

Charter Township of Oscoda

Zoning Board of Appeals

Minutes

Regular Scheduled Meeting Minutes

April 25, 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 April 25, 2023 at 6:00 PM.
- 2) **Pledge of Allegiance**
- 3) **Member Roll Call** -
Present- Mr. Hume, Ms. Schwedler, Mr. Rush, Mr. Schulz

Absent- N/A

Quorum- Mr. Schulz declared a quorum present.
- 3) **Approval of Meeting Minutes:**
 - i. Regular meeting minutes- March 20, 2023- Mr. Hume made a motion to approve the minutes as presented. Supported by Mr. Rush. Roll call vote. All in favor.
- 4) **Agenda** –
 - i. Mr. Rush made a motion to approve the agenda as presented. Supported by Ms. Schwedler. Roll call vote. All in favor.
- 5) **Public Comment (Non-scheduled agenda items)** -
 - i. No public comment.
- 6) **Public Hearing** –
 - i. **Case # 603-2023- Doug Andrews Variance Request**
 - a) Mr. Hume made a motion to open the public hearing for Case #603-2023. Supported by Mr. Rush. 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 #603-2023 and stated that Mr. Andrews applied to build a deck all the way to their South side property line. The reason for the variance request is due to the setback requirements, decks are required to be 10' from the property line. The proposed deck is at 7406 N US 23, #063-011-200-012-00. The property is Zoned RT, Residential Tourist District.

- c) Mr. Schulz allowed the applicant to speak on their request. Mr. Andrews stated he owned the property to the South and the deck would be on ground level, not causing any obstruction visually to neighbors. The exit door is on that side of the house and it made most sense to them to have that as the access point.
- d) Mr. Rush stated that it was possible that the owners could possibly sell the property to the South and then there would be a non-conforming deck. Ms. Vallette commented stating that the owner would have to split off a certain amount of footage from the property to make the deck conform to the Ordinance. Mr. Rush asked if the properties could be combined. Ms. Vallette did recommend combining the lots to the applicant. Mr. Rush recommended ADA compliant beach mats.
- e) Ms. Schwedler stated that she thought there were other viable options other than a Variance.
- f) Mr. Schulz stated that there had to be a very unique circumstance to approve a Variance.
- g) Mr. Hume asked if it was a freestanding deck if the setbacks would still apply. They would apply.
- h) Mr. Schulz asked Ms. Vallette to read any correspondence she received. One neighbor (to the South) stopped in the office to ask which parcel the variance was on. It was not his neighboring property so he wasn't concerned about the case. Gary Barber, neighbor to the North, asked for the application and plan. His comments were that the plan did not show ADA compliance for wheelchair accessibility.
- i) Ms. Schwedler made a motion to close the Public Hearing and move into deliberations on Case #603-2023. Supported by Mr. Rush. Roll call vote. All in favor.
- j) The Commissioners had no other comment or concerns about the case.
- k) 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.
- l) 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 no votes by Mr. Rush, Ms. Schwedler and Mr. Schulz. Mr. Hume voted yes.
- m) 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 no votes by Mr. Rush, Ms. Schwedler and Mr. Schulz. Mr. Hume voted yes.

- n) 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 by Ms. Schwedler, Mr. Rush and Mr. Hume. Mr. Schulz voted no.
- o) 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 no votes by Mr. Rush, Ms. Schwedler and Mr. Schulz. Mr. Hume voted yes.
- p) 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 no votes by Mr. Rush, Ms. Schwedler and Mr. Schulz. Mr. Hume voted yes.
- q) Majority vote on 5 of the 5 conditions was no.
- r) Mr. Schulz informed the applicant that Case #603-2023 has been denied.

7) Old Business – N/A


8) New Business- N/A

9) Zoning Board of Appeals Member Comments – No comments

10) Report of Planning Commission Representative – Ms. Vallette talked about the Special Meeting the Planning Commission had 4/17/2023.

11) Report of Planning and Zoning Director- Ms. Vallette talked about the training opportunities that she is bringing to the Township.

After declaring no further business, the meeting was adjourned at 6:55PM by Mr. Schulz, Chair.



Greg Schulz – Chair

6-20-2023

Date



Nichole Vallette– Planning and Zoning Director