Page 1

o'clock p.m. Chairperson called the meeting of the Zoning Board of Appeals to order.
1. ROLL CALL PRESENT: Oprita (C) , Bradley , Eisenhauer (VC) , Marlar , Petho (S)
ABSENT: Oprita (C) , Bradley , Eisenhauer (VC) , Marlar , Petho (S)
ALSO PRESENT:
2. <u>APPROVAL OF AGENDA:</u> September 17, 2024 Motion by, supported by, to approve the agenda (as printed and posted or with additions/deletions/changes). Voice Vote, /.
3. APPROVAL OF MINUTES: April 16, 2024 Motion by, supported by, to approve the minutes (as presented or with corrections). Voice Vote, /.
4. REPORT FROM TOWNSHIP BOARD REPRESENTATIVE: Trustee Scott Bradley

5. REPORT FROM PLANNING COMMISSION REPRESENTATIVE: Nathan Oprita

6. PUBLIC COMMENT (for items not on the agenda):

Citizens will be given an opportunity to speak during the "Public Comment" segment for each agenda item. The minutes are transcribed from an audio recording of the meeting. Please be respectful of the person speaking. Comments made inaudible on the recording by background sounds such as whispering, clapping, or interrupting cannot be made part of the official minutes. Public comment is not a question and answer format.

- Complete a Citizen Comment Card and give to the Chairperson.
- Address the Zoning Board of Appeals Chair only.
- When called, please stand at the podium and speak your name and address clearly for the record.
- Each person will be permitted to speak one time for 3 minutes. Yielding time is not permitted.

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' west 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 S81DEG 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: Citizens will be given an opportunity to speak during the Public Comment segment following the applicant's presentation.

PUBLIC HEARING CITIZEN COMMENT:

The minutes are transcribed from an audio recording of the meeting. Please be respectful of the person speaking. Comments made inaudible on the recording by background sounds such as whispering, clapping, or interrupting cannot be made part of the official minutes. Public comment is not a question and answer format.

- Complete a Citizen Comment Card and give to the Chairperson.
- · Address the Zoning Board of Appeals Chair only.
- When called, please stand at the podium and speak your name and address clearly for the record.
- Each person will be permitted to speak one time for 3 minutes. Yielding time is not permitted.

Contacts/Com	munications/Correspondence:		
Motion by Voice Vote, /	, supported by . Public Hearing Closed.	, to close the public hearing for Item 7-1 at	P.M.
BOARD DISCU	JSSION: There is no further Public (Comment; Board member only deliberations begin at this	time.
-The departmer	tions: fficial recommends approval with co nt of public works recommends appr ecommends approval with no condi	roval with no conditions.	
(1) Continuance(2) The structur(3) The use or s(4) No useful po	The granted upon findings that: The thereof would not be contrary to pure does not and is not likely to significations. The tructure was lawful at the time of its	cantly depress the value of nearby properties.	oter with
(1) Public service (2) The propose at additional risl	k.	i.e. water, sewer, gas, electric. safety response and put the property and surrounding proal difficulty (such as a natural feature of the land) has a	•
Motion by west side yard s	WEST SIDE YARD VARIANCE:, supported by, setback variance for 4552 Lakeshor	to (grant / deny / postpone until) the request re Road, 74-20-015-3002-000.	for an 8'
Motion by north front yard	NORTH FRONT YARD VARIANCE, supported by, setback variance for 4552 Lakesho	to (grant / deny / postpone until) the reques	st for a 1'
Motion by A Designation p	CLASS A DESIGNATION:, supported by, to per Motion 5-1 for 4552 Lakeshore F	(grant / deny / postpone until) the request fo Road, 74-20-015-3002-000.	r a Class
8. <u>Unfinishe</u>	ED BUSINESS: None		
9. <u>NEW BUSI</u>	NESS: None		
10. <u>MEMBER U</u>	JPDATES:		
11. ADJOURNI Motion by _		, to adjourn. Voice Vote, Time, _	P.M.

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:

<u>ITEM 7-1: VARIANCE – 4783 24th AVENUE/74-20-016-2031-010</u>*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 24th 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 24th 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 24th 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

Voice Vote, 5/0. Motion Passed.

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.

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. <u>UNFINISHED BUSINESS:</u> 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.

