

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

MEETING: ZBA Appeal No. 22.07, Lot 72-004-611-044-0000, 108 Frostie Lane, Roscommon, MI 48653 (Dennis & Pauline Reinert).
DATE: Aug 15, 2022.
MEMBERS PRESENT: Mike Briggs, John Klein, Jim Lippert, Jim Thorburn & Barb Stauffer.
MEMBERS ABSENT: None.
OTHERS PRESENT: Brenda Burkett (Zoning Spec.), Jason Jansen (Bldg. & Zoning Adm.) & 6 Citizens.
MEETING OPENED: 10:02 a.m. by Chair Thorburn.
PLEDGE TO FLAG: Completed.

REVIEW & APPROVAL OF GTZBA 22.05 MINUTES: Motion by Stauffer, seconded by Lippert to ***“approve the minutes of GTZBA-22.05 held Jul 18, 2022.”*** Motion carried (5-0).

WELCOME & COMMENTS: 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: Nine letters of communications previously noted in the GTZBA 22.02 Minutes supported the variances requested, and one letter opposed to the variance were re-read into the record. One letter was received from the Mr. Scott Hess of Hess, Hess & Daniel, P.C. Law Office representing Gerrish Township (dated Mar 23, 2022) that provided a legal interpretation of the relevant GT Zoning Ordinance (GTZO) Articles pertaining to this appeal.

APPEAL NO. 22.07: The Roscommon County Circuit Court has remanded a prior GTZBA (22.02) matter back to the GTZBA for a clarification hearing before the GTZBA regarding a request to extend the roof line of Mr. & Ms. Dennis & Pauline Reinert’s existing deck by 11’, located at 108 Frostie Lane, Roscommon, MI 48653 (Parcel No. 72-004-611-044-0000). Two variance requests were considered during GTZBA 22.02 held on Feb 28, 2022; one for a demo and rebuild of their garage which was approved and since completed, and the other to extend the roof line over their existing deck, which was denied. The Meeting Minutes (approved on Mar 14, 2022) are on record with the Gerrish Township Building & Zoning Office and electronically on the Gerrish Township website.

Thorburn read the appeal filed by the Reinerts who appeared before GTZBA. 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 GTZO. The current lot coverage is 31% being 6% over lot coverage, and is thereby nonconforming. 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 6.1. All Board members reconfirmed 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. The applicants answered questions and discussed the variance requested with the Board. Public comments were made by neighbors Mr. Derrick Long (did not support) and Mr. Jeff Brynes as President of the Sunrise Heights Subdivision Association and representing himself (support) in reference to the variance. 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, GTZBA 22.02 Meeting Minutes held on Feb 28, 2022, pertinent GTZO Articles, communications received, and further discussion, the Board entertained a motion based on considerations that included the following:

- 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;
- It does not meet the intent of the GTZO and thereby is does not meet Standard #4; and
- 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 without an extended roof line. Not having the this would not unreasonably prevent them from using the property in the future. Uncovered decks are not uncommon and there are several in their neighborhood. They can be treated to ward against sun protection, deck furniture with umbrellas can be used as an alternative, and in this case, the extended roof would not cover all of the deck;

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

“Move to deny the variance 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 over their existing deck, thereby increasing the cubic content of an existing legal nonconforming property based on the findings contained in the minutes of Aug 15, 2022, as it does not meet the Seven Standards 1, 4, and 6.”

VOTE RESULTS: Briggs, Klein, Lippert, Thorburn, and Stauffer voted yea for this motion to deny the variance, no one voted nay. Motion carried (5-0). 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 11:40 p.m.

Michael B. Briggs, Secretary

Date Approved