



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



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

NOTICE OF PUBLIC HEARING

SAUGATUCK TOWNSHIP FIRE DISTRICT FIRE CODE BOARD OF APPEALS HEARING – February 17th, 2025

PLEASE TAKE NOTICE that the Saugatuck Township Fire District Fire Code Board of Appeals (Board of Appeals), Allegan County, Michigan, will hold a public meeting on February 17th, 2025, at the Saugatuck Township Fire District Station located at 3342 Blue Star Highway, Saugatuck, Michigan 49453 beginning at 3:30 p.m. local time. A copy of the agenda for this hearing is available at:

<https://www.saugatuckfire.org/ifc-boa-agendas.html>

PLEASE TAKE FURTHER NOTICE that the public meeting will be held by the Board of Appeals to consider and possibly take action regarding the appeal of 6545 Clearbrook Drive, K & E Ventures, LTD., pursuant to Section 108 of the International Fire Code (2015 edition), as amended (“IFC”), relative to their property at 6545 Clearbrook Drive, Saugatuck Township, Michigan. K&E Ventures, LTD. Has appealed the application of the IFC to their construction project. All interested persons may attend the hearing and comment. In addition, written comments will be accepted by the Board of Appeals up until the time of the hearing.

Public comments will be welcomed during the public comment portions of the meeting with the 3-minute time limit as outlined in the Agenda.

Greg Janik, Fire Chief
Saugatuck Township Fire District
(269) 857-3000

Posted 2/13/2025 – 1:48 p.m.



SAUGATUCK TOWNSHIP FIRE DISTRICT

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Zoom Meeting Info

Meeting ID: **989 3994 2691**

Password: **470712**

One-Touch Weblink:

<https://zoom.us/j/98939942691?pwd=iQZiaAfo0W94Dc2deDxaDNtyfDv4aK.1>

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

In-Person Meeting Location

Saugatuck Township Fire District
3342 Blue Star Highway
Saugatuck, MI 49453

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

3:30pm – February 17th, 2025

AGENDA

1. Call to Order / Roll Call:
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*):
4. Approval of Minutes:
 - A. **February 3rd, 2025 – 6545 Clearbrook Dr – Appeal Follow-Up Hearing**
5. Unfinished Business:
 - A. **Appeal of 6545 Clearbrook Dr., K & E Ventures, LTD.**
 - i. Discussion
 - ii. Review of draft Resolution letter by Andy Gordon of Bloom Sluggett PC.
 - iii. Action by Board (*Roll Call Vote*)
6. New Business:
 - i. **None**
7. Public Comments: (Limit 3 minutes):
8. Board of Appeal Member Comments:
9. Adjournment:

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.



SAUGATUCK TOWNSHIP FIRE DISTRICT

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In-Person Meeting Location

Saugatuck Township Fire District
3342 Blue Star Highway
Saugatuck, MI 49453

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

3:30pm – February 3rd, 2025

DRAFT MINUTES

1. Call to Order / Roll Call: **Meeting called to order by Chair Beckman at 3:30pm.**
PRESENT: J. Verplank, E. Beckman, C. North.
ABSENT: None
Also Present: Chief Greg Janik, D.C. Mantels, W. Bales, and Attorney Randy Schipper.
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*):
Motion by C. North, second by J. Verplank, to approve the agenda as presented. No discussion. Motion passes unanimously by voice vote.
4. Approval of Minutes:
A. January 27th, 2025 – 6545 Clearbrook Dr – Appeal Follow-Up Hearing
Motion by J. Verplank, second by C. North, to approve the minutes of the 1/27/2025 hearing as presented. No discussion. Motion passes unanimously by voice vote.
5. Unfinished Business:
A. Appeal of 6545 Clearbrook Dr., K & E Ventures, LTD.
 - i. Discussion
 - ii. Re-Open Hearing (Chair) (*Roll Call Vote*)
YEAS: Verplank, Beckman, North
NEAS: None
ABSENT: None
Motion Passes – 3:0
 - iii. Presentation by the Applicant or designee. (Limit 5 minutes)
 1. Mr. Schipper read some additional comments and provided a copy of the same that are included in the public record.
 2. Mr. Schipper provided an updated site drawing from CKC architect showing the parking was challenging to fit.
 - iv. Presentation by the Fire Code Official or designee. (Limit 5 minutes)
 1. Chief Janik provided a copy of the survey and easement that was obtained from the Township Zoning Administrator.
 2. The Township Zoning Administrator indicated they will also have to comply with the width and other driveway requirements of the Township.
 3. There is no such thing as fire resistive construction in a residential dwelling and the older legacy is less of a “fire trap” than today’s construction. .
 4. D.C. Mantels provided a copy of the updated site plan received 5 minutes ago showing additional locations for parking that could fit on the latest plan.



SAUGATUCK TOWNSHIP FIRE DISTRICT

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- v. **Presentation by other parties (Limit 3 minutes)**
 - 1. **None**
- vi. **Discussion**
 - 1. **Discussion ensued between the BOA members and Mr. Schipper.**
- vii. **Close Hearing (Roll Call Vote)**
 - Motion by Verplank, 2nd by North to close the public hearing. No further discussion.**
 - YEAS: Verplank, North, Beckman**
 - NEAS: None**
 - ABSENT: None**
 - Motion Passes – 3:0**
- viii. **Action by Board (Roll Call Vote)**
 - 1. **Verplank feels that the fire code does apply and the property needs to comply as they are tearing down the existing dwelling and proposing a new one.**
 - 2. **North agrees with Jane that the code needs to be met and would vote to deny.**
 - 3. **Beckman stated that he agrees that the different points of the appeal are not met. He advised that the Fire District would have it's legal counsel draft up a letter regarding the decision and it would be shared with Mr. Schipper when completed.**
 - 4. **Meeting to review the letter from the attorney will hopefully be just before the next Fire Board meeting at 3:30pm in two weeks.**
- 6. **New Business:**
 - A. None**
- 7. **Public Comments: (Limit 3 minutes):**
 - A. None**
- 8. **Board of Appeal Member Comments:**
 - A. None**
- 9. **Adjournment:**
 - A. Meeting adjourned at 3:56pm.**

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



SAUGATUCK TOWNSHIP FIRE DISTRICT

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DRAFT

02/03/2025 Fire BOA Outline

Randy Schipper for Culver and Karen Lamb, through their LLC, K&E Ventures, Ltd.

