig. 3) and there is no space between the house and bluff to build the accessory building. The lot does contain a steep slope for the eastern most 40 feet of the rear yard, the home is set back approximately 125’ from the edge of the road, and there is a pool on the north side yard, thereby causing a bit of limitation in where an accessory building can be placed. Figure 3 shows the steep slope in the rear yard in relation to the other structures and features located on the lot.

Although there may be some constraints on where the accessory building can be placed on the property, these constraints would not prevent the applicant from placing an accessory building in a location that meets the requirements of the ordinance . There is space to the north and west of the swimming pool, however, the applicant would prefer not to relocate the driveway, and would



Figure 3: Steep Slope highlighted in rear yard



Figure 4: Approximate feasible location

also prefer not to place it close to the swimming pool. These preferences, while valid, are not variables that the Zoning Board should take into consideration when determining whether a hardship exists related to the land itself, which causes the applicant the inability meet the letter of the ordinance.

Based on these findings, staff has determined that this criterion is not met.

- b) *That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and shall not be recurrent in nature.*

**Remarks:** As noted earlier, there are some unique features on the lot, such as the deep front yard setback and the steep slope in the rear yard. As noted in criterion a, these are not limitations that would prevent the applicant from placing an accessory building in a location that does comply with the ordinance.

Based on these findings, staff has determined that this criterion is not met.

- c) *That the practical difficulty or special conditions or circumstances do not result from the actions of the applicant.*

**Remarks:** In staff's view, the request for a variance is prompted by the desire to remove the existing building, causing it to lose its nonconforming rights. In an effort to continue locating the accessory building in the front yard, the applicant must be granted a variance for such location. The desire to have a larger accessory building is the reason the applicant wants to remove the existing building and rebuild it in the same location, when there are other areas on the property that would comply with the ordinance. The Zoning Board has also made the interpretation in past cases that, regardless of when the applicant took ownership of the property, the man-made features on the property fall into the category of "self-created". The Zoning Board should be consistent in its application of this standard when determining if the placement of the pool is considered "self-created".

ZBA Members will determine if this criterion is met.

- d) *That the variance will relate only to property under the control of the applicant.*

**Remarks:** The proposed accessory structure will still be located on the applicant's property.

This criterion appears to be met.

- e) *That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.*

**Remarks:** The requested variance would not likely pose any adverse effects on the property since there is currently an existing accessory building in the front yard that has been there since the 1960s.

Based on this finding, this criterion appears to be met.

- f) *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.*

**Remarks:** Based on the site plan that was provided, the applicant does have the ability to meet the ordinance and construct the accessory building on the right side of the home or west of the pool. This can be seen in the ariel view of the property and site plan. This route may require the applicant to reduce the size of the accessory building to meet the side lot coverage of not exceeding 25% of the lot area, setback requirements, and they would have to reconfigure the driveway to the accessory building, but it would not “unreasonably prevent the owner from using the property for a permitted purpose”.

Based on these findings, this criterion does not appear to be met.

- g) *That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.*

**Remarks:** The proposed accessory building is larger than the existing accessory building. The increase in size would not be the minimum amount necessary.

This criterion does not appear to be met.

- h) *That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit or a temporary permit is required except where failing to do so would result in a constitutional taking for which compensation would otherwise have to be paid because the application of existing regulations do not permit a reasonable use of land under existing common law or statutory standards. In this case, the appellant shall first have sought and been denied a rezoning, Special Use Permit*

*approval, and/or a PUD approval and shall have their variance request processed according to the requirements of Section 29.05 (2).*

**Remarks:** This criterion is not applicable, as this is not a use variance request.

**Recommendation and Summary of Findings.** At the upcoming Zoning Board of Appeals meeting, the board should carefully consider all the facts presented in this report, testimony given by the applicant, and comments provided by the public. Again, all the criteria outlined in section 29.05 *must be* met in order for a variance to be granted. Suggested motions are provided below. The Zoning Board of appeals **MUST** state its findings into the record in its motion.

