

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

MEETING: ZBA Appeal No. 21.03, Lot 72-004-022-007-0120, 133 Kennedy Trail, (James Clarke). *Meeting held in person and virtually with Microsoft Teams, audio only. Phone #: +1 269-218-1875, Phone Conf. ID: 607 037 041#.*

DATE: Apr 19, 2021.

MEMBERS PRESENT: Mike Briggs, Jim Lippert, Jim Thorburn (Virtually) & Barb Stauffer.

MEMBERS ABSENT: John Klein (Excused).

OTHERS PRESENT: Jason Jansen (Bldg. & Zoning Adm.), Brenda Burkett (Zoning Spec.), Kathleen Patchin (GT Clerk) & 3 Citizens.

MEETING OPENED: 10:00 a.m. by Acting Chair Briggs.

PLEDGE TO FLAG: Completed.

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

REVIEW & APPROVAL OF GTZBA 21.02 MINUTES: Motion by Stauffer, seconded by Lippert to *“approve the minutes of GTZBA-21.02 held Mar 22, 2021.”* Motion carried (4-0).

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

COMMUNICATIONS RECEIVED: Two communications were received from neighbors, both in support of the variance request; a letter from Herbert Weatherly, and an email from Richard Arnold & Paul Burbage. No other comments were received in opposition of the request.

APPEAL NO. 21.03: Briggs read the appeal from Mr. Clarke (owner/applicant) requesting a variance to construct a 26' x 28' master bedroom/bathroom addition to the south side of his existing dwelling on a waterfront lot in a R-1 zoned district that is set back 68' from the high-water mark at its closest point to the water. The Gerrish Township Zoning Ordinance (GTZO) Article 3 (*Zoning Districts, Regulations, and Map*), Footnote for Table 3-4(3a), (*Site Development Requirements*) specifies that in the case of a waterfront lot in the R-1 or R-1A District, the required front yard setback for a lot shall be 50' from the ordinary high-water mark except that where these exists one (1) or more dwellings on the waterfront sites located on one (1) or both sides of such lot, and where such dwellings are within 100' of such lot, the required setback shall be the average setback of such existing dwellings... In this case the average setback of the two neighboring properties is 80' (75' and 85' for the northern and southern properties, respectively) which would be deficient by 12' per the GTZO. The setbacks of his existing house are 67' and 59' 7" from its northern and southern corners, respectfully, due to the angle of the shoreline with respect to his 66' wide rectangular-shaped lot from the rear of his property to the lakefront. The existing rectangular-shaped house is angled slightly on the property from the northwest to the southeast with its front to parallel the shoreline. It is also an existing legal non-conforming building due to its rear northern most point being only 3' 6" from the north property line, thereby 2' 6" deficient from the minimum 6' side-yard setback limit per Footnote 6 of the above referenced GTZO Article. Briggs, Lippert, and Stauffer confirmed that they conducted a site visit prior to this meeting, and Thorburn confirmed he reviewed on-site pictures from Briggs' site visit on Apr 18, 2021. The seven standards and applicant's written responses were then read into the record. The applicant answered questions and discussed the variance requested with the Board. The two letters of communication

received were read into the record. No other comments or communication were received from the public. 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;
- the addition is set back from the front of the house (lakeside) and in parallel with the angled shoreline (i.e., not perpendicular with the property lines), consistent with the front edge of the buildings on the neighboring properties, and further than 50' from the lake front;
- the design architecture of the addition is harmonious with the neighboring buildings; and
- though the building is an existing legal non-conforming building due to a slight side-yard setback deficiency, the addition will be constructed within the setback limits on the opposite side and be within the allowed total footprint for its lot size.

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

“Move to approve the variance submitted by the applicant James Clarke at 133 Kennedy Trail, Roscommon, MI as requested to build a 26' x 28' addition to the south side of his house as it meets the seven standards. The submitted plan that is being approved was based on a survey conducted by on Dec 30, 2020 by BK Surveying LLC, and the Design Planned prepared by Brian Neeper Architecture dated Feb 15, 2021.”

VOTE RESULTS: Briggs, Lippert, Thorburn, and Stauffer voted yea for the motion to approve the variance. Motion carried (4-0).

OTHER BUSINESS: None.

MEETING CLOSED: Motion by Thorburn, seconded by Lippert to ***“adjourn the meeting.”*** Motion carried (4-0). Meeting closed at 11:05 a.m.

Michael B. Briggs, Secretary

Date Approved