

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

**MEMBERS PRESENT:** Eisenhower (VC), Marlar, Montgomery (C),

**MEMBERS ABSENT:** Bradley, Oprita (S)

**ALSO PRESENT:** Sharon Wilton, Zoning Administrator

**VISITORS:** Linda Land, 3073 Sylvan Drive, Fort Gratiot, MI 48059

Motion by Eisenhower, supported by Marlar, to approve the agenda with the removal of Item #2.

**Vote, 3/0. MOTION CARRIED. AGENDA APPROVED WITH THE REMOVAL OF ITEM #2.**

Motion by Marlar, supported by Eisenhower, to approve the minutes of the meeting of February 15, 2022.

**Vote, 3/0. MOTION CARRIED. MINUTES APPROVED.**

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

**NEW BUSINESS:**

**ITEM #1: VARIANCE/CLASS A DESIGNATION – DRIVE/ 74-20-297-0021-000:**

**APPLICANT:** Scott & Linda Land, 3073 Sylvan Drive, Fort Gratiot, MI 48059

**OWNER:** Scott & Linda Land, 3073 Sylvan Drive, Fort Gratiot, MI 48059

**REQUEST:** Proposed detached accessory structure: 8' west side yard setback variance (to overhang); 8' south rear yard setback variance; 2' setback variance from main dwelling; 138 square foot lot coverage variance; Class A designation.

**LOCATION:** 3073 Sylvan Drive

**PARCEL ID #:** 74-20-297-0021-000

**LEGAL:** LOT 32 THE FORREST SUBD

**APPLICANTS PRESENTATION:** Linda Land stated that there are currently three rusty sheds in the rear yard that they would like to remove and replace with a new 12'x20' structure. They installed some fencing along one side of their yard last year to match the neighbors fencing but cannot continue with the new fencing along the other side because of the sheds being less than a foot away from the property line.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

Member Marlar mentioned that they try to keep the minimum setback at least three feet from property lines to bring more consistency to neighborhoods.

Chairperson Montgomery indicated that he brought up a few concerns prior to the meeting and noted that the requested setback is actually to the overhang, not the wall of the proposed structure.

There was board discussion about distances in between structures pertaining to fire rating.

Member Marlar stated that although this board has been trying to stick with the minimum of three feet from property lines, they also need the variance for the setback between the proposed structure and the existing home. So, in this instance, it would either be closer to the house or closer to the property line. Also, he believes that this new structure will look better than three rusty old sheds.

**Findings of Facts:**

- The area was platted in 1926.
- 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 0230D, Zone X.
- This parcel is a lawfully existing non-conforming platted lot of 40x'95'. The parcel size is .08 acres (3,800 sf)
- There is a Class A Designation on the existing structure (home), September 1996
- All other setbacks on the proposed structure meet required setbacks.
- Existing metal sheds on the parcel will be removed.

**Contacts/Communications/Correspondence:**

As of the date of this review, no correspondence has been received. (03-04-2022)

**Recommendations:**

- The building official recommends approval with comments; one-hour fire rated materials on south and west walls & the roof on the south and west sides will require one-hour fire rated materials.
- 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 8' west side-yard set-back.
  - Approval of the 8' south rear-yard set-back.
  - Approval of 2' variance for set-back to existing structure.
  - Approval of 138 sf lot coverage variance.
  - 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 #1-1 WEST SIDE YARD SETBACK VARIANCE – 3073 SYLVAN DRIVE / 74-20-297-0021-000:**

Motion by Montgomery, supported by Marlar, to grant the request from Scott & Linda Land for an 8' west side yard setback variance for proposed detached accessory structure at 3073 Sylvan Drive / 74-20-297-0021-000.

**Vote, 3/0. MOTION CARRIED. 2' WEST SIDE YARD SETBACK GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #1-2 SOUTH REAR YARD SETBACK VARIANCE – 3073 SYLVAN DRIVE / 74-20-297-0021-000:**

Motion by Eisenhauer, supported by Marlar, to grant the request from Scott & Linda Land for an 8' south rear yard setback variance for proposed detached accessory structure at 3073 Sylvan Drive / 74-20-297-0021-000.

**Vote, 3/0. MOTION CARRIED. 2' SOUTH REAR YARD SETBACK GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #1-3 SETBACK VARIANCE – 3073 SYLVAN DRIVE / 74-20-297-0021-000:**

Motion by Montgomery, supported by Eisenhauer, to grant the request from Scott & Linda Land for a 2' setback variance from main dwelling at 3073 Sylvan Drive / 74-20-297-0021-000.

**Vote, 3/0. MOTION CARRIED. 8' SETBACK GRANTED FROM EXISTING DWELLING TO PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #1-4 LOT COVERAGE VARIANCE – 3073 SYLVAN DRIVE / 74-20-297-0021-000:**

Motion by Montgomery, supported by Marlar, to grant the request from Scott & Linda Land for a 138' square foot lot coverage variance for proposed detached accessory structure at 3073 Sylvan Drive / 74-20-297-0021-000.

**Vote, 3/0. MOTION CARRIED. 138 SQUARE FOOT LOT COVERAGE VARIANCE GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #1-5 CLASS A DESIGNATION – 3073 SYLVAN DRIVE / 74-20-297-0021-000:**

Motion by Eisenhauer, supported by Marlar, to grant the request from Scott & Linda Land for a Class A designation at 3073 Sylvan Drive / 74-20-297-0021-000.

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

**ITEM #2:        ITEM REMOVED WITH APPROVAL OF THE AGENDA**

**BOARD DISCUSSION:** None.

Motion by Marlar, supported by Eisenhower, to adjourn. Time, 7:14 o'clock p.m. **Vote, 3/0. MEETING ADJOURNED.**

The Charter Township of Fort Gratiot complies with the "Americans with Disabilities Act" and if auxiliary aids or services are required at the meeting for individuals with disabilities, please contact Clerk, Robert C. Crawford, 3720 Keewahdin Road, Fort Gratiot, Michigan 48059 (810) 385-4489, three days prior to said meeting.