Based on the findings outlined in this memorandum, staff would recommend the denial of the variance request. The suggested motion is provided below:

*I move to **deny** the granting of a variance from Section 16.13 (7) – Front Yard Prohibition for 177 St. Peters Dr. in the R-4 Residential Harbor District, on a parcel of land described as P.P 59-750-003-00 to allow for an accessory building in the front yard, based on the findings that the request **does not meet** all the criteria set forth in Section 29.05 of the ordinance.*

- There is not a practical difficulty in carrying out the strict letter of the ordinance that is not related to an economic hardship or circumstances that are self-created.
- There is not a genuine practical difficulty relevant to the land itself, such as steep slopes, narrowness, shallowness or other encumbrances that would prevent the applicant from meeting the strict letter of the ordinance.
- The need to request a variance is the result of the affirmative action on behalf of the applicant, and is deemed “self-created”.
- Meeting the requirements of the ordinance will not prevent the applicant from using the property for a permitted purpose, nor would it deprive the applicant from enjoying a substantial property right enjoyed by others in the same vicinity and zoning district.

If the ZBA is inclined to approve the request, the suggested motion is provided below (ZBA to fill in findings of fact):

*I move to **approve** the granting of a variance from Section 16.13 (7) – Front Yard Prohibition for 177 St. Peters Dr. in the R-4 Residential Harbor District, on a parcel of land described as P.P 59-750-003-00 to allow for an accessory building in the front yard, based on the findings that the request **meets** all the criteria set forth in Section 29.05 of the ordinance. Summary of findings:*



- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



CITY OF THE VILLAGE OF DOUGLAS

# ZONING BOARD OF APPEALS REQUEST FOR VARIANCES APPLICATION

86 W. CENTER STREET, DOUGLAS, MI 49406  
Phone: 269-857-1438 FAX: 269-857-4751

**\$350.00 Fee & \$1000.00 Escrow Required (Article 29 Zoning Board of Appeals)**

### APPLICANT INFORMATION *(If different than owner)*

Name Schippers Construction: Brian Ruitter Email Brian@schippersconstruction.com  
Address 850 Maple Ave., Holland, MI 49423  
Phone # 616-298-4360 Fax # \_\_\_\_\_

### OWNER INFORMATION

Name Olaf and Jessica Huebner Email olaf.huebner@hotmail.com  
Address 177 St. Peters Dr., Douglas, MI 49406  
Phone # 616-499-5587 Fax # \_\_\_\_\_

### PROPERTY INFORMATION

Address or Location 177 St. Peters Dr., Douglas, MI 49406  
Permanent Parcel # 59-750-003-00  
Zone District (Current) R4-Harbor (Proposed) \_\_\_\_\_  
Property Size 1.019 Acre *(If Applicable)*

Requesting: Appeal  Variance \_\_\_\_\_

**Describe Variance Request** Construct new 3-stall garage in front yard

**Section of the ordinance relating to the request** 26.13

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

Schippers Construction: Brian Ruitter

July 23, 2024

*Signature of Applicant and Owner (If different than applicant)*

*Date*

*I hereby grant permission for members of the Douglas Planning Commission, Board of Appeals and/or City Council to enter the above described property (or as described in the attached) for the purpose of gathering information related to this application/request/proposal.*

*Owner's Signature*

*Date*

### DO NOT WRITE IN THIS BOX

Date Received \_\_\_\_\_ Application Accepted By \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_

Submitted Materials: \_\_\_\_\_ Site Plan \_\_\_\_\_ Application \_\_\_\_\_ Legal Description \_\_\_\_\_ Narrative Description \_\_\_\_\_

**CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS  
REQUEST FOR NON-USE VARIANCE APPLICANT SUMMARY OF FACTS**

Section 29.05 1) Non use variances. The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations and off-street parking and loading space requirements of this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

Under Section 29.05 of the City of the Village of Douglas Zoning Ordinance, the Zoning Board of Appeals is empowered and entrusted with specific duties. To be considered for approval, all variance requests must comply with the standards outlined in this section. Please detail in the space below, or on additional pages if required, how your request aligns with each of these approval standards.

Question 1 - Zoning Ordinance Section 29.05 a)

Please list the practical difficulties which prevent carrying out the strict letter of the Ordinance. These practical difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.

Conformity requires the detached garage to be built in the back yard, but the topography will not allow that. There is a ridge/bluff and there is not space between house and bluff to build a garage.

