

**ZONING BOARD OF APPEALS
ROSS TOWNSHIP
APPROVED MEETING MINUTES
March 4, 2026**

The Ross Township Zoning Board of Appeals (ZBA) held its regular meeting on March 4, 2026, at the Ross Township Hall. Chairperson DeKruyter called the meeting to order at 5:30 PM.

Present: Jim DeKruyter, Chairperson
Bruce Bond, ZBA Member
Bonnie Sawusch, ZBA Member

Absent: Cheryl Duffy-Geiger, ZBA Member
Michael Bekes, ZBA Member

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

APPROVAL OF AGENDA

ZBA Member Bond moved to approve the agenda as presented and Sawusch supported the motion. The motion carried with a 3-0 vote.

APPROVAL OF MINUTES

ZBA Member Bond moved to approve the minutes of February 4, 2026, ZBA meeting, DeKruyter supported the motion. The motion carried with a 3-0 vote.

OLD BUSINESS

ZBA Member Sawusch requested further discussion during Board Member Time regarding forwarding the ZBA Standards to the Planning Commission.

There was no other old business.

NEW BUSINESS

A: Public Hearing on the Application for Variance of David R. Gruss, 256 E. Gull Lake Dr., Augusta, MI. Subject Parcel Property Tax Identification Number: 3904-20-130-110 located in R-1 Low Density Residential Zoning District within Ross Township.

Nick Keck stated that the applicant is seeking a variance to Article 22.9 and is proposing a street setback of 11 feet, where 20 feet is required, so that the applicant can make a 4 foot extension to the existing detached garage. The applicant also seeks a variance to Article 15 for a roof height of 18 feet 7 inches where 18 feet is the maximum height allowed under the ordinance.

Sawusch requested confirmation that the street setback was measured from the RCKC right-of-way, which is 33 feet from the road centerline. Keck confirmed that fact and also that the existing garage currently has an 11 foot street setback from the right-of-way.

Keck also clarified that the side setbacks were not an issue as the wall of the existing garage on the property's south side was to remain intact and that there was no issue with the north side setback.

Chairperson DeKruyter opened comment for the Applicant.

The applicant and owner, David Gruss was present. He stated that the variance request was to allow him to extend the garage an additional 4 feet to the north and that it would not be moved any closer to the road than what the existing garage currently is, which 11 feet. He also wants to add a second floor for storage that is 7 inches above the 18 foot maximum. He would like to extend the garage because he is currently unable to get his truck into the garage. The floor needs to be leveled out and a new concrete floor poured. The additional space would allow for two larger vehicles and more storage. Because the lot is small, he wants to preserve as much green space as possible.

Gruss also stated that he owns the property across the street, which is largely comprised of a hill. There will be no view shed issues with the additional 7 inches on the roof.

Chairperson DeKruyter asked the ZBA if there were any questions.

Members DeKruyter and Bond asked if it may be a better approach to demolish the entire garage rather than try to build onto the existing one. Gruss stated that may become necessary if the builders determine that a new floor is not possible with the existing garage wall in place.

There was discussion that if the existing garage was demolished that the new garage would need to come into compliance with the 5 foot side setback requirement for this property. There was also discussion that with the 5 foot side setback, it may be possible to grant a variance for a street side setback to 15 feet rather than the 20 foot requirement.

Member Bond motioned to open Public Comment and Sawusch supported the motion. The motioned carried unanimously with a 3-0 vote.

No one present spoke on the issue.

Member Bond motioned to close the public hearing and Sawusch supported the motion. The motion carried unanimously with a 3-0 vote and the public comment was closed.

In determining whether practical difficulties exist, the Zoning Board of Appeals considered the following factors.

#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 found a garage is a permitted use within the district. All members voted no and agreed that the variance request does not create a use that is not permitted within the district.

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

All members voted no. The owner can still use the property for a garage within the current ordinance requirements.

- #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 that 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.**

All members voted yes. Other garages on neighboring properties are similar. The garage already exists on the site but is not very usable. The variance request to add a 4 foot extension maintains the current street setback at 11 feet. The 7 inches above the 18 foot maximum roof height will not impede the views of any neighbors as there is a hill directly across the street from the garage. The adjacent property is also part of the same parcel.

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

All members voted no. The property is similar to other parcels surrounding it.

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

All members voted no. The hardship asserted is self-created as the garage could be left as it currently exists.

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

All members voted yes. By granting the variance, the spirit of the ordinances are observed to improve the property; there is no increase of any danger to public safety and health; and substantial justice is done for the property owner and surrounding property owners by allowing for an extension to the existing garage to make it functional.

Considerable weight was given to Standards # 3 and 6. DeKruyter made a motion to grant the street setback variance request of 11 feet to allow for a 4 foot extension to the garage and also of the variance request for an 18 foot 7 inch garage roof height. Bond supported the motion. The motion carried 3-0.

