



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 restrictions currently in place.

Zoom Meeting Info

Meeting ID: **839 9707 7637**

Password: **444944**

One-Touch Weblink:

<https://us02web.zoom.us/j/83997077637?pwd=VklYWWTJpR3RzZzdockJhbG9wUjluZz09>

Dial by Phone: **(646) 558-8656**

3342 Blue Star Highway
Saugatuck, MI 49453
269 857-3000 / Fax: 269 857-1228
E-mail: info@saugatuckfire.org

FIRE CODE BOARD of APPEALS MEETING

6:00pm – February 1st, 2021

APPROVED MINUTES

1. Call to Order / Roll Call: Meeting called to order by Chairperson Miller at 6:00pm
PRESENT: A. Miller, J. Verplank, E. Beckman
ABSENT: None
Also PRESENT: Chief Greg Janik, Deputy Chief Chris Mantels, Jeff Sluggett, Josi Bowdish, Aaron Phelps
ABSENT with Notice: None

2. Reminder: It is requested that the board silences cell phones and put them away for the duration of the meeting.

3. Approval of Agenda (*additions / deletions*): **(Roll Call Vote)**
Sample Motion: "Move to approve the agenda and to ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting via Video Conference."
A. Motion by Verplank, 2nd by Beckman to approve the agenda as presented and to ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting via Video Conference.
YEAS: Verplank, Beckman, Miller
NEAS: None
ABSENT: None
Motion Passes – 3:0

4. Approval of Minutes:
A. January 11th, 2021 (Roll Call Vote)
Motion by Beckman, 2nd Verplank to approve the minutes of the 1/11/2021 meeting as presented. No discussion.
YEAS: Beckman, Verplank, Miller
NEAS: None
ABSENT: None
Motion Passes – 3:0

5. Unfinished Business:
A. None



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6. New Business:

A. Public Hearing to Consider Appeal of 3487 66th Street, Tyler & Josi Bowdish.

i. Open Hearing (Chair)

1. Hearing was opened by Chairperson Miller at 6:02pm and outline of time limits for presentations/process was given.

ii. Presentation by the Applicant or designee. (Limit 15 minutes)

1. Case for 3487 66th Street, Tyler & Josi Bowdish was presented by Attorney Aaron Phelps.
 - a. They believe the issue is one lot, and not a development.
 - b. Mr. and Mrs. Bowdish bought a lot of record in the Township.
 - c. The lot was created from a land division.
 - d. The Township confirmed at their construction board meeting that a building permit would be issued if it was not for the fire code objection.
 - e. The Bowdish's had no control over Mr. VanHorn or how he spends his money. They did not have any involvement or control over the land division process that gave rise to the development/creation of their lot which they purchased.
 - f. The Fire District has taken the position that there is a requirement for water supply.
 - g. This requirement is found nowhere in the fire code.
 - h. There is no exemption, or requirement in the first place for single family dwelling exemption.
 - i. The fact of the matter is, as it stands, as a matter of fact, objectivity, it is a stand-alone parcel.
 - j. If it's not a stand-alone parcel what is it.
 - k. Their attorney wrote this letter, and he signs it he's a lawyer, on page 31 of the submission, paragraph after paragraph after paragraph, of nothing but just narrative discussion, no citation to any authority, any case, any rule, any regulation whatsoever.
 - l. The Fire District has stated that it's drawn a distinction between a space "stand-alone" parcel and situations where there are three or more units that are subject to development.
 - m. We understand the rationalization that has been made by the Fire District, but it doesn't find support anywhere in the fire code, any ordinance, any law, any regulation.
 - n. We believe it is contrary to law.
 - o. We are seeking reversal of the Fire District's determination and an application of what is a practical matter in the same single-family exemption that the district applies to other requests for development.
 - p. Thank you.

iii. Presentation by the Fire Code Official or designee. (Limit 15 minutes)

1. Fire District's case, including Power Point presentation, was presented by Chief Janik, D.C. Mantels, and Fire District counsel Jeff Sluggett.
 - a. Would like to show documents that indicate this is a development, and IFC 102.5 does apply.
 - b. International Code Council confirmed that the IFC is applicable to one- and two-family dwellings and gives the District the authority on exterior of structure regarding including but not limited to water supplies.



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- c. As the Fire Code Official, I am authorized to enforce provisions of this code.
- d. Code provides for a required water supply in 507 and 507.5.1.
- e. The IFC does not differentiate between PUD, subdivision, and land division.
- f. Definition of development from dictionary was reviewed and the Districts long-standing interpretation relied upon.
- g. Land Division act states approval of land splits is not a determination that it complies with other ordinances such as fire code.
- h. Site plan from Nederveld mentions "Conceptual overall Development Plan"
- i. Planning commission minutes make several references to development and residential housing.
- j. Even Mr. Zimmerman of Varnum law refers to the end result being development around a pond.
- k. It appears electricity and communications lines have been added to 14 lots.
- l. Mr. VanHorn mentioned a Homeowners Association regarding his proposal for an alternative water supply. Why is there an HOA if not a development?
- m. Mr. Phelps references several plan reviews, however none of them were ones where water supplies were required.
- n. Estimated watermain lengths were reviewed.
- o. Estimated watermain costs were reviewed.
- p. The Township water master plan was reviewed and indicates a watermain is to be provided on 66th Street and 135th Ave.
- q. Over 82,000 feet of watermain has been installed by previous developers; there is nothing unique being requested of this developer.
- r. Similar development from Dunegrass was reviewed.
- s. Allegan County Parcel viewer records were reviewed regarding LLC's.
- t. LARA Corporations records were reviewed regarding LLC's.
- u. It appears Josi VanHorn/Bowdish was the owner of all the parcels, and the developer on paper.
- v. Timeline of delays was reviewed.
- w. The Fire District continues to work with Mr. VanHorn to reach a viable solution, for an approved water supply.
- x. The electric fire pump alternative shows the plans as the 66th Street development.
- y. Requests that the letter dated 1/21/2021 submitted to the BOA, and the PowerPoint become part of the public record.
- z. Clearly IFC 102.5 gives the Fire District express authority to require an approved water supply.
- aa. Chair Miller provided a 1-minute warning.
- bb. It is impossible to ignore the reality of a larger development.
- cc. The Fire District believes they did not misinterpret the code, and IFC 102.5 and 507 do fully apply.
- dd. Thank you.