Variance Regnest: \$550

ZBA Requests Filing Fee: \$350 (Special Meeting Fee, additional \$150)

PAID

Charter Township of Fort Gration

County of St. Clair, State of Michigan

For Office Use Only

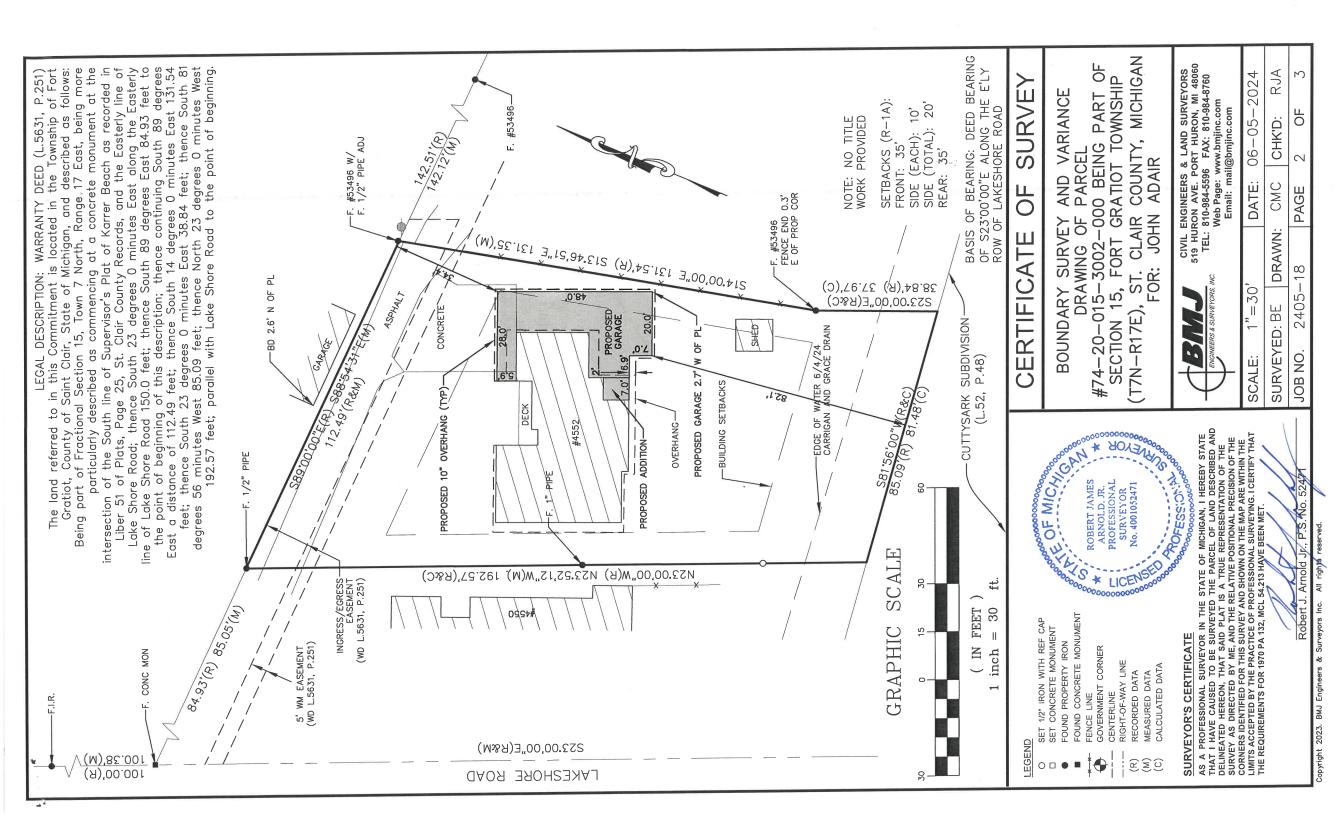
File #(s): V24 - 205

Type: VARIANCE CUKS

APPLICATION FOR APPEAL TO THE ZONING BOARD

The completed original application must be submitted with 7 copies of the pertinent data, as required and outlined in the Charter Township of Fort Gratiot "Procedures Guide for Submittal to Zoning Board of Appeals" and the applicable filing fee. The ZBA meets on the 3rd Tuesday of each month at 7:00 PM in the Township Administration Building. The applicant, owner, or a representative must be present for the Board to act on the request. DO NOT SUBMIT COPIES OF THE APPLICATION; SUBMIT THE ORIGINAL ONLY. DO NOT STAPLE ANY ATTACHMENTS.