B: Public Hearing on the Application for Variance of Christian Vocke, 6217 N. 39th St., Augusta, MI. Subject Parcel Property Tax Identification Number: 3904-29-412-120 located in R-R Rural Residential Zoning District within Ross Township.

Keck stated that Article 15 requires side setbacks of 20 feet and Article 17.3 requires a waterfront setback of 368 feet. The applicant is requesting variances from both Articles and is proposing side setbacks of 10 feet on the north side and 10 feet 8 inches on the south side of the property, as well as a waterfront setback of 122 feet.

Chairperson DeKruyter opened comment for the Applicant.

The applicant, Christian Vocke, his spouse, Kriste Vocke and their builder were present. Mr. Vocke said that they lived in the home for several years and learned it was more cost effective to demolish the home and rebuild it rather than remodel the existing home. He stated that the proposed home will be built on the same footprint as the previous home, which was recently demolished. The waterfront setback for the previous home was approximately 122 feet, which is what they are requesting. The home directly north of the property is a summer residence only and no one lives there year round. That home has a shorter waterfront setback of approximately 54 feet. The proposed home will be further away from the water than the home to the north so there is no view shed issue. The property to the south is owned by the YMCA and is heavily wooded. There are no YMCA buildings in the area of or near the property line.

Vocke said it makes no sense to use the YMCA primary building as a measurement of the waterway setback for their property as it is quite a distance away. The YMCA's closest building is approximately 90 feet back from the waterfront. Keck said that building cannot be used for the measurement as it is neither a dwelling nor a principle building /structure as contemplated in Article 17.3 A.2.

Regarding the side setbacks, Vocke said that the lot is very narrow and that the proposed home will be built in the same footprint as the previous home.

Chairperson DeKruyter asked the ZBA if there were any questions/comments.

There was general discussion as to the narrowness of the property and that it abuts the vast wooded property of the YMCA. It was also noted that the proposed home would be on the same footprint as the previous home, as well as that the home is further back from the waterfront than any of the homes directly to the north of it.

ZBA Chairperson DeKruyter motioned to open Public Comment and Bond supported the motion. The motioned carried with a 3-0 vote.

No one present spoke on the issue.

Sawusch motioned to close the public hearing and DeKruyter supported the motion. The motion carried with a 3-0 vote and the public comment was closed.

In determining whether practical difficulties exist, the Zoning Board of Appeals considered the following factors.

- #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 found a home is a permitted use within the district. All members voted no and agreed that the variance request does not create a use that is not permitted within the district.

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

The ZBA found that complying with the side setback and waterfront setback ordinances would unreasonably prevent the owner from building a home anywhere near the lake given the narrowness of the property and the distance away of the YMCA primary building that was used for determining the setback. All members voted yes.

- #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 that 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 homes north of the proposed home all have waterfront setbacks closer to the water than what the applicant is proposing for his home. No view shed problems are created by granting a variance for a 122 foot waterfront setback. Granting the variances for both the waterfront and side setbacks would provide substantial justice to the property owner, as well as the neighboring homes. All members voted yes.

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

The property is not unique in its terrain, however, the narrowness of the property makes the property unique. All members voted yes.

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

The hardship is self-created as the property owner demolished the existing home and is proposing to build a new home. All members voted yes, the hardship is self-created.

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

Granting the variance to allow for a new home to be built on the same footprint as the previous home on this narrow parcel with a waterfront setback further back than the dwellings to the north of it ensures the spirit of the ordinance is observed; no public safety

or health issues are created; and substantial justice is done for the property owners and the surrounding property owners.

Considerable weight was given to Standards #2, 3, 4 and 6. Sawusch made a motion to grant the applicant's variance requests for a 122 foot waterfront setback, and for side setbacks of 10 feet to the north side of the property and 10 foot 8 inches on the south side of the property. DeKruyter supported the motion. The motion carried 3-0.

PUBLIC COMMENT

ZBA Chairperson DeKruyter made a motion to open floor for Public Comment. Bond supported and the motion carried 3-0.

No one addressed the ZBA on any issues.

ZBA member Sawusch moved to close public comment. DeKruyter supported and the motion carried 3-0.

BOARD MEMBER TIME

The ZBA members discussed applications previously before the Board with Keck, the Township Zoning Administrator, regarding resolution of outstanding matters.

ZBA member Sawusch asked for clarification as to the reason for requesting the Planning Commission review the ZBA standards. Chairperson DeKruyter explained that the double negative language used in several of the standards should be made clearer and doing so would aid in reviewing variance applications, as well add clarity for applicants. Attorney Thall agreed to take the matter and the ZBA's concerns to the Planning Commission's next meeting.

No other issues were raised.

ADJOURNMENT

There being no further business to come before the ZBA, Chairperson DeKruyter adjourned the meeting at 6:40 pm.

Respectfully Submitted,

Bonnie Y. Sawusch
Acting Recording Secretary