

Charter Township of Oscoda

Zoning Board of Appeals

AGENDA

March 20, 2023 6PM

Robert J. Parks Public Library

6010 Skeel Ave

Oscoda, MI 48750

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-
- A. Call to Order – Welcome Guests & All Attending**
 - B. Member Roll Call –**
 - C. Approval of Regular Scheduled Meeting Minutes –** October 17, 2022 Regular
Scheduled Meeting Minutes.
 - D. Agenda – Additions, corrections and approval**
 - E. Public Comment – (Non-scheduled and Scheduled agenda items)**
 - F. Public Hearing –**
 - a. Case #601-2023- Dennis Roggenbuck Variance Request
 - b. Case #602-2023- Ramon Kattola Variance Request
 - G. Old Business – N/A**
 - H. New Business –**
 - a. Zoning Board of Appeals 2023 Regular Meeting Schedule.
 - b. Variance Application Revisions, Final Version
 - I. Zoning Board of Appeals Member comments**
 - J. Planning Commission Member Comments**
 - K. Report of Planning & Zoning Director**
 - a. Planning & Zoning Annual Report 2022
 - L. Adjournment**

Charter Township of Oscoda

Zoning Board of Appeals

Minutes

Regular Scheduled Meeting

October 17, 2022 6PM
Robert J. Parks Public Library
6010 Skeel Ave
Oscoda, MI 48750

- 1) **Call to Order** - Mr. Biggar called the meeting to order on October 17, 2022 at 6:00 PM.

- 2) **Pledge of Allegiance**

- 3) **Member Roll Call** -

Present-, Mr. Schulz, Mr. Rush, Ms. Schwedler, Mr. Biggar

Absent- Mr. Hume

Quorum- Mr. Biggar declared a quorum present.

- 3) **Approval of Meeting Minutes:**

- i. Regular meeting minutes- June 21, 2022- Mr. Rush made a motion to approve the minutes as presented. Supported by Mr. Schulz. Roll call vote. All in favor.

- 4) **Agenda** -No Additions or Corrections

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

- i. No public comment.

- 6) **Public Hearing – N/A**

- 7) **Old Business –**

- a. By-Law Review

- i. Mr. Vallette stated that the By-Laws were reviewed by the Attorney after we reviewed the By-Laws at the June meeting. She felt that all changes by the Attorney should remain as presented, as the Attorney knows the laws.
- ii. Ms. Schwedler clarified what it meant for words to be highlighted in yellow. Those are additions to the By-Laws. Ms. Schwedler asked for clarification on the appeals process and what that means to the ZBA. Ms. Vallette explained it.
- iii. Mr. Biggar stated that he wanted to see the Attorneys recommendation put into the By-Laws, limiting Public Comment to 4

- Minutes. Ms. Vallette will add that language.
- iv. Mr. Schwedler made a motion to approve the By-Laws with adding Public Comment gets 4 minutes per person wishing to speak. Supported by Mr. Schulz. Roll call vote. All in favor.

b. Application Revisions

- i. Ms. Vallette went over the changes to the ZBA Application that the Attorney made. Ms. Vallette will check with the Attorney to see why only 5 conditions are listed on the application instead of the 6 out of the Ordinance.
- ii. Ms. Schwedler would like a statement added to the application. The statement is "While the Ordinance provides that property owners may have accessory buildings, it does not grant the authority to allow any size building desired by the applicant." Ms. Vallette will check with the Attorney to see if it can be put on the application.
- iii. Mr. Biggar made a motion to approve the ZBA Application with the condition that Section 8.3.3 on the Application matches the Zoning Ordinance. Supported by Mr. Schulz. Roll call vote. All in favor.
- iv. Ms. Schwedler made a motion to add a sentence to the Application under excerpts. Adding: While the Ordinance provides that property owners may have accessory buildings, it does not grant the authority to allow any size building desired by the application" Supported by Mr. Biggar. Roll call vote. All in favor.

8) New Business- N/A

9) Zoning Board of Appeals Member Comments – No comments

10) Report of Planning Commission Representative - Mr. Schulz stated that the since the last ZBA Meeting, there have been several Ordinance Revisions to go through. The Planning Commission reviewed their By-Laws and did a thorough review of the CIP. Case #102-2022 Site Plan Review was denied by the Planning Commission.

11) Report of Planning and Zoning Director- Ms. Vallette went over the new Ordinances and Ordinance Revisions with the members.

After declaring no further business, the meeting was adjourned at 6:49PM by Mr. Biggar, Chair.

**CHARTER TOWNSHIP OF
OSCODA**

Zoning Department

Memo

To: Zoning Board of Appeals

From: Nichole Vallette, Planning and Zoning Director

Date: March 14, 2023

Re: Case# 601-2023 Variance Request

Nature of Application #601-2023: Dennis Roggenbuck has submitted an application to allow for an accessory structure to be built in the rear yard with a variance request on the maximum height allowed. (Reference Section 6.2.1 Accessory Structure Classification and Requirements, #3(c))

Location/Description of Property: The subject property is located at 6124 F-41. The parcel # is 063-021-300-015-00 and is zoned R-3 Mixed Residential District. The property is 100' wide by 388' deep and is .891 acre.

Applicable Zoning Regulations: Section 6.2.1- Accessory Structure Classification and Requirements

3. "Detached Accessory Structures" are defined as a free standing garage or other accessory structure that has no physical connection to the Principal Structure. Except in the Industrial (I), Forestry (F), and Agricultural (AG) zoning districts, detached accessory structures shall not be constructed or located on a vacant lot. Yard setbacks and other regulations applicable to accessory structures shall be as set forth in the zoning district regulations in this Ordinance.¹¹

Additional requirements for a "Detached Accessory Structure" are as follows:

- a. There shall be a minimum distance of ten (10) feet between the new accessory structure and any other structure, whether principal or accessory. Measurements are to be made from roof overhangs.
- b. Shall be located only in the side or rear yard and shall be setback ten (10) feet from side or rear lot lines when the lot width is greater than sixty (60) feet. When the lot width is no greater than sixty (60) feet a Detached Accessory Structure may be placed as close as five (5) feet from a side or rear lot line. Measurements are to be made from roof overhangs.
- c. Will not exceed a maximum height of twenty (20) feet¹⁴, or seventy-five (75) percent of the height of the home, whichever is greater.⁷ One additional foot of side setback will be required for every foot of height over 17 feet.
- d. Shall not exceed a 3:1 ratio¹⁴ as it relates to length versus width of the structure.
- e. All detached accessory structures shall not exceed one thousand six hundred (1,600) square feet¹⁴ or an area dimension that is seventy-five (75) percent of the foot print (ground floor) dimension of the Principal Structure, whichever is greater.
- f. Shall not occupy more than sixty (60) percent of the rear yard.

NOTE: The above provisions are not applicable to Agricultural Buildings as defined in this Ordinance in AG Zoning Districts.¹⁰

- g. Shall have at least one (1) foot of overhang on each side of any Detached Accessory Structure over six hundred (600) square feet.^{7, 14, 15}
- h. Accessory Structures associated with the keeping of poultry shall need Site Plan approval from the Oscoda Township Planning Commission.

Staff Comments:

This request is for a variance to allow for an accessory structure (detached garage) to be built in the back yard and is requesting to build it 21'8" tall at the peak. The request to build outside of the allowed parameters is due to needing a 14' tall garage door for fitting their fifth wheel camper inside so it doesn't have to be stored outside. His neighbor to the left (if looking at Dennis's property) has a taller house and offered to let him build on his lot as it would fall under the 75% of max height rule in 3(c) and wouldn't require a variance. Dennis declined the offer, wishing to build it on his own property.

If the variance should be approved, the applicant would need all applicable Iosco County Building and must follow all Township, County, State and Federal laws.

Communications Received

The Planning & Zoning Director will update the Zoning Board of Appeals on any communication or correspondence received.

Possible Actions by the Zoning Board of Appeals:

To obtain a variance, the applicant must show that the following conditions listed below are satisfied:

1. Would strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using the property for a permitted use, or make the use extremely difficult?
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?
3. Is it true that the circumstances and conditions of the property and variance request are not a result of the actions of the applicant or previous property owner?
4. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare?
5. Will granting this variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?

The Zoning Board of Appeals may impose conditions upon an affirmative decision.

If the Zoning Board of Appeals finds that this application satisfies all of the five conditions listed above, it could grant the requested variances. The Zoning Board of Appeals would then grant the requested variances but require that Land Use and Building permits are obtained for the structure, and pass inspection from the Iosco County Building Department. Finally, if the Zoning Board of Appeals finds that the appeal does not satisfy all of the five conditions listed above; it should act to deny the requested variances.

