

7:02 o'clock p.m. Chairperson Eisenhower called the meeting of the Zoning Board of Appeals to order.

MEMBERS PRESENT: Eisenhower, Marlar, Bradley, Montgomery, Oprita

MEMBERS ABSENT: None.

ALSO PRESENT: Liz Austin, Recording Secretary

VISITORS: Steve & Jodi Smith, 4269 Greenview Circle, Fort Gratiot, MI 48059
 Mike Cansfield, 4701 Desmond Beach, Fort Gratiot, MI 48059
 Brian Jex, 3686 E. Surrey Lane, Fort Gratiot, MI 48059

Motion by Montgomery, supported by Oprita, to approve the agenda as printed and posted.
Vote, 5/0. MOTION CARRIED. AGENDA APPROVED.

Motion by Oprita, supported by Eisenhower, to approve the minutes of the meeting of October 20, 2020.
Vote, 5/0. 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 12/31/2021) :

Motion by Montgomery, supported by Oprita, to appoint Eisenhower, as temporary chair. Vote, 5/0.

Temporary Chairperson Eisenhower opens the nominations for the 2021 Zoning Board of Appeals Officers.

NOMINATIONS:

CHAIRPERSON	VICE CHAIRPERSON	SECRETARY
Montgomery	Oprita	Eisenhower

Temporary Chairperson Eisenhower closes the nominations for the 2021 Zoning Board of Appeals Officers.

CHAIRPERSON: (Responsible for presiding over all meetings)

Motion by Bradley, supported by Marlar, to appoint Montgomery, as 2021 Chairperson.

Vote, 5/0. MOTION CARRIED. MONTGOMERY APPOINTED 2021 CHAIRPERSON OF THE ZONING BOARD OF APPEALS.

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

Motion by Montgomery, supported by Eisenhower, to appoint Oprita, as 2021 Vice Chairperson.

Vote, 5/0. MOTION CARRIED. OPRITA APPOINTED 2021 VICE CHAIRPERSON OF THE ZONING BOARD OF APPEALS.

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

Motion by Montgomery, supported by Oprita, to appoint Eisenhower, as 2021 Secretary.

Vote, 5/0. MOTION CARRIED. EISENHAUER APPOINTED 2021 SECRETARY OF THE ZONING BOARD OF APPEALS.

ITEM #2: VARIANCE/CLASS A DESIGNATION – 4702 DESMOND BEACH / 74-20-220-0026-000:

APPLICANT: Stephen Smith/Steve Smith Builder, LLC – 4269 Greenview Circle, Fort Gratiot, MI 48059

OWNER: Michael J. / Andrea L. Cansfield, 4292 Gratiot Avenue, Port Huron, MI 48060

REQUEST: 97 square foot lot coverage variance for proposed dwelling; Class A designation.

LOCATION: 4702 Desmond Beach

PARCEL ID #: 74-20-220-0026-000

LEGAL: LOT 25 BLK 2 DESMOND BEACH

APPLICANTS PRESENTATION:

Steve Smith, representing Mr. Cansfield, is requesting a 97 square foot lot coverage variance for a proposed dwelling. The request is a 3% increase in lot coverage from the existing dwelling. The increase in square footage comes from wanting to square off the jigs and jogs of the existing home. By squaring off the new home, they're able to move the proposed new home to 3.1' away from the south property line, whereas the existing home currently sits on that property line in 2 areas. This proposed 3.1' allows a continuous public safety access along that south side of the new home. The north side of the proposed home will remain at 1.9' from the north property line as the existing home. The lots to the north and south of this property are currently vacant and are the same lot size so, unless the owners are able to conform to the current setback requirements, variances will need to be sought for those parcels as well. The west side of the proposed home is a little over 5' further away from the property line than the existing home.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

There was discussion about the overhang allowances of 2" per foot of side yard, so the drawings will need to be revised for the building permit process.

Member Montgomery began by acknowledging the zoning administrator and fire chief's recommendations but has a different take on the request. Because there is a Class A designation already on file for the existing structure and this existing structure is just about on the property line along the south side, granting of the variance and Class A designation request would actually allow more public safety access to the south side of the home than what is existing. This would be an improvement. The nearest point of the north side of the existing home is currently 1.9'. The request reflects that the entire north wall of the proposed home will be the same distance. Although this is not the ideal distance the board prefers, there is still an existing Class A. Regardless of whether it's a bump out being 1.9' away or an entire north side wall, no one would be getting from east to west anyway.

Member Eisenhower questioned the overhangs on the south side of the home that appear to be over the doors. It was noted that they can protrude no more than 6" into the south side yard.

Findings of Facts:

- Parcel was platted in 1907.
- This property is not within a High-Risk Erosion Area
- This property is located in flood zone X (Area of Minimal Flood Hazard), FEMA FIRM 05/02/2010, Panel 0237D.
- This parcel is an existing non-conforming platted lot and is 25'X100' (.057 acres).

