

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

**MEETING:** ZBA Appeal No. 23.09, Lot 72-004-001-021-0140, 55 W. Federal Hwy., Roscommon, MI 48653 (James Witt – Jim’s Collision).  
**DATE:** Aug 28, 2023.  
**MEMBERS PRESENT:** Jim Barnwell, Mike Briggs, Mary Jo Oppy, & Barb Stauffer.  
**MEMBERS ABSENT:** John Klein (Excused), Jim Lippert, & Jim Thorburn (Excused).  
**OTHERS PRESENT:** Jason Jansen (GT Bldg. & Zoning Administrator [GTBZA]), & 1 Citizen.  
**MEETING OPENED:** 10:03 a.m. by Acting Chair Briggs.  
**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-23.08 held Aug 28, 2023.”** Motion carried (4-0).

**WELCOME & COMMENTS:** Acting Chair Briggs 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:** No letters of communication were received.

**APPEAL NO. 23.09:** Briggs opened the hearing and reviewed the appeal filed by Mr. James Witt, owner/applicant (Jim’s Collision) for the property at 55 W. Federal Hwy., Roscommon, MI 48653 (Parcel No. 72-004-001-021-0140). He appeared before the GTZBA to request a 27’ 1.25” front yard setback variance to construct a 60’ x 56’ addition to his existing legal non-conforming auto & boat repair facility (Jim’s Collision). Per the GT Zoning Ordinance (GTZO), Article 3 (*Zoning Districts, Regulations, and Maps*), Table 3-4 (*Site Development Requirements*), C-2 (*General Commercial*) the required front yard setback is 45’. The front yard setback of the current structure is 17’ 10.75”, thereby deficient by 27’ 1.25” and thus non-conforming. In accordance with Section 6.4A1 (*Nonconforming Structures*) “No nonconforming structure may be enlarged or altered...easement.” The GTZO also requires that this project undergo a Site Plan Review to be conducted and approved by the GTPC. On Apr 14, 2022, Co-owners of Jim’s Collision appeared before the GT Planning Commission (GTPC) to present their proposed addition for a Sketch Plan Review as part of the Site Plan Review process. The GTPC determined that the requested variance would have to be obtained from the GTZBA as one of the prerequisites for their Site Plan approval. Hence, the GTPC recommended that the applicant get a determination from the GTZBA before submitting a formal Site Plan. The Seven Standards and the applicant’s written responses were read into the record. No letters of communications received. The applicant 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. 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 proposed addition would be attached to the north end of the current structure, flush with the face of the building, and with the current front yard setback, except for a portion of the

addition's northeast corner that would have a slightly reduced setback due to the curvature of W. Federal Hwy. The original plan had the addition attached and set back a few feet from the front of the existing building to maintain the present setback distance and account for the road curvature. This design was changed for building space and practicability, as well as to preserve the architectural aesthetics. Hence, Standards 1 & 4 are satisfied;

- The location of the proposed addition includes the following practical difficulties: locations of the existing of the building, septic system, and well; triangular lot shape and size; and major power line that runs across the lot. Hence, Standard 1 is satisfied;
- The current property has been owned and operated by the applicant for over 40 years. It met the setback standards when it was built. Hence, Standards 2 & 3 are Satisfied.
- The owners want to expand their business after 40 years to meet the demands of the local community, that include a more robust boat repair service. Strict compliance with the GTZO would impact their ability to leverage their current capacity to achieve their desired goal in a viable manner. Hence, Standard 6 is satisfied.
- The current and proposed addition are in line with the current setbacks of the existing neighboring properties. The current road easement for this property was increased decades ago to 200' when W. Federal Hwy. was designated as a Business Loop to US I-75, even though the road width was never changed, nor expected to be changed in the near future. This is the only road in GT that with a road easement greater than 65', and exists for a small section of road on the edge of the township. The proposed addition would not affect views from the south (wooded area) that are in another township, or to the north adjacent property on the same side of the street (owned by the applicant as a separate property). It also does not affect traffic flow or present a safety hazard to the surrounding area. Hence, Standards 4, 5, & 7 are satisfied.

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

***“Move to approve the requested 27’ 1.25” front yard setback variance as proposed by the owner/applicant James Witt (Jim’s Collision) for the property located at 55 W. Federal Hwy., Roscommon, MI 48653 (Parcel No. 72-004-001-021-0140) as submitted in the application (dated Aug 30, 2023) based on the findings contained in the minutes of Oct 16, 2023 as it meets all of the Seven Standards.”***

Barnwell, Briggs, Oppy, and Stauffer voted yea. Motion carried (4-0). The applicant was notified and given a formal letter of this decision, and was informed of the steps someone 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 Oppy to adjourn the meeting. Motion carried (4-0). Briggs closed meeting at 11:05 a.m.

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Mary Jo Oppy, Acting Secretary

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Date Approved