CHARTER TOWNSHIP OF OSCODA

110 S. State Street, Oscoda MI 48750
Phone 989-739-3211 Ext. 250

Case # 601-2023

Fee: \$ 500.⁰⁰

ZONING BOARD OF APPEALS

Application for: (See back for descriptions)

Rept. # 100098619

☒ Variance ☐ Interpretation ☐ Administrative Review ☐ Appeal

Property Address: 6124 F-41 OSCODA

Property Owner:

Name: DENNIS ROGGENBUCK

Address: 7050 PREMIER ROAD

RUTH, MI. 48470

Phone: 989-712-0197

Applicant (if not owner):

Name: _____

Address: _____

Phone: _____

Position: _____

Property Description: Parcel No. 063-021-300-015-00

Size: 100' x 388' Zoning: B3

Cross Streets: Arrow and West shore Dr.

Nature of Request: I'VE BEEN LOOKING AT THIS PROJECT FOR ABOUT A YEAR, BUT DIDN'T TALK TO NICHOLE VALLETTE UNTIL DEC. 2022. WHEN WE TALKED ABOUT SET BACKS IT APPEARED LIKE WE WERE WITHIN THE RULES. BUT WHEN WE TALKED RECENTLY I REALIZED I HAVE HEIGHT CHALLENGES.

Rationale for Request: (For variances, also fill out page 3 and 4 of this application)

I NEED A 14' TALL DOOR TO GET MY FIFTH WHEEL CAMPER INSIDE, SO I AM APPLYING FOR A VARIANCE. MY BUILDING WITH 14' SIDE WALLS WOULD BE 21'8" AT THE PEAK. IF I UNDERSTAND THE RULES WE ARE AT 20' MAX.

(add additional pages as necessary)

Read Carefully: I am the owner of the property included in this application or am officially acting on the owners' behalf. I hereby attest that the information on this application form, the site plan and other attachment(s) is, to the best of my knowledge, true and accurate. By signing this Application, I hereby grant permission for Township Staff and/or any appropriate Township Official to access my property in order to affirm the accuracy of the information submitted.

Please Note: The applicant or their representative(s) must be present at the meeting at which their application is being considered to present the matter and answer any questions Zoning Board of Appeals members may have. Board Members shall refrain from communicating with an applicant or their representative(s) during a site visit.

Dennis Roggenbuck
Applicant's Signature

Feb 21 23
Date

Ordinance 165, Section 8.3 Duties and Powers of Zoning Board of Appeals (Excerpts)**Section 8.3.1 Administrative Review**

The Board shall hear and decide appeals where it is alleged by the person objecting that there is an error in any order, requirement, permit, decision, or refusal made by the Planning and Zoning Director or by any other official in administering or enforcing any provision of this Ordinance.

Section 8.3.2 Interpretations, Determinations, Classification

The Board shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between Zoning Districts.
3. Classify a use which is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable permitted use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

Section 8.3.3 Variances

The Board shall have the power to consider specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements ("non-use variances").

To obtain a variance, the applicant must establish the existence of a practical difficulty by demonstrating the following:

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?
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?
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?
4. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare?
5. Will granting the variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?

Section 8.3.5 Attachment of Conditions

The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Section 8.6 Prohibited ZBA Actions

1. No appeal shall be taken to the Zoning Board of Appeals with regard to a planned development or special permit use decision.
2. The Zoning Board of Appeals is without authority to grant a variance on the use of land.
3. The Zoning Board of Appeals may only act on those matters brought before it through the procedures described in this Section. In no instance may they conduct business on matters outside the scope of the appeal.

Variance Application

Property Address: 6124 E-41 OSCODA

To obtain a variance, the applicant must show that the following conditions listed below are satisfied. Please type or write legibly; use the back or add additional sheets as necessary.

1. Explain how strict adherence to the Charter Township of Oscoda Zoning Ordinance would unreasonably prevent the applicant(s) from using their property for a permitted use.

WITH THE 20' MAX HEIGHT, I CAN'T BUILD A BUILDING WITH A
14' SIDEWALL. THE WAY NICHOLE EXPLAINED THE RULE, ...
IF MY HOUSE WAS TALLER IT WOULD WORKOUT, MY HOUSE IS NOT
TALL ENOUGH.

2. Explain how strict adherence to the Charter Township of Oscoda's Zoning Ordinance would deprive the applicant(s) of rights commonly enjoyed by other properties in the same district and that the variance requested is the minimum variance necessary.

THE 14' TALL DOOR IS A MUST HAVE FOR A FIFTH WHEEL CAMPER.
THE TALL DOOR HAS TO GO IN THE CENTER OF THE END WALL
WITH A CATHEDRAL TRUSS INSIDE TO MAKE ROOM FOR THE DOOR
WHEN OPEN.

3. Explain how the need for the variance was not created by the applicant(s).

I DON'T FEEL I CREATED THE NEED BECAUSE THE HEIGHT OF THE
HOUSE, WHICH I HAD NOTHING TO DO WITH, IS WHAT THE PROBLEM IS.
I THINK MY NEXT DOOR NEIGHBOR WITH THE 3 STORY CARECOD
WOULD NOT NEED A VARIANCE.

4. Explain how granting the variance will not be of substantial detriment to adjoining properties or the general welfare of the Township.

MY LOT WILL ACCOMMODATE THIS BUILDING, NO PROBLEMS WITH THE
SET BACKS. MY NEIGHBORS ARE HOPING I CAN GO AHEAD WITH THIS
PROJECT SO THEY DON'T HAVE TO LOOK AT THE OLD BUILDINGS ACROSS
THE STREET ON THE BASE.

5. Explain how granting the variance will not impair the intent or purpose of the Zoning Ordinance.

I TOTALLY UNDERSTAND THE WORLD NEEDS GUIDELINES AND IT IS DIFFICULT
TO HAVE RULES THAT WORK FOR EVERYONE, THAT IS WHY WE HAVE THIS
PROCESS. MY PROJECT WORKS WITH THE RULES EXCEPT FOR THE HEIGHT.
MY OPINION, THE EXTRA HEIGHT IS NOT THAT NOTICABLE.

Please note: The maximum allowable size of accessory structures is set forth in the Oscoda Township Zoning Ordinance (see Article VI, Sec. 6.2.1.1.e (attached structures) and Sec. 6.2.1.3.e (detached structures)).

Dennis Roggenbader
Property Owner's Signature

FEB 21 23
Date

For official use:

Property Address: 6124 F-41, Oscoda Case #: 601-2023
Application Submitted: 2-21-2023 Accepted as Complete: 2-21-2023 By: NV
Public Notice Mailing Date: 2-24-2023 Publication Date: March 1st, 2023
Date of Public Hearing: 3-20-2023 Materials to Board: 3-15-2023

