

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

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

MEMBERS ABSENT: Bradley

ALSO PRESENT: Liz Austin, Recording Secretary

VISITORS: Randy & Alycia Shagena, 5432 Lakeshore Road, Fort Gratiot, MI 48059
Kyle & Mara McCalmon, 5834 Campfire Drive, Fort Gratiot, MI 48059
Al Elsdon, 3045 Elmwood Drive, Fort Gratiot, MI 48059
Chris Palushaj, 3051 Elmwood Drive, Fort Gratiot, MI 48059

Motion by Eisenhauer, 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 15, 2022.

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 – 3051 ELMWOOD DRIVE/ 74-20-468-0032-001:

APPLICANT: Christopher & Donny Paljusevic, 3051 Elmwood Drive, Fort Gratiot, MI 48059

OWNER: Christopher & Donny Paljusevic, 3051 Elmwood Drive, Fort Gratiot, MI 48059

REQUEST: Proposed detached accessory structure: 5' south rear yard setback variance; 1' east side yard setback variance; Class A designation.

LOCATION: 3051 Elmwood Drive

PARCEL ID #: 74-20-468-0032-001

LEGAL: LOT 43 & W 1/2 OF LOT 44 LAKE HURON MANOR ACCORDING TO THE PLAT RECORDED IN LIBER 47 OF PLATS PG 2 ST CLAIR COUNTY REGISTER OF DEEDS; SPLIT/COMBINED ON 02/12/2022 FROM 20-468-0033-000, 20-468-0032-000

APPLICANTS PRESENTATION: Property owner Chris Palushaj stated that there was a garage there when they purchased the property but it was unstable and was very close to the property line so they tore it down. They're here for permission to build a new garage a little further away from the property line, about 5'.

PUBLIC COMMENT: Al Elsdon lives adjacent to this property and mentioned that it was very nice to see the old garage come down safely. They share a property line and he and his wife have no objection to this new garage.

BOARD DISCUSSION: Secretary Oprita commented on how nice it was to see the applicant and his neighbor sitting at the same table.

Chairperson Montgomery pointed out that the proposed garage will actually be more in compliance than the previous garage. The remaining board members agreed.

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 90'x87'. The parcel size is .18 acres (7,830 sf)

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (06-07-2022)

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 recommendations below:

- Approval of the 1’ east side-yard set-back.
- Approval of the 5’ south rear-yard set-back.
- 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 SOUTH REAR YARD SETBACK VARIANCE – 3051 ELMWOOD DRIVE / 74-20-468-0032-001:

Motion by Montgomery, supported by Oprita, to grant the request from Christopher & Donny Paljusevic for a 5’ south rear yard setback variance for proposed detached accessory structure at 3051 Elmwood Drive / 74-20-468-0032-001.

Vote, 4/0. MOTION CARRIED. 5’ SOUTH REAR YARD SETBACK GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.

MOTION #1-2 EAST SIDE YARD SETBACK VARIANCE – 3051 ELMWOOD DRIVE / 74-20-468-0032-001:

Motion by Montgomery, supported by Eisenhauer, to grant the request from Christopher & Donny Paljusevic for a 1’ east side yard setback variance for proposed detached accessory structure at 3051 Elmwood Drive / 74-20-468-0032-001.

Vote, 4/0. MOTION CARRIED. 9’ EAST SIDE YARD SETBACK GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.

MOTION #1-3 CLASS A DESIGNATION – 3051 ELMWOOD DRIVE / 74-20-468-0032-001:

Motion by Marlar, supported by Eisenhauer, to grant the request from Christopher & Donny Paljusevic for a Class A designation at 3051 Elmwood Drive / 74-20-468-0032-001.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED.

