

**ZONING BOARD OF APPEALS
ROSS TOWNSHIP
MEETING MINUTES
February 5, 2025**

The Ross Township Zoning Board of Appeals held its regular meeting on **February 5, 2025, at 5:30 p.m.** at the Ross Township Hall. Acting Chairperson DeKruyter called the meeting to order and noted those present.

Present: Jim DeKruyter, Chairperson
 Frank Guarisco, ZBA Member
 Cheryl Duffy-Geiger, ZBA Member

Absent: Michael Bekes
 Bonnie Sawusch

Also present: Bert Gale, AGS – Township Zoning Administrator
 Nick Keck, AGS – Township Zoning Administrator
 Robert Thall – Township Attorney

APPROVAL OF AGENDA: It was noted that the Application for Variance of Christopher Gottwald 11687 East D Avenue Property Tax Identification Numbers: 3904-19-210-072 would be postponed and rescheduled for the March 2025 ZBA meeting. Guarisco moved to approve the agenda as modified. Duffy-Geiger seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES: Guarisco moved to approve the minutes of **December 18, 2024**, as presented. Duffy- Geiger seconded the motion. The motion carried unanimously.

OLD BUSINESS:

Chairperson DeKruyter stated that no old business is scheduled for consideration

NEW BUSINESS:

- 1. Public Hearing on Application for Variance
AVB (Jack Gesmundo) on behalf of Ashley and Jim Ross,
2098 Midlake Drive, Hickory Corners.
Property Tax Identification Number: 3904-08-374-221,**

Chairman DeKruyter stated that the next matter to come before the Board was the request by ABV on behalf of Ashley and Jim Ross for new building approval for 2098 Midlake Drive.

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Gayle gave an overview of the proposal stating that applicant is proposing to construct a new home on a non-conforming lot located in the R-1 Low Density Residential Zoning district of Ross Township. The request is for a variance to Article 15 and sections 17.3 and 22.9 for a streetside setback from 20 feet to 3 feet, lake setback (front yard setback) from 50 feet to 47.04 feet as well as lot coverage of 56.2% where 37.9% is allowed. Applicant is also seeking roof height of 28.47 where 25 feet is allowed.

PUBLIC COMMENT

Chairperson DeKruyter opened public comment.

Jim Ross introduced himself and his wife Ashley (Owners). They currently live in Mattawan and have done so for 38 years; they have owned the summer cottage for 15 years. Their children are also part of the community having gone to school and colleges within the area. When they brought the summer cottage the intent was that at some point it would become their forever home, which is what they are looking to achieve in building the new residence. They looked forward to being part of the community and thanked the committee for their consideration.

Jack Gesmundo from American Village Builders (ABV), introduced his associate Jennifer O'Neil. Addressing the Board, he advised that AVB has a long relationship with the Ross's having helped them build their last home and purchase their summer cottage. ABV's approach is to bring forward projects that make sense and that are positive to the community. It is never AVB's intent to bring forward unreasonable projects, ABV wears their township hat too. Gesmundo noted that he reiterates his offer to assist the planning commission in modifying and enhancing certain ordinances that would benefit the lake community. We believe the house is very nice, we started working with the Ross' about six months ago during that time we understand that the ordinances have changed. We started the design work before the changes were made, we hope that you will take this into consideration.

Pat Lennon, Attorney representing the Ross's addressing the committee advised that from the submitted materials the Board could see what a truly spectacular home being proposed. He advised that the current house is approximately 3 feet off the road, it has 2 current side buildings resulting in side set back violations. In redeveloping the site, the first criteria that was addressed was lake setback, when the project commenced the setback requirements were 50 ft, the design was for 50.3 ft. With the change in ordinances that call for the inclusion of the 3 ft stoop the design has a setback of 47.04 ft/ The resulting 47.04 ft setback should be noted is a large improvement over the current building setback of 38 ft, so it is decreasing the non-conformity of the current lake setback by some 8 ft. With the elimination of the 2 side buildings, we also have improved and eliminated the side set back nonconformity. The new design has improved and eliminated, prior to ordinance changes, lot coverage, lake set back, and side set back leaving the road (street set back) to be addressed. The current house has virtually zero set