---

---

Question 2- Zoning Ordinance Section 29.05 b)

Please list the genuine practical difficulty that exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

The house was originally built on the back of the parcel at the top of the ridge overlooking the Kalamazoo River. AS such, there is no spacial or geographical allowance to build a garage in the back yard. The topography simply does not allow it

---

---

3 -Zoning Ordinance Section 29.05 c)

Please verify that the practical difficulty or special conditions or circumstances that are due to no fault of your own.

This difficulty is a constraint caused by original placement of the original principle house, impacted by the change in codes over the years and with the need to build a new garage, and the requirements for modern setbacks and ordinances requiring auxiliary structures to be placed in the back yard, it is not possible to conform.

The only option for an auxiliary building is in the front yard in a similar place as it currently sets.

Question 4 - Zoning Ordinance Section 29.05 e)

Please verify that the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood.

The current garage is detached and in the front yard and has become commonly accepted as part of the neighborhood. A new garage in essentially the same space will not have an adverse effect on the neighborhood nor surrounding properties.

Question 5 - Zoning Ordinance Section 29.05 g)

Please verify that the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or to mitigate the hardship.

This will be the minimum solution and least amount of change to the property and neighborhood.

Question 5 - Zoning Ordinance Section 29.05 H)

Is the variance request for a use that's not normally allowed in this district, without requiring a Special Use or temporary permit, and only because following current rules would unfairly limit how you can use your land? Have you already tried and been denied rezoning, Special Use Permit, or PUD approval before submitting this request according to Section 29.05 (2)?

This is our first request for a zoning appeal for a nonconformance scenario.

---

---

---

---

**For Office Use Only**

REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Other (Where Applicable):*

Plans sent to Saugatuck Fire District on: \_\_\_\_\_

Approved on: \_\_\_\_\_

Planning Commission Review on: \_\_\_\_\_

Minutes attached: \_\_\_\_\_

Zoning Board of Appeals Review on: \_\_\_\_\_

Minutes attached: \_\_\_\_\_

Sent to KLWSA (269-857-1565) on: \_\_\_\_\_

**ZONING APPROVAL**

**APPROVED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

**DENIED:** \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator

**KLSWA APPROVAL**

APPROVED FOR CONNECTION TO WATER/WASTEWATER SYSTEM

(Subject to appropriate connection fees and charges)

