

Charter Township of Oscoda

Zoning Board of Appeals

Minutes

Regular Scheduled Meeting Minutes

March 20, 2023 6PM

Robert J. Parks Public Library

6010 Skeel Ave

Oscoda, MI 48750

1) **Call to Order** - Mr. Schulz called the meeting to order on March 20, 2023 at 6:00 PM.

2) **Pledge of Allegiance**

3) **Member Roll Call** -

Present- Mr. Hume, Ms. Schwedler, Mr. Schulz

Absent- Mr. Rush

Quorum- Mr. Schulz declared a quorum present.

3) **Approval of Meeting Minutes:**

- i. Regular meeting minutes- October 17, 2022- Mr. Hume made a motion to approve the minutes as presented. Supported by Mr. Schulz. Roll call vote. All in favor.

4) **Agenda** –

- i. Mr. Schulz made a motion to approve the agenda as presented. Supported by Mr. Hume. Roll call vote. All in favor.

5) **Public Comment (Non-scheduled agenda items)** -

- i. No public comment.

6) **Public Hearing** –

i. **Case # 601-2023- Dennis Roggenbuck Variance Request**

- a) Mr. Hume made a motion to open the public hearing for Case #601-2023. Supported by Ms. Schwedler. Roll call vote. All in favor.
- b) Mr. Schulz asked Ms. Vallette to give an overview of the proposed variance application. Ms. Vallette read case #601-2023 and stated that Mr. Roggenbuck applied to build a detached garage in the rear yard. The reason for the variance request is due to the maximum height allowed. It is proposed that the detached garage be 21' 8" tall at the peak at 6124 F-41, #063-021-300-015-00. The property is Zoned R-3, Mixed Residential District.

- c) Mr. Schulz allowed the applicant to speak on their request. Mr. Roggenbuck stated he would like to put a 14' tall garage door at the end of the building to accommodate their 5th wheel camper. He stated he feels he is making an effort to keep the height down by requesting minimum excess height.
- d) Mr. Schulz asked Ms. Vallette to read any correspondence she received. There was no correspondence either in opposition or in favor of the case. Mr. Roggenbuck's neighbor, Michael Jackson, (from 3 houses north) came to the meeting to speak in favor of the request.
- e) Mr. Schulz stated that he thought the Zoning Ordinance Height Restrictions for Accessory Structures causes some problems if you have a full size Motorhome and he was surprised the ZBA has not heard any similar cases.
- f) Mr. Schulz asked if Mr. Roggenbuck was planning to remove an existing Accessory structure to accommodate the new structure. The Boat House will be removed after the new Accessory structure is complete, if approved.
- g) Mr. Hume agreed with Mr. Schulz and anticipates the ZBA eventually having another variance request for the same reason.
- h) Ms. Schwedler asked for clarification about his neighbor with a taller house. She asked if the applicant measured their neighbor's house, but the applicant has not.
- i) Mr. Hume made a motion to close the Public Hearing and move into deliberations on Case #601-2023. Supported by Ms. Schwedler. Roll call vote. All in favor.
- j) Mr. Schulz stated that he thought this was a very minimal variance request. Ms. Schwedler and Mr. Hume also agreed.
- k) Mr. Hume made a motion to close deliberations on Case #601-2023. Supported by Ms. Schwedler. Roll call vote. All in favor.
- l) Mr. Schulz asked Ms. Vallette to read the 5 conditions, there will be a roll call vote using a "yes" or a "no" after each condition.
- m) Ms. Vallette read condition # 1: Would strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using their property for a permitted use, or make the use extremely difficult? Roll call vote. 3 yes votes.
- n) Ms. Vallette read condition # 2: Would strict adherence to the Charter Township of Oscoda Ordinance deprive the applicants of rights commonly enjoyed by other properties in the same district, and is the variance request the minimum necessary? Roll call vote. 3 yes votes.
- o) Ms. Vallette read condition # 3: Is it true that the circumstances and conditions of the property and variance requests are not a result of the actions of the applicant or previous owner? Roll call vote. 3 yes votes.
- p) Ms. Vallette read condition # 4: Is it true that granting the variance will

not be detrimental to adjoining property or the general welfare? Roll call vote. 3 yes votes.

