

GERRISH TOWNSHIP(GT) ZONING BOARD OF APPEALS (GTZBA) MINUTES

MEETING: ZBA Appeal No. 21.05, Lot 72-004-105-102-0000, 2039 E. Higgins Lake Dr. (Brad & Robyn Cornell).
DATE: Sep 20, 2021.
MEMBERS PRESENT: Mike Briggs, John Klein, Mary Jo Oppy, Barb Stauffer, & Jim Thorburn.
MEMBERS ABSENT: Jim Lippert (Excused).
OTHERS PRESENT: Burkett (Zoning Spec.), & 5 Citizens.
MEETING OPENED: 10:00 a.m. by Chair Thorburn.
PLEDGE TO FLAG: Completed.

REVIEW & APPROVAL OF GTZBA 21.03 MINUTES: Motion by Klein, seconded by Stauffer to ***“approve the minutes of GTZBA-21.04 held Jun 7, 2021.”*** Motion carried (5-0).

WELCOME & COMMENTS: Thorburn provided general comments on the hearing process.

CONFLICTS OF INTEREST: Each Board member re-affirmed they had no conflict of interest in considering this appeal.

COMMUNICATIONS RECEIVED: Two letters were received supporting the variance from neighbors, one from Mr. Wade Alderman, and the other from Mr. & Ms. Bob & Lynn Frye.

APPEAL NO. 21.05: Thorburn read the appeal filed by Brad & Robyn Cornell (owners) requesting a variance to renovate an existing lakeside building approximately 20’ from the highwater mark, in order to add a foundation and modify the roof pitch, thereby raising the building height approximately 26” from its present configuration. In accordance with the Gerrish Township Zoning Ordinance (GTZO), Article 3 (*Zoning Districts, Regulations, and Map*), Table 3-4 (*Site Development Requirements*), Footnotes for Table 3-4, Section 3.a, this structure is nonconforming due to it being within 50’ of the highwater mark, but is considered as a legal non-conforming structure having been built decades ago on a property that is now Zoned R-1 (*Existing Lake Neighborhoods*). Per GTZO, Article 6, Section 6.4.A.1 (*Non-conforming Structures*), “No nonconforming structure may be enlarged or altered so as to increase its nonconformity such as in the case of the building’s height or the cubic content of the building encroaching into a setback, except that in no case shall a building be enlarged or altered if such structure encroaches across a lot line into a right- of -way or easement.” The current building does not have a foundation, its low-pitched roof accumulates debris from surrounding trees, and is in an advanced state of deterioration and disrepair. The applicants just completed building a new residence on this property they recently bought, and intend to use this building for recreation and additional storage. All Board members confirmed they had visited the site and had no conflict of interest. The seven standards and applicant’s written responses were then read into the record. Mr. Brad Cornell (owner/applicant) and Mr. Matt Eichorn (builder) answered questions and discussed the variances requested with the Board. The two letters of communications received from the public were read into the record, both in support of the proposed variance. A neighbor, Mr. Martin McGuire, also provided comments in support of the proposed variance. The open portion of the meeting was then closed and the Board further reviewed the applicant’s responses to the seven standards. Upon review of the applicant’s information, pertinent GTZO Articles, and further discussion, the Board entertained a motion based on considerations that included the following:

- all seven standards were met;
- adding a foundation would satisfy a currently unmet building code;
- the increase in roof height is necessary to accommodate the foundation to be installed that itself is depth-limited due to its proximity to the lake and water table;
- the height increase is the minimal needed to ensure adequate structural integrity and does not impact the lake views from neighboring properties;
- the total footprint of the building will not change;
- the side yard setbacks are within the GTZO standards;
- the grading will ensure water run-off is away from the building and does not slope towards the neighbor's property;
- historical significance of this particular building previously used as a recreational hall for the local area; and
- environmental impact to the lake with respect to installing plumbing within 50' of the lake and its requirement for an additional septic system and drain field that would be required.

A motion was then made by Briggs, and supported by Stauffer as follows:

“Move to approve the variance submitted by the applicants Brad & Robyn Cornell at 2039 E. Higgins Lake Dr., Roscommon, MI 48653 to renovate their existing lakeside structure as proposed to include:

- (1) replacing the front lakeside wall;***
- (2) replacing the foundation; and***
- (3) replacing the roof up to 2' 2" above the current height,***

but not install plumbing, septic system or drain field as this will not meet the seven standards and will comply with the Gerrish Township Zoning Ordinance, Section 6.4.A.1. The submitted plan that is being approved was based on the design prepared by Intelligent Design, LLC., dated Jan 15, 2020.

VOTE RESULTS: Briggs, Klein, Oppy, Stauffer, and Thorburn voted yea for this motion to approve the variance with the specified conditions. Motion carried (5-0).

OTHER BUSINESS: None.

MEETING CLOSED: Meeting closed at 11:19 a.m.

Michael B. Briggs, Secretary

Date Approved