

ZONING BOARD OF APPEALS

APPEAL NUMBER 16.02

March 14, 2016

10:40 A.M.: Meeting called to order at the Gerrish Township Municipal Building.

Board members present: Kizer, Russom, Mikula, Alternate Stauffer.

Board member absent: Excused absences - Thorburn, Klein

Others present: Jansen- Gerrish Township Zoning and Building Administrator, Anthony R. Mc Kerchie, Tina Green

NEW BUSINESS: APPEAL 16.02:

10:41 A.M. Acting Chairperson Kizer declared that a quorum was present, and that the Public Hearing was opened for APPEAL NO. 16.02. Applicant: Anthony R. Mc Kerchie; Appeal NO. 16.02 address: 3750 W. Higgins Lake Drive, Roscommon, MI; Lot/Parcel Tax ID Number: 72-004-020-006-0140; Legal description: See Application for Variance date received 1/28/16; Zoning District: R-1A.

Type of Request to ZBA: A variance approval for additional garage space (24'w x 30'd).

Applicant/Representative representing Appeal NO. 16.02: Anthony R. Mc Kerchie.

Letters of record in response to Township letter dated 2/2/16 for Appeal 16.02: One

ZBA Finding of Fact:

- Reviewed Gerrish Township letter of denial for a building permit based on township ordinance, Sec. 20.8(E) (2) "Accessory Uses, Buildings, Structures" which stats, 1.01-2.5 acres is allowed 2000 square feet plus one (1%) of the area of the lot. Dated 2/2/16.
- Mr. Mc Kerchie has 1.53 acres which allows him 2,666 sq. ft. of accessory buildings.
- Currently Mr. Mc Kerchie has a 60'w x 36'd (2,160 sq. ft.) detached accessory building located near entrance to his property.
- The proposed new construction of a new 24'w x 30'd attached garage brings a total accessory building to 2,880 sq. ft.; 214 sq. ft. over the allowed square footage for accessory building in an R-1A zoning district.
- Mr. Mc Kerchie wishes to demolish his existing house and build a new one-story house with a walk-out basement.
- Reviewed Application for Variance date received 1/28/16.
- Reviewed Building Permit Application date received 1/28/16.
- Reviewed Survey Report, Project NO. 15008 by Russel A. Cavanagh, P.S. Pres., MI, NO. 46657, dated 3/3/15.
- Reviewed sketch of proposed new house construction drawn by applicant: view of front with 34' height and 10/12 roof pitch; rear of house; floor plan for main house with 2128 sq. ft.; floor plan for walk-out basement to the lake.

- Lot located on 1.53 acres; rectangular in shape; 100.07' on County Road 200; 102.20' on Higgins Lake Shoreline; 657.87' deep NE; 640.69' deep SW.
- Topography is hilly with a steep decline to the lake. Applicant stated the drop off from the road entrance to the existing garage to be a drop of 30' making it almost impossible to get into the garage during the winter months.
- Existing is a parking area at the rear of the current one-story house. Applicant said the drop from the parking area to the existing two car garage is 10 ft.
- Proposed new house to be 95' from the lake; NE side yard 12' with new septic, SW side yard 10', well is fairly new.
- Explained that the current parking area and its wall will be removed along with the current driveway to try and diminish the steep decline toward the house.
- The new house construction will be setback 5' further from the lake than the current house, with the walk-out basement approximately at the current house level.
- The area at the rear of the new house will be landscaped with vegetation and circular parking area.
- The trees from the hillside will be removed for excavation, but applicant plans on replanting trees and protecting the lake from water runoff.
- The area under the proposed garage will be filled in with dirt from the driveway and at the level of the proposed main living space of the house.
- Reviewed Seven Variance Standards/Conditions Questions, dated 2/2/16.
- Discussed was the general standards for a two car garage 20'w x 22'd; two and a half car garage generally is 24'w x 24'd, and the placement of the applicants proposed two car garage with noted excavation.
- Applicant responded that due to the steep drop off of their lot towards the lake, they need to extend the garage out and make it longer so they can have access to the garage year round.

11:04 A.M. Public Hearing Closed to General Public for Board Discussion/Motion:

MOTION for Appeal 16.02 by Russom, seconded by Mikula: CARRIED – 3 YES; 1 NAY

MOTION to grant Appeal 16.02 at address 3750 W. Higgins Lake Dr. Roscommon, MI, a building permit for a 24'w x 30'd accessory building of an attached garage due to size of lot, topography, to today's standards of a two car garage with this model of house, and limiting or downsizing the garage design would not substantially reduce the existing violation requirements, and record of applicant's responses to the need of a 24'w x 30'd were justified to grant the variance.

Mikula - Yes Kizer - Yes Stauffer - Yes Russom - No

Reason for Decision:

- Granting the variance would not cause an adverse effect on surrounding properties.
- Limiting or downsizing the garage design would not substantially reduce the existing violation requirements.
- Strict compliance with the site development requirement could have the potential to render conformity unnecessarily burdensome.

Acting Chairperson Kizer reviewed Sec. 16.8 with applicant. Documentation for variance request decision will be mailed to applicant within a reasonable time.

11:23 A.M. Motion to adjourn was made and seconded; **CARRIED**.

Minutes are subject to review and approval of the Zoning Board of Appeals at its next scheduled meeting.

Approved _____