

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

MEMBERS PRESENT: Eisenhauer, Montgomery, Marlar, Kraus, Oprita

MEMBERS ABSENT: None.

ALSO PRESENT: Liz Austin, Recording Secretary

VISITORS: Joe Bauer, 4520 Lakeshore Road, Fort Gratiot, MI 48059

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

Vote, 5/0. MOTION CARRIED. AGENDA APPROVED.

Motion by Kraus, supported by Marlar, to approve the minutes of the meeting of June 18, 2019.

Vote, 5/0. MOTION CARRIED. MINUTES APPROVED.

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

UNFINISHED BUSINESS:

ITEM #1: 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:

In addition to the presentation given last month, Joe Bauer wanted to add that if they wanted to put in a pool on the south side of the home at a later date, that would prevent them from being able to comply with the current setback requirements if something were to happen to the home.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Member Montgomery questioned the nature of the “insurance purposes” intent with this request. The property has since been listed for sale.

Member Marlar stated that he thinks this board needs to maintain the discipline as far as setbacks are concerned, and by allowing the house to be rebuilt 1.1’ from the property line, that wouldn’t happen.

Member Kraus mentioned that she does not see a hardship or practical difficulty with this request, which is one of the suggested reasons for denial.

There was discussion as to whether or not mortgage companies would have a problem with the house not being able to be rebuilt within the same footprint. The same house would be able to be rebuilt on the same property, just not within the same footprint.

Member Montgomery stated that if they were to approve the Class A with conditions, he’d like it to include that it be for destruction by natural causes.

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

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

Vote, 4/1. MOTION CARRIED. CLASS A DESIGNATION REQUEST DENIED.

NEW BUSINESS: None.

BOARD DISCUSSION:

Next Monday is the deadline for submittals for an August ZBA meeting but nothing has been received as of today's date.

Rob Crawford has been appointed Township Supervisor.

The listing for the Clerk's position has been posted and letters of interest must be submitted by 12pm this Friday.

The Zoning Administrator's will be leaving and her last day is July 31st.

Discussion held regarding the elected officials job descriptions, appointments and elections.

Motion by Marlar, supported by Kraus, to adjourn. Time, 7:27 o'clock p.m. **Vote, 5/0. MEETING ADJOURNED.**