

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

MEMBERS PRESENT: Bradley, Eisenhower (VC), Marlar, Montgomery (C)

MEMBERS ABSENT: Oprita (S)

ALSO PRESENT: Liz Austin, Recording Secretary

VISITORS: Dale & Jill Minard, 4436 Gratiot Ave, Port Huron, MI 48060

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

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

Motion by Marlar, supported by Eisenhower, to approve the minutes of the meeting of July 19, 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 – 3732 NORTH RIVER ROAD/ 74-20-630-0016-000:

APPLICANT: Dale & Jill Minard, 3520 Pollina Avenue, Fort Gratiot, MI 48059

OWNER: Jill & Dale, LLC, 3520 Pollina Avenue, Fort Gratiot, MI 48059

REQUEST: 1' height variance to allow 6' high privacy fencing within required east side yard; 1' height variance to allow 6' high privacy fencing within required west side yard; 2.5' height variance to allow 6' high privacy fencing in south front yard; variance to allow 6' high privacy fencing to extend 75' beyond front of main dwelling along east & west side property lines; Class A designation.

LOCATION: 3732 North River Road

PARCEL ID #: 74-20-630-0016-000

LEGAL: S 259' OF LOT 16 & S 259' OF E 10.24' OF LOT 15 POLLINA PLAT

APPLICANTS PRESENTATION: Mr. Minard indicated that they'd like to install a six-foot high fence to cover the store and traffic from the store and will match the existing fence that was installed a couple years ago. The house that was there when they installed the existing fencing sat much closer to the road. That house was demolished and the new one was built back quite a bit further from the road. They'd like to keep that fence and match it on the west wide to block the store. The fence will be fifty-one feet from the road.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Chairperson Montgomery drove by the property and took a few pictures. He noticed that the existing fencing is not within the required thirty-five feet front yard setback and doesn't look out of place with how far back the house sits.

Member Eisenhower also drove by the property because Google Maps hasn't been updated since 2020 and still shows the chain-link fence.

Member Marlar verified that the existing fence is fifty-one feet back from the front property line, not center of the road.

Discussion was held regarding the wording of a motion and whether or not there is a need to include the minimum front yard setback for the fence of fifty-one feet. It was determined that, because the board is approving the variance request based on the numbers provided on the survey, the fifty-one feet setback from the front property line is the same as the seventy-five feet extension beyond the front of the main dwelling.

Findings of Facts:

- The area was platted in 1952.
- 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 0238D, Zone X.
- This parcel is a lawfully existing platted lot of 93'x259'. The parcel size is .55 acres (24,087 sf)

- The proposed fence would have been in compliance with a house that was demolished on the parcel.
- The parcel to the west of Minard's is zoned R-1A (single family residential) however has a commercial use as a Party Store.

Contacts/Communications/Correspondence:

Letter received 8/16/22 from the convenience store owner in favor of the request.

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 2' height variance from the required 4' fence height (to allow 6' height) beyond the front of the existing house, on the east and west side of parcel.
 - Approval of Class A Designation on the proposed fence.
 - Approval with the condition that the decorative side of fence faces out.

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 HEIGHT VARIANCE / EAST SIDE YARD – 3732 NORTH RIVER ROAD / 74-20-630-0016-000:

Motion by Montgomery, supported by Bradley, to grant the request from Dale & Jill Minard for a 1' height variance to allow 6' high privacy fencing within required east side yard at 3732 North River Road / 74-20-630-0016-000.

Vote, 4/0. MOTION CARRIED. SIX-FOOT HIGH PRIVACY FENCE APPROVED IN EAST SIDE YARD.

MOTION #1-2 HEIGHT VARIANCE / WEST SIDE YARD – 3732 NORTH RIVER ROAD / 74-20-630-0016-000:

Motion by Montgomery, supported by Eisenhauer, to grant the request from Dale & Jill Minard for a 1' height variance to allow 6' high privacy fencing within required west side yard at 3732 North River Road / 74-20-630-0016-000.

Vote, 4/0. MOTION CARRIED. SIX-FOOT HIGH PRIVACY FENCE APPROVED IN WEST SIDE YARD.

MOTION #1-3 HEIGHT VARIANCE / FRONT YARD – 3732 NORTH RIVER ROAD / 74-20-630-0016-000:

Motion by Montgomery, supported by Marlar, to grant the request from Dale & Jill Minard for a 2.5' height variance to allow 6' high privacy fencing in south front yard at 3732 North River Road / 74-20-630-0016-000.

Vote, 4/0. MOTION CARRIED. SIX-FOOT HIGH PRIVACY FENCE APPROVED IN SOUTH FRONT YARD.

MOTION #1-4 LOCATION VARIANCE – 3732 NORTH RIVER ROAD / 74-20-630-0016-000:

Motion by Eisenhauer, supported by Bradley, to grant the request from Dale & Jill Minard for a variance to allow 6' high privacy fencing to extend 75' beyond front of main dwelling along east & west side property lines at 3732 North River Road / 74-20-630-0016-000.

Vote, 4/0. MOTION CARRIED. SIX-FOOT HIGH PRIVACY FENCE APPROVED TO EXTEND SEVENTY-FIVE FEET BEYOND FRONT OF MAIN DWELLING ALONG EAST AND WEST SIDE PROPERTY LINES.

MOTION #1-5 CLASS A DESIGNATION – 3732 NORTH RIVER ROAD / 74-20-630-0016-000:

Motion by Marlar, supported by Bradley, to grant the request from Dale & Jill Minard for a Class A designation at 3732 North River Road / 74-20-630-0016-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED AND EXISTING SIX-FOOT HIGH PRIVACY FENCING.

BOARD DISCUSSION:

There will be a ZBA meeting on September 20, 2022.

Motion by Montgomery, supported by Marlar, to adjourn. Time, 7:08 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.