We are appealing the refusal of the STFDistrict to allow the existing access to the existing parcel to continue serving that parcel if the old house is replaced with a new house.

The Lambs can legally continue occupying the existing residence with no further approval. But it is unsafe for handicapped persons in their family due to its cramped size, non-fire retardant materials, not being up to current code, and lack of sprinkling.

All the Lambs want to do is replace that firetrap with a house that is handicap accessible, of fire-retardant materials, with sprinkling, and up to current building codes. That is, a much safer house.

You want them to upgrade their driveway to current fire codes if they do that. They cannot create the IFC required turnaround within their parcel. Their architect has tried a number of different layouts and could not come up with one that met the requirements of the IFC and township while still leaving a feasible building footprint for a new ADA compliant residence and parking area.

The STFD report submitted for this meeting identifies a “slanted turnaround” plan as a reasonable accommodation—on the last page of its report. That drawing was an off-the-cuff last ditch attempt by the Lambs’ architect to come up with a workable plan. After Mr. Mantels indicated it may work, the architect went back to see if he could work in the required parking with the handicap ramps with the final layout of the residence. He could not, as shown on the drawing I am providing you today.

If they cannot install an IFC compliant turnaround, we could not widen the driveway throughout the 750 ft easement providing access and could not replace the driveway with one sufficient to meet the 80,000 lb weight-bearing capacity. Because fire trucks would not be able to use it anyway, we would not be able to overcome the objections of the owners of the land on which the driveway sits by convincing a court that those improvements are necessary. Even if we could create an IFC turnaround, we may not be able to convince a court they are

necessary, given the drive has been used for decades without those improvements.

The Lambs have to continue to rely on the fire hydrants for firefighting because they cannot install an IFC compliant turnaround on their land. You have acknowledged that you can cross private property in emergency situations such as presented by a fire, and the neighbors have told us they would have no objection to your doing so. They probably can improve the driveway sufficiently for ambulance use but not for large firetrucks.

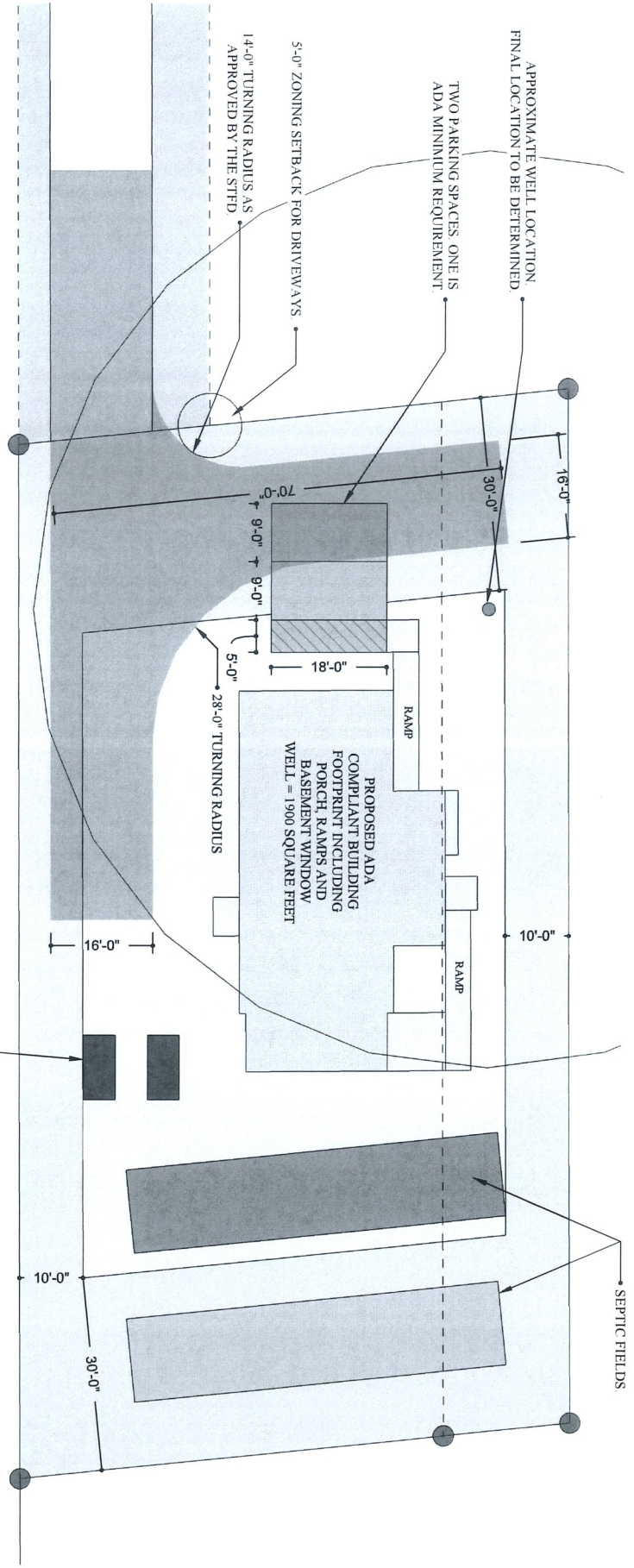
In this situation, the local fire code must give way to the federal Fair Housing Act, as set out in our appeal of December 2, 2024, and our presentation at the hearing of January 27, 2025.

We all agree that emergency access to this property is not up to current codes. However, the Lambs cannot make the fundamental changes you request for a fire truck turnaround at the end of the driveway on their property, and may not be able to make the other requested changes to the driveway. And the Lambs can continue to occupy the existing house without making any changes. An exemption from compliance with the IFC Code would enable them to replace that firetrap with a new, much safer home.

Mr. Mantels raised a rhetorical question at the prior hearing whether the house will be used for short-term rentals, given it is owned by an LLC with that as its identified purpose. It will not. It will be used by Culver and Karen from spring to fall. Their daughters and husbands also use it, as do their nieces and nephews. They do let some close friends use it, mostly without compensation, but some friends do give them a little something in return. That is why their Ohio attorney recommended the LLC. They do not rent it out beyond family and close friends and have no plans to do so.