- q) Ms. Vallette read condition # 5: Will granting the variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance? Roll call vote. 3 yes votes.
- r) Majority vote on 5 of the 5 conditions was yes.
- s) Mr. Schulz informed the applicant that Case #601-2023 has been approved.

ii. Case # 602-2023- Ramon Kattola Variance Request

- a) Ms. Schwedler made a motion to open the public hearing for Case #602-2023. Supported by Mr. Hume. Roll call vote. All in favor.
- b) Mr. Schulz asked Ms. Vallette to give an overview of the proposed variance application. Ms. Vallette read case #602-2023 and stated that Mr. Katolla has applied for a variance to build gas pumps and a canopy in the side yard. The reason for the variance request is due to Accessory structures only being allowed in the rear yard. The parcels are at 5684 & 5692 F-41, #064-A30-000-038-00 & 064-A30-000-033-00. The properties are Zoned Corridor Business District F-41 Zone. The existing structure on 5684 F-41 would be demoed. Gas pumps are allowed by right as Retail General.
- c) Mr. Schulz allowed the applicant to speak on their request. Mr. Katolla stated that they have owned Party & Food for about 13 years now and are always looking for ways to expand. He feels this would also fill a need in the neighborhood. Mr. Katolla stated that if the variance passes, they will also be remodeling the outside of the store and will be adding landscaping.
- d) Mr. Schulz asked Ms. Vallette to read any correspondence she received. Teresa Landino had concerns about her easement and wanted to be sure gas station patrons would not have access to it. This item can be addressed through Site Plan Review with the Planning Commission if the variance is granted.
- e) Mr. Hume asked the applicant about the easement that was a concern to the neighbor. He stated he is willing to work with that neighbor to find a suitable solution.
- f) Mr. Hume made a motion to close the Public Hearing and move into deliberations on Case #602-2023. Supported by Ms. Schwedler. Roll call vote. All in favor.
- g) Mr. Schulz stated that if this was approved, it would still go to the Planning Commission for a Site Plan Review. Ms. Schwedler appreciated that information.
- h) Mr. Schulz made a motion to close deliberations on Case #602-2023. Supported by Mr. Hume. Roll call vote. All in favor.
- i) Mr. Schulz asked Ms. Vallette to read the 5 conditions, there will be a

- roll call vote using a "yes" or a "no" after each condition.
- j) Ms. Vallette read condition # 1: Would strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using their property for a permitted use, or make the use extremely difficult? Roll call vote. 3 yes votes.
 - k) Ms. Vallette read condition # 2: Would strict adherence to the Charter Township of Oscoda Ordinance deprive the applicants of rights commonly enjoyed by other properties in the same district, and is the variance request the minimum necessary? Roll call vote. 3 yes votes.
 - l) Ms. Vallette read condition # 3: Is it true that the circumstances and conditions of the property and variance requests are not a result of the actions of the applicant or previous owner? Roll call vote. 3 yes votes.
 - m) Ms. Vallette read condition # 4: Is it true that granting the variance will not be detrimental to adjoining property or the general welfare? Roll call vote. 3 yes votes.
 - n) Ms. Vallette read condition # 5: Will granting the variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance? Roll call vote. 3 yes votes.
 - o) Majority vote on 5 of the 5 conditions was yes.
 - p) Mr. Schulz informed the applicant that Case #602-2023 has been approved.

7) Old Business – N/A

8) New Business-

- i. Zoning Board of Appeals 2023 Regular Meeting Schedule
 - a) Ms. Vallette went over the proposed meeting schedule for 2023. Mr. Hume stated he had a conflict for the April meeting date, along with Mr. Schulz. Due to having an April variance request, the Commissioners decided to change the April meeting date to April 25th. Mr. Schulz made a motion to approve the meeting schedule for 2023. Supported by Mr. Hume. Roll call vote. All in favor.
- ii. Variance Application Revisions, Final Version
 - a) Ms. Vallette went over the changes. Condition #3 was removed. A statement regarding Accessory Structures was added to the application at Ms. Schwedlers request.
 - b) Mr. Hume made a motion to accept the Variance Application Revisions as presented. Supported by Mr. Schulz. Roll call vote. All in favor.

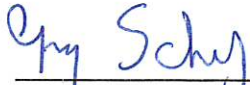
9) Zoning Board of Appeals Member Comments – No comments

10) Report of Planning Commission Representative – Mr. Schulz will have Ms. Vallette fill in the Commissioners on Planning Commission activity.

11) Report of Planning and Zoning Director- At the beginning of the meeting, Ms. Vallette told the members that Mr. Biggar chose not to seek reappointment of

his term. His term expired December 31, 2022. Ms. Vallette went over the different things that the Planning Commission has been working on.

After declaring no further business, the meeting was adjourned at 7:09PM by Mr. Schulz, Chair.



Greg Schulz – Chair

4/26/2023 
Date Nichole Vallette – Planning and Zoning Director