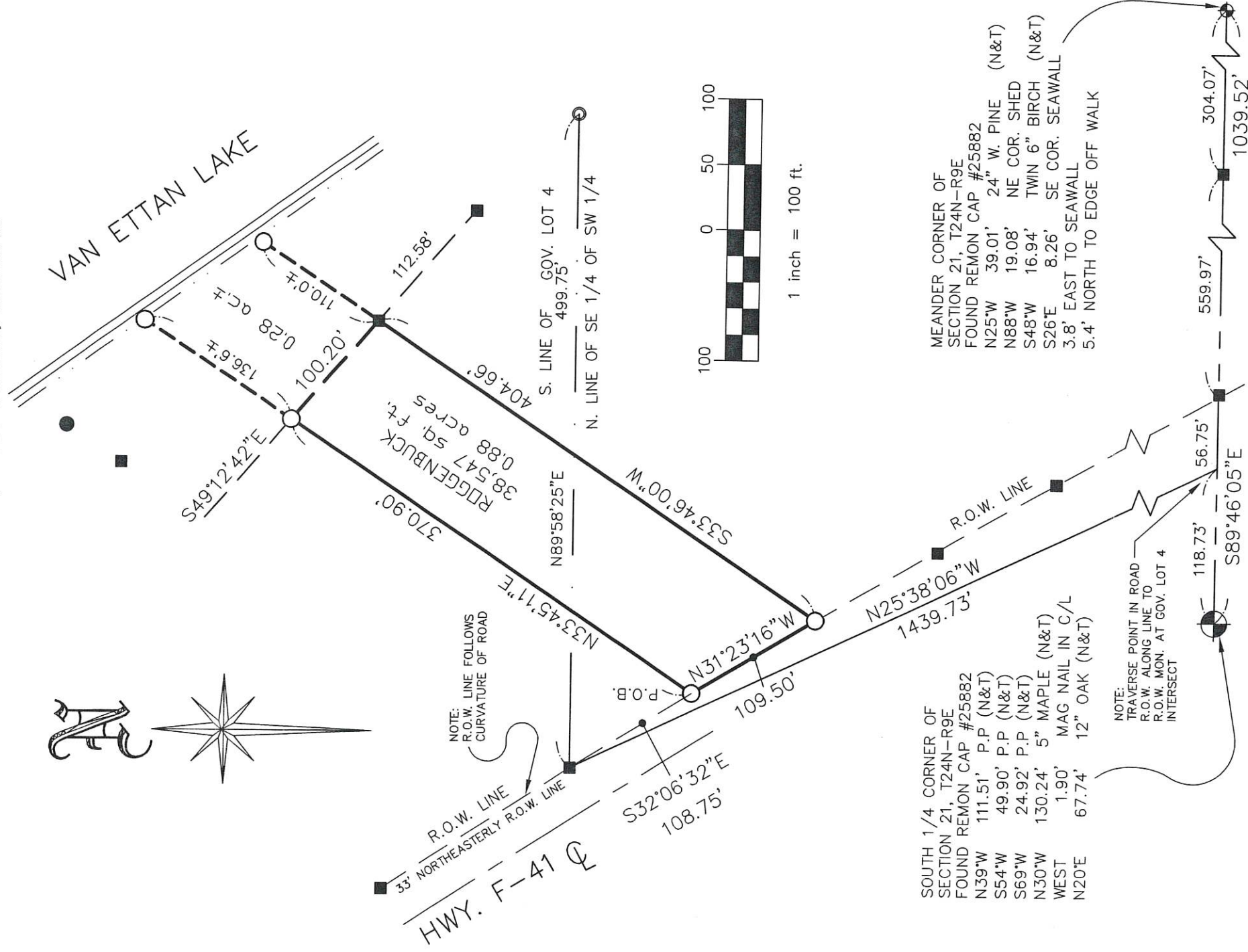
Zoning Board of Appeals Action: ☐ Approved ☐ Approved with Conditions
☐ Denied

Conditions of Approval: _____ Date _____

Decision Certified: _____ Date _____
Chairperson

Letter Sent to Applicant: _____ Date _____
Planning & Zoning Director

PART OF GOV. LOT 4 AND PART OF THE S.E. 1/4 OF THE S.W. 1/4 OF SEC. 21, T24N-R9E
OSCODA TOWNSHIP, IOSCO COUNTY, MICHIGAN



SURVEYED FOR: KATHY & DENNIS ROGGENBUCK
7050 PRIMER ROAD
RUTH, MI 48470
JUNE 22, 2018

DESCRIPTION ON SHEET 2 OF 2

SHEET 1 OF 2

LEGEND:
— SET 1/2" IRON BAR & CAP
— SET CONCRETE MONUMENT
— FOUND IRON ROD
— FOUND PIPE
— FOUND CONCRETE MONUMENT
R = RECORDED (PLAT) M = MEASURED
PR = PRORATED C = COMPUTED

JOB NO.: B180061-212409
PROJECT: 2409-21-G.L.#4
DRAWING NAME: B180061-ROGGENBUCK
PARTY CHIEF: NORM THOMAS
DRAWN BY: BEN
COORDINATE DATA: SMI/18JOBS/LEWIS21

Bill Woods

BILL WOODS P.S. NO. 25882

CERTIFICATE OF SURVEY

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE DESCRIBED: THAT ALL THE REQUIREMENTS OF P.A. 132, 1970 (AS AMENDED BY P.A. 280, 1972) HAVE BEEN COMPLIED WITH AND THAT THE ERROR OF CLOSURE IS LESS THAN 1/5,000.

NorthEast Land Surveys

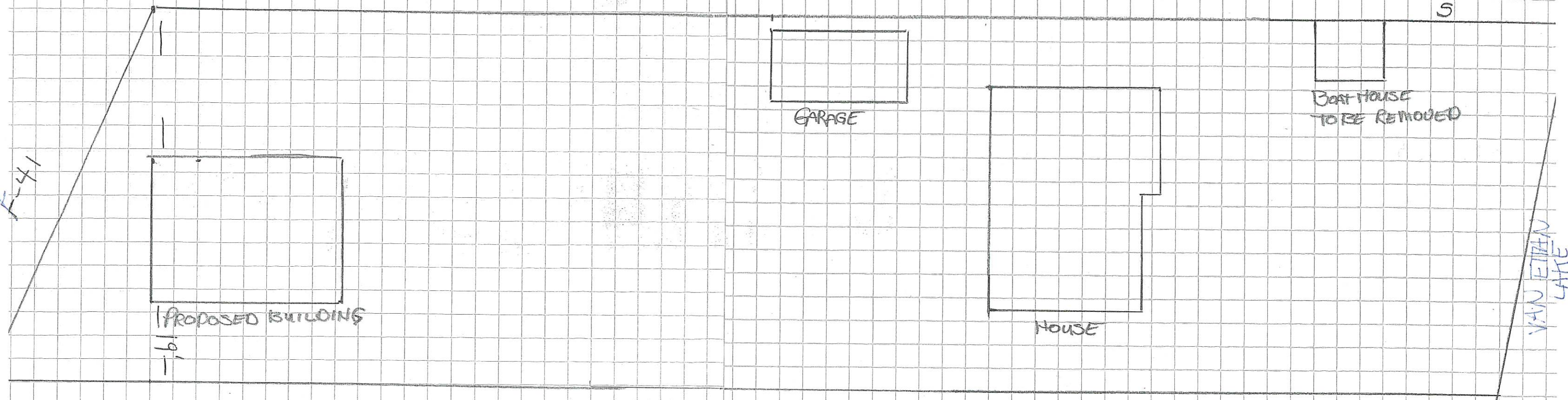
5461 Cedar Lake Road
Oscoda, Mich 48750
Phone: 989-739-0771 Fax: 989-739-0772
Toll Free: 1-800-739-NELS (6357)
Email: nelandsurvey@bcglobal.net

Bill Woods
PROFESSIONAL SURVEYOR

SEAL

6124 F-41 OSCODA

Demi Roggenhaas
Feb 21 2023



1" = 25'



3.13.2023 10:45



3.13.2023 10:45



3.13.2023 10:45



3.13.2023 10:45

**CHARTER TOWNSHIP OF
OSCODA**

Zoning Department

Memo

To: Zoning Board of Appeals

From: Nichole Vallette, Planning and Zoning Director

Date: March 14, 2023

Re: Case# 602-2023 Variance Request

Nature of Application #602-2023: Ramon Kattola has submitted an application to allow for an accessory structure (gas pumps and canopy) to be built in the side yard.

Location/Description of Property: The subject properties are located at 5684 & 5692 F-41. The parcel #'s are 064-A30-000-038-00 (5684 F-41) and 064-A30-000-033-00 (5692 F-41) and is zoned Corridor Business District F-41 Zone. The properties combined are .815 acre.

Applicable Zoning Regulations: Section 4.14- Corridor Business District F-41 Zone

Staff Comments:

Mr. Kattola owns two parcels and is in process of combining them. He would like to demo the structure on one parcel (5684 F-41) and is in process of combining the two parcels. Mr. Kattola wants to place the gas pumps and canopy where the (to be) demoed building is. The Corridor Business District F-41 Zone only allows Accessory Structures in the Rear Yard. One parcel (5692 F-41, Party & Food) front two streets, giving it two front and two side yards, no rear. By combining the two parcels, the proposed pumps would still be in the side yard. Gas pumps are allowed by right, as Retail Sales General.

If the variance should be approved, the applicant would need all applicable Iosco County Building and must follow all Township, County, State and Federal laws.

Communications Received

The Planning & Zoning Director will update the Zoning Board of Appeals on any communication or correspondence received.

Possible Actions by the Zoning Board of Appeals:

To obtain a variance, the applicant must show that the following conditions listed below are satisfied:

1. Would strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using the property for a permitted use, or make the use extremely difficult?
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?
3. Is it true that the circumstances and conditions of the property and variance request are not a result of the actions of the applicant or previous property owner?
4. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare?
5. Will granting this variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?

The Zoning Board of Appeals may impose conditions upon an affirmative decision.