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back from the road, the new design including the 3ft stoop will provide an improved 3 ft set back. In regards the roof height to provide a reasonable amount of living space the roof height is designed at 28.47 feet exceeding the zoning requirement by 3.47 ft. In summary the design eliminates the two side variances, we eliminate the accessory buildings, opening view corridors between the two homes on either side of the house, opening walkways, making it safer between the homes, and making it safer with respect to the road. We've gone up three feet, but we've also improved our lot coverage. We still need a variance for coverage as Burt pointed out, the coverage limit is 37.9%. The property is currently at 70% lot coverage the redesign has it coming down to 59%, an 11% improvement.

Lennon requested the committee to remember in considering lot coverage that the promenade does not count when considering and calculating lot coverage. The promenade acts more like an easement over the lot. The big picture is that the request for variance will result in significant reductions in current nonconformities. The Ross' have reached out to neighbors who support the changes, we believe that the request for variance is similar to a number of other variances that have been approved by the committee. When looking at the standards we believe all the reasons stated satisfy the standards. The first standard in relation to use being permitted, is of course it is, this is a residential zone. Second would compliance with the strict letter of the ordinance unreasonably prevent the owner from using the property for permitted purpose or render conformity unnecessarily burdensome, we believe it would place unnecessary burden as it is our believe a house could not be built. Third would it do substantial justice to the applicant as well as other property owners in the surrounding area. Yes, it would be a substantial improvement, it doesn't block views and has the support of neighbors. As a hardship asserted by the applicant by way of justification for a variance due to unique circumstances, yes, it is a very small non-conforming lot. It is not self-created. Will public safety be secured given it is a significant improvement in every sense then yes. For all these reasons we hope you will view the request for variances favorably.

Gesmundo closing advised that 5 letters were received in support of the project, it should also be noted that residents maintained the promenade. The floor plan is modest. He noted 2178 Midlake drive, built in 2019 has a roof height of 27ft.

Chairman DeKruyter opened Public Comment and noted five letters in support of the project from,

- Scott and Tracy Sagehorn (2104 Midlake Drive)
- Jon and Kerrie Verlee (2088 Midlake Drive)
- Rick and Kathy Sly (2116 Midlake Drive)
- Jacob and Shannon Swint (2110 Midlake Drive)
- Mary Carol Wilkins (2128 Midlake Drive)

With no further comment offered, Guarisco moved to close the Public Comment period. Duffy-Geiger supported, and the motion passed unanimously.

BOARD MEMBER TIME

Chairperson DeKruyter asked Pat Lennon about side setbacks, and it was confirmed that side set meets zoning criteria. He was advised that current road set back was zero, the proposed design results in a road setback to 3 feet.

Guarisco given safety concerns asked the owners about parking arrangements. The Ross' advised that they would be parking in the location across the street where they had been parking since purchase of property, they confirmed that there is no parking on property for current as well as new house design. DeKruyter advised that where the owners are currently parking and proposed to park is a right of way owned by the Road Commission, that fits 11 cars, parking in the area is first come first served.

Chairperson DeKruyter led the Board through a review of the variance criteria set forth in Section 23.8 A., the following findings were noted.

- #1 That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special land use within the district.**

The ZBA agreed that the proposed residential use of the property is permitted within the Residential District.

- #2 That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner of occupant of the property from using the property for a permitted purpose or would render conformity with the Zoning Ordinance unnecessarily burdensome.**

The ZBA agreed that the compliance would be unnecessarily burdensome, and that proposal was a reasonable use of property.

- #3 That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than the applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.**

The ZBA agreed that granting the variance would do substantial justice for owners and neighbors.

