

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

MEETING: ZBA Appeal No. 23.08, Lot 72-004-561-008-0000, 326 Madison Ave., Roscommon, MI 48653 (Pamela & Steven Woodworth).

DATE: Aug 28, 2023.

MEMBERS PRESENT: Mike Briggs, Mary Jo Oppy, Jim Thorburn, & Barb Stauffer.

MEMBERS ABSENT: Jim Lippert.

OTHERS PRESENT: Jason Jansen (GT Bldg. & Zoning Administrator [GTBZA]), & 2 Citizens.

MEETING OPENED: 10:02 a.m. by Chair Thorburn.

PLEDGE TO FLAG: Recited.

AGENDA CHANGES: None.

REVIEW & APPROVAL OF GTZBA 23.07 MINUTES: Motion by Oppy, seconded by Stauffer to "*approve the minutes of GTZBA-23.07 held Aug 14, 2023.*" Motion carried (4-0).

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: Two letters of communication were received from the following residents and neighbors: M/M Seward; and Robert Surdock, both opposed to the variance requested.

APPEAL NO. 23.08: Thorburn opened the hearing and reviewed the appeal filed by Mr. & Ms. Steven & Pamela Woodworth, owners/applicants for their property at 326 Madison Ave., Roscommon, MI 48653 (Parcel No. 72-004-561-008-0000). They appeared before the GTZBA to request a 1,030 square feet (sqft) variance to build a 1,440 sqft (30' x 48') pole barn. Per the GT Zoning Ordinance (GTZO), Article 20 (*Supplemental Provisions*), Section 8 (*Accessory Uses, Buildings, and Structures*), Paragraph E (*Area & Lot Coverage*), for a property 25,000 sqft or less; the total footprint area of all accessory structures is limited to the ground floor area of the dwelling, but not to exceed 2,000 sqft. Their property consists of multiple small adjacent individually zoned lots. If the variance was approved, they would apply to the GT Board of Commissioners to combine all these lots into one, totaling 24,120 sqft. Their existing dwelling is 506 sqft, and existing shed is 96 sqft. Hence, the maximum allowed footprint of an additional accessory structure is 410 sqft, thereby deficient by 1,030 sqft. The Seven Standards and the applicant's written responses were read into the record. The two letters of communications received were read into the record. The applicants 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. The open portion of the meeting was then closed and the Board further reviewed the owner's responses to the Seven Standards. Thorburn called for a 5-minute recess at 11:25 and resumed at 11:30. 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 property with the current dwelling, shed and the multiple adjacent lots that are zoned individually. They seek to combine all the individually zoned lots as one lot that totals 24,120 sqft if this variance is approved;

- There are already safety concerns that currently exist with this property, as they have received written notification from GT that Fire Trucks cannot access it directly from Madison Ave. Adding another building now without corrective action being taken to rectify the current emergency vehicle access limitations increases the safety concerns. The size of the proposed pole barn with respect to their dwelling (~3x larger) does not conform with the neighboring residences. The size differential would contribute to changing the appearance of the neighborhood that is not deemed consistent with the GTZO that was developed to support the GT Master Plan. Hence it does not satisfy Standards 4 and 5;
- The current dwelling is a legal non-conforming building almost half the footprint of the minimum allowed to be built in GT. The applicants have a sufficient amount of property to allow them to increase their dwelling footprint to a size that would enable them to build an accessory structure within GTZO standards that is even larger than the current requested variance. Their reason for not doing so now is economic which is not justification alone for granting a variance in accordance with the Michigan state codes; and
- The purpose of the pole barn is to provide indoor storage for their vehicles (e.g., pontoon, kayaks, golf cart, and other things). They currently use a temporary tent shelter for the pontoon during the summer months and want to avoid transporting their pontoon down state during the winter months. There are other alternatives for storing their boat in local rental storage units, and/or building a small permanent accessory structure within GTZO standards that would still fulfill their stated need. As stated by the applicants, “the compliance to the site development requirements would not prevent owner from using the property or be a burden.” They can build a small permanent accessory structure now that meets the zoning requirements to house their pontoon and additional items. Hence, it does not satisfy Standards 6 and 7.

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

“Move to deny the requested 1,030 square foot variance to build a 1,440 square foot (30’ x 48’) pole barn as proposed by the owners/applicants Pamela & Steven Woodworth for their property located at 326 Madison., Roscommon, MI 48653 (Parcel No. 72-004-561-008-0000) as submitted in their application (dated Jul 24, 2023) based on the findings contained in the minutes of Aug 28, 2023 as it does not meet Standards 4, 5, 6, & 7 of the Seven Standards.”

Briggs, Oppy, Stauffer, and Thorburn voted yea, and no one vote nay to deny the variance request. Motion carried (4-0). The applicant was notified and given a formal letter of this decision, and was informed of the steps they can take to appeal this decision if desired.

PUBLIC COMMENT: None.

OTHER BUSINESS: None.

MEETING CLOSED: A motion was made by Briggs, and supported by Stauffer to adjourn meeting. Motion carried (4-0). Thorburn closed meeting at 11:40 a.m.