

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

**MEMBERS PRESENT:** Eisenhower, Marlar, Kraus and Montgomery (Montgomery arrived at 7:04pm)

**MEMBERS ABSENT:** Oprita

**ALSO PRESENT:** Liz Austin, Recording Secretary

**VISITORS:**  
 Jim & Mary Fisher, 3054 Sylvan Dr, Fort Gratiot, MI 48059  
 Philip Porte, 519 Huron Ave, Port Huron, MI 48060  
 Glenn & Leslie Clark, 3041 Elmwood Dr, Fort Gratiot, MI 48059  
 Joe Bauer, 4520 Lakeshore Rd, Fort Gratiot, MI 48059  
 Pat Claus, 7780 Rest Haven Ct, Lakeport, MI 48059

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

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

Motion by Kraus, supported by Eisenhower, to approve the minutes of the special meeting of May 6, 2019.

**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 – 3054 SYLVAN DRIVE / 74-20-297-0011-101:**

**APPLICANT:** James & Mary Fisher, 3054 Sylvan Drive, Fort Gratiot, MI 48059

**OWNER:** James & Mary Fisher, 3054 Sylvan Drive, Fort Gratiot, MI 48059

**REQUEST:** Class A designation on existing structures; 14' north rear yard setback variance; Class A designation on proposed construction.

**LOCATION:** 3054 Sylvan Drive

**PARCEL ID #:** 74-20-297-0011-101

**LEGAL:** LOTS 14, 15 & 16 THE FORREST

**APPLICANTS PRESENTATION:** They bought the house and it needed updates and repairs. The front and rear decks are in bad shape and he'd like to replace the front porch and replace the rear deck with a sunroom.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

The board discussed the request and felt that the request is consistent with the neighborhood.

**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 Special Flood Hazard Area, FEMA FIRM 05/03/2010, Panel 0230D.
- This parcel is a lawfully existing conforming platted triple lot and is 140"x95'. The current required minimum lot size is 75'x135' and 10,000 SF in area.
- The property was combined on 12/20/2018.
- This is a large lot and is not consistent in size and development with the surrounding properties except for the shallowness of the lot.
- The proposed front porch and deck do not extend past the existing front of the home.
- The proposed 14' setback variance (rear yard) exceeds the current setback that touches 2 properties to the north.



| Location     | Required | Existing | 2018 Proposed | Notes<br>( <i>Italicized=meets requirements, red=does not meet</i> ) |
|--------------|----------|----------|---------------|--|
| Rear – north | 35'      | 24'      | 21'           | 14' variance makes the structure more nonconforming.                 |

**Contacts/Communications/Correspondence:** As of the date of this review, no correspondence has been received. (06-10-2019).

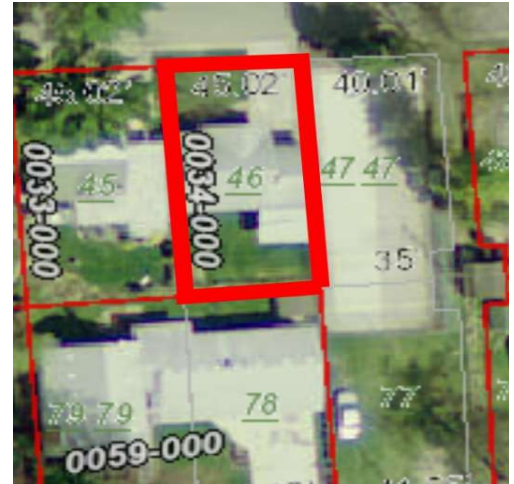
**Reasons for Decision:**

-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 CLASS A DESIGNATION – 3054 SYLVAN DRIVE / 74-20-297-0011-101:**

Motion by Eisenhauer, supported by Marlar, to grant the request from James & Mary Fisher, for a Class A designation on the existing structures at 3054 Sylvan Dr / 74-20-297-0011-101.

**Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON EXISTING STRUCTURES.**

**MOTION #1-2 NORTH REAR YARD SETBACK VARIANCE – 3054 SYLVAN DRIVE / 74-20-297-0011-101:**

Motion by Kraus, supported by Eisenhauer, to grant the request from James & Mary Fisher, for a 14’ north rear yard setback variance for the proposed sunroom at 3054 Sylvan Drive / 74-20-297-0011-101.

