

Charter Township of Oscoda

Zoning Board of Appeals

Minutes

Special Meeting

April 14, 2022 4PM

Robert J. Parks Public Library

6010 Skeel Ave

Oscoda, MI 48750

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- 1) **Call to Order** - Mr. Biggar called the meeting to order on April 14, 2022 at 4:06 PM and welcomed guests.
 - 2) **Pledge of Allegiance**
 - 3) **Member Roll Call** -
Present- Mr. Hume, Mr. Schulz, Mr. Rush, Ms. Schwedler and Mr. Biggar
Absent- N/A
Quorum- Mr. Biggar declared a quorum present.
 - 3) **Approval of Meeting Minutes:**
 - i. Regular meeting minutes- March 21, 2022- Mr. Hume made a motion to approve the minutes as submitted. Supported by Mr. Rush. Roll call vote. All in favor.
 - 4) **Agenda** -No corrections or additions.
 - 5) **Public Comment (Non-scheduled agenda items)** -
 - i. Mr. Biggar opened the public comment period on non-scheduled agenda items. There was no public comment.
 - 6) **Public Hearing** -
 - i. Case 601-2022- Kyle & De'Ann Burmeister have submitted a variance request for the location of a proposed accessory structure.
 - i. Mr. Schulz made a motion to open the public hearing for Case #601-2022. Supported by Mr. Hume. Roll call vote. All in favor.
 - ii. Mr. Biggar asked Ms. Vallette to give an overview of the proposed

variance application. Ms. Vallette read case #601-2022 and stated that Mr. and Mrs. Burmeister applied to build a detached garage in the rear yard. The reason for the variance request is due to setbacks. It is proposed that the side yard lot line setback is 4' 6", instead of the required 5'. If the owner was putting an overhang on the structure, it would be 3'6" from the side lot lines instead.

- iii. Mr. Biggar allowed the applicant to speak on his request. Mr. Burmeister stated it is a small city lot with virtually no place to put anything. He stated that a 24'x24' garage is fairly standard for a two-car garage. Mr. Burmeister stated that there are garages on most lots in the neighborhood, and that he did speak with some of his neighbors about his request and they didn't seem to oppose it. There would be no living quarters upstairs.
- iv. Mr. Biggar asked Ms. Vallette to read any correspondence she received. Ms. Vallette received two emails, both from the same person. Both emails were read.
- v. Mr. Biggar asked Mr. Burmeister if he had anything further to say, as this was his last opportunity to speak on his request. He said he had nothing more to say, he already stated his wants and needs.
- vi. Ms. Schwedler made a motion to close the Public Comment portion of the hearing on Case #601-2022. Supported by Mr. Schulz. Roll call vote. All in favor.
- vii. Mr. Schulz made a motion to open deliberations on Case #601-2022. Supported by Mr. Hume. Roll call vote. All in favor.
- viii. Mr. Rush stated that he drove by the home a couple times. His take on it is that it is only 6" and he doesn't feel that it will terribly affect the neighbors and thinks it would improve the property value.
- ix. Mr. Hume stated that an overhang is aesthetically pleasing and can also prolong the life of the building.
- x. Ms. Schwedler read a statement from Page 21 of the ZBA Handbook. She stated that a two-car garage could still be obtained with a smaller building.
- xi. Mr. Schulz stated that 20' by any dimension could be considered standard. The applicant responded with he would be losing his width with that size building. Mr. Schulz said he did not see this as an economic hardship.
- xii. Mr. Biggar stated that setbacks were changed through the years to allow smaller setbacks for smaller lots. Mr. Biggar stated that due to the nature of the applicant's property, he did not consider it a hardship. He was also concerned about the ice and snow runoff

from the garage being too close to the property line.

- xiii. Mr. Schulz made a motion to close deliberations on Case #601-2022. Supported by Ms. Schwedler. Roll call vote. All in favor.
- xiv. Mr. Biggar asked Ms. Vallette to read the 6 conditions, there will be a roll call vote using a "yes" or a "no" after each condition.
- xv. Ms. Vallette read condition # 1: Strict application of the letter of the regulation would unreasonably prevent the owner from using the property for a permitted use or would render conformity but be unnecessarily burdensome. Roll call vote. 3 voted no, 2 voted yes.
- xvi. Ms. Vallette read condition # 2: A lesser relaxation of the regulation than requested could not be reasonably achieved that would give substantial relief to the property owner and be more consistent with justice to other property owners. Roll call vote. 3 voted no, 2 voted yes.
- xvii. Ms. Vallette read condition # 3: The plight of the owner is due to unique circumstances peculiar to the property and not due to general conditions in the neighborhood or the zoning district. Roll call vote. 3 voted no, 2 voted yes.
- xviii. Ms. Vallette read condition # 4: The problem is not self-created. Roll call vote. 2 voted no, 3 voted yes.
- xix. Ms. Vallette read condition # 5: Granting the variance will not be of substantial detriment to adjoining property or the general welfare. Roll call vote. 3 voted no, 2 voted yes.
- xx. Ms. Vallette read condition # 6: Granting the variance will not impair the intent or purpose of the Zoning Ordinance. Roll call vote. 3 voted no, 2 voted yes.
- xxi. Majority vote on 5 of the 6 conditions was no, conditions were not met for a variance request as all 6 need a majority yes vote. Majority vote being 3 yes votes out of 5 members on each condition.
- xxii. Mr. Biggar informed the applicant that Case #601-2022 has been denied and that the applicant has the right to appeal.

7) Old Business – Elect Vice-Chair

- i. Ms. Schwedler made a motion to table Electing a Vice-Chair until the June meeting. Supported by Mr. Hume. Roll call vote. All in favor.

8) New Business – N/A

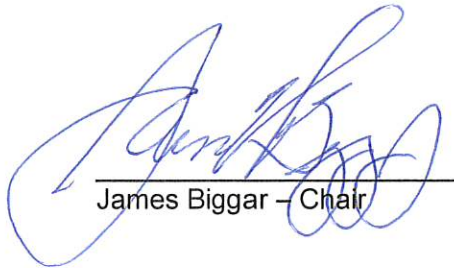
- 9) Zoning Board of Appeals Member Comments – Ms. Schwedler asked if we could put the statement she read from Page 21 of the ZBA Handbook onto the Variance Application. Ms. Vallette has a few adjustments to make to the application and will put it on the June agenda for the ZBA to review and approve.**

10) Report of Planning Commission Representative - Mr. Schulz stated that there

has been a lot going on. The Planning Commission, through work sessions, is currently evaluating the needs for a potential new Township Hall. He stated that there were several ordinance revisions as well. Ms. Schwedler asked if Bernie got to present his ideas. Ms. Vallette spoke on that a little bit.

11) Report if Planning and Zoning Director- Ms. Vallette stated that there were quite a few ordinance revisions, but they had to be pulled off the Boards agenda due to receiving some feedback from the attorney. Ms. Vallette talked about the Accessory Dwelling Unit Ordinance and rezoning the base district as well.

After declaring no further business, the meeting was adjourned at 4:45 PM by Mr. Biggar, Chair.


James Biggar – Chair

6/22/22
Date


Nichole Vallette– Planning and Zoning Director