If the Zoning Board of Appeals finds that this application satisfies all of the five conditions listed above, it could grant the requested variances. The Zoning Board of Appeals would then grant the requested variances but require that Land Use and Building permits are obtained for the structure, and pass inspection from the Iosco County Building Department. Finally, if the Zoning Board of Appeals finds that the appeal does not satisfy all of the five conditions listed above; it should act to deny the requested variances.

CHARTER TOWNSHIP OF OSCODA

110 S. State Street, Oscoda MI 48750

Phone 989-739-3211 Ext. 250

Case # 602-2023Fee: \$ 500.00Rcpt. # 100098621**ZONING BOARD OF APPEALS**

Application for: (See back for descriptions)

☒ Variance ☐ Interpretation ☐ Administrative ReviewProperty Address: 5684 F41, Oscoda, MI 48750

Property Owner:

Name:

Ramon Kattola

Address:

5692 N. F41
Oscoda, MI 48750

Phone:

(586) 405-5555

Applicant (if not owner):

Name:

Address:

Phone:

Position:

Property Description: Parcel No. 064-A30-000-038-00Size: .379 Acres Zoning: F41 Corridor Business DistrictCross Streets: F41 and Van Etten Dam RdNature of Request: I am applying for a variance
to add gas pumps and a canopy in a general
retail establishment.

Rationale for Request: (For variances, also fill out page 3 and 4 of this application)

We purchased this property specifically to
add a canopy with gas pumps to expand the offering
services of Party and Food Center to the community along
with making site improvements such as landscaping, updating
the interior and exterior of the building to beautify the corner.

(add additional pages as necessary)

Read Carefully: I am the owner of the property included in this application or am officially acting on the owners' behalf. I hereby attest that the information on this application form, the site plan and other attachment(s) is, to the best of my knowledge, true and accurate. I hereby grant permission to the Township Staff and/or any appropriate Township Official to access this property to review the accuracy of the information submitted. ☒ Yes ☐ No

Please Note: The applicant or their official representative should be present at the Zoning Board's Public Hearing to present the appeal and answer any questions Board Members may have.


Applicant's SignatureFebruary 17, 2023
Date

Ordinance 165, Section 8.3 Duties and Powers of Zoning Board of Appeals (Excerpts)**Section 8.3.1 Administrative Review**

The Board shall hear and decide appeals where it is alleged by the person objecting that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of this Ordinance.

Section 8.3.2 Interpretations, Determinations, Classification

The Board shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between Zoning Districts.
3. Classify a use which is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable permitted use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

Section 8.3.3 Variances

The Board shall have the power to authorize, upon an appeal, specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements.

To obtain a variance, the applicant must show that the following conditions listed below are satisfied:

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.
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.
4. The problem is not self created.
5. Granting the variance will not be of substantial detriment to adjoining property or the general welfare.
6. Granting the variance will not impair the intent or purpose of the Zoning Ordinance.

Section 8.3.5 Attachment of Conditions

The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Section 8.6 Prohibited ZBA Actions

1. No appeal shall be taken to the Zoning Board of Appeals with regard to a planned unit development or Special Permit Use decision.
2. The Zoning Board of Appeals is without authority to grant a variance on the use of land.
3. The Zoning Board of Appeals may only act on those matters brought before it through the procedures described in this Section. In no instance may they conduct business on matters outside the scope of the appeal.

Variance Application

Property Address: 5684 F.H.I

To obtain a variance, the applicant must show that the following conditions listed below are satisfied. Please type or write legibly; use the back or add additional sheets as necessary.

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.

To my understanding, a gas station would be a permitted use under general retail other than the fact that we would be selling fuel and would not be burdensome.

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.

We purchased this property to place gas pumps for Party and Food Center as to my knowledge would fall under General Retail and is also consistent with the current businesses nearby. It fits the theme of the operating businesses adjacent to the site.

4. The problem is not self created.

In my opinion this is not a problem and not self created. The reason we purchased the property was specifically for the proposed canopy and gas pumps as it's general retail and fits the general theme of the current operating businesses nearby.

5. Granting the variance will not be of substantial detriment to adjoining property or the general welfare.

In my opinion it will not be detrimental to the adjoining property as we will be proposing to install a new fence and landscaping to screen the property adjacent to the east.

6. Granting the variance will not impair the intent or purpose of the Zoning Ordinance.

If I am granted the variance it will not impair the intent or purpose of the zoning ordinance due to the fact that it is general retail other than the sales of fuel.


Property Owner's Signature

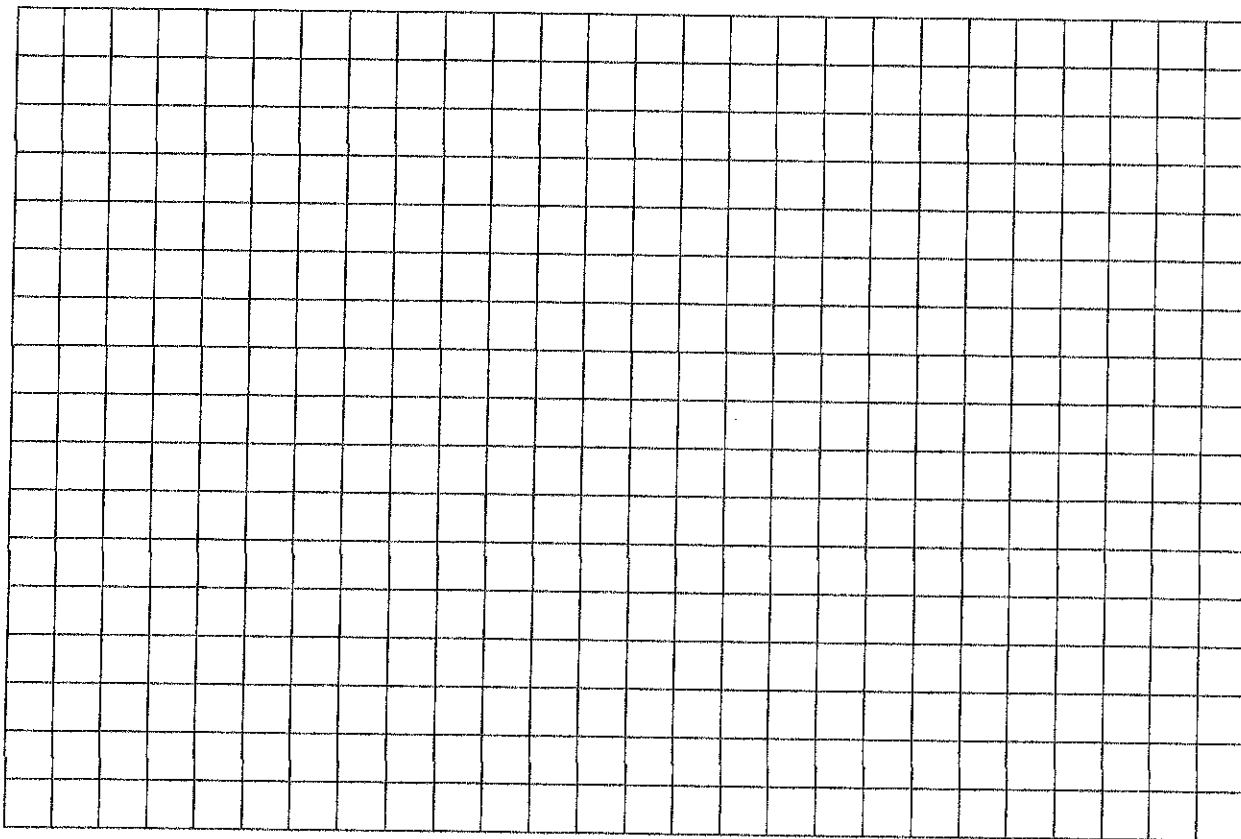
February 17, 2023
Date

SITE PLAN DRAWING


As part of a Variance application or other application that concerns the existing or proposed improvements on the property, an accurate site plan must be submitted, including:

- a. Property dimensions, including total width and depth, and a "North" arrow.
- b. All structures currently located on the property with their size(s) indicated.
- c. The exact distance(s) between all structures on the property.
- d. All roads or easements adjoining, abutting or traversing the property.
- e. An accurate depiction of the driveway access to the property and parking areas.
- f. The proposed placement of any new structure, addition or other improvement on the property, showing the dimensions of the improvements and the distances between them and other structures and the lot lines.

