

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

**MEETING:** ZBA Appeal No. 23.06, Lot 72-004-470-007-0000, 6424 E. Higgins Lake Dr., Roscommon, MI 48653 (Mr. & Ms. Ronald & Kathleen Hall).  
**DATE:** Jul 24, 2023.  
**MEMBERS PRESENT:** Mike Briggs, John Klein, Jim Lippert, Jim Thorburn, & Barb Stauffer.  
**MEMBERS ABSENT:** None.  
**OTHERS PRESENT:** Jason Jansen (GT Bldg. & Zoning Administrator [GTBZA]), & 3 Citizens.  
**MEETING OPENED:** 10:00 a.m. by Chair Thorburn.  
**PLEDGE TO FLAG:** Recited.

**AGENDA CHANGES:** None.

**REVIEW & APPROVAL OF GTZBA 23.05 MINUTES:** Motion by Klein, seconded by Stauffer to ***“approve the minutes of GTZBA-23.05 held Jun 12, 2023.”*** Motion carried (5-0).

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

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

**COMMUNICATIONS RECEIVED:** None.

**APPEAL NO. 23.06:** Thorburn opened the hearing and reviewed the appeal filed by Mr. & Ms. Ronald & Kathleen Hall, owners/applicants for their property at 6424 E. Higgins Lake Dr., Roscommon, MI 48653 (Parcel No. 72-004-470-007-0000). They appeared before the GTZBA along with their builder Darrel Hall (Hall Construction) to request a 9’ 6” side-yard setback variance to construct a 28’ x 36’ attached garage. Per the GT Zoning Ordinance (GTZO), Article 3 (*Zoning District Regulations and Map*), Table 3-4 (*Site Development Requirements (R-2, Low Density Residential)*), the required side-yard setback is 20’. The proposed setback is 10’ 6”, deficient by 9’ 6”. The Seven Standards and the applicant’s written responses were read into the record. No communications were received. The applicants and builder answered questions and discussed the variance requested with the Board. No Public comments were made. All members confirmed they visited the site prior to this meeting, with the exception of Lippert whom was shown pictures of the property and proposed build site at this meeting. The open portion of the meeting was then closed and the Board further reviewed the owner’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:

- The applicants purchased the residence with its current footprint. The south side is the only reasonable area to construct the garage as the north side of their residence has a steep sloping terrain, and the east side (back yard) has two drain fields which present practical difficulties, thereby satisfying Standards 1 & 2;
- The applicants have lived in their residence for years and now have health and safety concerns as they approach retirement that necessitate the need for a garage to facilitate their safety accessing their residence during the winter months with snow and ice, thereby satisfying Standards 4 & 6;

- The proposed construction is consistent in design and is harmonious with the neighboring residences, thereby satisfying Standard 5;
- The actual side-yard setback would be deficient by less than 8' due to a correction in the site plan plot with respect to the south side property line and a permitted 1' roof overhang; and
- This property is approximately 31,000 square feet with a 125' wide lot in an R-2 Zoned District with a 20' side-yard setback requirement across the street from residences that are in a R-1 Zoned District with an 8' side-yard setback requirement. R-2 Zoned properties in the Township are usually more than 40,000 square feet and much broader lots. The lot widths and building separations of the neighboring residences with this residence/property on its side of the street are similar with the neighboring residences on the other side of the street that are in a R-1 Zoned District. Hence, the proposed construction side-yard setback would appear consistent with all the local housing on both sides of the street, and would in fact meet the set-back requirements of the houses across the street in a R-1 Zoned District.

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

***“Move to approve the requested variance up to 9’ 6” side-yard setback from the south property line as requested by the owners/applicants Mr. & Ms. Ronald & Kathleen Hall for their property located at 6424 E. Higgins Lake Dr., Roscommon, MI 48653 (Parcel No. 72-004-470-007-0000) as submitted in their application (dated Jun 27, 2023) based on the findings contained in the minutes of Jul 24, 2023 as it meets all Seven Standards.”***

Klein, Lippert, Stauffer, and Thorburn voted yea, and Briggs voted nay. Motion carried (4-1). The applicant was notified and given a formal letter of this decision and was informed of the steps others can take to appeal this decision if desired.

**PUBLIC COMMENT:** None.

**OTHER BUSINESS:** None.

**MEETING CLOSED:** A motion was made by Thorburn, and supported by Briggs to adjourn meeting. Motion carried (5-0). Thorburn closed meeting at 10:55 a.m.

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Michael B. Briggs, Secretary

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Date Approved