

**SOUTH BRANCH TOWNSHIP
ZONING BOARD OF APPEALS**

DECISION AND ORDER

Applicant: Thompson, Richard & Tammy

Hearing Date: July 20, 2020

PROPERTY DESCRIPTION

The property located at 597 Lynn Drive, Roscommon, MI 48653, described below and hereinafter referred to as the "parcel."

PROPERTY TAX CODE NO. 064-420-000-013-00
LOT #13, JOH-LYN-DAN HILLS

APPLICATION

WHAT APPLICANT SEEKS: The applicant is seeking a variance to the Ordinance standard of one (1) acre as the minimum parcel size required for overnight camping, with a single recreational vehicle, on private property without a dwelling unit, without a restriction on the number of nights in a calendar year.

The Board having considered the Application, a public hearing having been held on July 20, 2020, after giving due notice as required by law, the Board having heard the statements of the Applicant, the Board having considered comments by members of the public, the Board having considered ten (10) Exhibits, the Board having conducted its deliberations on July 20, 2020, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The parcel is a single lot located in a platted subdivision in the Mixed Residential zoning district.
2. The parcel is 125' wide, with a depth of 184' giving it an area of ~23,000 square feet or 0.53 acre.
3. The parcel meets the minimum area and width requirements for the construction of a primary dwelling.
4. The parcel does not meet the minimum area requirements for overnight camping without a primary dwelling without a restriction on the number of nights in a calendar year. Per 3.06.3(E) SBT-ZO.
5. Applicant has already installed a well and septic disposal system, permitted and approved by the District Health Department #10. (See Exhibit #6)

6. 3.06.3 SBT-ZO was amended to as it reads today on June 14th 2016 to be effective July 1st 2016.
7. Prior to the amendment of 3.06.3 SBT-ZO camping without a restriction on the number of nights in a calendar year was prohibited.
8. Prior and subsequent to the amendment 3.06.2 SBT-ZO with minimum lot area in the MR district was 20,000 square feet.
9. Per section 9.01 of the SBT-ZO the zoning board of appeals shall exercise its powers in such a way that the objective of the ordinance shall be observed.

FINDINGS OF FACT UNDER SECTION 9.07 OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 9.07 of the zoning ordinance for each of the following standards listed in that section:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
 - a. The Board finds that in the MR district overnight camping without a restriction on the number of nights in a calendar year is allowable providing condition a-j of the 3.06.3 SBT-ZO are met.
 - b. The Board finds item E of 3.06.3 requires the minimum lot size to be 1.0 acres.
 - c. The board finds the lot size and shape was defined in a plat created prior to the ordinance.

Todd Jansen	Has Been Met
Rosemary Oakey	Has Been Met
Cris Jones	Choose an item.
Cameron Jones	Has Been Met
Roxanne James	Has Been Met

2. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
 - a. The Board finds the lot size and shape was defined in a plat created prior to the ordinance.
 - b. The Board finds item E of 3.06.3 requires the minimum lot size to be 1.0 acres.

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Rosemary Oakey	Has NOT Been Met
Cris Jones	Choose an item.

Cameron Jones Has Been Met
Roxanne James Has Been Met

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - a. The Board finds that without the variance the applicant would not be allowed the placement of a recreational vehicle without number of day restriction in a calendar year.
 - b. The Board finds

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Rosemary Oakey Has NOT Been Met
Cris Jones Choose an item.
Cameron Jones Has NOT Been Met
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4. The requested variance is the smallest variance needed to grant the applicant substantial relief from the dimensional regulation of the zoning ordinance from which the variance is being requested.
 - a. The Board finds there is no amendment to the application that would reduce the requested variance.
 - b. The Board finds

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Cris Jones Choose an item.
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5. That the requested variance will not cause an unreasonable and/or increased adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.
 - a. The Board finds that when the 3.06.3 of the SBT-ZO was amended June 2016 a condition of 3.06.3 was that parcels had to be a minimum lot size 1.0 acres.
 - b. The Board finds that at the adoption of the amendment 3.06.3 of the SBT-ZO in the MR district there existed parcels under 1.0 acres that were legal conforming and no change to the ordinance to make those parcels non-conforming.
 - c. The board finds that the amendment 3.06.3 of the SBT-ZO also required a special use permit by the planning commission.
 - d. The board finds the planning commission when amending 3.06.3 SBT-ZO increased the required lot size for camping with no restricted number of nights in a calendar

year to more than twice the size of the required lot size to build a single family dwelling on.

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Rosemary Oakey	Has NOT Been Met
Cris Jones	Choose an item.
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TIME PERIOD FOR JUDICIAL REVIEW

MCL 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of the meeting at which the decision was made.

DATE DECISION AND ORDER ADOPTED

Date: July 20th 2020

Chairperson

Secretary