Street and Number \_\_\_\_\_

KALAMAZOO LAKE SEWER AND WATER AUTHORITY

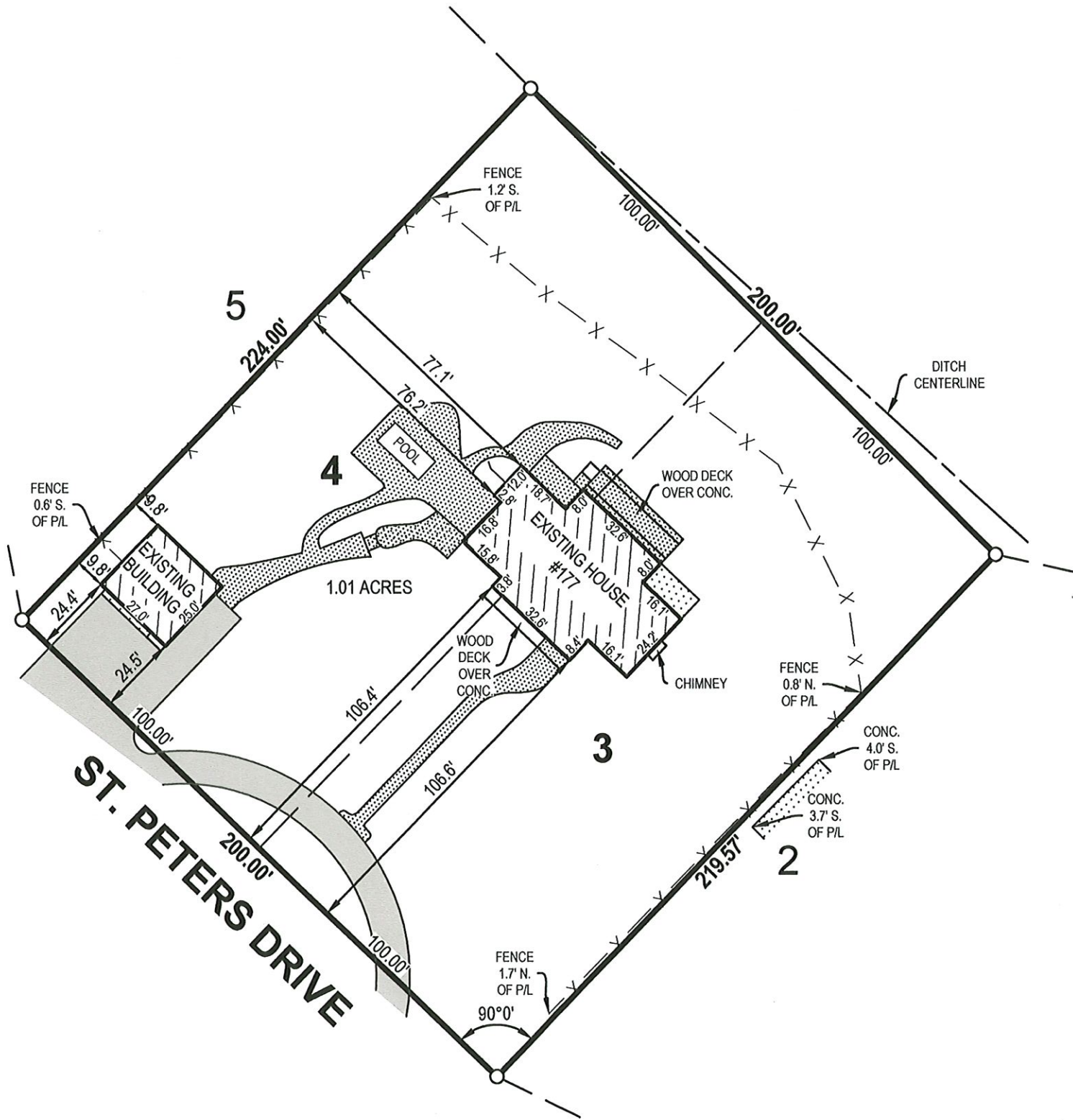
**APPROVED**

Date: \_\_\_\_\_ By: \_\_\_\_\_

**DENIED**

Date: \_\_\_\_\_ By: \_\_\_\_\_





We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

## DESCRIPTION

Lot 3 and 4 in St. Peter's Subdivision according to the recorded plat thereof, Allegan County Records, located in the Village of Douglas, Section 16, Town 3 North, Range 16 West.

(Warranty Deed, Instrument No. 2021002569, Dated January 8, 2021, Allegan County Register of Deeds)

## LEGEND

- Iron-Found
- Fence
- Asphalt
- Existing Building
- Concrete



By: *Scott A. Hendges*  
 Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 50'    0'    25'    50'



Olaf Huebner 3218 Arbor Lane Hamilton, MI 49419		 www.nederveld.com • 800.222.1868 Holland 347 Hoover Blvd. Holland, MI 49423 Ann Arbor, Chicago, Columbus, Grand Rapids, Indianapolis
177 St. Peter's Drive		
DRAWN BY: DS REV. BY: REV.:	DATE: 8/3/2023 REV. DATE:	PRJ #: 23201212 1 OF 1



**HURST & ASSOCIATES INCORPORATED**  
RESIDENTIAL DESIGN

Address:  
5917 126th Ave.  
Farmville, Michigan 49408

Phone:  
269.561.2752

www.jhurstassociates.com

project:

HUEBNER  
COACH  
HOUSE

CLAF & ESSE  
177 ST. PETERS DR.  
DOUGLAS, MI

drawing title:

SITE PLAN

date: 12/20/2025

scale: N/AE

drawn by: JH

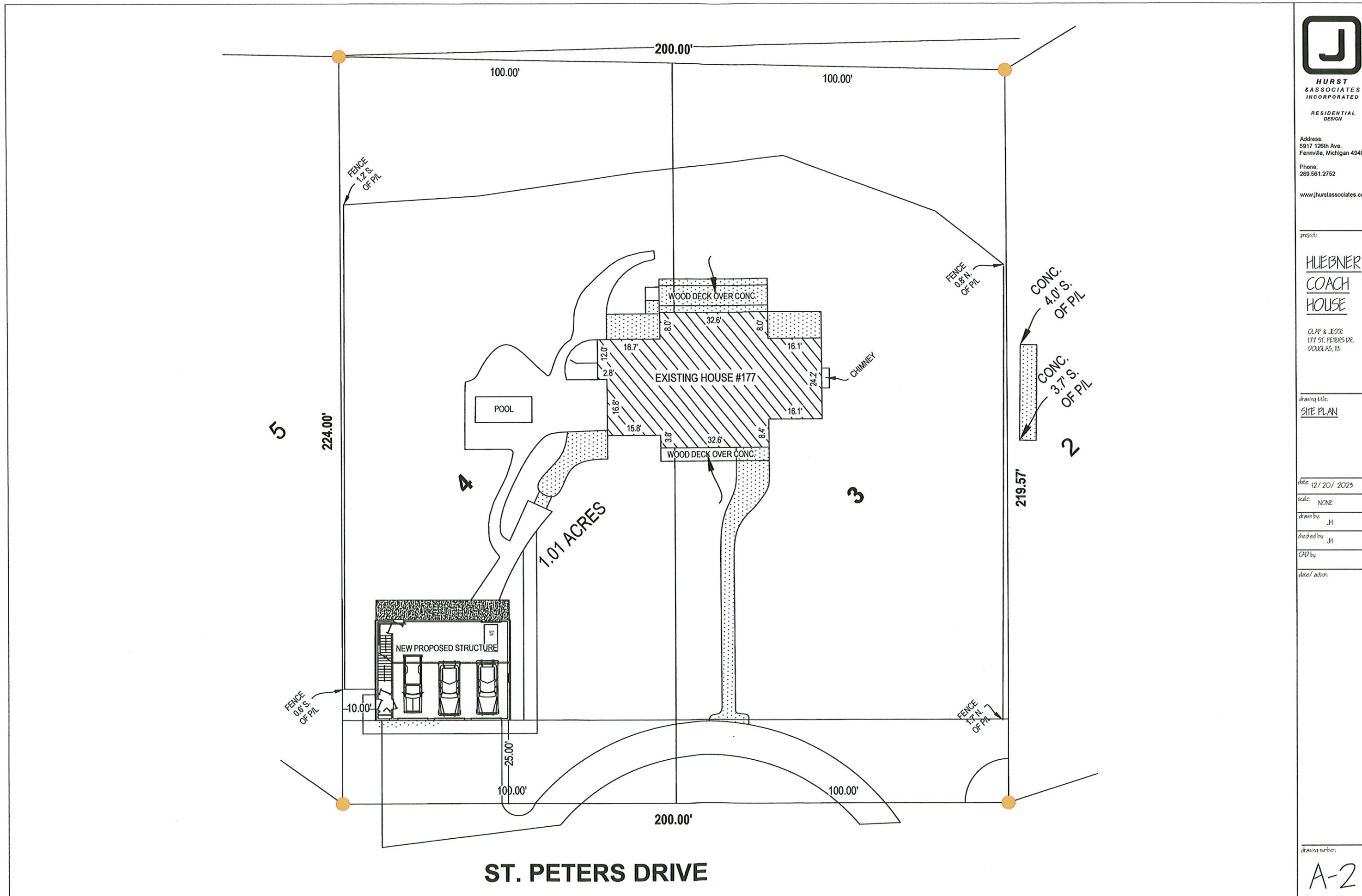
checked by: JH

CAD by:

date/revision:

drawing number:

