

Charter Township of Oscoda

Zoning Board of Appeals

AGENDA

April 25, 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 – March 20, 2023 Regular**
Scheduled Meeting Minutes.
 - D. Agenda – Additions, corrections, and approval**
 - E. Public Comment – (Non-scheduled and Scheduled agenda items)**
 - F. Public Hearing –**
 - a. Case #603-2023- Doug Andrews Variance Request
 - G. Old Business – N/A**
 - H. New Business – N/A**
 - I. Zoning Board of Appeals Member comments**
 - J. Planning Commission Member Comments**
 - K. Report of Planning & Zoning Director**
 - L. Adjournment**

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. Roggenbucks 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.

James Biggar – Chair

Date

Nichole Vallette– Planning and Zoning Director

**CHARTER TOWNSHIP OF
OSCODA**

Zoning Department

Memo

To: Zoning Board of Appeals

From: Nichole Vallette, Planning and Zoning Director

Date: April 18, 2023

Re: Case# 603-2023 Variance Request

Nature of Application #603-2023: Doug Andrews, West Bloomfield MI, has submitted an application proposing a deck and boardwalk to be built all the way to their South side property line. The variance requested is on the setback requirements for the side property line.

Location/Description of Property: The subject property is located at 7406 N. US 23, Oscoda MI 48750. The parcel # is 063-011-200-012-00 and is zoned RT, Residential Tourist District. The property is 100' wide by 141' deep and is .324 Acre.

Applicable Zoning Regulations:

Section 6.26.2 - Decks, General Provisions

1. It shall be unlawful for any person, firm, corporation, partnership or other organization to construct a deck within the Township without first securing a land use permit from the Zoning Administrator and an Iosco County Building Permit.
2. Decks shall be constructed in accordance with "Michigan State Construction Code" and also meet all applicable building codes and other state and federal regulations.
3. Decks may be attached to the principal structure or free standing at least ten (10) feet from any other permanent structure. When a deck is attached to the principal structure the setback requirements of the principal structure shall be maintained. A freestanding deck shall satisfy the setback requirements of an Accessory Structure unless a lot line is adjoined by a body of water then a free standing deck may be placed at the water's edge as long as ten (10) feet separation is maintained from all other permanent structures and ten (10) feet setback is maintained from other lot lines. ²

Section 4.16 - R-T, Residential Tourist District:

5. Lot, Building, Yard Requirements:

A. Lot: Area, twelve thousand (12,000) SF minimum; width, one hundred (100) feet minimum; coverage, forty (40) percent maximum.

B. Principal Building: Height, thirty-five (35) feet ²maximum; stories, two (2) maximum; area, seven hundred fifty (750) SF minimum.

C. Yard: Front, twenty-five (25) feet FLL minimum (also, see Special Notes "D" and "F" below); side, ten (10) feet minimum; rear, twenty-five (25) feet minimum.

Staff Comments:

This request is for a variance to allow for a deck (attached to the principal structure) and boardwalk to be built in the side yard and is requesting to go all the way to the property line. The applicant owns the property to the South of this parcel. As a reminder, he may not always own that property. I reviewed other options with the applicant that would follow the Ordinance such as placing a smaller, temporary boardwalk through that grass that could be removed and stored for the off seasons, or combining the lots so that existing South side lot line was no longer an issue for setback requirements. The applicant declined other options and wanted to proceed with a variance.

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 # 603-2023

Fee: \$ 500.⁰⁰

ZONING BOARD OF APPEALS

Application for: (See back for descriptions)

Rcpt. # 100098717

☒ Variance ☐ Interpretation ☐ Administrative Review ☐ Appeal

Property Address: 7406 North Highway 23, Oscoda, MI 48750

Property Owner:

Applicant (if not owner):

Name: Doug Andrews

Name: _____

Address: 7406 N. US 23
Oscoda, MI 48750

Address: 6890 PlayFair Terrace
West Bloomfield, MI 48323

Phone: 248-535-7499

Phone: _____

Position: _____

Property Description: Parcel No. 063-011-200-12-00

Size: 100 by 200 Zoning: Residential RT

Cross Streets: US 23 and north of Celia Dr.

Nature of Request: Request variance of the 10 foot setback from the side lot line
for building an extended deck and boardwalk up to the south side lot line which
adjoins property also owned by the Project owner.

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

The house was built 10 feet from the property line on the south side which is the primary path to
access the back yard and beach because of the garage side man door. There is no other location to
conveniently access that area and a flat surfaced board walk and extended deck will allow for
handicapped wheelchair bound persons to access the deck with beach views. I also own the property
on this side of the project location.

(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.

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.

Zoning Board of Appeals Application

Page 3 of 5

Variance Application

Property Address: 7406 N. US 23, Oscoda, Mi 48750

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.