As I have previously said, our menu is limited. We have *bad*: the Lambs continue to use the unsafe firetrap currently on their property, or *better*: the Lambs replace the existing firetrap with an ADA-accessible home, of fire retardant materials, with sprinkling, and up to current codes. What we don't have on the menu is *perfect*: that they replace the firetrap with a new safer home and replace the existing access with access meeting the IFC and township requirements. They simply cannot do that.

Where “perfect” is not available, the federal Fair Housing Act requires local units of government to accept “better”, a reasonable accommodation that allows a handicapped person to enjoy his or her property as others can. That is what we are seeking by requesting that the Lambs be allowed to replace the existing firetrap with a safer home without having to bring the driveway up to the current requirements of the IFC and township.



PROPOSED RESIDENCE SHALL BE MICHIGAN BUILDING AND AMERICAN DISABILITY ACT COMPLIANT.
 PROPOSED RESIDENCE SHALL BE EQUIPPED WITH AN NFPA 13D SPRINKLER SUPPRESSION SYSTEM.



The Lamb Residence
 6545 Clearbrook Drive
 Saugatuck, MI 49453

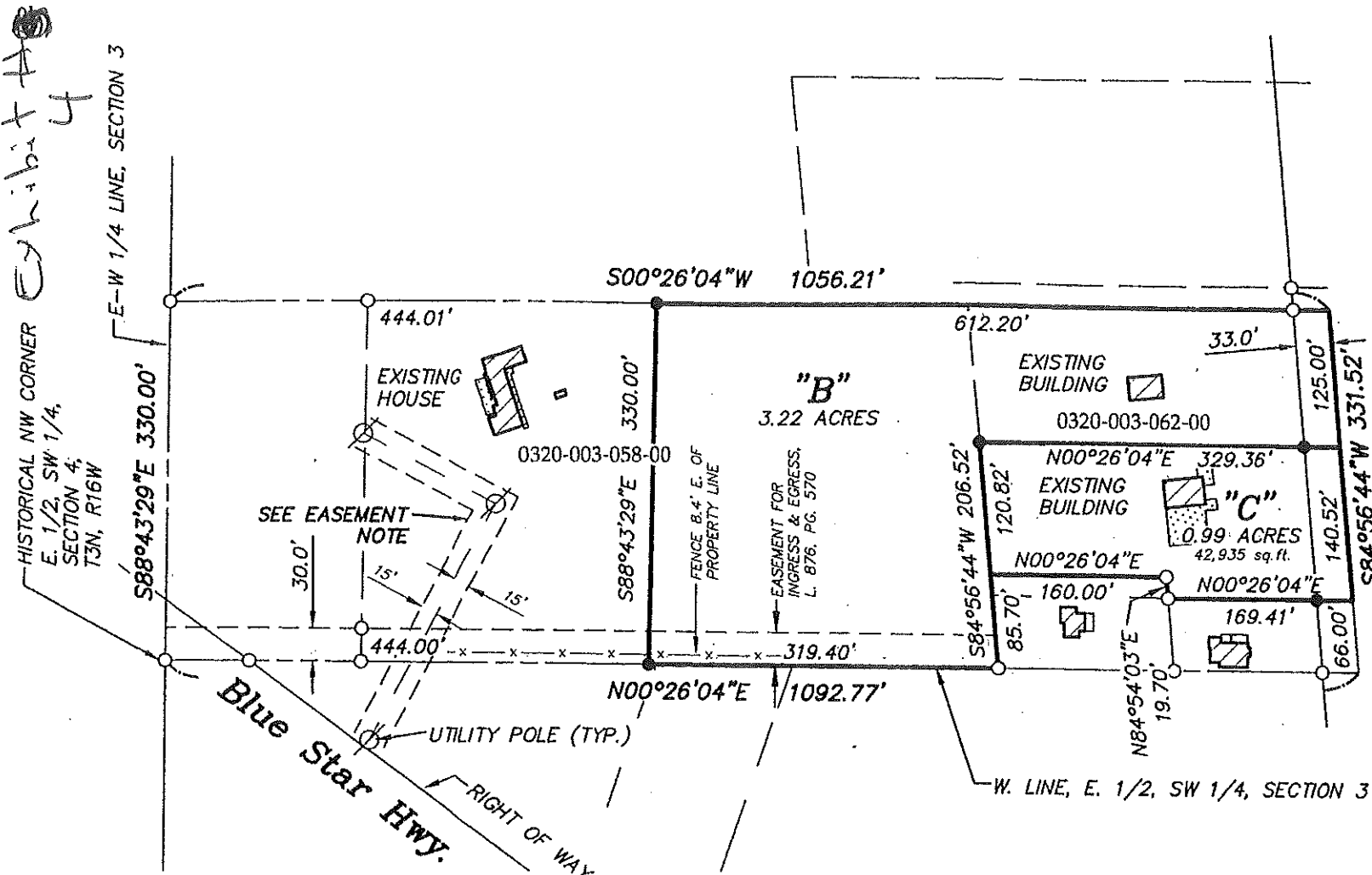
Alternate Hammerhead with Smaller
 Turning Radius

February 3, 2025

PREPARED FOR: Coldwell Banker Woodland Schmidt
 Jeff Wilcox
 P.O. Box 2717
 Douglas, MI 49406

RE: John W. Warner
 6540 Washington Road
 (Blue Star Highway)

PARTIAL DESCRIPTION: Part of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan. (See Sheet 2 of 2 for complete descriptions).



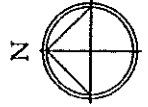
Clearbrook Avenue
 (OLD HOLLAND ROAD)



By: Scott A. Hendges
 Scott A. Hendges Licensed Professional Surveyor No. 47953

EASEMENT NOTE: Easement as shown is per a Partial Release of Easement, (such easement as was granted to Consumers Power Company, now known as Consumers Energy, and recorded in Liber 620, Page 68), as recorded in Liber 3221, Page 736.