Note: The site plan information should be included on, or with, a copy of a property survey. However, the applicant may use the grid area below, or a similar format, to provide the required drawing information. The Zoning Board or the Zoning Administrator may require a survey or other additional information as necessary to ensure each application meets applicable standards in the Zoning Ordinance. ** please see attached.*

**APPLICANT CERTIFICATION**

I certify the above or attached drawing accurately reflects the subject property as surveyed including property lines and the height, size, and setbacks of existing and proposed structures and improvements.



Signature (Applicant)

February 17, 2023

Date

For official use:

Property Address: 5684 F-41, Oscoda **Case #:** 602-2023

Application Submitted: 2-22-23 **Accepted as Complete:** 2-22-23 **By:** NV

Public Notice Mailing Date: 2-24-23 **Publication Date:** 3-1-2023

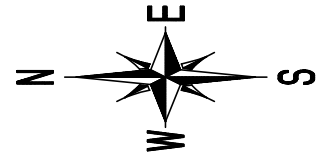
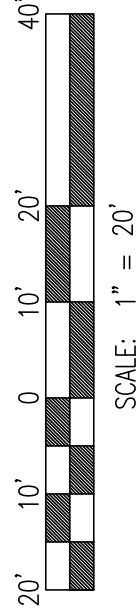
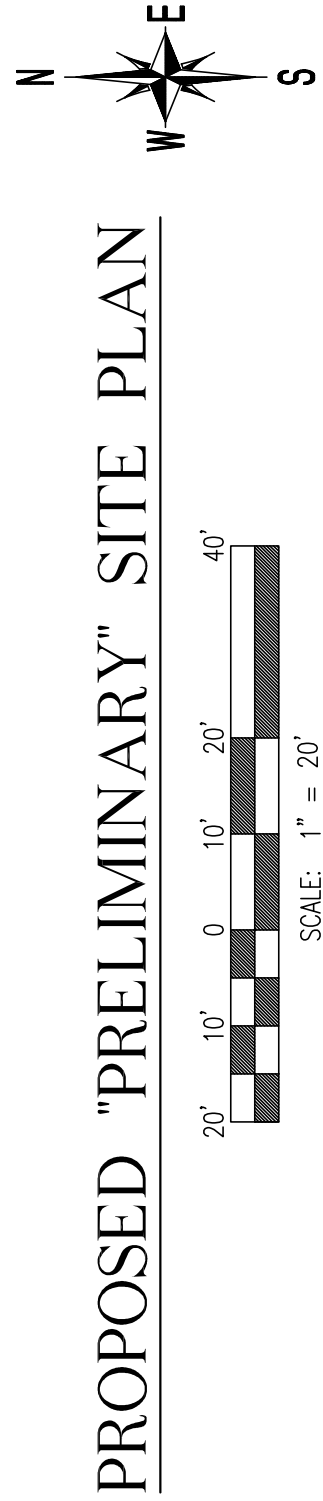
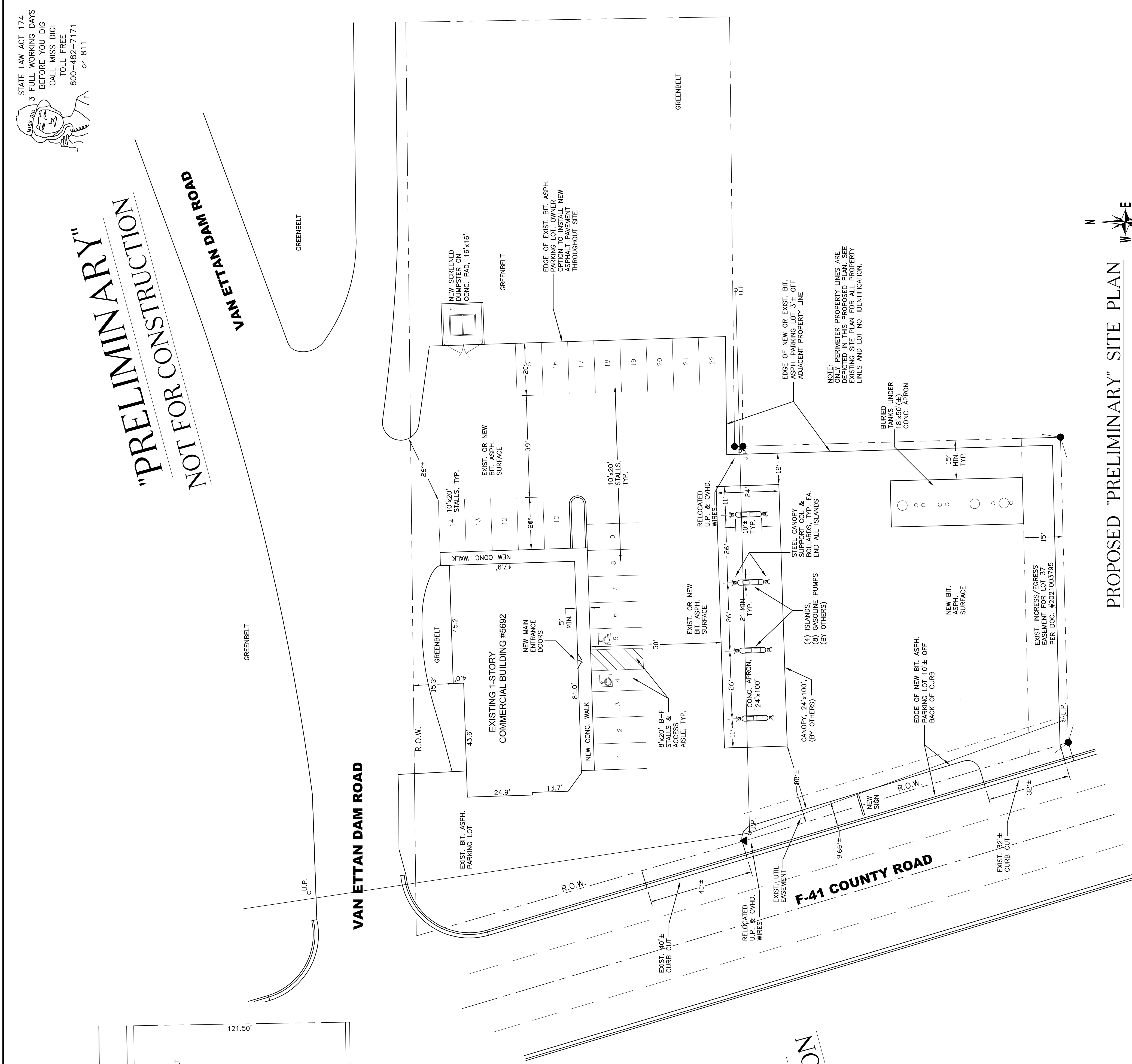
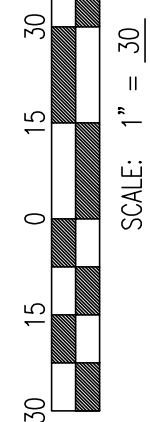
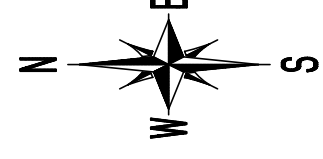
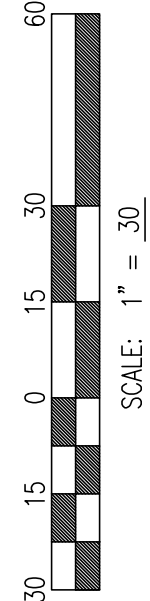
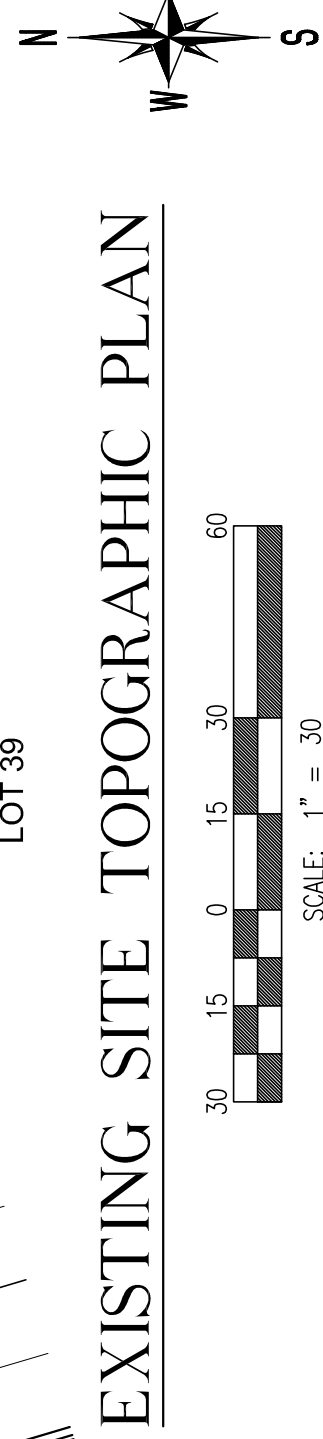
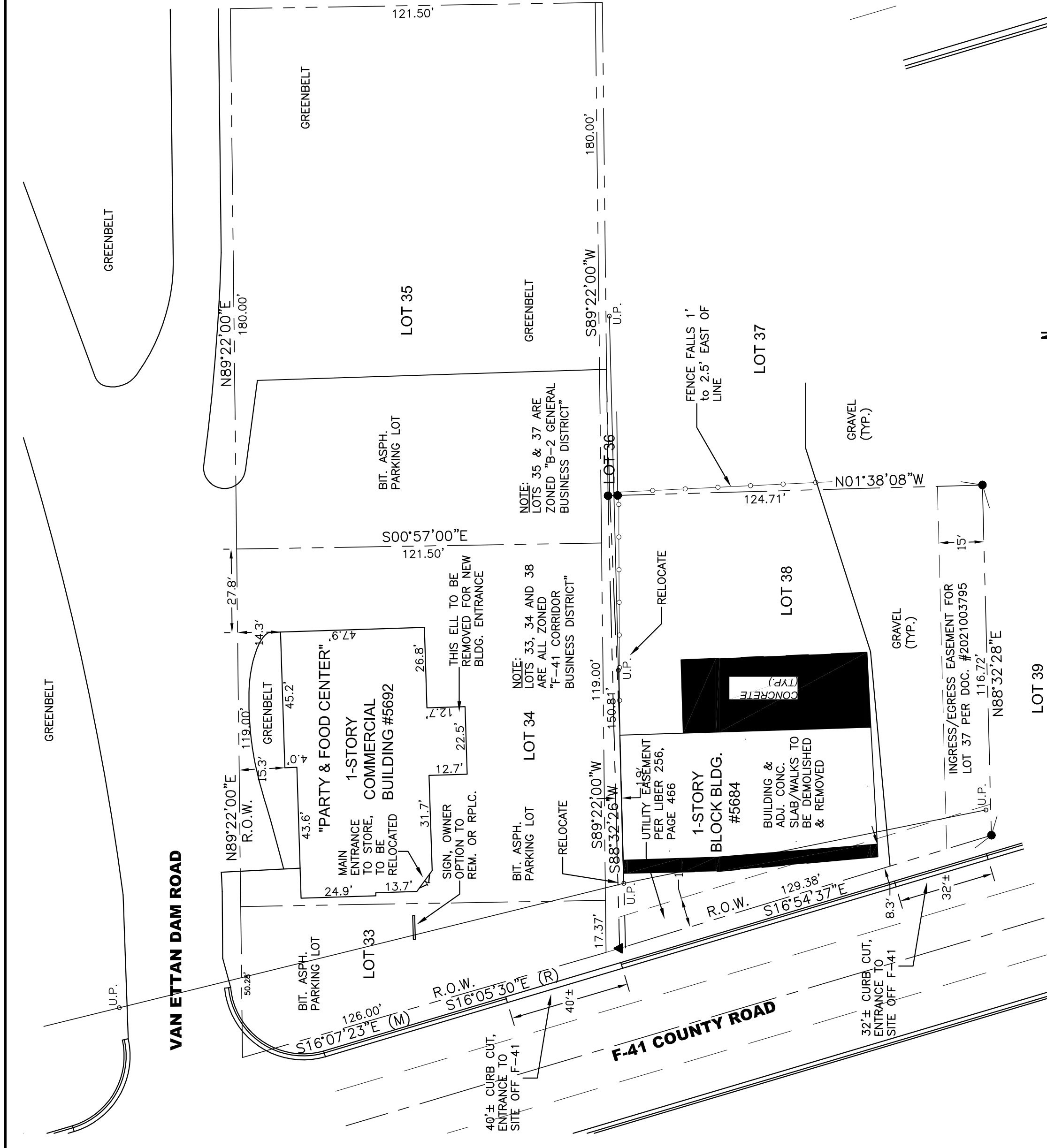
Date of Public Hearing: 3-20-23 **Materials to Board:** 3-15-2023