A-2

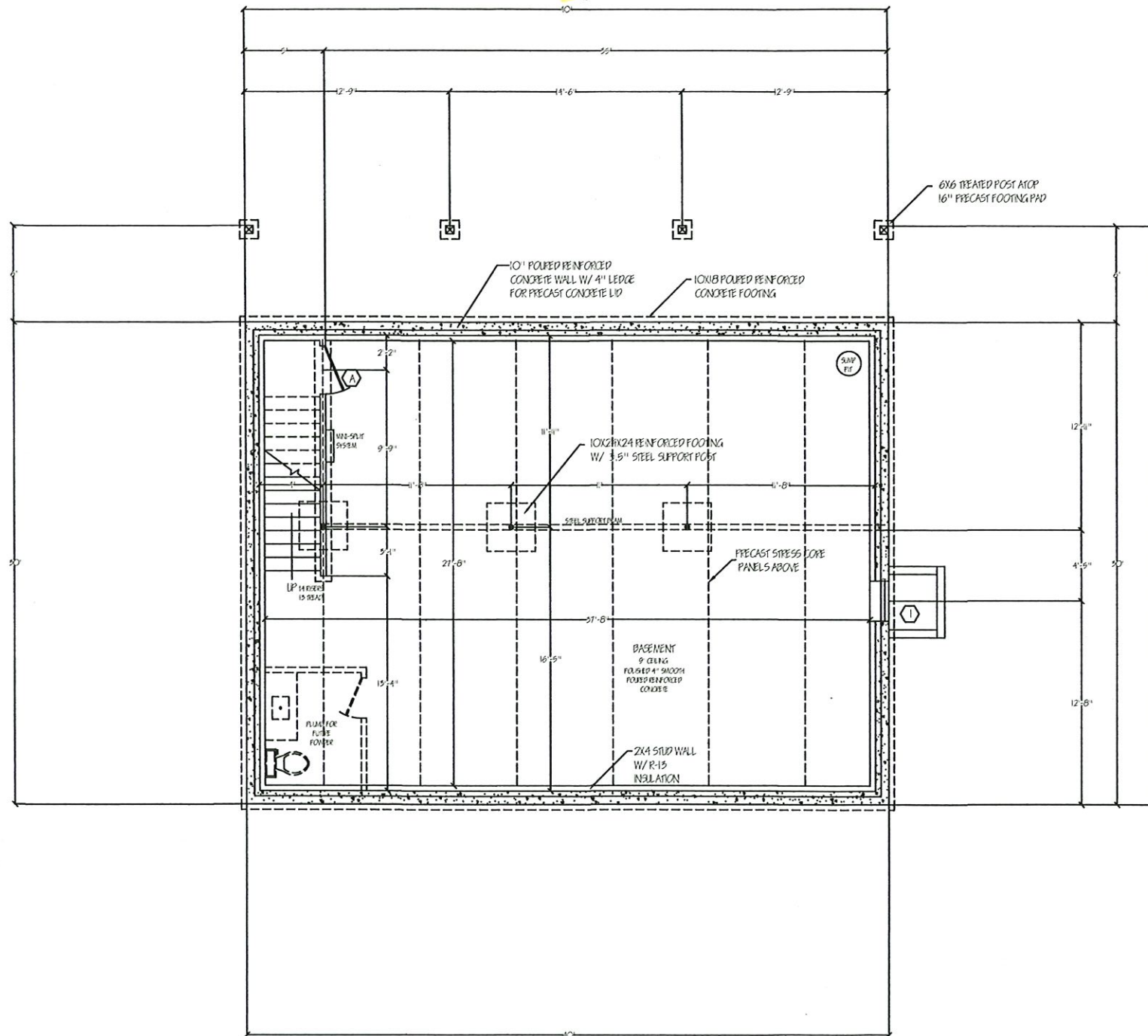




1,200 sf

40'

30'



FOUNDATION PLAN 



HURST & ASSOCIATES INCORPORATED

RESIDENTIAL DESIGN

Address:  
5917 126th Ave.  
Farmville, Michigan 49408

Phone:  
269.561.2752

www.hurstassociates.com

project:

HUEBNER  
COACH  
HOUSE

CLAF & ESSE  
177 ST. PETERS DR.  
DOUGLAS, MI

drawing title:  
FOUNDATION  
PLAN

date: 5/4/2024

scale: 1/4"=1'-0"