Scale 1" = 150'



- = Concrete
- D = Description dimension
- M = Measured dimension
- P = Platted Dimension
- = Set Iron Stake
- = Found Iron Stake
- x— = Fence Line

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

www.nederveld.com

GRAND RAPIDS
 4079 Park East Court
 Grand Rapids, MI 49546
 PHONE: (616) 575-5190

HOLLAND
 347 Hoover Boulevard
 Holland, MI 49423
 PHONE: (616) 393-0449

HUDSONVILLE
 5570 32nd Avenue
 Hudsonville, MI 49426
 PHONE: (616) 669-5190

ANN ARBOR
 944 N. Main St.
 Ann Arbor, MI 48104
 PHONE: (734) 929-6963

rev.: Revised frontage on "B"

date: 6-4-08 CH

project no.: 07200667DSC3.2

date: 4-4-08 CH

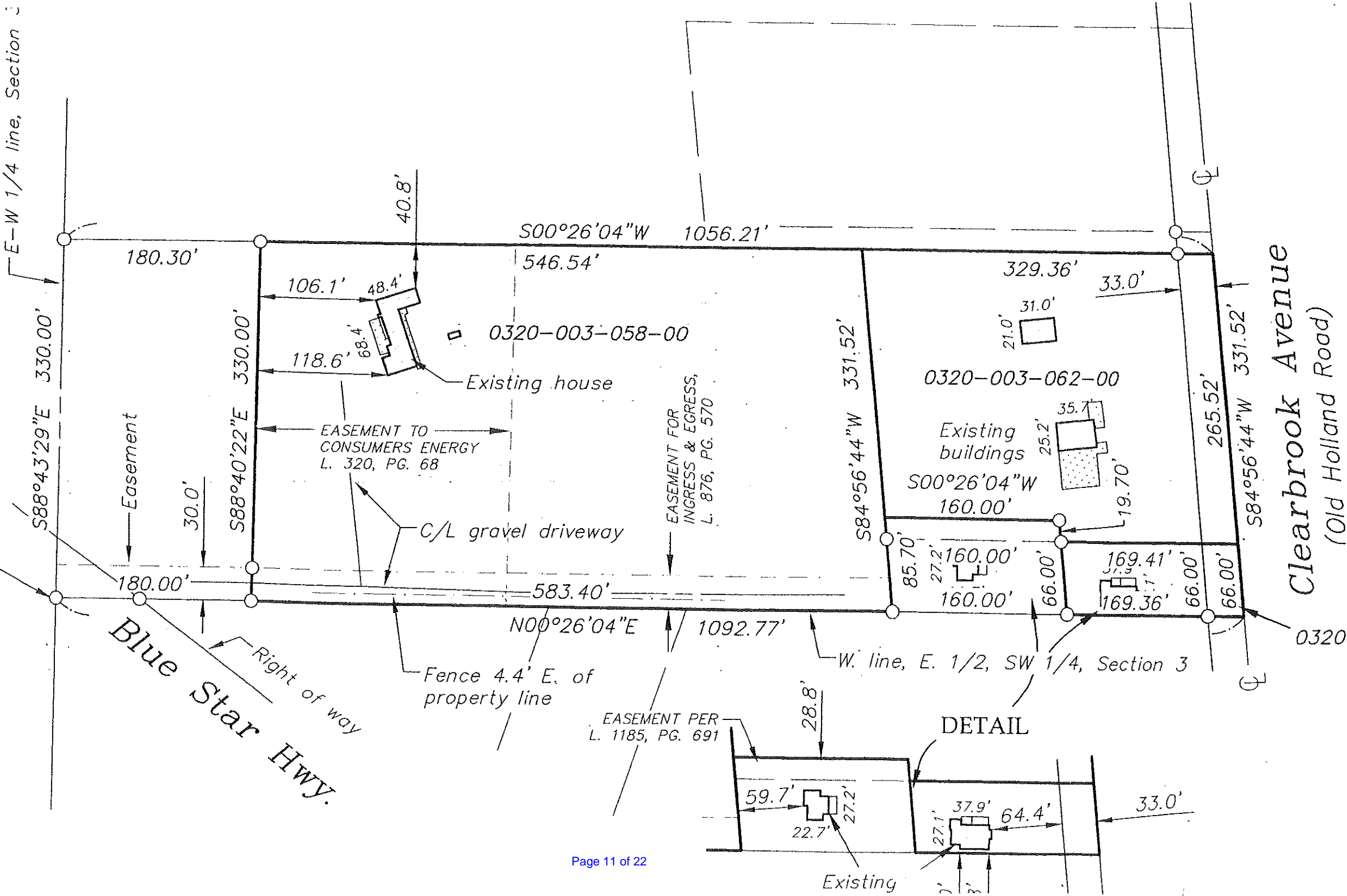
© 2007 Nederveld, Inc.