Zoning Board of Appeals Action: ☐ **Approved** ☐ **Approved with Conditions**
☐ **Denied**

Conditions of Approval: _____ **Date** _____

Decision Certified: _____ **Chairperson** _____ **Date** _____

Letter Sent to Applicant: _____ **Planning & Zoning Director** _____ **Date** _____

[illegible]



3.13.2023 10:40



3.13.2023 10:40



3.13.2023 10:39



3.13.2023 10:40

CHARTER TOWNSHIP of OSCODA

Zoning Board of Appeals 2023 Meeting Schedule/Deadline Dates

Scheduled Meeting Date ^{(1) (4)}	Application Deadline Date ⁽²⁾
January 16, 2023	December 21, 2022
February 21, 2023 ⁽³⁾	January 25, 2023
March 20, 2023	February 22, 2023
April 17, 2023	March 22, 2023
May 15, 2023	April 19, 2023
June 20, 2023 ⁽³⁾	May 24, 2023
July 17, 2023	June 21, 2023
August 21, 2023	July 19, 2023
September 18, 2023	August 23, 2023
October 16, 2023	September 20, 2023
November 20, 2023	October 18, 2023
December 18, 2023	November 22, 2023
January 15, 2024	December 20, 2023

NOTES

(1) Zoning Board of Appeals regular scheduled meetings are held on the 3rd Monday of each month in the Robert J. Parks Library, 6010 Skeel Ave., Oscoda. MI 48750

(2) Applications for an Appeal must be filed with the Zoning Department no later than 26 days prior to a scheduled meeting.

(3) Date changed to accommodate the Holidays

(4) Meeting Agendas are available to the public 5 days prior to the meeting.

Adopted by the Zoning Board of Appeals on

Greg Schulz - Chair

Date

CHARTER TOWNSHIP OF OSCODA

110 S. State Street, Oscoda MI 48750

Phone 989-739-3211 Ext. 250

Case # _____

Fee: \$ _____

ZONING BOARD OF APPEALS

Application for: (See back for descriptions)

Rcpt. # _____

☐ Variance ☐ Interpretation ☐ Administrative Review ☐ Appeal

Property Address: _____

Property Owner:

Applicant (if not owner):

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Position: _____

Property Description: Parcel No. _____

Size: _____ Zoning: _____

Cross Streets: _____ and _____

Nature of Request: _____

Rationale for Request: (For variances, also fill out page 3 and 4 of this application)

(add additional pages as necessary)

Read Carefully: I am the owner of the property included in this application or am officially acting on the owners' behalf. I hereby attest that the information on this application form, the site plan and other attachment(s) is, to the best of my knowledge, true and accurate. By signing this Application, I hereby grant permission for Township Staff and/or any appropriate Township Official to access my property in order to affirm the accuracy of the information submitted.

Please Note: The applicant or their representative(s) must be present at the meeting at which their application is being considered to present the matter and answer any questions Zoning Board of Appeals members may have. Board Members shall refrain from communicating with an applicant or their representative(s) during a site visit.

Applicant's Signature

Date

Ordinance 165, Section 8.3 Duties and Powers of Zoning Board of Appeals (Excerpts)**Section 8.3.1 Administrative Review**

The Board shall hear and decide appeals where it is alleged by the person objecting that there is an error in any order, requirement, permit, decision, or refusal made by the Planning and Zoning Director or by any other official in administering or enforcing any provision of this Ordinance.

Section 8.3.2 Interpretations, Determinations, Classification

The Board shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between Zoning Districts.
3. Classify a use which is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable permitted use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

Section 8.3.3 Variances

The Board shall have the power to consider specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements (“non-use variances”).

To obtain a variance, the applicant must establish the existence of a practical difficulty by demonstrating the following:

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?
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?
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?
4. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare?
5. Will granting the variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?

Section 8.3.5 Attachment of Conditions

The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Section 8.6 Prohibited ZBA Actions

1. No appeal shall be taken to the Zoning Board of Appeals with regard to a planned development or special permit use decision.
2. The Zoning Board of Appeals is without authority to grant a variance on the use of land.
3. The Zoning Board of Appeals may only act on those matters brought before it through the procedures described in this Section. In no instance may they conduct business on matters outside the scope of the appeal.