drawn by: JH

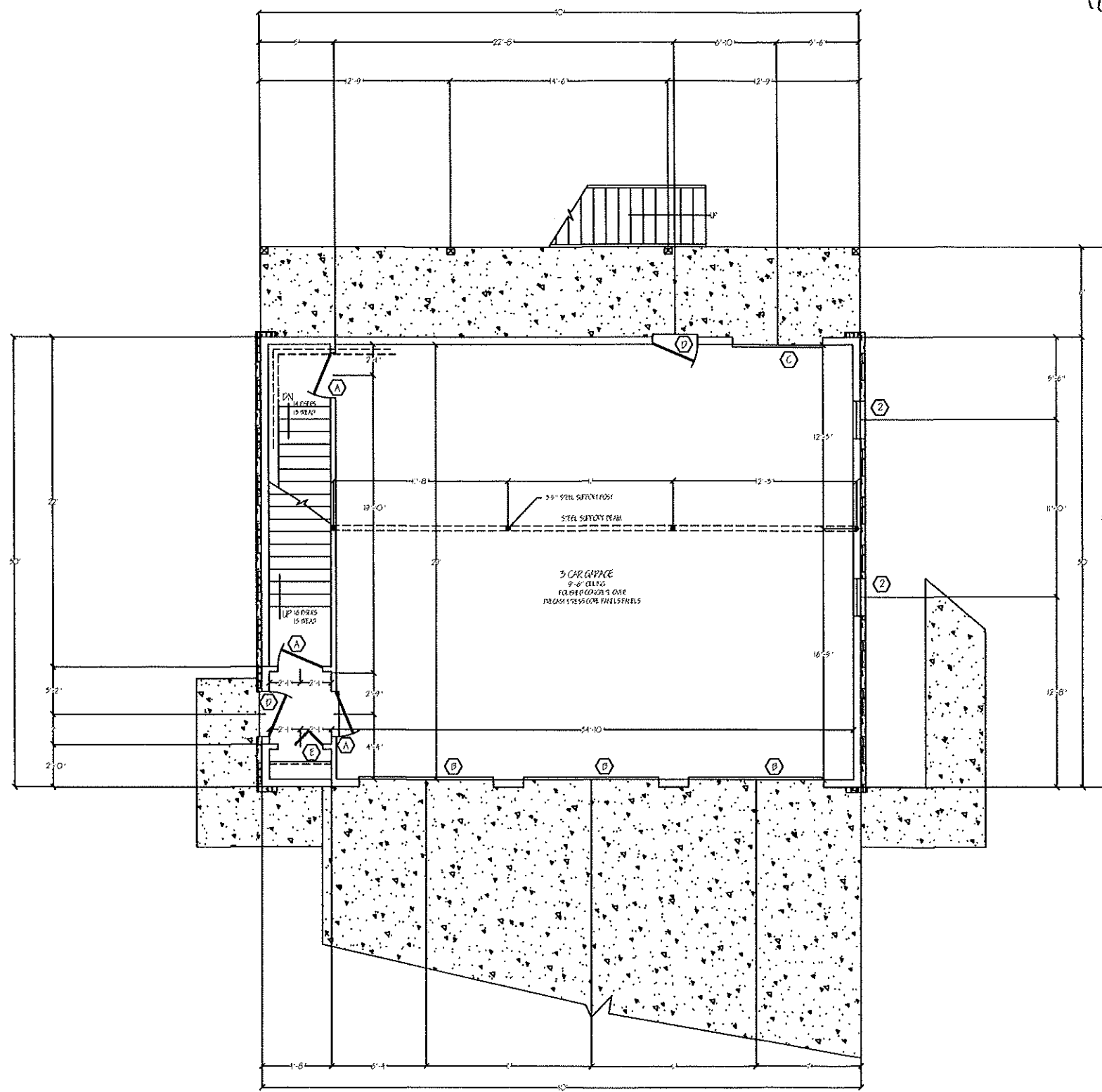
checked by: JH

CAD by:

date/action:

drawing number:

A-3



1,200 sf  
Garage Space

FIRST FLOOR PLAN 



**HURST & ASSOCIATES INCORPORATED**  
RESIDENTIAL DESIGN

Address:  
5917 126th Ave.  
Farmville, Michigan 49408  
Phone:  
269.561.2752  
www.hurstassociates.com