#4 That the hardship asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.

The ZBA agreed that the hardship asserted by applicant was due to unique circumstances of property.

#5 That the hardship asserted by way of justification for the variance is not self-created.

The ZBA recognized that the proposal is at the discretion of the applicant and does represent a self-created hardship.

#6 That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

The ZBA agreed that in granting the variance that the spirit of the ordinance is observed, and substantial justice is done. Lot coverage has improved, while lake side setback does not meet requirements it is an improvement, combined with the lakeside promenade adds to open space. In terms of height, it is not blocking views of lake. Side setback is in compliance and there is an improvement in roadside setback. However, roadside setback of 3 ft still creates a public safety concern. To address the safety, concern the proposal would be to move the house closer to the lakeside property line to improve the front road setback.

Guarisco then moved to grant the request with the provision that the proposed house or redesign of house of similar size be moved back to a point no closer than the lake side property line enabling an improvement to roadside set back. A condition of no parking in front of house will be required with the Board recognizing that there is public parking available across the street. The applicant will resubmit new drawings to zoning commissioner for consideration and approval. Duffy-Geiger seconded the motion. The motion carried unanimously.

2. Public Hearing on Application for Variance

Ronald Skelton representing Marty Hettinga

642 E Gull Lake Drive, Augusta.

Property Tax Identification Number: 3904-17-380-120

Chairman DeKruyter stated that the next matter to come before the Board was the request by Marty Hettinga to repair / fix roof on existing structure for 642 E Gull Lake Drive.

Gayle gave an overview of the proposal stating that applicant is proposing repairs to a non-conforming lot located in R-1 Low-Density Residential Zoning District. The request takes a flat roof and turns it into a pitched roof. The request is covered by Section 22.4 in regard Repair, Maintenance and Restoration of Nonconforming Use or Building/Structure. The applicant is adding to physical bulk of building but not changing building footprint which requires a variance to the water way set back requirement. Water way setbacks calculations in accordance with Article 15 and Sections 17.3 define an ordinance requirement of 53.5 ft with the proposal being 45 ft.

PUBLIC COMMENT

Chairman DeKruyter opened Public Comment and noted two letters in support of the project from neighbors:

Richard Krepster (North side)

Rob and Beth Lundahl (South side)

Chairperson DeKruyter led the Board through a review of the variance criteria set forth in Section 23.8 A., the following findings were noted.

- #1 That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special land use within the district.**

The ZBA agreed that the proposed residential use of the property is permitted within the Residential District.

- #2 That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner of occupant of the property from using the property for a permitted purpose or would render conformity with the Zoning Ordinance unnecessarily burdensome.**

The ZBA agreed that the compliance would be unreasonably prevent the owner from using the property for permitted use.

- #3 That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than the applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.**

The ZBA agreed that granting the variance would do substantial justice for owners and neighbors.

#4 That the hardship asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.

The ZBA agreed that the hardship asserted by applicant is not due to unique circumstances.

#5 That the hardship asserted by way of justification for the variance is not self-created.

The ZBA recognizes that the hardship is not self-created as resulting from damaged sustained by a tree.

#6 That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

The ZBA recognizes that in granting the variance it is ensuring that the spirit of the zoning ordinance is observed.

Guarisco then moved to grant the request for variance to allow the repair of the roof as presented in the plans. Duffy-Geiger seconded the motion. The motion carried unanimously.

Chairperson DeKruyter closed public comment.

Chairperson DeKruyter opened other matters before the Board.

DeKruyter advised that the township supervisor has requested the Board review and submit a budget request for 2025-2026. After line item review the Board proposed a budget of \$24,900 for 2025-2026 year.

ADJOURNMENT

There being no further business to come before the Board, DeKruyter motioned to adjourn, and Bekes supported. Passing unanimously, the meeting adjourned at 7:25 PM.

Respectfully Submitted,

Cheryl Duffy-Geiger
Acting Recording Secretary
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