**Vote, 4/0. MOTION CARRIED. 21’ NORTH REAR YARD SETBACK GRANTED FOR PROPOSED SUNROOM.**

**MOTION #1-3 CLASS A DESIGNATION – 3054 SYLVAN DRIVE / 74-20-297-0011-101:**

Motion by Kraus, supported by Montgomery, to grant the request from James & Mary Fisher, for a Class A Designation for the proposed construction at 3054 Sylvan Drive / 74-20-297-0011-101.

**Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON PROPOSED CONSTRUCTION.**

**ITEM #2: VARIANCE/CLASS A DESIGNATION – 3041 ELMWOOD DRIVE / 74-20-468-0034-000:**

**APPLICANT:** Glenn & Leslie Clark, 3220 Stonybrook Lane, Port Huron, MI 48060

**OWNER:** Glenn & Leslie Clark, 3220 Stonybrook Lane, Port Huron, MI 48060

**REQUEST:** 14’ north front yard setback variance for proposed front porch; Class A designation on proposed construction.

**LOCATION:** 3041 Elmwood Drive

**PARCEL ID #:** 74-20-468-0034-000

**LEGAL:** LOT 46 LAKE HURON MANOR

**APPLICANTS PRESENTATION:** Mr. Clark stated that they were here before is last January before the construction of their new home began, and while under construction, they realized the front porch wasn’t accounted for. They’re asking for an additional 3’ than what was granted last year.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

Member Montgomery mentioned that he would be comfortable with granting this request with the condition that the front porch/deck cannot be enclosed.

**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 Special Flood Hazard Area, FEMA FIRM 05/03/2010, Panel 0230D.

-This parcel is a lawfully existing nonconforming platted lot and is 45'x84'. The current required minimum lot size is 75'x135' and 10,000 SF in area. The lot is consistent in size and development with the surrounding properties.  
 -A Class A Designation was granted on 08/15/2006 to use, alter or enlarge the existing home.  
 - An 11' north front yard setback variance; 25' south rear yard setback variance; 6' east side yard setback variance; 7' west side yard setback variance; 420 sq. ft. lot coverage variance; Class A Designation was granted on 01/16/2018 for a new dwelling.

| Location      | Required | Minimum Required Per 2018 Class A* | 2019 Proposed | Notes<br><i>(Italicized=meets requirements, red=does not meet )</i>   |
|---------------|----------|------------------------------------|---------------|---|
| North - front | 35'      | 24'                                | 21'           | Existing extends 11' into setback; proposed extends 14'- makes the property more nonconforming than 2018 Class A. |

**Contacts/Communications/Correspondence:** No correspondence has been received as of 06/10/2019.

**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 NORTH FRONT YARD SETBACK VARIANCE – 3041 ELMWOOD DRIVE / 74-20-468-0034-000:**

Motion by Montgomery, supported by Marlar, to grant the request from Glenn & Leslie Clark, for a 14' north front yard setback variance for the proposed front porch at 3041 Elmwood Drive / 74-20-468-0034-000.

**Vote, 4/0. MOTION CARRIED. 21' NORTH FRONT YARD SETBACK GRANTED FOR PROPOSED PORCH/DECK ON NEW HOME WITH THE CONDITION THAT THE PORCH/DECK CANNOT BE ENCLOSED AT ANY TIME.**

**MOTION #2-2 CLASS A DESIGNATION – 3041 ELMWOOD DRIVE / 74-20-468-0034-000:**

Motion by Kraus, supported by Eisenhauer, to grant the request from Glenn & Leslie Clark, for a Class A Designation for the proposed construction at 3041 Elmwood Drive / 74-20-468-0034-000.

**Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON PROPOSED CONSTRUCTION.**

**ITEM #3: VARIANCE/CLASS A DESIGNATION – ELMWOOD DR (VACANT) / 74-20-468-0019-000:**

**APPLICANT:** Anthony Lombardo, 13001 23 Mile Road, Shelby Township, MI 48315

**OWNER:** Patricia Claus & Albert Gouin, 7780 Rest Haven Court, Lakeport, MI 48059

**REQUEST:** Proposed new dwelling; 22' south front yard setback variance; 3' north rear yard setback variance; 7' west side yard setback variance; 38 sq. ft. lot coverage variance; Class A designation.

**LOCATION:** Elmwood Drive (vacant lot)

**PARCEL ID #:** 74-20-468-0019-000

**LEGAL:** LOT 25 LAKE HURON MANOR

**APPLICANTS PRESENTATION:** Phil Porte of BMJ Engineers & Surveyors is representing Mr. Lombardo for this request. The board has before them a proposed 2 story home about 1,492 square feet on a 45'x91' lot. The intent when reviewing this plan was to be as least intrusive on neighboring lots as possible, but due to the size of these lots, it's difficult to accomplish. He explained each variance request.

