

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

MEMBERS PRESENT: Eisenhower (S), Marlar, Montgomery (C), Oprita (VC)

MEMBERS ABSENT: Bradley

ALSO PRESENT: Jorja Baldwin, Zoning Consultant
Liz Austin, Recording Secretary

VISITORS: John & Debra Pray, 5366 Lakeshore Road, Fort Gratiot, MI 48059

Motion by Eisenhower, supported by Marlar, to approve the agenda as printed and posted.

Vote, 4/0. MOTION CARRIED. AGENDA APPROVED.

Motion by Marlar, supported by Oprita, to approve the minutes of the meeting of March 16, 2021.

Vote, 4/0. 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 – 5366 LAKESHORE ROAD / 74-20-175-0028-000:

APPLICANT: John Pray, 5366 Lakeshore Road, Fort Gratiot, MI 48059

OWNER: John & Debra Pray, 5366 Lakeshore Road, Fort Gratiot, MI 48059

REQUEST: 8' south side yard setback variance for proposed addition; Class A designation.

LOCATION: 5366 Lakeshore Road

PARCEL ID #: 74-20-175-0028-000

LEGAL: S 30' OF LOT 35 & N 1/2 OF LOT 36 CEDARCROFT

APPLICANTS PRESENTATION:

John Pray stated that they purchased the home last year and it currently has only a ¾ bathroom. They want to add onto the home by squaring off the corner to add a full bath.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Member Eisenhower questioned whether the Fire Chief's comment about maintaining the 20' wide driveway access would affect this request. It will not, when Chief Smith gave the feedback to Liz Austin, he said it was just for the record.

Member Montgomery indicated that he drove over to the property and it appeared that the fire department would have no issues accessing the property.

Member Montgomery asked if there's an existing Class A designation for this home and the answer is no.

Jorja Baldwin, former Zoning Administrator and Township Supervisor, stated that she has been assisting the current Zoning Administrator Sharon Wilton with the review process of variance/Class A designation requests, as well as other zoning essentials. Ms. Baldwin has been consulting with the Township on zoning matters and wanted to let the board know that she is available for any questions. She has worked with zoning for the past 25 years so she has a historical background and has also worked with several staff members regarding these reviews. Because this particular request pertains to an existing nonconforming structure with no current Class A designation, it is considered a Class B lawfully existing nonconforming structure as it was constructed prior to this zoning ordinance. In order to improve a Class B nonconforming structure, the owner must seek a Class A designation. A few years ago, Fort Gratiot Township changed the zoning ordinance to require professional surveys when applying for a Class A designation and/or a variance. The board now has so much more information right in front of them. Surveys for lakefront properties usually contain high-risk erosion area, flood zone and line of site details as well as the standard utility locations, setbacks and existing/proposed structures. This process also makes the homeowner aware of the potential relocation of electrical lines or poles which could include unexpected yet excessive costs PRIOR to construction. Any setback variances granted today with a Class A designation give the structure new setbacks for future construction. Because this particular home is offset with a larger setback on the north side and the lesser on the south side, it meets the intent of the ordinance with maintaining a consistent distance between homes along the lake.

Discussion was held about the board's minimum setback they try to maintain and the reasoning behind reviewing these variance requests individually.

Findings of Facts:

- Property was platted in 1909.
- This property is within a High-Risk Erosion Area (area C).
- This property is located in Zone X and Zone AE. FEMA Panel 230D dated 5-3-2010.
- This parcel is an existing non-conforming platted lot and is 50'x200' (.23 acres).

Contacts/Communications/Correspondence: No correspondence received as of 4/14/2021.

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 the condition that the driveway remain a minimum of 20' wide.
- Zoning administrator recommends approval of the Class A designation of the proposed dwelling addition based on Reasons for Decision (1), (2), (3) and (4). Recommended approval of the 8' south side-yard variance setback. The dwelling is consistent with the neighborhood.

Reasons for Decision:

- (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.

MOTION #1-1 SOUTH SIDE YARD SETBACK VARIANCE – 5366 LAKESHORE RD / 74-20-175-0028-000:

Motion by Montgomery, supported by Oprita, to grant the request from John Pray, for an 8' south side yard setback variance at 5366 Lakeshore Road / 74-20-175-0028-000.

Vote, 4/0. MOTION CARRIED. 2' SOUTH SIDE YARD SETBACK GRANTED FOR PROPOSED ADDITION.

MOTION #1-2 CLASS A DESIGNATION – 5366 LAKESHORE RD / 74-20-175-0028-000:

Motion by Montgomery supported by Marlar, to grant the request from John Pray, for a Class A designation with conditions at 5366 Lakeshore Road / 74-20-175-0028-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED WITH THE CONDITION THAT IF THE HOME IS DESTROYED OR DEEMED A TOTAL LOSS, A NEW HOME MUST BE A MINIMUM OF 3' FROM THE SOUTH SIDE PROPERTY LINE.

BOARD DISCUSSION:

We have no agenda items for the May 18th meeting.

Motion by Montgomery, supported by Eisenhower, to adjourn. Time, 7:16 o'clock p.m. **Vote, 4/0. 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.