

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

**MEMBERS PRESENT:** Eisenhower (C), Montgomery, Marlar, Kraus (S), Oprita (VC)

**MEMBERS ABSENT:** None.

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

**VISITORS:** Pam & Dave Thomas, 4282 Greenview Circle, Fort Gratiot, MI 48059  
David Moran, 7875 Perry Lake Road, Clarkston, MI 48348  
Peter Catlos, 4127 Surrey Lane, Fort Gratiot, MI 48059  
Jeff Klausing, 5334 Lakeshore Road, Fort Gratiot, MI 48059

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

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

Motion by Kraus, supported by Oprita, to approve the minutes of the meeting of September 15, 2020.

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

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

**NEW BUSINESS:**

**ITEM #1: CLASS A DESIGNATION – 5342 LAKESHORE ROAD / 74-20-175-0032-000:**

**APPLICANT:** David Moran, 7875 Perry Lake Road, Clarkston, MI 48348

**OWNER:** Thomas & Pauline Moran Trust, 28767 Alden, Madison Heights, MI 48071

**REQUEST:** Class A designation.

**LOCATION:** 5342 Lakeshore Road

**PARCEL ID #:** 74-20-175-0032-000

**LEGAL:** LOT 40 CEDARCROFT

**APPLICANTS PRESENTATION:** David Moran (representing the Moran Family) stated that there was a fire around July 2, 2020 and is looking for the Class A designation so they can continue the legalities of the nonconforming structures on the lot. They want to be able to rehabilitate the fire damage to the existing structure or give the option to new owners to rebuild within the same footprint.

**PUBLIC COMMENT:**

David Thomas (representing 5346 Lakeshore Road) indicated that they know the lot is nonconforming but there is a bump-out that is 6 inches from their property line. During the fire, the bump-out section of the home is where the fire came through and damaged their house. They were there at the time of the fire and sprayed the side of the house with the help of Jeff Klausing. When the Fire Department was onsite, they stated that the house should've never been approved that close to the property line. There is 8 feet from their house to the property line and then 6 inches from the property line to the house in question. He asked that if the request is granted that it be granted requiring a new house be further away from the property line.

Jeff Klausing of 5334 Lakeshore Road mentioned that he was there helping the Thomas' fight the fire. The flames were shooting across to the north to the Thomas' property. He believes the only thing that saved the house was the plastic privacy fence between the two houses. It melted the fence. He agreed that the house should be further away from the property line.

**BOARD DISCUSSION:**

Member Marlar clarified that the Class A designation would allow the house to be rebuilt within the same footprint. He indicated that the Zoning Board members have tried to maintain discipline with setbacks, and this bad situation is a perfect example of why.

Member Kraus stated that she agrees and feels that they should stick to the 3 foot minimum.

Member Montgomery verified that a Class A designation can be granted with the condition that if the structure were to be rebuilt that it be further away from a property line.

Member Oprita spoke to Chief Smith about this particular fire and Chief stated that they need to have more space between structures for firefighters to be able get in between structures with their gear and equipment.

Member Montgomery explained the reasoning behind the 3 foot minimum setback standard that this board has tried to maintain. His biggest concern is having the house remain so close to the property line after the recent unfortunate events.

Member Marlar questioned if they can grant the Class A with the conditions that if the house were to be rebuilt, it be a minimum of 3 feet from both side property lines. It was explained that, in this instance, it would not be permitted because the south side yard setback is further than 3 feet. They can grant the request as is or less than existing but not more than existing. If they wanted to rebuild closer to the south side property line than the current 6.9 feet, a variance would be required.

Member Montgomery asked if they're able to rehab the existing house without the Class A designation. They can demolish, maintain and repair the existing structures. They cannot improve the home to where costs exceed 50% of the value of the home.

**Findings of Facts:**

- Area was platted in 1909.
- This property is within a High Risk Erosion Area (Area of Minimal Flood Hazard)
- This property is located in flood zone AE, X-Shade, FEMA FIRM 05/03/2010, Panel 0230D.
- This parcel is a lawfully existing non-conforming platted lot and is 40'x200' (.184 acres).

**Contacts/Communications/Correspondence:**

- Verbal concern was placed with Zoning Administrator Sharon Wilton on 10/9/20. Sharon typed the concern in email format and can be found in the property file and minute book.
- Letter of concern was received via email on 10/15/20 with pictures attached. Copy in property file as well as the minute book.

**MOTION #1-1 CLASS A DESIGNATION – 5342 LAKESHORE RD / 74-20-175-0032-000:**

Motion by Montgomery, supported by Marlar, to grant the request from David Moran, for a Class A designation with conditions at 5342 Lakeshore Road / 74-20-175-0032-000.

**Vote, 5/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED WITH THE CONDITION THAT IF THE HOME WERE TO BE REBUILT, IT BE LOCATED A MINIMUM OF 3' FROM THE NORTH SIDE PROPERTY LINE.**

**BOARD DISCUSSION:**

Member Montgomery wanted to explain the reasoning behind their 3' minimum setback standard. They're aware of the narrower lots throughout the Township and recognize the need for variances, however, safety measures still need to be met. Fences are most often located on property lines and can hinder the ability of a firefighter to efficiently extinguish a fire.

Motion by Oprita, supported by Kraus, to adjourn. Time, 7:22 o'clock p.m. **Vote, 5/0. MEETING ADJOURNED.**