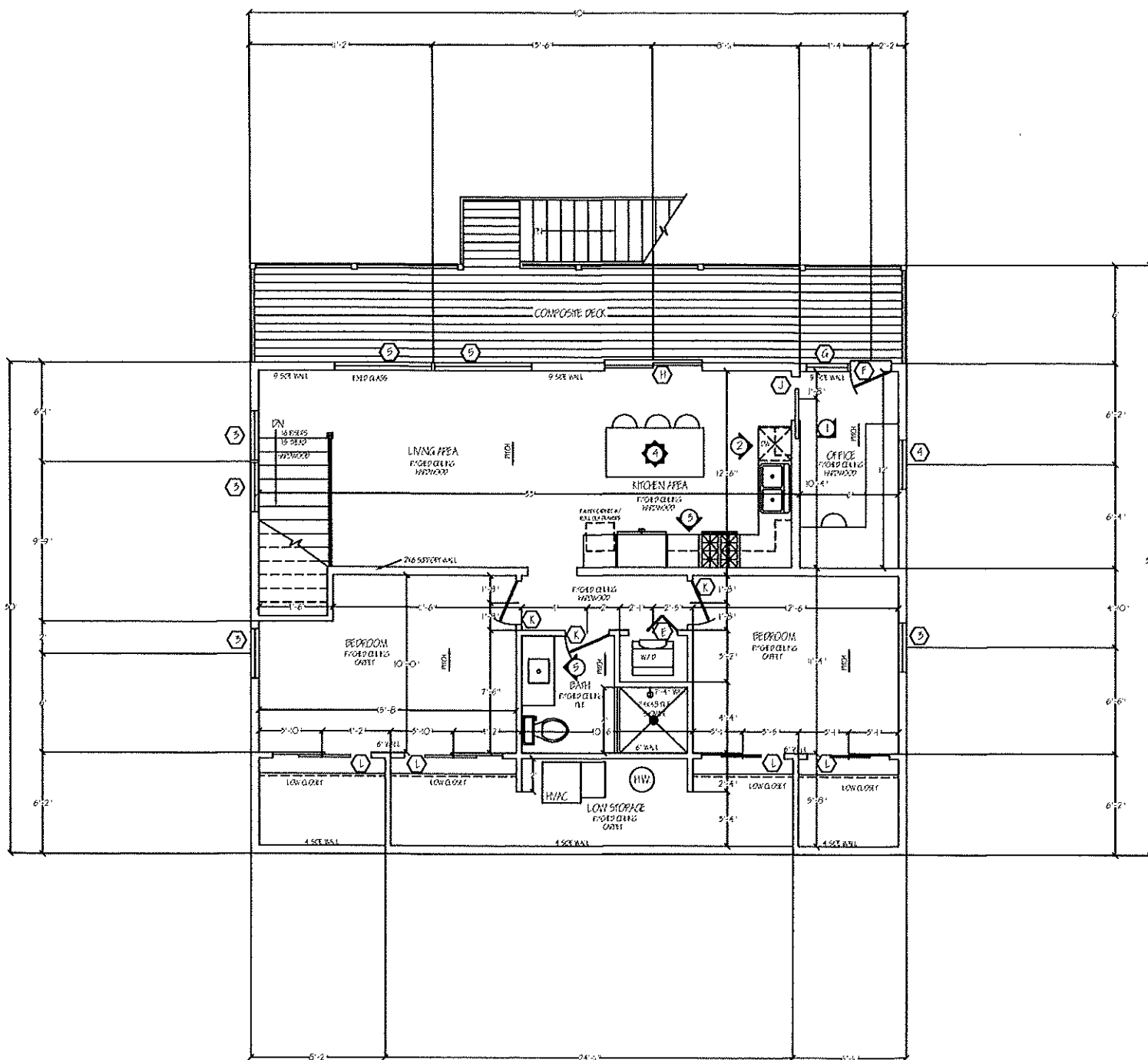
project:  
**HUEBNER  
COACH  
HOUSE**  
CLAY & LESSE  
177 ST. PETERS DR.  
DOUGLAS, MI

drawing title:  
**FIRST FLOOR  
PLAN**

date: 5/4/2024  
scale: 1/4"=1'-0"  
drawn by: JH  
checked by: JH  
CAD by:  
date/actor:

drawing no.:  
**A-4**

1,200 SF  
Finished



SECOND FLOOR PLAN 



HURST & ASSOCIATES INCORPORATED

RESIDENTIAL DESIGN

Address:  
5917 126th Ave.  
Farmville, Michigan 49408

Phone:  
269.561.2752

www.hurstassociates.com

project:

HUEBNER  
COACH  
HOUSE

CLAF & LESSE  
177 ST. PETERS DR.  
DOUGLAS, MI

drawing title:  
SECOND FLOOR  
PLAN

date: 3/1/2024

scale: 1/4" = 1'-0"

drawn by: JH

checked by: JH

CD by:

date/actor:

drawing number:

A-5