07200667DSC3H 06/04/08 7:51

Historical NW corner
E. 1/2, SW 1/4,
Section 4,
T3N, R16W

Exhibit #1

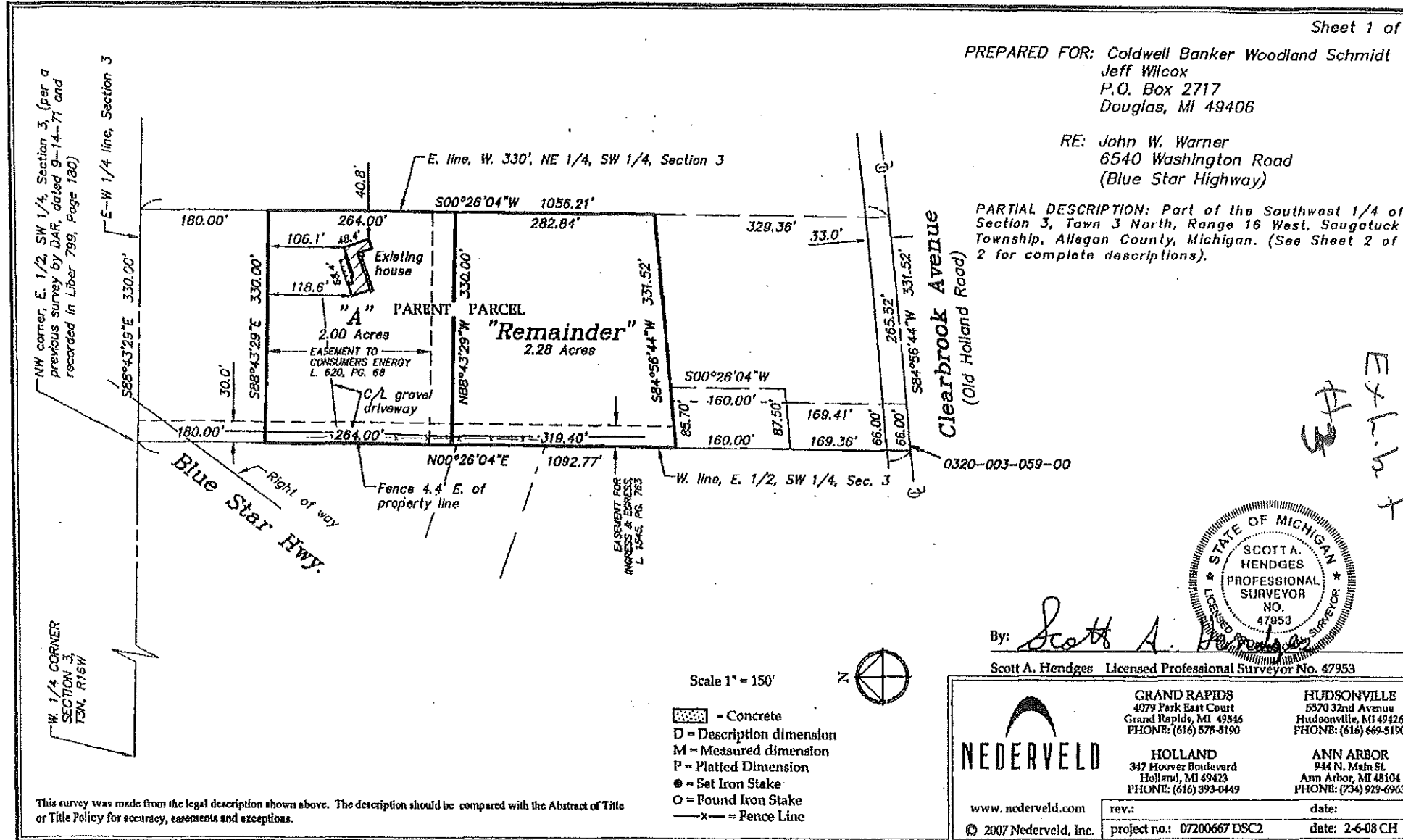
E-W 1/4 line, Section 3



PREPARED FOR: Coldwell Banker Woodland Schmidt
 Jeff Wilcox
 P.O. Box 2717
 Douglas, MI 49406

RE: John W. Warner
 6540 Washington Road
 (Blue Star Highway)

PARTIAL DESCRIPTION: Part of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan. (See Sheet 2 of 2 for complete descriptions).



Handwritten: #5
 EXL-10 X



By: *Scott A. Hendges*
 Scott A. Hendges Licensed Professional Surveyor No. 47953

NEDERVELD

GRAND RAPIDS 4079 Park East Court Grand Rapids, MI 49546 PHONE: (616) 575-5190	HUDSONVILLE 5370 32nd Avenue Hudsonville, MI 49426 PHONE: (616) 669-5190
HOLLAND 347 Hoover Boulevard Holland, MI 49423 PHONE: (616) 393-0449	ANN ARBOR 944 N. Main St. Ann Arbor, MI 48104 PHONE: (734) 929-6963

www.nederveld.com rev.: date:
 © 2007 Nederveld, Inc. project no: 07200667 DSC2 date: 2-6-08 CH

Handwritten signature: *John W. Warner*

All that certain piece or parcel of land situated and being in the Township of Saugatuck, Allegan County, Michigan, and described as follows, to-wit:

THE WEST 330 FEET OF THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST, LYING NORTH OF THE HOLLAND ROAD,

EXCEPT A PARCEL IN THE SOUTHWEST CORNER 85.7 FEET BY 170 FEET.

EXCEPT FOR A PARCEL OF LAND 16 RODS WIDE EAST AND WEST, BY 20 RODS IN LENGTH NORTH AND SOUTH, LYING IN THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIPTION; COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST, RUNNING THENCE EAST ON QUARTER LINE 20 RODS, THENCE SOUTH ABOUT 65 RODS TO THE CENTER OF THE OLD HOLLAND ROAD, THENCE WEST BY ABOUT 18 DEGREES SOUTH ALONG CENTER OF SAID HIGHWAY TO THE EIGHTH LINE, THENCE NORTH ON SAID EIGHTH LINE TO PLACE OF BEGINNING.

ALSO EXCEPT FOR THE SOUTH 160 FEET OF THE NORTH 902.5 FEET OF THE WEST 66 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST; SAID PROPERTY BEING ALSO DESCRIBED AS COMMENCING AT A POINT WHERE THE WEST 8TH LINE OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST, INTERSECTS THE CENTER OF THE OLD HOLLAND ROAD, THENCE NORTH ALONG SAID 8TH LINE 170 FEET FOR THE POINT OF BEGINNING, THENCE NORTHEASTERLY PARALLEL WITH THE CENTER OF SAID HIGHWAY 66 FEET, THENCE DUE NORTH PARALLEL WITH SAID 8TH LINE 160 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER OF SAID HIGHWAY 66 FEET, THENCE SOUTH ALONG SAID 8TH LINE 160 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT FOR COMMENCING AT A POINT WHERE THE WEST EIGHTH LINE OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST INTERSECTS THE CENTER OF THE OLD HOLLAND ROAD, THENCE NORTH ALONG SAID EIGHTH LINE 170 FEET, THENCE EAST PARALLEL WITH THE CENTER OF SAID HIGHWAY 66 FEET TO A POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH PARALLEL WITH THE WEST EIGHTH LINE 160 FEET, THENCE EASTERLY PARALLEL WITH SAID HIGHWAY 19.7 FEET, THENCE SOUTH PARALLEL WITH THE WEST EIGHTH LINE 160 FEET, THENCE WESTERLY 19.7 FEET TO POINT OF BEGINNING.

ALSO EXCEPT THE NORTH ONE-HUNDRED EIGHTY FEET OF THE WEST 20 RODS OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST, ALLEGAN COUNTY, MICHIGAN.

