

7:00 o'clock p.m. Vice Chairperson Oprita called the meeting of the Zoning Board of Appeals to order.

MEMBERS PRESENT: Bradley, Marlar, Oprita

MEMBERS ABSENT: Eisenhauer, Montgomery

ALSO PRESENT: Sharon Wilton, Zoning Administrator
Liz Austin, Recording Secretary

VISITORS: Brent Buckley, 4868 Fish Road, Kimball, MI 48074
Kristie & Aaron Lashbrook, 3334 Lomar Drive, Fort Gratiot, MI 48059
Jeff Frazer, 2197 Kinney Road, Riley, MI 48041
Leroy Stevens, 4510 Lakeshore Road, MI 48059

Motion by Bradley, supported by Marlar, to approve the agenda as printed and posted.
Vote, 3/0. MOTION CARRIED. AGENDA APPROVED.

Motion by Marlar, supported by Oprita, to approve the minutes of the meeting of September 21, 2021.
Vote, 3/0. MOTION CARRIED. MINUTES APPROVED.

CITIZENS WISHING TO ADDRESS THE BOARD (for items not on the agenda): None.

NEW BUSINESS:

ITEM #1: ELECTION OF OFFICERS (Positions Expire 12/31/2022) :

Motion by Oprita, supported by Bradley, to appoint Oprita, as temporary chairperson.
Vote, 3/0. OPRITA APPOINTED TEMPORARY CHAIRPERSON OF THE ZONING BOARD OF APPEALS.

Temporary Chairperson Oprita opens the nominations for the 2022 Zoning Board of Appeals Officers.

NOMINATIONS:

CHAIRPERSON	VICE CHAIRPERSON	SECRETARY
Montgomery	Eisenhauer	Oprita

Temporary Chairperson Oprita closes the nominations for the 2022 Zoning Board of Appeals Officers.

CHAIRPERSON: (Responsible for presiding over all meetings)

Motion by Oprita, supported by Bradley, to appoint Montgomery as 2022 Chairperson.
Vote, 3/0. MOTION CARRIED. MONTGOMERY APPOINTED 2022 CHAIRPERSON OF THE ZONING BOARD OF APPEALS.

VICE CHAIRPERSON: (Acting Chair in case of absence or conflict of interest)

Motion by Oprita, supported by Marlar, to appoint Eisenhauer as 2022 Vice Chairperson.
Vote, 3/0. MOTION CARRIED. EISENHAUER APPOINTED 2022 VICE CHAIRPERSON OF THE ZONING BOARD OF APPEALS.

SECRETARY: (Responsible for taking attendance & roll call for voting)

Motion by Oprita, supported by Bradley, to appoint Oprita as 2022 Secretary.
Vote, 3/0. MOTION CARRIED. OPRITA APPOINTED 2022 SECRETARY OF THE ZONING BOARD OF APPEALS.

ITEM #2: VARIANCE/CLASS A DESIGNATION – 3334 LOMAR DRIVE/ 74-20-496-0009-000:

APPLICANT: Aaron Lashbrook, 3334 Lomar Drive, Fort Gratiot, MI 48059
OWNER: Aaron & Kristie Lashbrook, 3334 Lomar Drive, Fort Gratiot, MI 48059
REQUEST: Proposed attached garage: 7' east side yard setback variance (to overhang); Class A designation.
LOCATION: 3334 Lomar Drive
PARCEL ID #: 74-20-496-0009-000
LEGAL: LOT 23 LOMAR SUBD NO. 2

APPLICANTS PRESENTATION: Jeff Frazer of Frazer Building Company stated that they are looking for a side yard setback variance to build an attached garage. There is a steep grade change behind the house and they didn't want to encroach closer to the road in the front yard. They plan to build the garage on an existing foundation that was constructed years and years ago to prepare for an addition/garage.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Member Bradley mentioned that he drove by the property and was surprised that the foundation was already there and ready.

Member Marlar asked if there was ever anything built on that foundation and Mr. Lashbrook indicated that the slab/foundation was poured at the same time the existing garage was done for previous owners but nothing was constructed on the area they're proposing this garage addition. Maybe it was the property line issue they didn't want to deal with at the time.

Member Bradley pointed out that this garage will be next to a garage on the property next door so the encroachment into the side yard doesn't appear to be an issue.

