

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

The Ross Township Zoning Board of Appeals held its regular meeting on March 5, 2025, at the Ross Township Hall. Chairperson DeKruyter called the meeting to order at 5:30 PM.

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

Absent: Michael Bekes, ZBA Member
Bert Gale, AGS – Township Zoning Administrator

Also present: Nick Keck, AGS – Township Zoning Administrator
Rob Thall – Township Attorney

APPROVAL OF AGENDA

Guarisco moved to approve the agenda as presented and Duffy-Geiger supported. The motion carried unanimously.

APPROVAL OF MINUTES

Guarisco moved to approve the minutes of February 5, 2025, as written and DeKruyter supported. The motion carried unanimously.

OLD BUSINESS

Chairperson DeKruyter stated that no old business is scheduled for consideration.

NEW BUSINESS

- 1) Application for Variance
Christopher Gottwald
11687 East D Avenue
Property Tax I.D. #3904-19-210-072

Chairperson DeKruyter stated that the next matter to come before the committee is the request by Christopher Gottwald for variance approval for reconstruction of a boathouse to replace the one on his property that was deteriorating and demolished. The subject property is a conforming lot located in the R-1 Low-Density Residential Zoning District.

Chairperson DeKruyter opened the public hearing.

Keck stated that Section 2.2 of the Zoning Ordinance defines a boathouse as: ***“a permanent structure constructed on the land or over the water for the purpose of providing shelter for one or more boats.”*** Section 17.2 A. further provides: ***“Boathouses shall not be permitted to be placed over any waterway or within the minimum required front, side or rear yard area as in this Ordinance within any district.”*** As such, when the previous non-conforming boathouse was removed by the applicant, he was precluded from building another boathouse under the current Ordinance.

Christopher Gottwald was present on behalf of the application. He explained that the boathouse was already existing on the property. However, it was deteriorating and hazardous and that was the reason that it was replaced. There are many other boathouses on the channel, some very old and some new, and he cannot understand why his boathouse has been singled out. He did use some of the piling from the old boathouse when building the new boathouse. His intention was to make the boathouse safe, and that he was simply trying to improve the property. He stated that common sense and good judgment should prevail in approving the boathouse.

Jessica Sweet of Richland, MI, a neighbor, spoke in support of the application. She said she and her family use the waterway quite a lot. She said there are many very old boathouses on the channel that are dilapidated, falling into the water and pose a danger to both boaters going near them and of pollution to the waterway itself. She said Gottwald’s reconstruction of the new boathouse is a significant improvement for the safety of other boaters and of the waterway, as well as improving the overall appearance of the channel area.

Thall lead the discussion as to the nature of the application. When a new ordinance is adopted, a non-conforming use of a property can continue and repairs are permitted. However, when a non-conforming use is removed, it cannot be replaced unless the replacement is permitted within the zoning district. When the boathouse was removed, any new non-conforming use of the property was subject to the current zoning ordinance which, in this case, says boathouses ***“shall not be permitted to be placed over any waterway”*** in the district (Section 17.2 A.).

The application is requesting the ZBA permit the establishment within the zoning district a land use that is not allowed within the district under Ordinance 17.2 A. According to Ordinance 23.9, the ***“Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).”*** Based upon Section 23.9, the ZBA is precluded from taking any action on the application.

It was noted that permanent docks are not precluded in the zoning district. However, a permit from the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE) is required before the Township Zoning Administrator can issue a permit for a permanent dock under the current ordinance. If EGLE grants a permit for a permanent dock, there may be options to bring the structure into compliance within the ordinance, such as removal of or replacement of the roofing materials.

Sawusch moved as follows regarding the application:

1. Request the Township Administrator refund the application fee to the applicant as the ZBA is not permitted to grant land use variances as requested by the application;
2. Advise the applicant to secure a permanent dock permit from EGLE;
3. After the applicant has secured a permanent dock permit from EGLE, he can then work with Township Zoning Administrator to bring the structure into compliance with the Ordinance;
4. Should the applicant be dissatisfied with the Township Zoning Administrator's final decision, he can then file an appeal with the ZBA and/or ask it for an interpretation of the zoning ordinance at issue.

Duffy-Geiger moved in support. The motion carried unanimously.

Thall agreed to contact the Township Administrator and direct that the application fee be returned to Gottwald.

PUBLIC COMMENT

No public comment was offered.

BOARD MEMBER TIME

Chairperson DeKruyter presented a Resolution for the upcoming 2025-2026 ZBA Meeting Schedule. Meetings will occur on the first Wednesday of every month, beginning at 5:30 PM at the Ross Township Office, 12086 M-89, Richland, MI 49083. A roll call vote was taken. Ayes: DeKruyter, Guarisco, Duffy-Geiger, Sawusch. Nays: None. Bekes absent. The Resolution passed unanimously.

DeKruyter reported that the site grade issue the ZBA previously directed to the Planning Commission (PC) was discussed by the PC, who sent the issue to the Township Board asking for direction as to pursuing clarification of the matter for purposes of the Zoning Ordinance.

ADJOURNMENT

There being no further business to come before the Board, Guarisco made a motion to adjourn the meeting. Duffy-Geiger seconded the motion. All voted in favor of the motion. The meeting adjourned at 6:15 pm.

Respectfully Submitted,

Bonnie Sawusch
Acting Recording Secretary