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- iv. **Presentation by other parties (Limit 3 minutes)**
 1. Chair Miller requested presentations by other parties and offered instructions on how to raise hand in Zoom.
 2. Attorney Mr. Aaron Phelps requested an opportunity to respond.
 3. Chair Miller stated he already gave his presentation, and they would not allow for that.
 4. No other parties requested to present or comment.

- v. **Discussion**
 1. **Beckman**
 - a. Trying to take it all in.
 - b. It looks like a development.
 - c. Feels sympathy for the Bowdish' s.
 - d. Is there any plan by the Township to extend watermain in near future?
 - e. Has the landowner / developer reached out with an alternative plan here?
 - f. It sure looks like a development to me.

 2. **Verplank**
 - a. It looks like a development.
 - b. It acts like a development.
 - c. There are 14 lots in a row that have the same sign.
 - d. All of the lots are for sale by same real estate company.
 - e. I don't know how you can call this not a development.
 - f. Doesn't understand why they wouldn't want fire department to have best chance possible.
 - g. Need to start continuing infrastructure in the Township, and that is something the developer should be working out with the Township.
 - h. This is clearly a development and falls under IFC standards and an approved water supply is required.

 3. **Miller**
 - a. In his mind, it is not the place of the BOA to decide or propose alternative water supplies.
 - b. Has personally reviewed documents for past week or so.
 - c. Codes and ordinances are not perfect and are written by humans.
 - d. Feels terrible for the property owners the Bowdish's.
 - e. Clear from the start, that intention is to create a pond for residential housing.
 - f. Developer noted they would apply for appropriate permits for residential development.
 - g. Developer acknowledged development would be subject to review and that approval by appropriate governing bodies would occur.
 - h. The IFC doesn't limit a development to a subdivision, a plat, or a PUD.
 - i. Reviewed IFC commentary from IFC 102.5.
 - j. There is not an official description of a development.
 - k. Believes this is a deficiency in the Township ordinance that should be addressed and clarified.



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- l. The Fire District has consistently applied over many years the definition of 3 or more houses as a development, and consistently applied the single-family dwelling exemption when they were not part of a development of 3 or more homes.
- m. Believes it is clear that that the fire code official properly applied the IFC as adopted by the Township.
- n. Questions why these requirements were never discussed with the developer.
- o. Two potential factors: one, the previous Zoning administrator failed in his responsibilities to communicate those requirements in 2018. Unfortunately, miscommunicated that Fire District review only related to driveway length, which is simply not true.
- p. Looks forward to the day when no longer dealing with the ramifications of that administrators' decisions.
- q. The Township does have some helpful documents on website relating to site plans.
- r. Recommends that the Township updates ordinances to call out requirements for developments that are not PUDS, and codify what development means.
- s. Sympathizes with the property owner and developer.
- t. Believes failure is on the Township improperly communicating requirements based on the requirements of ordinances and codes they have officially adopted.
- u. It is not the responsibility of the Fire District to compensate for, or fix mistakes of the Township, or the other municipalities it serves.
- v. This BOA also has no authority to waive requirements dictated by the fire code.
- w. The Fire District's responsibility is to follow codes as adopted to ensure adequate protection for residences and business of the community.
- x. Believes the facts find they have done that, and the Fire District's decision should be upheld.
- y. Thank you.

vi. Close Hearing (Roll Call Vote)

Motion by Verplank, 2nd by Beckman to close the public hearing.

YEAS: Verplank, Beckman, Miller

NEAS: None

ABSENT: None

Motion Passes – 3:0

vii. Action by Board

Motion by Verplank, 2nd by Beckman based on the comments and the record presented tonight at this evenings hearing, to uphold the decision of the AHJ, and deny the appeal.

No further discussion.

YAYS – Verplank, Beckman, Miller

NAYS – None

Absent with Notice – None

7. Public Comments: (Limit 3 minutes): Use the "raise hand" button in the participants screen in Zoom or enter *9 if you are calling in by phone to raise hand. You will be recognized and unmuted to speak in the order received.:

A. None



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8. Board of Appeal Member Comments:

Beckman

- a. Feels for the Bowdish's and wishes we can come up with a compromise. Hopeful that something here can happen. Believes watermain should be extended sooner than later.

Miller

- a. Sympathies and thoughts are with the owners, and this should have been resolved a couple years ago in planning mode.

Verplank

- a. Hopes the landowners come up with the best firefighting capabilities possible, everyone deserves to have those.

9. Adjournment:

Motion by Verplank, 2nd by Beckman to adjourn the meeting at 6:52pm. No discussion.

YEAS: Verplank, Beckman, Miller

NEAS: None

ABSENT: None

Motion Passes – 3:0

NOTICE

Request for accommodations or interpretive services must be made 48 hours prior to this meeting.

Please contact Saugatuck Township Fire District at 269-857-3000 for further information.