

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

**1. ROLL CALL**

PRESENT: Oprita (C), Bradley, Eisenhauer (VC), Marlar, Petho (S)

ABSENT: None

ALSO PRESENT: Courtney Landreville, Recording Secretary  
 Jorja Baldwin, Zoning/Planning Consultant  
 Steve & Jodi Smith, Steve Smith Builders  
 Bruce Seymore, 4575 Lakeshore Rd, Fort Gratiot  
 Dan & Lisa Hagy, 4582 Lakeshore Rd, Fort Gratiot  
 Jayne Labuda Szymanski, 5268 Lakeshore Rd, Fort Gratiot

**2. APPROVAL OF AGENDA: April 16, 2024**

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

Voice Vote, 5/0. Motion Passed.

**3. APPROVAL OF MINUTES: March 19, 2024**

Motion by Eisenhauer, supported by Petho, to approve the minutes as presented.

Voice Vote, 5/0. Motion Passed.

**4. REPORT FROM TOWNSHIP BOARD REPRESENTATIVE:** Trustee Scott Bradley. No updates

**5. REPORT FROM PLANNING COMMISSION REPRESENTATIVE:** Nathan Oprita. No updates

**6. PUBLIC COMMENT:** None

**7. PUBLIC HEARINGS:**

**ITEM 7-1: VARIANCE – 4783 24<sup>th</sup> AVENUE/74-20-016-2031-010** *\*No applicant or representative was present initially; action was delayed until after Item 7-3 to allow time for a representative to arrive.*

**APPLICANT:** Chandler Signs, 17319 San Pedra Ave, Ste 200, San Antonio, Texas 78232

**OWNER:** 4783 24<sup>th</sup> Ave, Fort Gratiot, MI LLC, 4280 Professional Center Drive, Ste 100, Palm Beach Gardens, Florida 33410

**REQUEST:** To permit third wall sign for the proposed Chick-fil-A, pursuant to Sec. 38-626 Schedule C.

**LOCATION:** 4783 24<sup>th</sup> Avenue

**PARCEL ID #:** 74-20-016-2031-010

**LEGAL:** BEG AT E 1/4 COR, TH S 0D 8M 3S E 71.3', TH S 89D 51M 57S W 60', TH S 74D 10M 1S W 32.76', TH S 89D 54M 28S W 209', TH N 47D 38M 12S W 45.74', TH N 0D 5M 15S W 208.15', TH N 89D 54M 28S E 334.13', TH S 0D 7M 14S E 158.79' TO BEG SECTION 16 T7N R17E 1.8 A SPLIT ON 02/07/2007 FROM 20-016-2031-000; 1.806 A

**APPLICANT PRESENTATION:** No applicant/representative was present.

**Motion by Oprita, supported by Petho, to open the public hearing for Item 7-1 at 7:30 P.M.**

Voice Vote, 5/0. Motion Passed.

**PUBLIC HEARING CITIZEN COMMENT:** None

**Motion by Oprita, supported by Bradley, to close the public hearing for Item 7-1 at 7:30 P.M.**

Voice Vote, 5/0. Motion Passed.

**BOARD DISCUSSION:** Discussion on since updating the ordinance, two companies have requested variances for a third wall sign for Starbucks and Panda Express and this board has denied both. The ordinance allows a 6 square foot identification sign in addition to the permitted two wall maximum for wall signs. Directional, ground or pole signs are also available as options.

**MOTION 7-1.1 SIGN VARIANCE:**

Motion by Eisenhauer, supported by Marlar, to deny the request for a variance to permit third wall sign for the proposed Chick-fil-A, pursuant to Sec. 38-626 Schedule C, for 4783 24<sup>th</sup> Avenue, 74-20-016-2031-010.

Reason for decision: Based on the square footage allowed per ordinance. Denial of previous similar requests.

**Voice Vote, 5/0. Motion Passed.**

**ITEM 7-2: VARIANCE/CLASS A DESIGNATION – 4578 LAKESHORE ROAD/74-20-765-0004-000:**

**APPLICANT:** Stephen Smith, Steve Smith Builders LLC, 4269 Greenview Circle, Fort Gratiot, Michigan

**OWNER:** Judith Redmond, 3233 Elk Street, Port Huron, Michigan 48060

**REQUEST:** *Proposed new home:*

1. North side yard-6’ structure setback variance & 16” overhang variance;
2. South side yard-2’ structure setback variance & 12” overhang variance;
3. 15’ east front yard variance; and
4. Class A Designation for proposed new home.

*Detached accessory structure:*

1. North side yard-6’ structure setback & 16” overhang variances; and
2. Class A designation for proposed detached accessory structure.

