Voice Vote, /. Public Hearing Closed.

o'clock p.m. (Chairperson	called the meeting of the Zoning Board of Appeals to order.
1. ROLL CALL PRESENT: Oprita (C)	, Bradley, Eisenha	uer (VC), Marlar, Petho (S)
ABSENT: Oprita (C)	, Bradley, Eisenha	uer (VC) , Marlar, Petho (S)
ALSO PRESENT:		
		24, to approve the agenda (as printed and posted or with
3. APPROVAL OF MI Motion byVoice Vote, /.	NUTES: September 17, supported by	, to approve the minutes (as presented or with corrections).
Citizens will be given and The minutes are transcolor Comments made inaud cannot be made part of Complete a Citi Address the Zo When called, pl	ribed from an audio recor ible on the recording by the the official minutes. Publizen Comment Card and ning Board of Appeals Clease stand at the podiun	ring the "Public Comment" segment for each agenda item. ding of the meeting. Please be respectful of the person speaking. background sounds such as whispering, clapping, or interrupting lic comment is not a question and answer format. give to the Chairperson.
5. PUBLIC HEARING	<u>:</u>	
	Shelby Nichole Pickelha Class A Designation 3955 Pine Grove Ave 74-20-028-2017-000 BEG N 89D 40M E 118 TH N 53D 37M E 192',	INE GROVE AVE/74-20-028-2017-000: aupt 8' & S 591' FROM N 1/4 COR OF SEC 28 TH N 83D 7M E 340.23', TH S 39D 53M E 125', TH S 50D 7M W 185.6', TH S 89D 10M W EG SECTION 28 T7N R17E 1.1 A
APPLICANT PRESENT		iven an opportunity to speak during the Public Comment segment following
Motion byVoice Vote, /. Public H	, supported by Hearing Open.	, to open the public hearing for Item 5-1 atP.M.
Comments made inaud cannot be made part of	ribed from an audio recor ible on the recording by the the official minutes. Publizen Comment Card and ning Board of Appeals Calease stand at the podiun	-
Contacts/Communicat	tions/Correspondence:	
Motion by	, supported by	, to close the public hearing for Item 5-1 atP.M.

BOARD DISCUSSION: There is no further Public Comment; Board member only deliberations begin at this time.

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.

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.

	request may be denied upon finding that:
	Public services cannot be adequately provided; i.e. water, sewer, gas, electric. The proposed construction could hinder public safety response and put the property and surrounding properties
	additional risk.
	A hardship (non-financial in nature) or practical difficulty (such as a natural feature of the land) has not been
	nonstrated.
	STICKLE 4.4 CLASS A DESIGNATION.
	ition 5-1.1 CLASS A DESIGNATION:
A C	tion by, supported by, to (grant / deny / postpone until) the request for a Class Designation for 3955 Pine Grove Ave, 74-20-028-2017-000, for the following reasons and, if applicable, conditions:
Re:	asons for decision:
110	
Co	nditions, if any:
. , .	
Voi	ce Vote,
6.	<u>UNFINISHED BUSINESS:</u> None
7.	NEW BUSINESS: None
•	NOTE OF THE PROPERTY OF THE PR
0	MEMBER LIDRATES.
о.	 MEMBER UPDATES: Report from Township Board Representative: Trustee Scott Bradley
	Report from Planning Commission Representative: Nathan Oprita
	. topott
۵	ADJOURNMENT
J .	Motion by, supported by, to adjourn. Voice Vote,, Time,, P.M.
	, capponed by, to asjeanin 10100 1010,1

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 Buechler, 3720 Keewahdin Road, Fort Gratiot, Michigan 48059 (810) 385-4489, three days prior to said meeting.

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 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: 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.
- 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.