TOGETHER WITH AN EASEMENT OVER THE WEST 30 FEET OF THE NORTH 180 FEET OF THE WEST 20 RODS OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 3 NORTH, RANGE 16 WEST, FOR INGRESS AND EGRESS.

P.P. 0320-003-058-00

SCHEDULE "A"

Charlyne Kimble
Charlyne Kimble

Notary Public, Allegan Co., MI
My commission expires: 11-10-97

Prepared by:
Philip J. Sheridan P27328
SHERIDAN LAW OFFICES, P.C.
62 Center Street
Douglas, MI 49406
(616) 857-2119

49-
49-B

0320-003-058-10K
0320-003-058-10K
0320-003-060-00
0320-003-060-00
3-17-92

WARRANTY DEED

The Grantor(s) JAMES A. LAMB, SR. and DORIS E. LAMB, husband and wife, whose address is 10654 Deerfield Road, Montgomery, Ohio 45242,

convey(s) and warrant(s) to CULVER S. LAMB and KAREN L. LAMB, husband and wife, as tenants by the entireties, whose address is 576 Commonwealth Drive, Cincinnati, Ohio 45244,

for the sum of **TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$27,500.00)**

the following described premises situated in the Township of Saugatuck, County of Allegan, and State of Michigan:

See reverse side for property description.

Grantor, James A. Lamb, is the survivor of himself and Celia M. Lamb; Celia M. Lamb's Death Certificate is recorded in Liber _____, Page _____, REGISTER OF DEEDS ALLEGAN COUNTY, MICH.

Dated this 28 day of Feb, 1992.

Signed in the presence of:

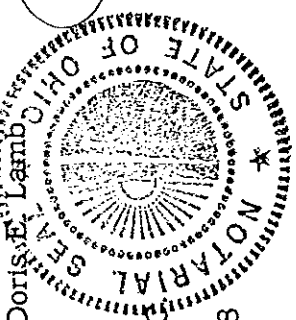
[Signature]
Linda S. La Dow
[Signature]
Joan E. Byrge
STATE OF OHIO)
COUNTY OF Stam)

Signed by:

[Signature]
James A. Lamb
[Signature]
Doris E. Lamb

The foregoing instrument was acknowledged before me this 28 day of Feb 1992, by James A. Lamb and Doris E. Lamb.

Prepared by:
William W. Coupe
✓ COUPE & VAN ALLSBURG, P.C.
P.O. Box 1408
Holland, Michigan 49422-1408



LINDA S. LA DOW
Notary Public, State of Ohio
My Commission Expires Dec. 19, 1995

Tax certification # 13698
obtained from Allegan County
Treasurer prior to recording

The Current Delinquent Return Was
Not Available For Examination

RECORDED
1992 MAR 11 PM 4:08

PARCEL A: The South 160 feet of the North 902.5 feet of the West 66 feet of the East 1/2 of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West; said property being also described as commencing at a point where the West 8th line of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West, intersects the center of the old Holland Road, thence North along said 8th line 170 feet for the point of beginning, thence Northeasterly parallel with the center of said highway 66 feet, thence due North parallel with said 8th line 160 feet; thence Southwesterly parallel with the center of said highway 66 feet, thence South along said 8th line 160 feet to the point of beginning.

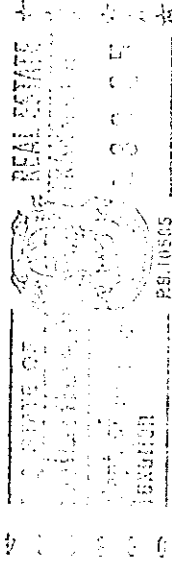
PARCEL B: Commencing at a point where the West eighth line of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West intersects the center of the old Holland Road, thence North along said eighth line 170 feet; thence East parallel with the center of said highway 66 feet to a point of beginning of this description, thence North parallel with the West eighth line 160 feet, thence Easterly parallel with said highway 19.7 feet, thence South parallel with the West eighth line 160 feet, thence Westerly 19.7 feet to point of beginning, Township of Saugatuck, Allegan County, State of Michigan.

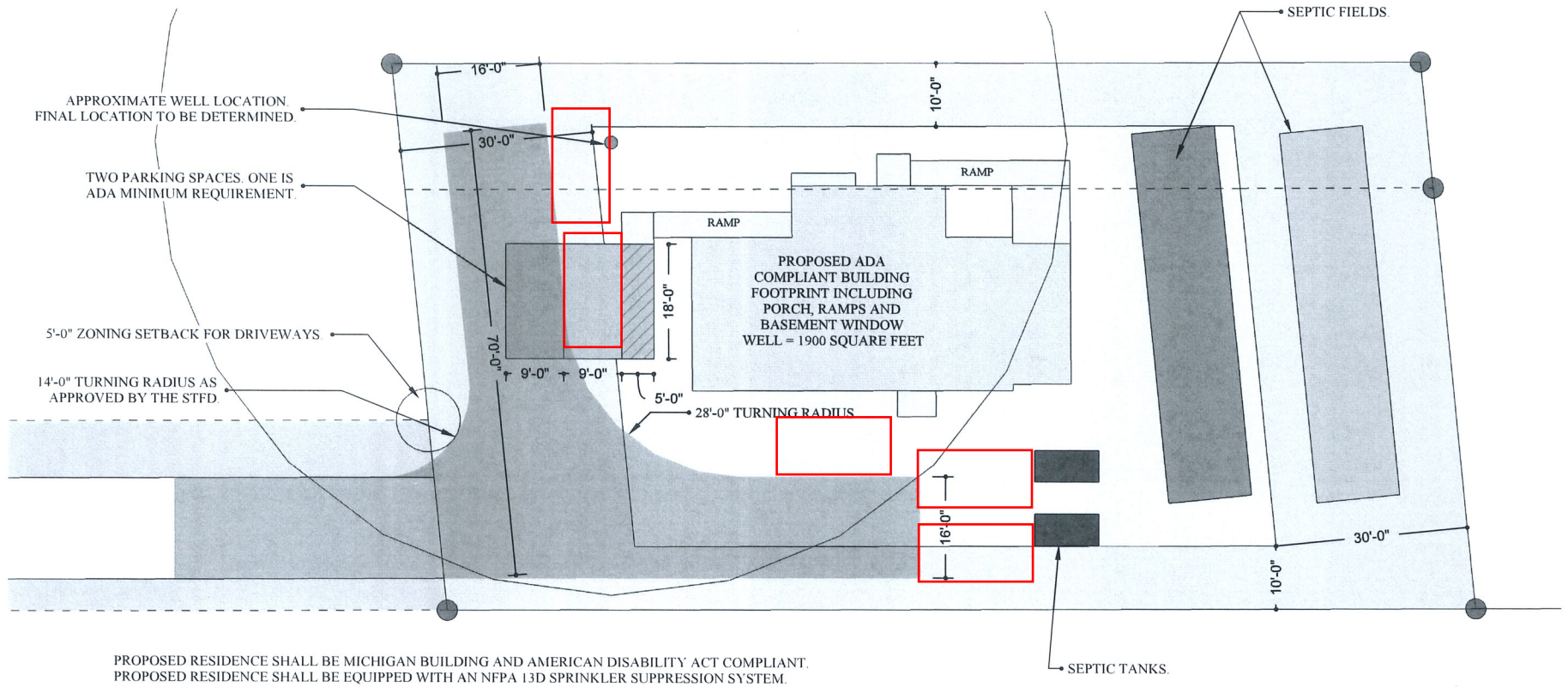
Together with an easement for ingress and egress across the West 30 feet of the North 742.5 feet of the West 20 rods of the East 1/2 of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West. *