Variance Application

Property Address: _____

To obtain a variance, the applicant must show that the following conditions listed below are satisfied. Please type or write legibly; use the back or add additional sheets as necessary.

1. Explain how strict adherence to the Charter Township of Oscoda Zoning Ordinance would unreasonably prevent the applicant(s) from using their property for a permitted use.

2. Explain how strict adherence to the Charter Township of Oscoda's Zoning Ordinance would deprive the applicant(s) of rights commonly enjoyed by other properties in the same district and that the variance requested is the minimum variance necessary.

3. Explain how the need for the variance was not created by the applicant(s).

4. Explain how granting the variance will not be of substantial detriment to adjoining properties or the general welfare of the Township.

5. Explain how granting the variance will not impair the intent or purpose of the Zoning Ordinance.

Please note: The maximum allowable size of accessory structures is set forth in the Oscoda Township Zoning Ordinance (see Article VI, Sec. 6.2.1.1.e (attached structures) and Sec. 6.2.1.3.e (detached structures)).

Property Owner's Signature

Date

As part of a Variance application or other application that concerns the existing or proposed improvements on the property, an accurate site plan must be submitted, including:

- Note:** The site plan information should be included on, or with, a copy of a *property survey*. However, the applicant may use the grid area below, or a similar format, to provide the required drawing information. The Zoning Board or the Planning and Zoning Director may require a survey or other additional information as necessary to ensure each application meets applicable standards in the Zoning Ordinance.

This image shows a full page of blank graph paper. The grid consists of thin, light gray horizontal and vertical lines that intersect to form small squares across the entire surface. There are no margins, text, or other markings on the paper.

I certify the above or attached drawing accurately reflects the subject property as surveyed including property lines and the height, size, and setbacks of existing and proposed structures and improvements.

Date

For official use:

Property Address: _____ **Case #:** _____

Application Submitted: _____ Accepted as Complete: _____ By: _____

Public Notice Mailing Date: _____ Publication Date: _____

Date of Public Hearing: _____ Materials to Board: _____

Zoning Board of Appeals Action: ☐ **Approved** ☐ **Approved with Conditions**
 ☐ **Denied**

_____ Date
Conditions of Approval: _____

Decision Certified: _____
 Chairperson _____
 Date

Letter Sent to Applicant: _____
 Planning & Zoning Director _____
 Date



2022 ANNUAL REPORT FOR PLANNING AND ZONING

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1.0 Introduction

The Charter Township of Oscoda Planning Commission functions under and has their powers and duties set forth by both The Michigan Planning Enabling Act (PA 33 of 2008) and the Michigan Zoning Enabling Act (PA 110 of 2006). The Michigan Planning Enabling Act (MPEA) provides for the creation, organization, power(s), and duties of Planning Commissions. The Michigan Zoning Enabling Act (MZEA) provides for the adoption of zoning ordinances and the establishment of zoning districts and prescribes powers and duties of certain officials including the Planning Commission.

Section 19 of the MPEA (MCL 125.3819) requires the Charter Township of Oscoda Planning Commission to make an annual written report to the Charter Township Board of Trustees. This report is to provide the Board with a summary and status of planning activities over the past year.

2.0 Membership

Planning Commission Membership

The MPEA states that the membership of the Planning Commission shall be representative of important segments of the community, such as economic, governmental, educational, and social development of local unit government, in accordance with the major interests as they exist in the local unit of government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable (MCL 125.3815).

On June 6, 2022, the Planning Commission election of officers took place. The Planning Commission elected Jeffery Linderman as Chair and elected Robert Tasior as Vice Chair. Greg Schulz was elected as the Zoning Board of Appeal Representative by the Planning Commission. Bill Palmer was reelected by the Board of Trustee to serve as the Board of Trustee Representative to the Planning Commission on November 23, 2020 and will serve through November 19, 2024.

As of December 31, 2022, the Planning Commission's membership are as follows:

Planning Commission Member	Term Expiration
Jeffery Linderman (Chair)	December 31, 2023
Robert Tasior (Vice Chair & EIC Representative)	December 31, 2024
Bernie Schenk	December 31, 2022
Ed Davis	December 31, 2022

Greg Schulz (Planning Commission Representative to the Zoning Board of Appeals and Planning Commission Secretary)	December 31, 2023
Ann Victoria Hopcroft	December 31, 2023
Bill Palmer (Trustee Representative)	November 19, 2024

Zoning Board of Appeals Membership

The Charter Township of Oscoda Zoning Board of Appeals was created to exercise the powers and perform the duties prescribed to it in the Michigan Zoning Enabling Act (Public Act 110, of 2006). The Zoning Board of Appeals is comprised of five (5) members and one (1) alternate (currently vacant as of December 31, 2022) recommended by the Township Supervisor and appointed by the Charter Township of Oscoda Board of Trustees.

On June 21, 2022, the Zoning Board of Appeals election of officers took place. The Zoning Board of Appeals elected James Biggar as Chair, Greg Schulz as Vice Chair and Jeff Rush as Secretary.

As of December 31, 2022, the Zoning Board of Appeal's membership are as follows:

Zoning Board of Appeals Members	Term Expiration
James Biggar (Chair)	December 31, 2022
Jeff Rush (Secretary)	December 31, 2022
Greg Schulz (Vice Chair) (Planning Commission Representative to Zoning Board of Appeals)	June 1, 2023
Cynthia Schwedler	December 31, 2023
Adam Hume	December 31, 2023

All Planning Commission members, Zoning Board of Appeals members, the Planning & Zoning Director, and additional organizational staff members are members of the American Planning Association Michigan Chapter.



American Planning Association
Michigan Chapter

Creating Great Communities for All

3.0 Meetings

At the January 4, 2022 meeting, the Planning Commission set their meetings for the First Monday of every month at 6pm to be held at the Robert J Parks Library.

The Planning Commission held a total of twelve (12) regular meetings in person at the Robert J Parks Library with an additional four (4) special meetings. The Planning Commission Master Plan Sub-Committee held eleven (11) work sessions. The Planning Commission Ordinance Revision Sub-Committee held eight (8) work sessions and the Township Hall Sub-Committee held two (2) work sessions.

4.0 Planning Commission Responsibilities

- Perform Site Plan Reviews as required in the Zoning Ordinance.
- Conduct public hearings on and make decisions on Special Land Use Permit requests as specified in the Zoning Ordinance.
- Conduct public hearings on and make recommendations to the Board of Trustees on Zoning Ordinance Text Amendments in accordance with the MZEA, Charter Township of Oscoda Zoning Ordinance and the Charter Township of Oscoda Master Plan.
- Update and maintain the Charter Township of Oscoda Master Plan in accordance with the MPEA
- Review and make recommendations, as required by the MZEA, on zoning amendments for the Charter Township of Oscoda.
- Review and comment on any proposed Master Plans or Master Plan amendments for any community within or adjacent to the Charter Township of Oscoda as required by the MPEA.
- Review and comment on the Capital Improvement Plan for 2023-2028 as required by MPEA.

5.0 Planning Commission 2022 Activity

The Planning Commission continued to be active this past year as they strived to meet their responsibilities for the year. The Planning Commission and Planning Commission Sub Committee continuously reviews the Zoning Ordinance and in doing so, recommended multiple changes to the ordinance. This was done with careful consideration of the needs of the community. The following is a summary of all activity in 2022:

- 5.1 Master Plan Goals:** The Planning Commission approved the adoption of the Amended and Restated Master Plan of 2021 at their March 1, 2021 meeting. At their January 4th, 2022 Planning Commission meeting, a 2022 Master Plan Action Items and Goals Sub-Committee was created. The purpose of the Sub-Committee is to ensure the Master Plan Goals are being reached by the responsible party. The Sub-Committee held eleven (11) work sessions through 2022.