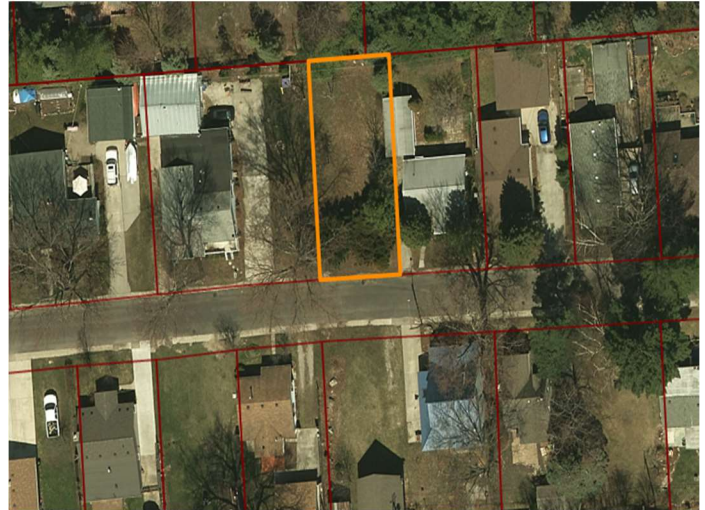
**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

Member Montgomery asked about the proposed setback for the east side and why they're proposing to go an additional foot from what's required, and ask for an additional foot variance on the west side. Can that 1 foot be added to the west side so the variance request can be less? Mr. Porte indicated that they try to give that extra foot on the driveway side for potential construction and/or drainage issues.

**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 Special Flood Hazard Area, FEMA FIRM 05/03/2010, Panel 0230D.
- This parcel is a lawfully existing nonconforming platted lot and is 45'x92'. The current required minimum lot size is 75'x135' and 10,000 SF in area.
- The lot is consistent in size and development with the surrounding properties.
- The proposed 3' west (side yard) setback exceeds the current setback that touches one property to the west. The proposed setback will not expand further into the property to the east and exceeds the minimum required setback.
- The proposed 32' north (back yard) setback has minimal expansion into the 2 properties it touches.
- The proposed 13' south (front yard) setback is in close proximity to a narrow, private road.



| Location                 | Required | Proposed | Notes<br>( <i>Italicized=meets requirements, red=does not meet</i> )        |
|--------------------------|----------|----------|---|
| South - Front            | 35'      | 22'      | *22' proposed front yard setback does not meet the required setback.        |
| East - Side              | 10'      | 11'      | <i>The proposed meets the requirements and exceeds the minimum by 1'.</i>   |
| West - Side              | 10'      | 3'       | *3' proposed front yard setback does not meet the required setback          |
| North - Rear             | 35'      | 32'      | *32' proposed rear yard setback is just shy of the required setback.        |
| Lot Coverage-<br>30% Max | 1,242 SF | 1,280 SF | Proposed structure exceeds the maximum permitted lot coverage by 38 sq. ft. |

(\*Table corrected from Zoning Administrator's review to minutes as discussed at meeting)

**Contacts/Communications/Correspondence:** No correspondence has been received as of 06/10/2019.

**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 – ELMWOOD DRIVE / 74-20-468-0019-000:**

Motion by Montgomery, supported by Kraus, to grant the request from Anthony Lombardo, for a 22’ south front yard setback variance for the proposed new dwelling at Elmwood Dr / 74-20-468-0019-000.

**Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR 13’ SOUTH FRONT YARD SETBACK FOR PROPOSED NEW DWELLING.**

**MOTION #3-2 NORTH REAR YARD SETBACK VARIANCE – ELMWOOD DRIVE / 74-20-468-0019-000:**

Motion by Kraus, supported by Montgomery, to grant the request from Anthony Lombardo, for a 3’ north rear yard setback variance for the proposed new dwelling at Elmwood Drive / 74-20-468-0019-000.

**Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR 32’ NORTH REAR YARD SETBACK FOR PROPOSED NEW DWELLING.**

**MOTION #3-3 WEST SIDE YARD SETBACK VARIANCE – ELMWOOD DRIVE / 74-20-468-0019-000:**

Motion by Marlar, supported by Kraus, to grant the request from Anthony Lombardo, for a 7’ west side yard setback variance for the proposed new dwelling at Elmwood Dr / 74-20-468-0019-000.

**Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR 3’ WEST SIDE YARD SETBACK FOR PROPOSED NEW DWELLING.**

**MOTION #3-4 LOT COVERAGE VARIANCE – ELMWOOD DRIVE / 74-20-468-0019-000:**

Motion by Eisenhauer, supported by Marlar, to grant the request from Anthony Lombardo, for a 38 square foot lot coverage variance for the proposed new dwelling at Elmwood Dr / 74-20-468-0019-000.

**Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR 1,280 SQUARE FOOT LOT COVERAGE FOR PROPOSED NEW DWELLING.**

**MOTION #3-5 CLASS A DESIGNATION –ELMWOOD DRIVE / 74-20-468-0019-000:**

Motion by Kraus, supported by Eisenhauer, to grant the request from Anthony Lombardo, for a Class A Designation at Elmwood Drive / 74-20-468-0019-000.

**Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED NEW DWELLING.**

**ITEM #4: CLASS A DESIGNATION – 4520 LAKESHORE ROAD / 74-20-770-0002-000:**

**APPLICANT:** Joseph & Renee Bauer Jr., 4520 Lakeshore Road, Fort Gratiot, MI 48059  
**OWNER:** Joseph & Renee Bauer Jr. Joint Trust, 4520 Lakeshore Road, Fort Gratiot, MI 48059  
**REQUEST:** Class A designation.  
**LOCATION:** 4520 Lakeshore Road  
**PARCEL ID #:** 74-20-770-0002-000  
**LEGAL:** LOTS 15 & 16 SUPV PLAT OF WINDERMERE COURT

**APPLICANTS PRESENTATION:** Joe Bauer stated that he’s requesting the Class A designation on his home for insurance purposes. He indicated that he and his northerly neighbor agreed to his house being rebuilt, if necessary, within the same footprint, just not that the entire north wall be built 1.1’ from the property line. They agreed to the revised site plan provided to the Township a few days prior to the meeting.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

The board discussed what can be done with a Class A designation and discussed the recommendation of the zoning administrator. It was clarified that a Class A designation protects the nonconforming setbacks, not the exact footprint of the structure.

Also discussed was the angle of the north side wall of the existing home. The revised site plan provided by the applicant gave the dimensions of the north wall as well as the setbacks to the north property line from the northeastern most corner and the northwestern most corner of the existing home.

It was noted that adding a condition to the Class A designation stating that “the north wall cannot be altered in any way” can’t apply in this case because, according to the MI Building Code, additional fire-rating requirements would have to be met with a certain amount of feet of that north wall.

The existing south side yard setback of the house was discussed.

The regulations of Class B structures were discussed.

The structures that would be included in the Class A designation were identified: the existing home and existing detached garage.

Member Montgomery stated that he has no problem with the way the house sits now, he would just like to come up with a condition that can apply in the case the house were to be rebuilt that it be further from the north side property line.

Member Kraus agrees if the house were to be rebuilt, it should be rebuilt to comply with the current required setbacks and conform.

It was discussed that it may be difficult to rebuild the north wall in the same footprint because the 1.1' setback is from the wall, not an overhang. Adding a standard overhang would cause this structure to be over the north property line.

**Findings of Facts:**

- The area was platted in 1933.
- This property is not within a High Risk Erosion Area
- This property is within a Special Flood Hazard Area FEMA FIRM 05/03/2010, Panel 0230D Zone AE.
- This parcel is a lawfully existing conforming platted lot of 100.26'x372.2'. The current required minimum lot size is 75'x135' and 10,000 SF in area. This lot is larger in size than the surrounding properties.
- The NE corner of the main dwelling is within 1.1' of the property to the north.
- All other setbacks on the main dwelling meet required setbacks.
- The garage is 6.2' off the south property line.
- The play structure is 7.3' off the south property line.



**Contacts/Communications/Correspondence:** A letter was received on 6-13-19 from the neighbor to the north voicing her concerns for this request.

**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 #4-1 CLASS A DESIGNATION –4520 LAKESHORE ROAD / 74-20-770-0002-000:**

Motion by Marlar, supported by Kraus, to deny the request from Joseph & Renee Bauer Jr., for a Class A Designation at 4520 Lakeshore Rd / 74-20-770-0002-000.

**Vote, 2/2. MOTION FAILED. AGENDA ITEM TABLED UNTIL THE JULY 16, 2019 MEETING.**

**BOARD DISCUSSION:** None.

Motion by Marlar, supported by Kraus, to adjourn. Time, 8:12 o'clock p.m. Vote, 4/0. MEETING ADJOURNED.