Subject to any easements of record and subject to any portion thereof decided or used for street or highway purposes.

*

ALSO an easement in common with others described as commencing at a point where the West 8th line of the Southwest 1/4 of Section 3, Town 3 North, Range 16 West intersects the center of the Old Holland Road; thence North along said 8th line 170 feet, thence East parallel with the center of said highway 66 feet to a point of beginning of this description, thence North parallel with the West 8th line 160 feet, thence Easterly parallel with said highway 19.7 feet, thence South parallel with the West 8th line 160 feet, thence Westerly 19.7 feet to point of beginning.





Red parking spaces added during 2/3/2025 BOA meeting by D.C. Mantels to outline other parking options.



The Lamb Residence
 6545 Clearbrook Drive
 Saugatuck, MI 49453

Alternate Hammerhead with Smaller
 Turning Radius

February 3, 2025

01 of 01

**SAUGATUCK TOWNSHIP FIRE DISTRICT
FIRE BOARD OF APPEALS
ALLEGAN COUNTY, MICHIGAN**

(Resolution No. _____)

At a regular meeting of the Fire Board of Appeals for the Saugatuck Township Fire District held at the Fire District Offices on February _____, 2025 at ____ p.m., this Resolution was offered for adoption by Board of Appeals Member _____ and was seconded by Board of Appeals Member _____:

A RESOLUTION BY THE SAUGATUCK TOWNSHIP FIRE BOARD OF APPEALS DENYING THE APPEAL RELATIVE TO THE PARCEL KNOWN AS 6545 CLEARBROOK DRIVE IN SAUGATUCK TOWNSHIP (PERMANENT PARCEL NO. 20-003-060-00)

1. General Background

This matter dates back to 2020 when the members of K & E Ventures, LLC (the “Property Owner”), Culver and Karen Lamb (the “Lambs”), approached Saugatuck Township (the Township”) about replacing the existing dwelling on property located at 6545 Clearbrook Drive, Saugatuck, MI 49453 (PPN: 20-003-060-00) (hereinafter, the “Subject Property”). The Subject Property is located in the Township and is subject to the Saugatuck Township Code of Ordinances (the “Code of Ordinances”). In January 2022, CKC Architect, LLC, reached out to the Saugatuck Township Fire District (“STFD”) about a preliminary site plan for the Subject Property. Throughout 2022 and early 2023, representatives of the Property Owner exchanged several emails and letters with the STFD concerning issues related to fire-code compliance with the proposed new dwelling for the Subject Property.

On or about June 26, 2023, Culver Lamb filed a formal Building Permit Application with the Township. The Township has adopted the 2015 International Fire Code (the “2015 IFC”) with

certain modifications. Section 16.27 of the Code of Ordinances designates the Fire Chief of the STFD as the “fire code official” for the Township. On July 19, 2023, STFD Deputy Chief Chris Mantels (“DC Mantels”) issued a response letter to the Building Permit Application determining that it was not approved because the Building Permit Application did not comply with the 2015 IFC.

On or about December 2, 2024, the Lambs, on behalf of the Property Owner, filed an Application for Appeal (“Application”) from the determination that the Building Permit Application did not meet the requirements of the 2015 IFC. In an email dated December 20, 2024, Culver Lamb clarified that the Property Owner was appealing the following portions of the 2015 IFC:

- A. IFC 503.2.1 – Fire apparatus access road must be 20’ wide with 13’6” minimum clearance across 20’;
- B. IFC 503.2.3 – The driveway must support 80,000-pound load;
- C. IFC 503.2.5 – Turnaround required for dead-end driveways;
- D. IFC 503.2.7 – Maximum grade is 10%;
- E. IFC 505.1 – The address needs to be changed to Blue Star Highway; and
- F. IFC 3310.1 – Fire apparatus access road installed prior to construction.

On Monday, January 13, 2025, the Board of Appeals conducted an on-site visit to the Subject Property, for which the Property Owner’s counsel, the STFD’s counsel, and STFD Fire Chief Greg Janik were present. On Monday, January 27, 2025, the Board of Appeals conducted a public hearing on the Property Owner’s Application. The public hearing was re-opened and continued at a subsequent meeting of the Board of Appeals on Monday, February 3, 2025. During the public hearing, the Property Owner’s counsel was permitted to introduce arguments and further evidence in support of the appeal, and the STFD staff presented arguments against the appeal. Counsel for the STFD also presented arguments at the meeting on January 27th.

The Board of Appeals acknowledges that the Property Owner has requested an accommodation from this Board under the federal Fair Housing Act (as amended by the Fair Housing Amendments Act) (“FHAA”). Accordingly, this Board of Appeals has also considered the Property Owner’s Application with respect to the standards set forth for a request for a reasonable accommodation under the FHAA.

