

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

ABSENT: Petho (S)

ALSO PRESENT: John Adair, 4556 Lakeshore Rd, Fort Gratiot
 Jojra Baldwin, Planning/Zoning Consultant
 Courtney Landreville, Recording Secretary

2. APPROVAL OF AGENDA: September 17, 2024

Motion by Eisenhauer, supported by Marlar, to approve the agenda as printed and posted.
 Voice Vote, 4/0. Motion Passed.

3. APPROVAL OF MINUTES: April 16, 2024

Motion by Oprita, supported by Marlar, to approve the minutes as presented.
 Voice Vote, 4/0. Motion Passed.

4. REPORT FROM TOWNSHIP BOARD REPRESENTATIVE: Trustee Scott Bradley

- Board meeting on 9/18 with many items
- Lens Crafters going up and Denny's is demolished
- Met with James Freed and Planners

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

6. PUBLIC COMMENT (for items not on the agenda): None

7. PUBLIC HEARING:

ITEM 7-1: VARIANCE/CLASS A DESIGNATION – 4552 LAKESHORE ROAD/74-20-015-3002-000:

APPLICANT: John Adair, 4556 Lakeshore Road, Fort Gratiot, MI 48059
OWNER: Lakeshore Cottage FG LLC, 627 Fort Street, Port Huron, MI 48060
REQUEST: For an 8' east side yard and 1' north front yard setback variances and a Class A Designation on proposed attached accessory structure addition
LOCATION: 4552 Lakeshore Road
PARCEL ID #: 74-20-015-3002-000
LEGAL: BEG S23 DEG E 150 FT & S89 DEG E 84.93 FT FROM SW COR KARRER BEACH PLAT, TH S89 DEG E 112.49 FT, TH S14 DEG E 131.54 FT, TH S23 DEG E 38.84 FT, TH S81 DEG 56' W 85.09 FT, TH N23 DEG W 192.57 FT TO BEG. ALSO UND 1/3 INT IN BEACH LYING E OF THIS DESC FRAC SECTION 15 T7N R17E 0.40 A

APPLICANT PRESENTATION: *Mr. Adair bought this property beside his and is renovating it to move his in-laws next door. They are wanting to renovate/add up to a 4 car garage towards the east property line towards 4556 Lakeshore where he resides. Adair spoke with Baldwin on splitting his property or developing an easement between 4552 and 4556 Lakeshore Road. Easement will also ensure that all public safety can access the property.*

Motion by Marlar, supported by Oprita, to open the public hearing for Item 7-1 at 7:06 P.M.

PUBLIC HEARING CITIZEN COMMENT: None.

Motion by Oprita, supported by Bradley, to close the public hearing for Item 7-1 at 7:07 P.M. Voice Vote, 4/0. Public Hearing Closed.

BOARD DISCUSSION:

- Front yard setback - existing driveway easement
- Easement discussion between properties to potentially give 8' property line variance with the condition to give 7' of side yard setback
- Granting the variance based on the existing property line but conditioning the easement for future use

Recommendations:

- The building official recommends approval with conditions.
- The department of public works recommends approval with no conditions.
- The fire chief recommends approval with no conditions.

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 7-1.1 EAST SIDE YARD VARIANCE:

Motion by Oprita, supported by Marlar, to grant the request for an 8’ east side yard setback variance with the conditions that a 7’ permanent easement from 4556 Lakeshore Road (74-20-015-3001-000) be provided for an additional 7’ for the purposes of maintaining a minimum 9’ east side yard setback for 4552 Lakeshore Road, 74-20-015-3002-000. Voice Vote, 4/0. Motion Passed.

MOTION 7-1.2 NORTH FRONT YARD VARIANCE:

Motion by Oprita, supported by Eisenhauer, to grant the request for a 1’ north front yard setback variance for 4552 Lakeshore Road, 74-20-015-3002-000. Voice Vote, 4/0. Motion Passed.

MOTION 7-1.3 CLASS A DESIGNATION:

Motion by Oprita, supported by Eisenhauer, to grant the request for a Class A Designation for 4552 Lakeshore Road, 74-20-015-3002-000. Voice Vote, 4/0. Motion Passed.

8. **UNFINISHED BUSINESS:** None.

9. **NEW BUSINESS:** None.

10. **MEMBER UPDATES:** None.

11. **ADJOURNMENT**

Motion by Oprita, supported by Eisenhauer, to adjourn. **Voice Vote, 4/0. Time, 7:31 P.M.**