

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

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

MEMBERS ABSENT: Bradley, Montgomery (C)

ALSO PRESENT: Liz Austin, Recording Secretary

VISITORS: Adam Blair, 6745 Lakeshore Road, Lakeport, MI 48059
 David Betts, 5730 Lakeshore Road, Fort Gratiot, MI 48059
 James Merritt, 5700 Lakeshore Road, Fort Gratiot, MI 48059
 Duane Polo, 5706 Lakeshore Road, Fort Gratiot, MI 48059
 Robert Watters, 5702 Lakeshore Road, Fort Gratiot, MI 48059

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

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

Motion by Oprita, supported by Marlar, to approve the minutes of the meeting of August 16, 2022.

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 – LAKESHORE ROAD / 74-20-004-4004-000:

APPLICANT: Jeffery Adam Blair, 6745 Lakeshore Road, Lakeport, MI 48059

OWNER: Jeffery Adam Blair, 6745 Lakeshore Road, Lakeport, MI 48059

REQUEST: 33' west front yard setback variance for proposed dwelling; Class A designation.

LOCATION: Lakeshore Road (Vacant)

PARCEL ID #: 74-20-004-4004-000

LEGAL: N 100 FT OF SW 1/4 LYING E OF C.L. OF US-25 SECTION 4 T7N R17E 0.61 A

APPLICANTS PRESENTATION: Jeffery Adam Blair, property owner, would like to build on the property. After speaking with BMJ Surveyors, the layout on the survey is what he can squeeze on this piece of property. He's thinking about a two-story residential home, maybe pole building style.

PUBLIC COMMENT:

Jim Merritt of 5700 Lakeshore Road stated that, if he can recall, the purpose of the Zoning Board of Appeals as established through the legislature is to hear hardships. He doesn't see the hardship. Vice Chairperson Eisenhower clarified that the hardship is with the parcel of land and is due to the drain easement. Mr. Merritt indicated that he, amongst several others, looked at this piece of property years ago and was told by the Township that it is unbuildable. It was mentioned that the Zoning Administrator with the Township may have stated that it appears to be unbuildable as it sits without applying for necessary variances and Drain Commission approval. He agreed but believes that the hardship is being created by the applicant wanting to build and not by the parcel. He questioned when this parcel was created, and that information was not readily available at that time. It was stated that, by the Township allowing this parcel to be created, they have to allow it to be built on provided reasonable variances are granted along with Drain Commission approval. Mr. Merritt questioned that, at the time the parcel was created, it was a buildable site? That could not be confirmed at that time without more research. He questioned that any parcel within the Township with a parcel I.D. number could be buildable? It was noted that, without due diligence, that would not be confirmed at that time. The Zoning Board of Appeals works off of the research and information provided to them. Mr. Merritt referred to the front yard setback variance request and asked where that would put the front of the house. It was determined that the potential setback would be about 78'+/- from the center of the road. A question was brought up about a square that appears on the survey and what that was, and it was identified as a concrete pad, not a structure. There was discussion about how this parcel was purchased. Mr. Merritt mentioned that he was a little taken aback that there were no comments from the building official about this proposed structure, and it was clarified that the building official can only comment on the proposed location of the proposed construction and not the actual construction itself. The location of the proposed structure does not violate any building codes. The detailed review of the construction will take place when construction drawings are provided and a building permit application is submitted.

Rob Watters said he has a piece of property behind this one that he was told is unbuildable because a drain runs right through the center of the property but questioned whether or not he could build 2 structures on that property?

Without providing a site plan or survey to the Zoning Administrator, that cannot be determined.

David Betts of 5730 Lakeshore Road questioned the purpose for the proposed thoroughfare and required front yard setback. It was noted that future planning, parking and greenspace are a few of the intentions for these requirements. He mentioned that by allowing this encroachment, we're saying that there will be no future development. It was clarified that the Zoning Board of Appeals cannot grant a variance from the proposed thoroughfare, they can only grant variances from the zoning ordinance. In this case, the variance being requested is from the required front yard setback. Mr. Betts stated that we have these requirements for a reason and we should not allow just anyone to vary from them. Vice Chairperson Eisenhauer mentioned that if every parcel were a perfect square, we would not have all of these variance requests, but because we have a lot of parcels that are angled, curved or have certain features that cause them to be nonconforming, we have to have a process that allows us to look at each parcel individually. Mr. Betts main concern is the issue with visibility pulling onto Lakeshore Road. It is a very busy road with people traveling at very high speeds. He has one and soon-to-be two young drivers trying to pull out onto Lakeshore Road. Trying to go south is even worse. He doesn't want additional issues blocking visibility from pulling out of the driveway and trying to merge into traffic on this road.

Mr. Blair asked if Mr. Betts had the map that shows the two existing houses to the south of his parcel because they're both closer than this proposed house will be. Those should be more of a concern than this house.

BOARD DISCUSSION:

Secretary Oprita wanted to clarify that if something happened to this house due to the drain opening up, we would not be held liable because of the letter from the Drain Commission office. It was noted that they also may have to have an insurance rider.

There was discussion about the narrowness of the potential house and it was mentioned that the variance requests do not include a request to construct a smaller home that the minimum requirement of 1,200 square feet. This minimum requirement can be split between two stories, living space and garage space, etc. The proposed dwelling will meet that minimum requirement or another variance must be sought.

Member Marlar stated that with the angle of the drain, they couldn't even move the proposed dwelling back a little. They'd run into the same problem.

Findings of Facts:

- The area was not platted.
- This property is not within a High-Risk Erosion Area.
- This property is not within a Flood Plain area; per FEMA FIRM 07/19/2022, Panel 0229E, Zone X.
- This parcel is a lawfully existing non-conforming platted lot of 108'x210'. The parcel size is .53 acres (22,680 sf)

Contacts/Communications/Correspondence:

As of the date of this review, no correspondence has been received. (09-12-2022)

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 33' west front yard setback variance.
- Approval of Class A Designation on proposed structure.

Condition: Future structures require permits and must be outside of designated drain easement.

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 WEST FRONT YARD SETBACK VARIANCE – LAKESHORE ROAD / 74-20-004-4004-000:

Motion by Marlar, supported by Eisenhauer, to grant the request from Jeffery Adam Blair for a 33' west front yard setback variance for proposed dwelling at Lakeshore Road (Vacant) / 74-20-004-4004-000.

Vote, 3/0. MOTION CARRIED. VARIANCE GRANTED TO ALLOW A 2' WEST FRONT YARD SETBACK (MINIMUM OF 77' FROM THE CENTER OF THE ROAD) FOR PROPOSED DWELLING.

MOTION #1-2 CLASS A DESIGNATION – LAKESHORE ROAD / 74-20-004-4004-000:

Motion by Eisenhauer, supported by Marlar, to grant the request from Jeffery Adam Blair for a Class A designation at Lakeshore Road (Vacant) / 74-20-004-4004-000.

Vote, 3/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED CONSTRUCTION.

BOARD DISCUSSION:

Two agenda items for the October meeting.

Motion by Eisenhauer, supported by Marlar, to adjourn. Time, 7:22 o'clock p.m. **Vote, 3/0. 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.