Findings of Facts:

- The area was platted in 1959.
- This property is not within a High-Risk Erosion Area
- This property is not within a Flood Plain area; per FEMA FIRM 05/03/2010, Panel 0238D, Zone X.
- This parcel is a lawfully existing conforming platted lot of 111'x 151'. The parcel size is .387 acres (16,761 sf)
- The NE corner of the proposed structure is within 3' of the side yard property line.
- All other setbacks on the main dwelling meet required setbacks.
- The proposed structure is to be constructed on the footprint of a previous structure.

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (02-08-2022)

Recommendations:

- The building official recommends approval with conditions: one hour fire separation from new garage to existing home required.
- The department of public works recommends approval with no conditions.
- The fire chief recommends approval with no conditions.
- Zoning administrator recommendations below:
 - Approval of the 7' east side yard setback variance (rear corner of proposed garage including overhang);
 - Approval of Class A Designation.

Reasons for Decision:

*-A request may be **granted** upon findings that:*

- (1) Continuance thereof would not be contrary to public health, safety, or welfare.
- (2) The structure does not and is not likely to significantly depress the value of nearby properties.
- (3) The use or structure was lawful at the time of its inception.
- (4) No useful purposes would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

*-A request may be **denied** upon finding that:*

- (1) Public services cannot be adequately provided; i.e. water, sewer, gas, electric.
- (2) The proposed construction could hinder public safety response and put the property and surrounding properties at additional risk.
- (3) A hardship (non-financial in nature) or practical difficulty (such as a natural feature of the land) has not been demonstrated.

MOTION #2-1 EAST SIDE YARD SETBACK VARIANCE – 3334 LOMAR DRIVE / 74-20-496-0009-000:

Motion by Oprita, supported by Bradley, to grant the request from Aaron Lashbrook, for a 7' east side yard setback variance for proposed attached garage at 3334 Lomar Drive / 74-20-496-0009-000.

Vote, 3/0. MOTION CARRIED. VARIANCE GRANTED TO ALLOW A 3' EAST SIDE YARD SETBACK FOR A PROPOSED ATTACHED GARAGE.

MOTION #2-2 CLASS A DESIGNATION – 3334 LOMAR DRIVE / 74-20-496-0009-000:

Motion by Oprita, supported by Marlar, to grant the request from Aaron Lashrbook, for a Class A designation at 3334 Lomar Drive / 74-20-496-0009-000.

Vote, 3/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED.

ITEM #3: VARIANCE/CLASS A DESIGNATION – 4727 DESMOND BEACH / 74-20-220-0007-000:

APPLICANT: Brent Buckley/Buckley Construction LLC, 4868 Fish Rd, Kimball, MI 48074

OWNER: Gayle M. Walker Revocable Trust, 4721 Desmond Beach, Fort Gratiot, MI 48059

REQUEST: Proposed detached accessory building: 960 square foot lot coverage variance; 9' south side yard setback variance; 9' east rear yard setback variance; Class A designation.

LOCATION: 4727 Desmond Beach

PARCEL ID #: 74-20-220-0007-000

LEGAL: LOTS 11,12,19 & 20 BLK 1 & LOTS 11 & 12 BLK 8 DESMOND BEACH

APPLICANTS PRESENTATION: Leroy Stevens, architect for the property owners and friend of the builder, stated that they're here to request setback variances for a proposed garage. There was an old, dilapidated garage there previously that was torn down and they're looking to replace it. The east side of the spot where they want to build abuts a section of the Desmond Beach road that was never developed. The Walker's own the property to the north, south and east of this parcel. The owner's daughter lives here and doesn't have a garage so this one will be used for her two vehicles. The new structure will improve the property as will the new landscaping.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Secretary Oprita mentioned that although the property owners own the surrounding parcels, that can change in the future and we wanted to make sure that any variances granted here are in the best interest of the neighborhood.

Zoning Administrator Sharon Wilton explained that from a zoning standpoint, a garage is the best use of the property. This parcel is made up of several platted lots, and if this lot were to be split off in the future, someone has the potential to build a house here which would create more lot coverage and more traffic.

Secretary Oprita was concerned about the 1' setback off the north property line, but after reviewing the layout of the garage and calculating the clearance needed for an accessible approach to the structure, he understands the need.

Leroy Stevens mentioned that the Walker's didn't want the approach to be off Desmond Beach since that section has not been developed yet. People walk their dogs down there and, at this point in time, don't use that section as a road.