Property and Owner/Applicant Information.	
Location/Address: 4552 LAKESHORE ROAD Lot/Un	it/Map #:
Owner Name: LAKESHORE COTTAGE FG, L.L.C.	Phone: 810-434-2542
Mailing Address: 4556 LAKESHORE RD., FORT GRATIOT, MI 48059	Alt Ph:
If different from owner-Applicant Name: JOHN D. ADAIR	Phone:
Mailing Address:	Alt Ph:
Description of Appeal. Provide a brief description of the appeal. For a variance request, the distance incomplete requests will be returned to the applicant for completion. See the "Procedures Guide for Submittal to	te to the nearest fire hydrant MUST be provided. Zoning Board of Appeals" for specific instructions.
Chapter 39 Section	D 44
Ordinance Number or Section: Chapter 36, Section Surrounding Property Zoning: N: R-1A S: R-1A E: R-1A W: R-1A	Master Plan Designation:
Proposed: (Plot plan MUST be attached) Request is for side yard set back va	
of enlarged garage. Proposed survey attached. As drawn, garage	age would be located
2.7' west of property line at rear set back expanding to 10' at ex	isting
front set back.	
Reason: Expansion of garage from existing 1 car garage to 4 car	garage (2 wide by 2 deep).
My residence is located to the east adjacent to the subject prop	erty.
	•
The undersigned deposes that foregoing statements, answers, and accompanying information for authorized township representatives, Zoning Board of Appeals members a above described property/properties for the purposes of gathering information related to the purposes of gathering information related to the purpose of Date Signature of Owner Date Signature	nd the Zoning Administrator to enter the
For Office Use Only	
Table Hearing Date (not less than 15 days)	Expiration Date of Approval
09 17 2024	



CHARTER TOWNSHIP OF FORT GRATIOT ZBA DEPARTMENTAL REVIEW

FROM:		Building Dep	artment, Departme	nt of Public Works, Fire	e Department			
APPLICANT: John Adair LOCATION: 4552 Lakeshore Roa			OWNER: Lakeshore Cottage FG LLC					
		hore Road	nore Road		Parcel I.D. #: 74-20-015-3002-000			
DATE:		Septen	nber 12, 2024 MEETING DATE: Tuesday, Septemb			day, September 17, 2024		
YES	_NO	N/A	BUILDING DEPA		lalition of time manatin			
X	X			construction require ad ing structure require a				
СОММЕ			Z. Will the Oxio	ing caractare require a	aditional mo proon	9.		
		ERIOR FIRE	RATING					
RECOM	MEND	ATION:						
	Deny		prove 🛛 Appro	ve w/conditions	Postpone-add	itional information requested		
Poviowa	.d Dv. (Building Official		-	9/11/2024		
Reviewe	ей Бу. <u>С</u>	Jary Deem, I	Sulluling Official		Date	9/11/2024		
YES	NO	N/A		OF PUBLIC WORKS:				
	X			nflicting or multiple str				
	X	X		common service agre		corded?		
	X 3. If yes, above, are easements/necessary paperwork recorded? 4. Will the proposed construction interfere with any:							
	X		sewer lines or	mains? If yes, please	indicate: dexisting existing e			
	X			mains? If yes, please				
COMME	NITQ.	X	storm	drains? If yes, please	indicate: L existir	ng or I future		
COMMINIE	LIVI 3.							
DECOM	MEND	ATION						
RECOM	Deny	ATION: Apple Apple	orove \square Appro	ve w/conditions	☐ Postnone-add	itional information requested		
	•			vo w/oorialilorio		·		
Reviewe	ed By: <u>(</u>	Greg Randall			Date:	09/12/2024		
YES	NO	N/A	FIRE DEPARTM	ENT:				
X				on and adequacy of wa				
X			Are additional on-site fire protection systems necessary?					
X X	3. Can use or building be serviced, in case of fire, from all sides? 4. Is there adequate vehicle access for fire equipment?							
	X		5. Are there special conditions which may necessitate further study or information?					
		<u> </u>		lvents, explosives, uns		,,		
COMME	NTS:							
RECOM	MEND							
	Deny	🛛 Арј	prove \square Appro	ve w/conditions	☐ Postpone-add	itional information requested		
Roviowa	d By: N	Michael F Er	onimos Fire Chief		Date:	09/10/2024		