Since the house is only 10 feet from the property line, requiring a 10-foot set back from the south property line for a boardwalk and ground level deck will prevent building the boardwalk and attached deck in this area with access from the garage side entrance door to the beach and deck area for handicapped wheelchair bound persons.

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.

This is the primary path to the back yard and not having a boardwalk and Deck would prevent easy access to the beach/deck area.

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

We purchased the property with the house already built in its present position, 10 feet from the south property line preventing the construction of any deck/boardwalk to create easy access for people to access the back yard/beach.

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

First, I also own the property adjoining the south property line.

Secondly, there is 40 feet distance to the house from the adjoining property line allowing plenty of room for that property to enjoy the space without any impact from the project. The project is also at grade so there is not visual obstruction.

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

The Zoning Ordinance purpose is to prevent building of structures that would interfere with the use and enjoyment of the neighboring property and keep the project site from being a visual impairment to the local community. This project will be built at ground level with Trex decking and fascia boards in grey to match the house siding and a nautical theme for waterfront home.

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

7-27-23

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:

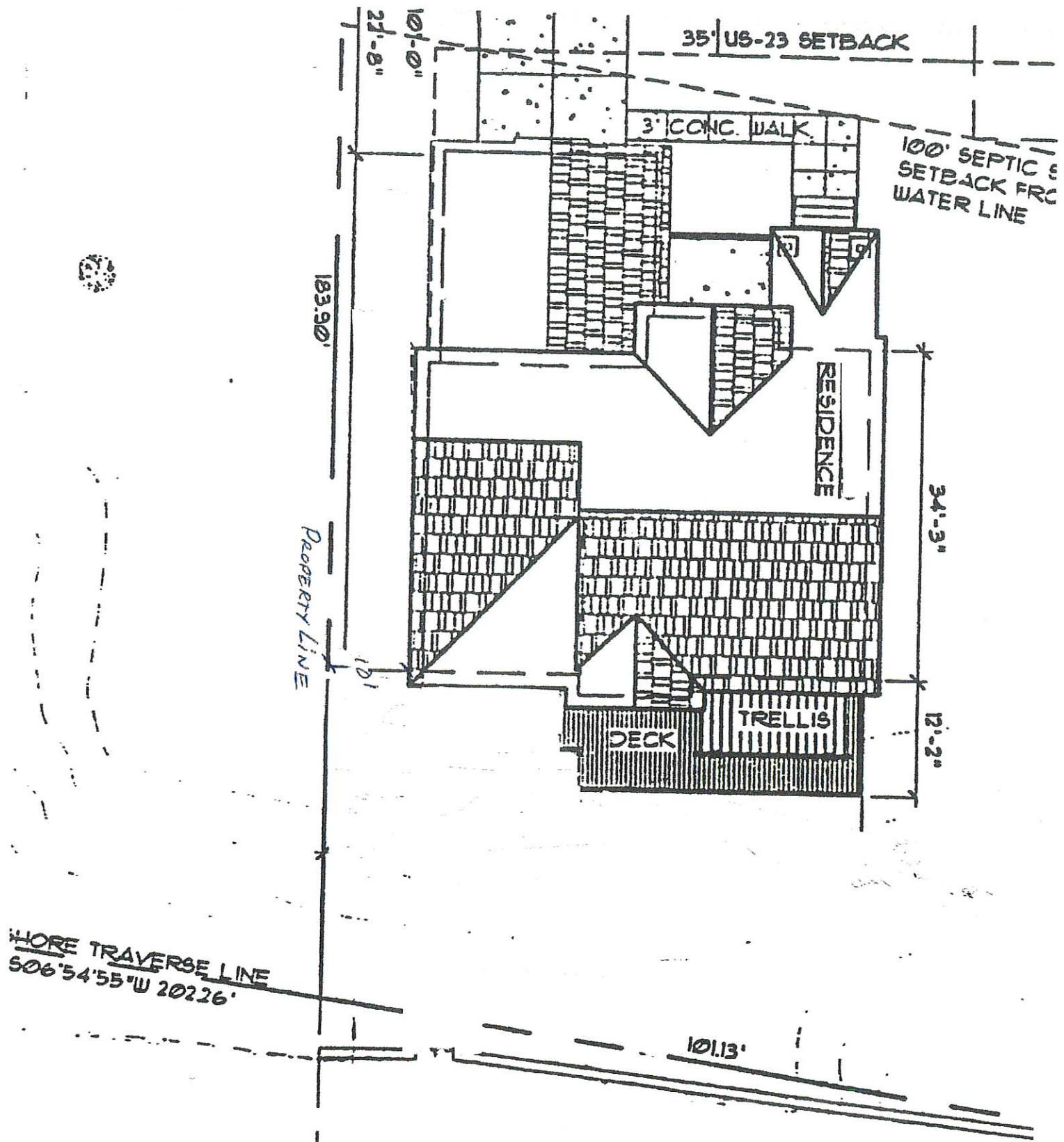
- a. Property dimensions, including total width and depth, and a “North” arrow.
- b. All structures currently located on the property with their size(s) indicated.
- c. The exact distance(s) between all structures on the property.
- d. All roads or easements adjoining, abutting or traversing the property.
- 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 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.