2021 AMENDED AND RESTATED COMMUNITY MASTER PLAN



- 5.2 Site Plan Reviews:** In 2022, a total of fourteen (14) Site Plans were reviewed by the Planning Commission. Ten (10) of those Site Plans were preliminary Site Plan reviews and one (1) was a final Site Plan Review. Site Plan Uses included Recreation Marihuana Facility, Recreation and Medical Safety Compliance Facilities, Recreation Utility Trailer Sales, Accessory Structure, PUD, Multi-Family, Apartments, Class B Grow Facilities, General Retail Sales, and a final site plan review for Holiday Inn Express Hotel.
- 5.3 Special Land Use:** In 2022 a total of ten (10) Special Land Use Permits were reviewed by the Planning Commission. Special Land Uses include Recreation and Medical Marihuana Safety Compliance Facilities, Recreation Marihuana Facility, Class B Commercial Grow Facilities, PUD, Accessory Structure, Multi-Family, Apartments and Recreation Utility Trailer Sales.
- 5.4 Ordinance Amendments:** In 2022, the Planning Commission Sub-Committee held eight (8) work sessions. The Planning Commission approved six (6) ordinance amendments and two (2) new ordinances. One new ordinance is an Accessory Dwelling Unit (ADU) Ordinance and the other is Micro Housing. The Townships Professional Planner is in the process of rezoning the former Wurtsmith Airforce Base to Form Based Code, to allow for more uses and mixed use.
- 5.5 New Multi-Use Facility Planning Process:** The Planning Commission was tasked by the Township Board at their 2/14/2022 meeting to create a Sub-Committee with the purpose of planning a new township multi-use facility. At

the 3/7/2022 Planning Commission meeting, they decided to create the Sub-Committee utilizing all members of the Planning Commission. Two (2) work sessions have been held to date (12/31/2022) for the planning process. The Sub-Committee is waiting on results of the feasibility study to schedule the next work session to continue the planning process.

5.6 Planning Commission Goals for 2023: The Planning Commission, in 2023, will strive to complete many of the action items in the amended and restated Community Master Plan. Some of the goals in the Master Plan include incorporating pedestrian elements and crossings in the US-23 North Corridor, Aligning Zoning to accommodate housing mix recommendations while encouraging mixed use developments and seeking funding sources to implement other plans. The Planning Commission will continue to work on ordinance revisions and new ordinances as needed.

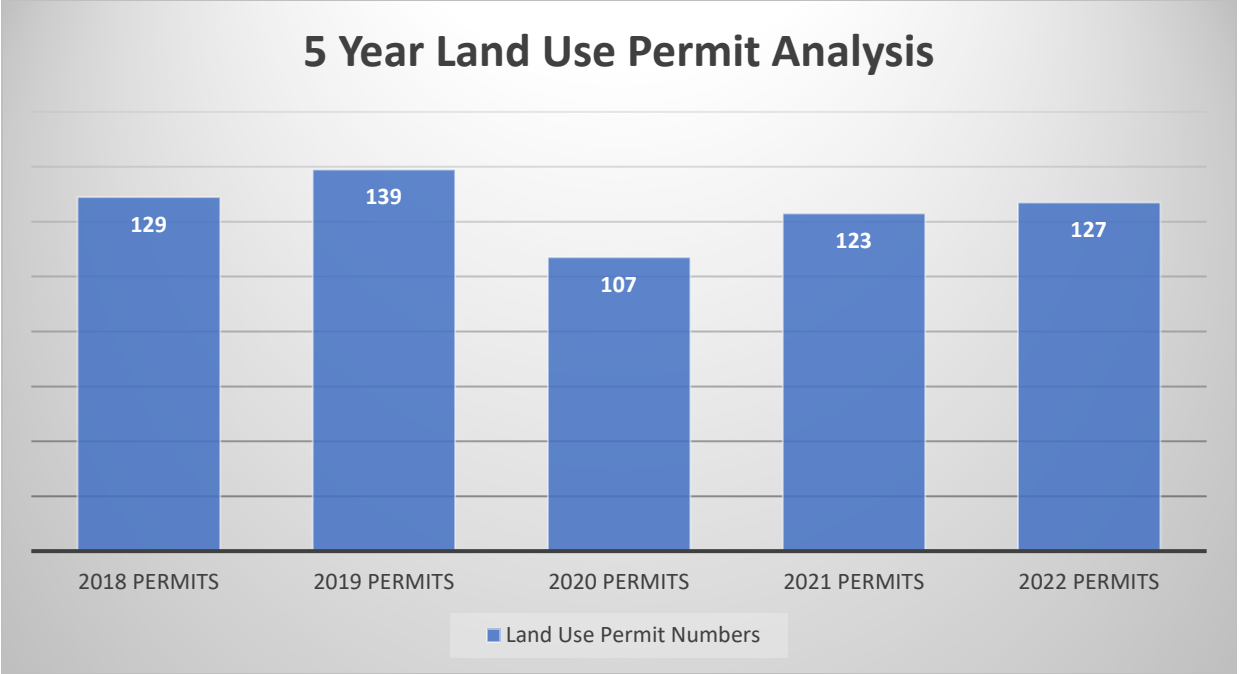
5.7 Internal Review Process: The Internal Review Process is a RRC prescribed process. By mailing out surveys on a quarterly basis, the survey results help continuously improve the Planning Commissions site plan approval process. Thirteen surveys were mailed out for 2022. In May 2022, the Internal Review Process Team held their yearly meeting where fees were reviewed and adjusted accordingly.

6.0 Zoning Board of Appeals Activity in 2022:

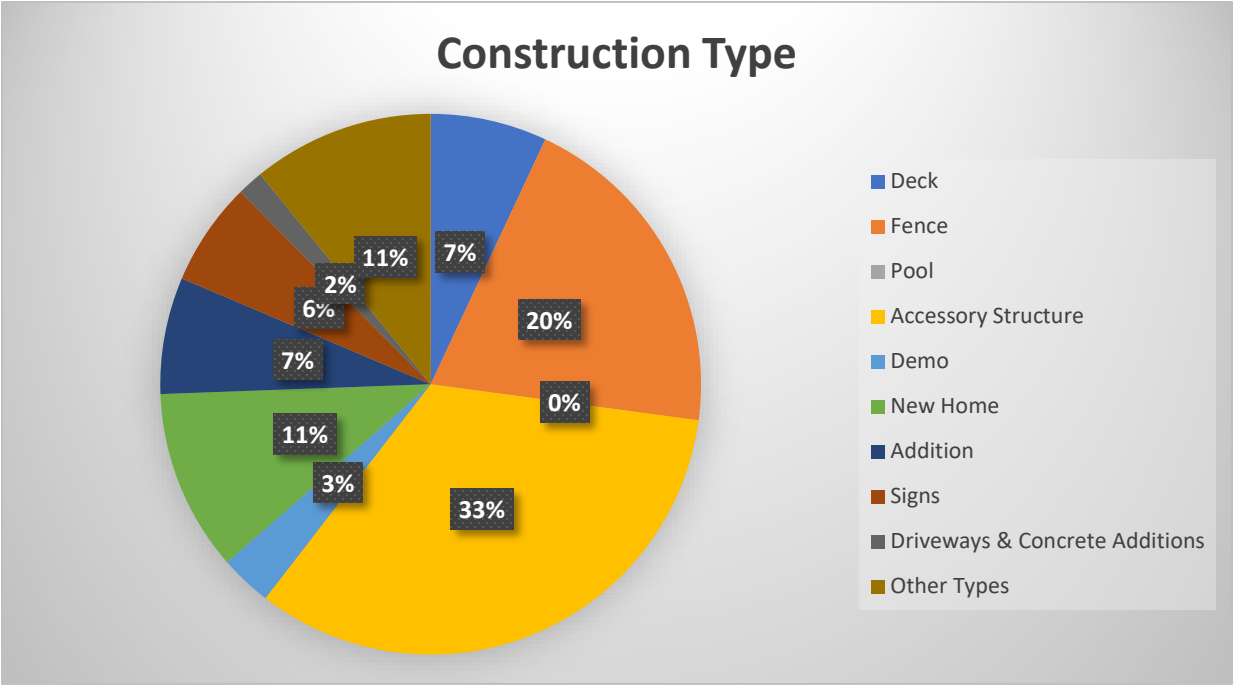
The Zoning Board of Appeals held a total of four (4) Regular Meetings and one (1) special meeting, all in accordance with the Open Meetings Act. One (1) variance request was denied. The MZEA requires that the Zoning Board of Appeals hold a minimum of 2 Regular Meetings per year. (MCL 125.3304).

7.0 Planning & Zoning Director Activity in 2022

The Planning & Zoning Director approved 127 Land Use permits and 8 Temporary Use Permits in 2022. The total number of Land Use permits issued is up 3.25% from 2021. The chart below breaks down the number of Land Use Permits over the last five years.



The breakdown below identifies the use type for approved Land Use Permits.



The Planning & Zoning Director will continue to work with multiple departments in preparing plans and other planning and management proposals and will also continue to work with other departments on a wide variety of planning and zoning issues and opportunities.