ITEM #2: VARIANCE/CLASS A DESIGNATION – 5432 LAKESHORE ROAD / 74-20-175-0012-000:

APPLICANT: Randy & Alycia Shagena, 5432 Lakeshore Road, Fort Gratiot, MI 48059

OWNER: Randy & Alycia Shagena, 5432 Lakeshore Road, Fort Gratiot, MI 48059

REQUEST: Proposed addition & attached garage: 1’ south side yard setback variance; 4’ north side yard setback variance; 231 square foot lot coverage variance; Class A designation.

LOCATION: 5432 Lakeshore Road

PARCEL ID #: 74-20-175-0012-000

LEGAL: LOT 14 CEDARCROFT

APPLICANTS PRESENTATION: Randy Shagena, property owner, would like to stay within the building envelope and build back about 12’ to the west side for an addition and then 24’ west for an attached garage. The attached garage will be almost 1’ further away from both side property lines than the existing home and proposed addition.

PUBLIC COMMENT: None.

BOARD DISCUSSION: Chairperson Montgomery mentioned that this request appears reasonable and within the parameters the board has tried to maintain.

Findings of Facts:

- The area was platted in 1907.
- This property is within a High-Risk Erosion Area; elevations shown are adequate
- This property is within a Flood Plain area; per FEMA FIRM 05/03/2010, Panel 0230D, Zone AE EL. 586
- This parcel is a lawfully existing non-conforming platted lot of 40'x 100'. The parcel size is .18 acres (8,000 sf)

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (06-09-2022)

Recommendations:

- The building official recommends approval with the condition that the new attached garage requires fire separation from new addition.
- Department of Public works recommends approval with no conditions.
- The fire chief recommends approval with no conditions.
- Zoning administrator recommendations below:
 - Approval of the 1' south side-yard set-back variance (house).
 - Approval of the 4' north side-yard set-back variance (house). If house is to be re-built, the north side-yard setback should not be less than 5' from property line.
 - Approval of 231 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 #2-1 SOUTH SIDE YARD SETBACK VARIANCE – 5432 LAKESHORE RD / 74-20-175-0012-000:

Motion by Montgomery, supported by Oprita, to grant the request from Randy & Alycia Shagena for a 1' south side yard setback variance for proposed addition and attached garage at 5432 Lakeshore Road / 74-20-175-0012-000. **Vote, 4/0. MOTION CARRIED. 9' SOUTH SIDE YARD SETBACK GRANTED FOR PROPOSED ADDITION AND ATTACHED GARAGE.**

MOTION #2-2 NORTH SIDE YARD SETBACK VARIANCE – 5432 LAKESHORE RD / 74-20-175-0012-000:

Motion by Eisenhauer, supported by Marlar, to grant the request from Randy & Alycia Shagena for a 4' north side yard setback variance for proposed addition and attached garage at 5432 Lakeshore Road / 74-20-175-0012-000. **Vote, 4/0. MOTION CARRIED. 6' NORTH SIDE YARD SETBACK GRANTED FOR PROPOSED ADDITION AND ATTACHED GARAGE.**

MOTION #2-3 LOT COVERAGE VARIANCE – 5432 LAKESHORE ROAD / 74-20-175-0012-000:

Motion by Montgomery, supported by Eisenhauer, to grant the request from Randy & Alycia Shagena for a 231 square foot lot coverage variance for proposed addition & attached garage at 5432 Lakeshore Road / 74-20-175-0012-000. **Vote, 4/0. MOTION CARRIED. 231 SQUARE FOOT LOT COVERAGE VARIANCE GRANTED FOR PROPOSED ADDITION AND ATTACHED GARAGE.**

MOTION #2-4 CLASS A DESIGNATION – 5432 LAKESHORE ROAD / 74-20-175-0012-000:

Motion by Oprita, supported by Montgomery, to grant the request from Randy & Alycia Shagena for a Class A designation at 5432 Lakeshore Road / 74-20-175-0012-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED.

