

**GERRISH TOWNSHIP**  
**ZONING BOARD OF APPEALS**

**October 17, 2011**

Meeting was called to order by chairperson, Bill Case at 10:30 AM. Tape was activated and notice given.

**MEMBERS PRESENT:** Bob Boyle, Bill Case, Stan Cooke, Terry Shaltz and Maggie Soltman

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Brooke & Michael Kircher, Robin & Sheri Scurr, Jan Jurczyk, Cliff & Barbara Duff, Al & Audrey Schultz, Michael Cuz, Bob Yaske, and Tom Barber

**MINUTES:** Minutes of July 11, 2011, (Appeals 11.02 and 11.03) were reviewed and approved with a correction by Bill Case of the line in Appeal #11.03: "Several board members agreed with Mr. Boyle's assessment". This line is omitted since only the vote indicates agreement.

**NEW BUSINESS:** Appeal 11.04: Mr. Thomson wishes to remove a rear cottage and construct a new addition of 1,341 square feet to an existing building which would be 28.9% lot coverage, which would violate Table 3-4 of Township ordinances by 3.9%.

Mr. Yaske's letter of denial was read into the minutes by Shaltz.

Correspondence: None

Discussion: Mr. Barber, speaking for Mr. Thomson, talked about the history of two cottages on a property in this area. Removing the rear cottage and attaching it to the front cottage would bring it into conformance with the ordinance of only one dwelling on this size lot. The new addition would be a year round dwelling. Mr. Barber felt that granting this variance would not impact the area or other property owners. There is approval by the health department. He also noted that the new addition would exceed the present lot coverage by 1%.

Mr. Case questioned the Health Department comments about the location of the black and white water pipes. Mr. Barber said it would be done before new well is installed.

Mr. Boyle asked if there was any documentation from the association concerning this variance. He thought that there should be something in the ordinances pertaining to the associations and the rules thereof. Mr. Yaske explained that the association is contacted by the member and/or the building department and gets its approval before a permit is issued. Several board members asked that this be brought to the planning commission for possible ordinance change.

Mr. Case questioned the lot coverage as a hardship in light of the total square footage of the addition which Case noted is a quite large home. Other members commented that there is room to place some of the living space on the second floor. Barber commented that the connector adds to the square footage and perhaps it could be made smaller. Other board members felt that a common wall between the two cottages was possible. Shaltz noted that there is nothing unique about the lot to prohibit conforming to the lot cover ordinance.

It was held by members that there is no practical difficulty here and the idea of a hardship is not met.

MOTION was made by Boyle, supported by Cooke to disapprove the variance because no hardship has been presented.

VOTE: Boyle-yes Case-yes Cooke-yes Shaltz-yes Soltman-yes

5 yes 0 no Variance is denied.

**APPEAL 11.05:** Mrs. Stadler wishes to construct a deck with a roof and a setback from the lake of 11 feet in violation of ordinances Table 3-4 footnote 3a.

Mr. Yaske's letter of denial was read into the minutes by Boyle.

Correspondence: None

Discussion: Mr. Barber speaking for Mrs. Stadler, noted that the deck itself is common in the area because of the terrain and the steep slope to the lake. A variance has been granted to others in the area in the past. Case noted that there is a hardship in that it is a long, steep way down to the lake and carrying things down would be difficult. Another member commented that the roof would be a help for the owner to enjoy the lake in all weather.

Mr. Boyle stated that it should be allowed since everyone else in the area has one. After comments about the slope of the land of 20 feet to the lake, the Board felt that it should be allowed.

MOTION was made by Cooke supported by Boyle to approve the variance appeal as presented.

REASON: This is a unique situation because of the topography of the area.

VOTE: Shaltz-no Cooke-yes Case-yes Boyle-yes Soltman- yes

4 yes 1 no Variance is granted.

There was a five minute recess.

**APPEAL 11.06:** Mr. & Mrs. Kircher wish to remove the present cottage and build a new structure with a garage and deck. The lot is located in a private association with an 18 foot easement access. There is deficiency in set back from the front and back of the lot, in violation of Table 3-4. The building would be .8% over allowable lot coverage.

Mr. Yaske's letter of denial was read into the minutes by Case.

CORRESPONDENCE:	Combo	In favor of the appeal
	Fouse	Not in favor of the appeal.

Mr. Kircher presented a package of explanation for the variance. (See the addendum passed out to each board member and contained in this document) Mr. Kircher stated that the plan was changed to bring the building foot print to the 25% limit. He also stated that he is going to repair any damage to the access road that may occur from the machinery of the builder. There will also be a new well and septic system installed.

Shaltz inquired about impediment to the view of the lake and was assured that it did not do so.

Shaltz questioned if the lot size was known by a survey, it was not.

Boyle asked about power lines and was told that the pole was on private property.

Several people from the audience made comments: Mr. & Mrs. Scurr said they were in agreement with granting the variance. Mrs. Jurczyk commented that the front lot was surveyed and this one seems to be in line, she also had concern about the driveway to the garage being too close to hers. Mr. Kircher stated that the driveway will come off of Birch Road and not the easement. Mr. Schultz voiced approval for the variance. Mrs. Duff was concerned that the garage was too close to the lot line since it was a custom of the association to keep a 10 foot area from the line. There was some discussion about moving the garage toward the back of the house and it was explained that it would not be practical.

MOTION was made by Soltman, supported by Case to grant the variance as amended with the attachment submitted to reduce the 25.8% lot coverage to 25% lot coverage and a 16 foot deficiency from the back lot line at Birch Road and 5 feet from the easement.

REASON: The lot is not buildable under current ordinances without this variance.

VOTE: Boyle-no Case-yes Cooke-yes Shaltz-yes Soltman-yes

4 yes 1 no Variance is granted.

Short recess

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ZBA Minutes continued.

**Revisit of variance APPEAL 10.09:** Variance was granted. Mr. Barber explained that circumstances of the building have changed. The foundation will not support a second story. A new foundation is necessary. Mr. Barber gave a couple of alternatives: dig up and redo the foundation, take the entire building down and start over with new foundation and crawl space. He presented a plan for a new building, moving it back 2 feet. Soltman asked why it can not be moved back the entire distance to conform to the ordinance. After the discussion and presentation, it was the consensus of the board (including Mr. Dennings, alternate) that if Mr. Hoffman wants to continue pursuing the non-conforming building, he will have to obtain a new variance.

The Board asked Mr. Case to present the concern about the special addendum in the ordinance pertaining to associations in R-1 and R-1a to the Planning Commission.

Meeting was adjourned at 1:25 PM.

Respectfully submitted by,

Maggie Soltman, Secretary