



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

MEETING: ZBA Appeal No. 22.02, Lot 72-004-611-044-0000, 108 Frostie Lane, Roscommon, MI 48653 (Dennis & Pauline Reinert).
DATE: Feb 28, 2022.
MEMBERS PRESENT: Mike Briggs, John Klein, Jim Lippert (Excused at 12:30 p.m.), Mary Jo Oppy, & Barb Stauffer.
MEMBERS ABSENT: Jim Thorburn (Excused).
OTHERS PRESENT: Brenda Burkett (Zoning Spec.), Jason Jansen (Bldg. & Zoning Adm.) & 5 Citizens.
MEETING OPENED: 11:10 a.m. by Acting Chair Briggs.
PLEDGE TO FLAG: Completed.

WELCOME & COMMENTS: 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: Nine letters of communications, all in support of the variances requested, were received from the following people (all neighbors): Cynthia Boyd; Jeff & Doreen Byrnes; Rick Byrnes; Terry & Laura Coveart; Susan & David Emmett; David Idziak & Tracy Bianco; Larry & Carol Krause; Greg & Josie Trozak; and the Board of Directors of the Sunrise Heights Subdivision Association.

APPEAL NO. 22.02: Briggs read the appeal filed by Mr. & Ms. Dennis & Pauline Reinert, applicants and owners of the property at 108 Frostie Lane, Roscommon, MI 48653 (Parcel No. 72-004-611-044-0000) who appeared before the GTZBA to request variances to extend the roof line of their existing deck by 11', and rebuild a 24' x 24' detached garage on the existing footprint due to its foundation failing. A variance is required due to the fact of the property being in an R-1 Zoning District which allows lot coverage of 25% as illustrated in Article 3, Table 3-4 (*Site Development Requirements*) of the GT Zoning Ordinance (GTZO). The current lot coverage is 31% being 6% over lot coverage; with the garage being a nonconforming structure, as stated in Article 6 (*Nonconforming Lots, Uses, and Structures*), Section 6.4(2) (*Nonconforming Structures*). "Should a nonconforming structure be destroyed by any means to an extent of more than fifty (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance ..." Extending a roof over the existing deck on the cabin will add cubic content to a nonconforming structure due to more than 25% lot coverage, Article 6, Section 6.4(2). The garage sits on the side of hill with the slope perpendicular to the garage door entry. Its condition has deteriorated over the years and according to builders presents a significant problem trying to repair by jacking it up or temporarily moving it to replace the foundation, and then trying to adequately repair the current structure at the ground level to prevent future leaks. All Board members confirmed they had visited the site and had no conflicts of interest. All correspondence communication received (see above) were read into the record, followed by the Seven Standards and the applicants' written responses for both the roof extension and garage rebuild. The applicants answered questions and discussed the variances requested with the Board. Public comments were made by neighbors Mr. Derrick Long and Mr. Santino Morga, who were opposed to the variances. The open portion of the meeting was then closed and the Board further reviewed the applicant's responses to the Seven Standards and discussed zoning criteria with Mr. Jason Jansen and Ms. Brenda Burkett of the GT Building & Zoning Office. Upon review of the applicant's information, pertinent GTZO

Articles, communications received, and further discussion, the Board entertained a motion based on considerations that included the following:

- The total footprint of the existing buildings (garage, house and deck) is greater than 31% of the entire lot;
- Extending the roof line is within the building footprint and setback standards, and does not increase the percentage with respect to the entire lot, however, it does increase the cubic content of the building;
- There are no practical difficulties with respect to this particular parcel of land extending the roof line and thereby it does not meet Standard #1;
- Though extending the roof line would provide a cosmetic improvement and prevent some of the deck from sun damage. It does not meet Standard #6 as the applicants have used the property for years and would not unreasonably prevent them from using the property in the future. The applicants even stated this in their written response to Standard #6 in their application. Uncovered decks are not the uncommon, can be treated to ward against sun protection, and in this case, the extended roof would not cover all of the deck;
- Rebuilding the garage on the same footprint satisfies all Seven Standards;
- The garage foundation is deteriorating on a sloping hill that is becoming a safety hazard to the old building structure that itself requires repairs that would be costly and difficult to do construction wise due to the topography and current building condition, compared with a complete rebuild. And ultimately, it still would not solve the problem in the long term;
- The current buildings on the property existed years before the GTZO Articles of concern were adopted; and
- Rebuilding the garage on the same footprint does not increase the nonconformity, and is within setback standards. Rebuilding it to a size that conforms to the GTZO total lot use percentage would result in a significant size reduction that would render it unusable as a garage.


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

“Move to deny the variances as submitted by the owners Mr. & Ms. Dennis & Pauline Reinert, for the property located at 108 Frostie Lane, Roscommon, MI 48653 (Parcel No. 72-004-611-044-0000) to extend the roof line of their existing deck as it does not meet the Seven Standards number 1 & 6, but approve the variance to rebuild the 24’ x 24’ detached garage on the existing footprint as submitted and has met all Seven Standards.”

VOTE RESULTS: Briggs, Klein, Oppy, and Stauffer voted yea for this motion to approve the variances, no one voted nay. Motion carried (4-0). The applicants were notified and given a formal letter of this decision. They were also informed of the steps to appeal this decision if they or anyone else desires to do so.

OTHER BUSINESS: None.

MEETING CLOSED: Meeting closed at 1:32 p.m.



Michael B. Briggs, Secretary



Date Approved