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (3-3-2021)

Recommendations:

- The building official recommends approval with conditions.
- The department of public works recommends approval with conditions.
- The fire chief recommends denial.
- Zoning administrator recommends denial of the variance request based on Reasons for Decision (2), (3). The proposed dwelling is not within the footprint of the existing/prior dwelling. This can create a risk to public health and safety. In the event of dwellings on either side of the parcel, this would create a small setback on both sides of the proposed structure. Construction should exist on the same footprint as Class A Designation was granted. The north side setback shown of 1.9 feet does not meet the ordinance requirements. The 1 foot overhang of the structure eliminates the setback entirely

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 LOT COVERAGE VARIANCE – 4702 DESMOND BEACH / 74-20-220-0026-000:

Motion by Montgomery, supported by Oprita, to grant the request from Steve Smith, for a 97 square foot lot coverage variance at 4702 Desmond Beach / 74-20-220-0026-000.

Vote, 5/0. MOTION CARRIED. VARIANCE GRANTED TO ALLOW 1,160 SQUARE FEET OF LOT COVERAGE FOR PROPOSED NEW DWELLING.

MOTION #2-2 CLASS A DESIGNATION – 4702 DESMOND BEACH / 74-20-220-0026-000:

Motion by Montgomery, supported by Eisenhower, to grant the request from Steve Smith, for a Class A designation at 4702 Desmond Beach / 74-20-220-0026-000.

Vote, 5/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED DWELLING.

ITEM #3: VARIANCE/CLASS A DESIGNATION – MAPLEWOOD DRIVE / 74-20-468-0062-001:

APPLICANT: Stephen Smith/Steve Smith Builder, LLC – 4269 Greenview Circle, Fort Gratiot, MI 48059

OWNER: Victor T. / Jill M. Dombrowski, 6073 MacBeth Lane, Fort Myers, FL 33908

REQUEST: Proposed dwelling: 15’ south front yard setback variance; 7’ north rear yard setback variance; Class A designation.

LOCATION: Maplewood Drive (vacant lots 84/85)

PARCEL ID #: 74-20-468-0062-001

LEGAL: LOTS 84 & 85 LAKE HURON MANOR

APPLICANTS PRESENTATION:

Steve Smith, representing Victor & Jill Dombrowski, is requesting a 15’ south front yard setback variance and a 7’ north rear yard setback variance for a proposed dwelling. The request is consistent with the subdivision.

PUBLIC COMMENT:

Brian Jex who owns the property next to this property stated that he had no objection to this request. He wanted to come to the meeting to see the process because they may be looking to build in the future.

BOARD DISCUSSION:

Member Montgomery asked if the request is consistent with that neighborhood because he knows the size, scope and nature of these properties, and yes, this request is consistent with the neighborhood.

Member Marlar indicated that he feels these setbacks fall well within parameters this board has been trying to maintain.

Member Eisenhower questioned the setbacks of the house that was there in the past, and according to the survey, the front and rear yard setbacks were met. The house was wider, just not as deep.

There were two email concerns received prior to the meeting. Both concerns objected to the front yard setback variance request. Liz Austin stated that the line of site ordinance only references the parcels with frontage on Lake Huron.

Findings of Facts:

- Property was platted in 1926.
- This property is not within a High-Risk Erosion Area
- This property is located in (Area of Minimal Flood Hazard) Zone X. FEMA Panel 230D dated 5-3-2010.
- This parcel is an existing non-conforming platted lot and is 85’x89’ (.175 acres).

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (3-03-2021)

Recommendations:

- The building official recommends approval with no conditions.
- The department of public works recommends approval with no conditions.
- The fire chief recommends approval with no conditions.
- Zoning administrator recommends approval of the Class A Designation of the proposed dwelling based on Reasons for Decision (1), (2), (3) and (4). Recommended approval of the 15' south front yard variance setback and the 7' north rear yard setback variance. The dwelling is consistent with the neighborhood and meets side yard setbacks which is most crucial to public health and safety.

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 SOUTH FRONT YARD SETBACK VARIANCE – MAPLEWOOD DR / 74-20-468-0062-001:

Motion by Montgomery, supported by Eisenhower, to grant the request from Steve Smith, for a 15' south front yard setback variance at Maplewood Drive / 74-20-468-0062-001.

Vote, 5/0. MOTION CARRIED. VARIANCE GRANTED FOR A 20' SOUTH FRONT YARD SETBACK FOR PROPOSED DWELLING.

MOTION #3-2 NORTH REAR YARD SETBACK VARIANCE – MAPLEWOOD DR / 74-20-468-0062-001:

Motion by Montgomery, supported by Oprita, to grant the request from Steve Smith, for a 7' north rear yard setback variance at Maplewood Drive / 74-20-468-0062-001.

Vote, 5/0. MOTION CARRIED. VARIANCE GRANTED FOR A 28' NORTH REAR YARD SETBACK FOR PROPOSED DWELLING.

MOTION #3-3 CLASS A DESIGNATION – MAPLEWOOD DR / 74-20-468-0062-001:

Motion by Eisenhower, supported by Marlar, to grant the request from Steve Smith, for a Class A designation at Maplewood Drive / 74-20-468-0062-001.

Vote, 5/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED NEW DWELLING.

BOARD DISCUSSION:

Scott Bradley was welcomed to the board.

Motion by Marlar, supported by Eisenhower, to adjourn. Time, 7:26 o'clock p.m. **Vote, 5/0. MEETING ADJOURNED.**