2. Relevant Saugatuck Township Ordinance Language

As this appeal arises under the 2015 IFC and the Code of Ordinances, the scope of the Board of Appeals’ authority is limited, as follows:

108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive the requirements of this code. [Saugatuck Township Code of Ordinances, § 16-27.]

3. Basis of the Board of Appeals’ Findings

In rendering the Findings and Decision in this Resolution, the Board of Appeals states that it relied upon the documentation included in the meeting packets for the public hearing held on January 27 and February 3, 2025, the documents and arguments from the Property Owner’s counsel at the public hearing during both meetings, the presentation of the STFD staff during the public hearing at both meetings, the comments from the STFD’s counsel during the public hearing on January 27th, and the information obtained and the observations from the on-site visit at the Subject Property on January 13th. All of the foregoing are deemed incorporated herein by reference.

4. Specific Findings of the Board of Appeals

A. Pursuant to Section 16-27 of the Code of Ordinances (cited above), the Board of Appeals acknowledges that it specifically lacks the authority to “waive” any requirement(s) of the 2015 IFC, as those standards have been adopted and modified by the Township. Accordingly, to the extent that the Property Owner is asking the Board of Appeals to waive any requirements of the 2015 IFC, such request to

“waive” said requirements must instead be addressed to an appropriately authorized board or body at the Township (which is a separate and distinct legal entity from the Saugatuck Township Fire District).

- B. The Board of Appeals’ authority is limited to determining questions of the following: (1) whether the 2015 IFC has been incorrectly interpreted, (2) whether the provisions of the 2015 IFC do not fully apply to a property, or (3) whether an applicant has proposed an equivalent method of protection or safety to the 2015 IFC.
- C. The Board of Appeals finds that the provisions of the 2015 IFC (as modified by the Code of Ordinances) apply to the Subject Property in this matter, and the Property Owner has not produced sufficient justification for why (if at all) the provisions of the 2015 IFC do not apply.
- D. The Board of Appeals finds that the Property Owner has admitted that the plans included with its Building Permit Application do not meet the requirements for IFC Sections 503.2.1, 503.2.3, 503.2.5.
- E. The Board of Appeals finds that the Property Owner has not explained nor identified why its proposed Building Permit Application cannot comply with the requirements of IFC Sections 503.2.7 (10% max grade) and 3310.1 (fire access road installed prior to construction).
- F. The Board of Appeals finds that the Property Owner has neither explained nor identified why it cannot comply with the requirement to change the address and signage on the Subject Property to Blue Star Highway, pursuant to IFC Section 505.1.
- G. The Board of Appeals finds that the Property Owner has not sufficiently identified and proposed “an equivalent method of protection or safety” that would adequately address the intent of the 2015 IFC, if not the language of the 2015 IFC.
- H. Because the Board of Appeals is specifically prohibited from waiving any of the requirements of the 2015 IFC, the Board of Appeals believes that any request for a “reasonable accommodation” under the FHAA must be directed to the Township. Nevertheless, to the extent that the Board of Appeals is potentially subject to the requirements to consider requests for FHAA “reasonable accommodations” from the 2015 IFC, the Board of Appeals makes the following additional findings:
 - a. The Board of Appeals does not find that the Property Owner’s request for a reasonable accommodation, pursuant to the FHAA, would grant “equal opportunity” to the disabled individuals identified by the Property Owner. The Board of Appeals has seen insufficient evidence to convince it that the Property Owner’s request for a reasonable accommodation is required to grant an “equal opportunity” to any resident.

- b. The Board of Appeals does not find that the Property Owner’s requested reasonable accommodation is necessary to afford any disabled person the opportunity to enjoy the benefits of the dwelling on the Subject Property. Moreover, the Board of Appeals does not believe there is a nexus between the requested accommodation and the nature of the fire-safety rules from which the Property Owner seeks a “reasonable accommodation.”
 - c. Finally, the Board of Appeals does not find that the Property Owner’s request for an accommodation is in fact “reasonable” under the facts and circumstances presented in this appeal. Specifically, the Board of Appeals believes that granting the Property Owner’s requested accommodation would fundamentally alter the nature of the fire and emergency-medical response services that the STFD provides to properties in the Township—including the Subject Property. Additionally, the Board of Appeals determines that granting the Property Owner’s requested accommodation would pose an unreasonable and unnecessary risk to STFD personnel and property and would potentially expose the STFD to unnecessary forms of liability risk.
- I. The Board of Appeals further finds persuasive the comments and arguments from STFD Chief Janik and DC Mantels, including but not limited to, the following: (1) without the 2015 IFC-mandated improvements to the existing driveway, it would be too dangerous to have STFD fire apparatus access the Subject Property through the driveway, and it would pose an unreasonable risk of damage to such vehicles, or could result in such vehicles getting stuck in the driveway—thus rendering them out of service; (2) requiring STFD fire fighters to access the Subject Property by trespassing across a neighboring property would make it unreasonably difficult for the firefighters to carry a patient and/or stretcher across soft ground to a fire apparatus or ambulance on a neighboring property or public right-of-way; (3) in the absence of the Property Owner obtaining an express easement over a neighboring property to allow emergency-response access to the Subject Property, such access from the neighboring properties could be cut off due to either natural occurrences (e.g., snow accumulation, mud, etc.) or by the neighboring property owners constructing barriers along their property lines (e.g., fences, walls, piles of firewood, etc.) with the Subject Property; and (4) requiring STFD fire fighters to trespass across neighboring properties to access the Subject Property in the event of an emergency would increase the possibility that STFD operations could cause damage to the neighboring properties and thus result in additional liability by the STFD to the neighboring property owners. The Board of Appeals finds these issues pose significant practical challenges to granting the Property Owner’s request for a reasonable accommodation.

5. The Decision of the Board of Appeals

Based on all the above findings, the Board of Appeals denies the Application for Appeal filed on behalf of K & E Ventures, LLC, and the Building Permit Application will have to comply with the requirements of the 2015 IFC, as adopted in amended form by Saugatuck Township.

The vote to adopt the above Resolution was as follows:

YEAS: _____
NAYS: _____
ABSENT/ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Fire Board of Appeals for the Saugatuck Township Fire District at the time, date, and place specified above pursuant to the required statutory and ordinance procedures.

Respectfully submitted,

By: _____
Eric Beckman
Board of Appeals President