See Attached sketch for site details.

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.

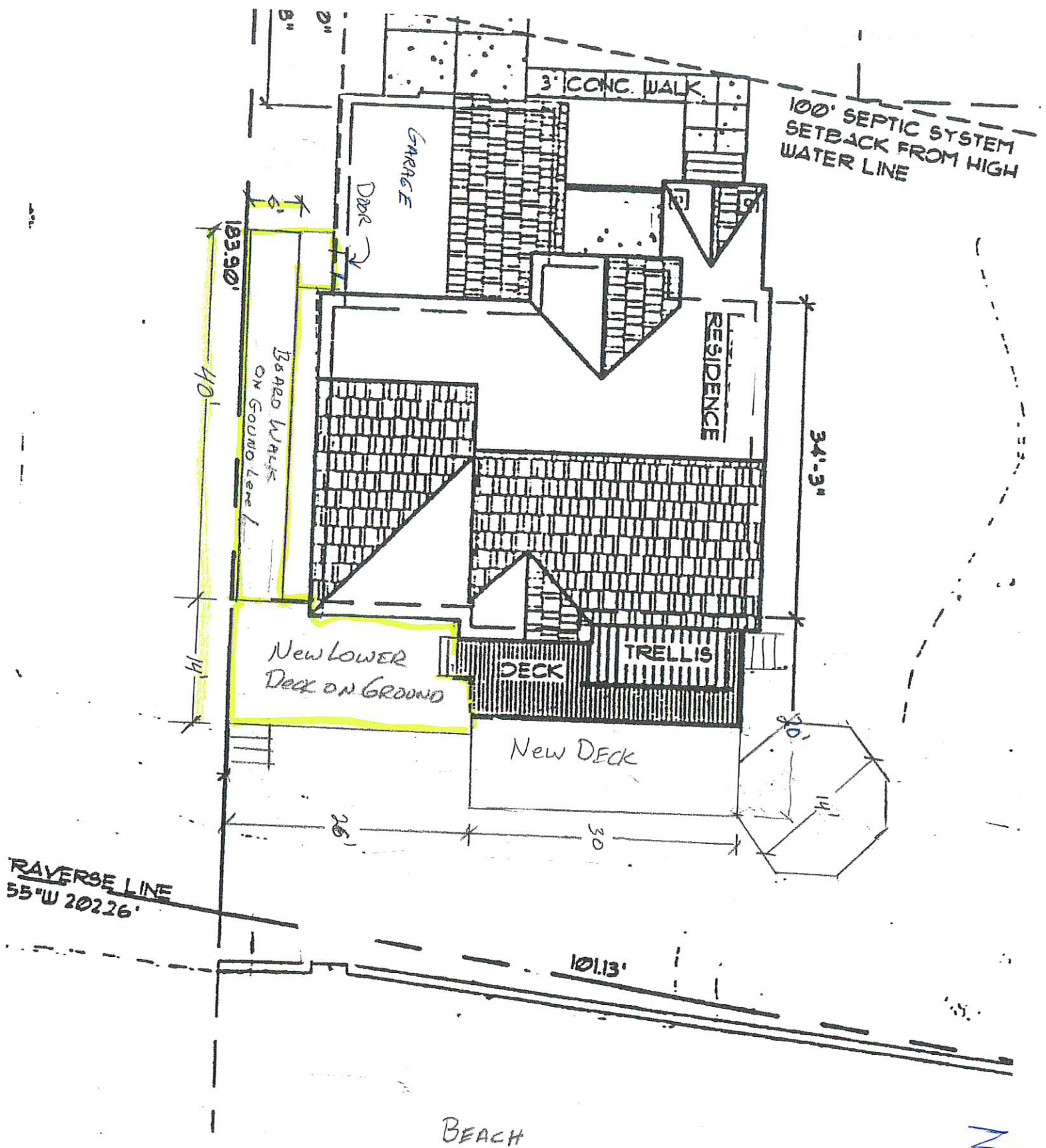
Date _____



Andrews Deck Project
7406 N. US 23
Oscoda, MI 48750
March 2023

Current Deck Structure





Andrews Deck Project
7406 N. US 23
Oscoda, MI 48750
March 2023

Proposed Deck and Boardwalk Addition