**LOCATION:** 4578 Lakeshore Road

**PARCEL ID #:** 74-20-765-0004-000

**LEGAL:** Lot 4 & South ½ of Lot 5, Supervisor's Plat of Karrer Beach

**APPLICANT PRESENTATION:** Steve Smith Builders representing Judith Redmond with the hardships in each direction:

- Sanitary easement on west side of home, they approached the DPW regarding moving the sanitary sewer but they declined
- Overhead lines to the west
- East is the line of sight
- The lot is trapezoidal shaped which causes the home to be offset when squared up
- Flood plain level rising eliminates the option for a walk out basement
- Previous home was in the same footprint as the new proposed home aside from the 2’ overhangs

**Motion by Oprita, supported by Petho, to open the public hearing for Item 7-2 at 7:06 P.M.**

**Voice Vote, 5/0. Motion Passed.**

**PUBLIC HEARING CITIZEN COMMENT:**

Bruce Seymore - 4574 Lakeshore Road, Neighbor to the south. In favor of the plans submitted.

Dan Hagy - 4582 Lakeshore Road, neighbor to the north. Wishing the new proposed home could be centered on the property versus being closer to his home. Mr. Hagy had to downsize his garage to accommodate the overhead lines when he built. Mr. Smith responded that the south side is left wider to maintain enough distance for equipment/emergency vehicles to have access.

**Motion by Oprita, supported by Eisenhauer, to close the public hearing for Item 7-2 at 7:12 P.M.**

**Voice Vote, 5/0. Motion Passed.**

**BOARD DISCUSSION:**

Bradley discussed the extended overhang causing access issues that close to a property line and being unable to maintain.

Marlar mentioned they try to keep the minimum 3’ off of a property line.

Oprita commented that the neighbors being in favor is a positive.

**MOTION 7-2.1 NORTH SIDE YARD VARIANCE ON PROPOSED HOME:**

Motion by Oprita, supported by Marlar, to grant the request for a 5’ north side yard setback variance & 24” overhang on proposed home for 4578 Lakeshore Road, 74-20-765-0004-000.

**Voice Vote, 5/0. Motion Passed.**

**MOTION 7-2.2 SOUTH SIDE YARD VARIANCE ON PROPOSED HOME:**

Motion by Oprita, supported by Petho, to grant the request for a 2’ south side yard setback variance & 24” overhang on proposed home for 4578 Lakeshore Road, 74-20-765-0004-000.

Voice Vote, 5/0. Motion Passed.

**MOTION 7-2.3 EAST FRONT YARD VARIANCE ON PROPOSED HOME:**

Motion by Eisenhauer, supported by Bradley, to grant the request for a 15’ east front yard variance on proposed home for 4578 Lakeshore Road, 74-20-765-0004-000.

Voice Vote, 5/0. Motion Passed.

**MOTION 7-2.4 CLASS A DESIGNATION ON PROPOSED HOME:**

Motion by Marlar, supported by Oprita, to grant the request for a Class A Designation on proposed home for 4578 Lakeshore Road, 74-20-765-0004-000.

Voice Vote, 5/0. Motion Passed.

**MOTION 7-2.5 NORTH SIDE YARD VARIANCE ON PROPOSED DETACHED ACCESSORY STRUCTURE:**

Motion by Eisenhauer, supported by Bradley, to grant the request for a 6’ north side yard setback variance & 24” overhang on proposed detached accessory structure for 4578 Lakeshore Road, 74-20-765-0004-000.

Voice Vote, 5/0. Motion Passed.

**MOTION 7-2.6 CLASS A DESIGNATION ON PROPOSED DETACHED ACCESSORY STRUCTURE:**

Motion by Marlar, supported by Oprita, to grant the request for a Class A Designation on proposed detached accessory structure for 4578 Lakeshore Road, 74-20-765-0004-000.

Voice Vote, 5/0. Motion Passed.

**ITEM 7-3: CLASS A DESIGNATION – 5268 LAKESHORE ROAD/74-20-175-0056-000**

**OWNER:** Jayne Labuda Szymanski, 5268 Lakeshore Road, Fort Gratiot, MI 48059

**REQUEST:** Class A Designation

**LOCATION:** 5268 Lakeshore Road

**PARCEL ID #:** 74-20-175-0056-000

**LEGAL:** Lot 64 Cedarcroft Plat

**APPLICANT PRESENTATION:** Ms. Jayne Labuda Szymanski is looking at updating her property. Part of an overhang and gutter system will be removed to maintain 3’ off the property line.

Motion by Oprita, supported by Bradley, to open the public hearing for Item 7-3 at 7:26 P.M.

Voice Vote, 5/0. Motion Passed.

**PUBLIC HEARING CITIZEN COMMENT:** None

Motion by Oprita, supported by Eisenhauer, to close the public hearing for Item 7-3 at 7:26 P.M.

Voice Vote, 5/0. Motion Passed.

**BOARD DISCUSSION:** Oprita mentioned that this is to ensure upgrades on the property to be done.

**MOTION 7-3.1 CLASS A DESIGNATION:**

Motion by Eisenhauer, supported by Marlar, to grant the request for a Class A Designation on existing property for 5268 Lakeshore Road, 74-20-175-0056-000.

Voice Vote, 5/0. Motion Passed.

8. **UNFINISHED BUSINESS:** None

9. **NEW BUSINESS:** None

10. **MEMBER UPDATES:** None

11. **ADJOURNMENT**

Motion by Petho, supported by Marlar, to adjourn. Vote, 5/0. Time, 7:38 P.M.