ITEM #3: VARIANCE/CLASS A DESIGNATION – 5834 CAMPFIRE DRIVE / 74-20-297-0037-000:**APPLICANT:** Kyle & Mara McCalmon, 5834 Campfire Drive, Fort Gratiot, MI 48059**OWNER:** Kyle & Mara McCalmon, 5834 Campfire Drive, Fort Gratiot, MI 48059**REQUEST:** Proposed detached accessory structure: 16' west front yard setback variance; variance to allow detached accessory structure to be located in front of main residence; Class A designation.**LOCATION:** 5834 Campfire Drive**PARCEL ID #:** 74-20-297-0037-000**LEGAL:** LOTS 55 & 56 THE FORREST SUBD

APPLICANTS PRESENTATION: Kyle McCalmon, property owner, stated that the previous garage was demolished in, he believes, 2017 and they wish to build a new garage about 16' in front of the house. They've spoken to DTE and they will bury the power lines if this request is granted.

PUBLIC COMMENT: None.

BOARD DISCUSSION: Chairperson Montgomery explained that the proposed west setback is larger than normal because this is a corner parcel with 2 frontages. He remembers mention of this proposed garage last year when the neighbor to the north appeared in front of the board for the variance requests for their new home.

Vice-Chairperson Eisenhauer asked if the shed noted on the survey was going to be moved or removed. It was confirmed that the applicants have submitted a zoning compliance permit application to move the shed into compliance when the garage is being built, and because it doesn't violate any other ordinances, the shed can remain on the property even after the garage is complete.

Member Marlar questioned the location of the shed in reference to the neighbors to the north and the impact to their view. Mr. McCalmon indicated that they have been working closely with their neighbors throughout the planning process to keep the peace.

Vice-Chairperson Eisenhauer clarified that the line of site is not applicable here as these are not considered lakefront parcels.

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 103'x90'. The parcel size is .21 acres (9,270 sf)

-Existing shed on the parcel will be moved into compliance (see Zoning Compliance Permit) until proposed structure is completed and then will be removed.

Contacts/Communications/Correspondence:

As of the date of this review, correspondence has been received. (06-09-2022) Zoning Compliance Permit from owner for the new shed location.

Recommendations:

-The building official recommends approval with comments; existing power lines over property will need to be moved or buried.

-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 16' west front-yard set-back.
- Approval of the extension of the proposed structure beyond the front of the house.
- Approval of Class A Designation on the proposed and existing structure, not including the shed. The shed will be moved into compliance (See Zoning Compliance Permit) at the time of construction for proposed garage. Then the shed will be removed from the property upon completion of 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 WEST FRONT YARD SETBACK VARIANCE – 5834 CAMPFIRE DRIVE / 74-20-297-0037-000:

Motion by Montgomery, supported by Eisenhauer, to grant the request from Kyle & Mara McCalmon for a 16' west front yard setback variance for proposed detached accessory structure at 5834 Campfire Drive / 74-20-297-0037-000.

Vote, 4/0. MOTION CARRIED. 19' WEST FRONT YARD SETBACK GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.

MOTION #3-2 LOCATION VARIANCE – 5834 CAMPFIRE DRIVE / 74-20-297-0037-000:

Motion by Montgomery, supported by Oprita, to grant the request from Kyle & Mara McCalmon for a variance to allow the proposed detached accessory structure to extend beyond the front of the main residence at 5834 Campfire Drive / 74-20-297-0037-000.

Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED TO ALLOW THE PROPOSED DETACHED ACCESSORY STRUCTURE TO EXTEND BEYOND THE FRONT OF THE MAIN RESIDENCE.

MOTION #3-3 CLASS A DESIGNATION – 5834 CAMPFIRE DRIVE / 74-20-297-0037-000:

Motion by Oprita, supported by Marlar, to grant the request from Kyle & Mara McCalmon for a Class A designation at 5834 Campfire Drive / 74-20-297-0037-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED.

BOARD DISCUSSION:

Recording Secretary Liz Austin mentioned that there will probably be a July ZBA meeting.

Motion by Marlar, supported by Eisenhauer, to adjourn. Time, 7:18 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.