Findings of Facts:

-The area was platted in 1909.

-This property is within a High-Risk Erosion Area (proposed structure is not within High-Risk Erosion Area)

-This property is within a Special Flood Hazard Area FEMA FIRM 05/03/2010, Panel 0237D Zone AE EL 584.

-This parcel is a lawfully existing non-conforming platted lot of 50'x300' (15,000 SF). The current required minimum lot size is 75'x135' and 10,000 SF in area.

-A variance request was granted of 383 SF for lot coverage in August 2021. A sidewall variance request of 5' and a Class A designation was also granted. These variances cover an existing accessory structure.

-A Class A designation for insurance purposes only (existing single family residence), was granted on July 1997.

-The west rear-yard and north side-yard setbacks are met.

-There is an existing 2 story structure of 1920 sf on the east section of this parcel.

-There is an existing 2 story residence of 768 sf on the east section of the parcel.

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (02-08-2022)

Recommendations:

-The building official recommends approval with the following conditions: the entire south & east side walls and a minimum 5' of roof will require one hour fire rating (interior & exterior); no openings or windows allowed on south

& east sides.

-The department of public works recommends approval with no conditions.

-The fire chief recommends approval with no conditions.

-Zoning administrator recommendations below:

- 960 sf lot coverage variance, 9' south side yard setback variance, 9' east rear yard setback variance on private road should be granted based on items 1, 2 & 4 below for approval for the proposed structure.
- Class A Designation should be granted for the proposed structure.

Reasons for Decision:

-A request may be **granted** upon findings that:

(1) Continuance thereof would not be contrary to public health, safety, or welfare.

(2) The structure does not and is not likely to significantly depress the value of nearby properties.

(3) The use or structure was lawful at the time of its inception.

(4) No useful purposes would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

-A request may be **denied** upon finding that:

(1) Public services cannot be adequately provided; i.e. water, sewer, gas, electric.

(2) The proposed construction could hinder public safety response and put the property and surrounding properties at additional risk.

(3) A hardship (non-financial in nature) or practical difficulty (such as a natural feature of the land) has not been demonstrated.

MOTION #3-1 LOT COVERAGE VARIANCE – 4727 DESMOND BEACH / 74-20-220-0007-000:

Motion by Oprita, supported by Bradley, to grant the request from Brent Buckley, for a 960 square foot lot coverage variance for proposed detached accessory building at 4727 Desmond Beach / 74-20-220-0007-000.

Vote, 3/0. MOTION CARRIED. 960 SQUARE FOOT LOT COVERAGE VARIANCE GRANTED FOR PROPOSED DETACHED ACCESSORY BUILDING.

MOTION #3-2 SOUTH SIDE YARD SETBACK VARIANCE – 4727 DESMOND BEACH / 74-20-220-0007-000:

Motion by Oprita, supported by Marlar, to grant the request from Brent Buckley, for a 9' south side yard setback variance for proposed detached accessory building at 4727 Desmond Beach / 74-20-220-0007-000.

Vote, 3/0. MOTION CARRIED. VARIANCE GRANTED TO ALLOW A 1' SOUTH SIDE YARD SETBACK FOR THE PROPOSED DETACHED ACCESSORY BUILDING.

MOTION #3-3 EAST REAR YARD SETBACK VARIANCE – 4727 DESMOND BEACH / 74-20-220-0007-000:

Motion by Oprita, supported by Marlar, to grant the request from Brent Buckley, for a 9' east rear yard setback variance for proposed detached accessory building at 4727 Desmond Beach / 74-20-220-0007-000.

Vote, 3/0. MOTION CARRIED. VARIANCE GRANTED TO ALLOW A 1' EAST REAR YARD SETBACK FOR THE PROPOSED DETACHED ACCESSORY BUILDING.

MOTION #3-4 CLASS A DESIGNATION – 4727 DESMOND BEACH / 74-20-220-0007-000:

Motion by Oprita, supported by Bradley, to grant the request from Brent Buckley, for a Class A designation on proposed detached accessory building at 4727 Desmond Beach / 74-20-220-0007-000.

Vote, 3/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED.

BOARD DISCUSSION:

There will be a March ZBA meeting on Tuesday, March 15, 2022.

Motion by Oprita, supported by Bradley, to adjourn. Time, 7:21 o'clock p.m. **Vote, 3/0. MEETING ADJOURNED.**