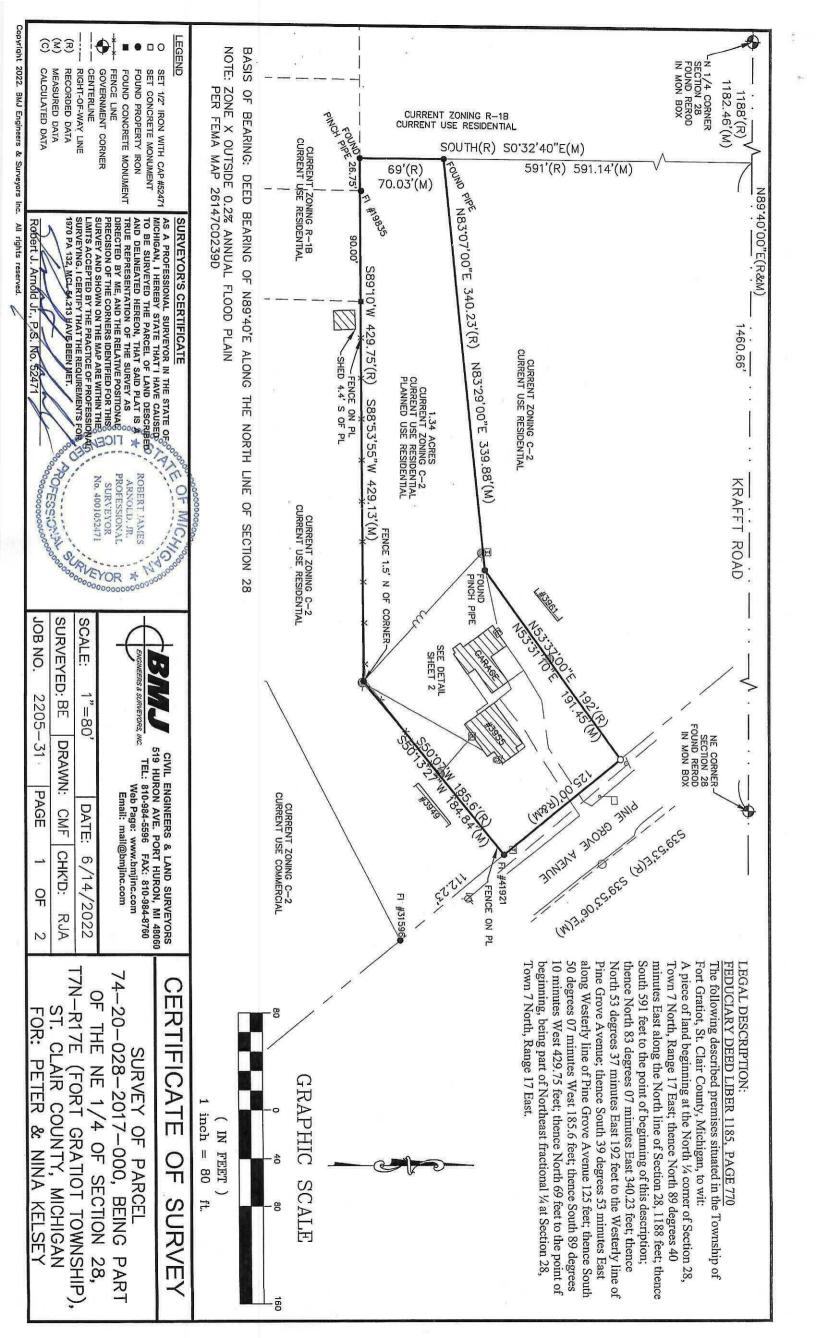


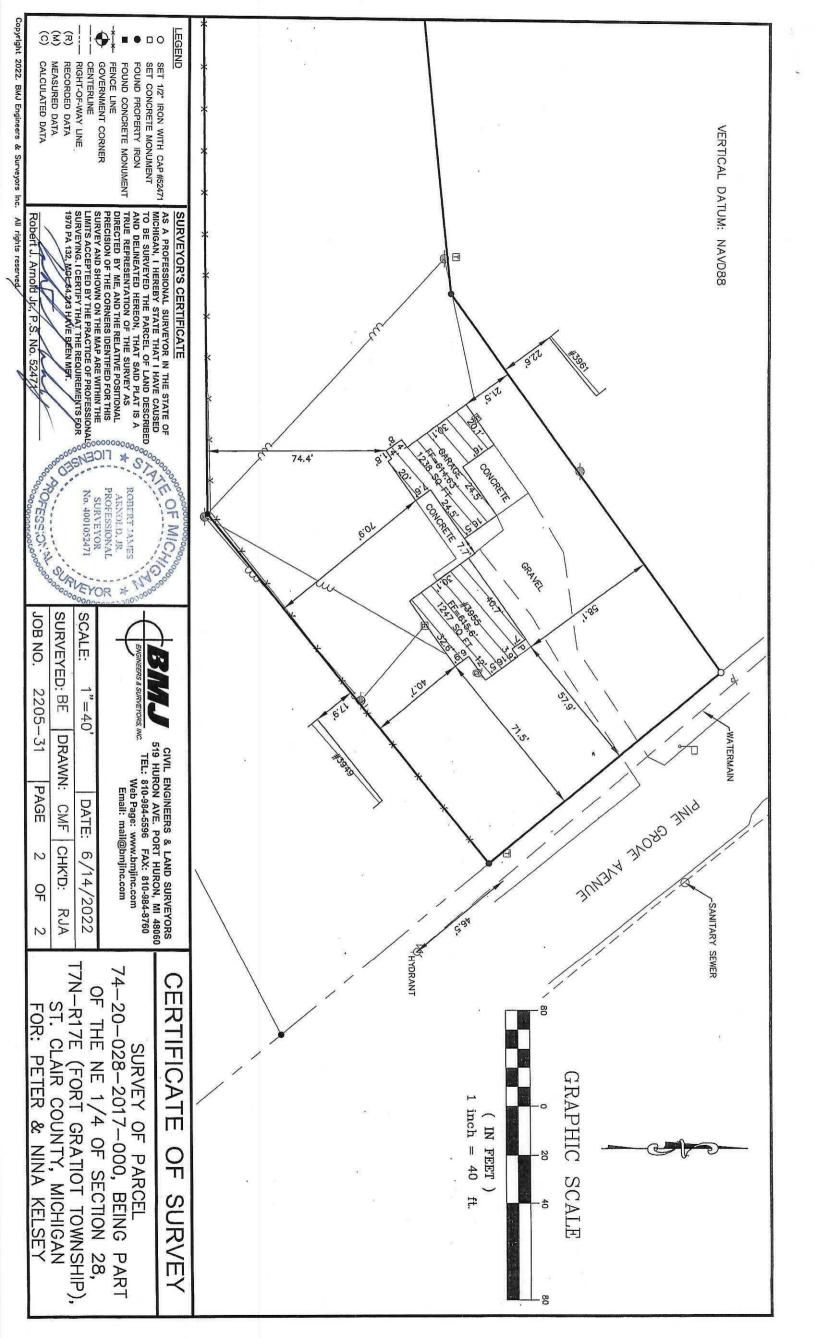
Parcel #: 74-70-028-2017-000
File #(s): V 24-006

Type: Class A

The completed original application must be submitted with 2 copies of the pertinent data, as required and outlined in the 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.

Property and	Owner/Applicant Information.	
Location/Address:	3955 Pine Grove Ave, Fort Gratiot MI 48059	t/Map #:
Owner Name:	Shelby Nichole Pickelhaupt	Phone: (810) 479-6810
Mailing Address:	3955 Pine Grove Ave, Fort Gratiot MI 48059	Email: Shelby Pickelhaupt Qyanoo Com
If different from owner Applicant Name:		Phone:
Mailing Address:		Email:
Description of	Appeal. Provide a brief description of the appeal. For a variance request, the distance vill be returned to the applicant for completion. See the "Procedures Guide for Submittal to	e to the nearest fire hydrant MUST be provided.
Ordinance Numbe	r or Section: 38-612	Zoning District: - C2
Surrounding Prope	erty Zoning: N: $ \bigcirc$ S: $ \bigcirc$ S: $ \bigcirc$ E: $ \bigcirc$ W: $ \bigcirc$ \bigcirc W: $ \bigcirc$ \bigcirc P	Master Plan Designation:
Proposed: (Plot pl	an MUST be attached) NO CHANGES PROPOS	SIZDTO
SPRVO		
38-40	91 & CHAPTER 38, APTICLE T.	
APE 1	HET.	,
Reason: Cla	55 A. Designation	
	· · · · · · · · · · · · · · · · · · ·	
permission for au	deposes that foregoing statements, answers, and accompanying inform thorized township representatives, Zoning Board of Appeals members an property/properties for the purposes of gathering information related to the	d the Zoning Administrator to enter the
Shurt ku	4/25/2024	
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	mature of Owner Date Signature of	of Applicant Date
	For Office Use Only	
Request:	A DESIGNATION FOR INSURANCE,	REPLACEMENT & USE
PURPOSE	is.	
Public Hearing Dat	Publication Date (not less than 15 days) Decision	Expiration Date of Approval





Robert C. Crawford, Supervisor Robert D. Buechler, Clerk George Wells, Treasurer



Adam Armbruster, Trustee Scott Bradley, Trustee Linda Bruckner, Trustee George Kish, Trustee

TO: Zoning Board of Appeals Members MEETING DATE: Tuesday, October 15, 2024

LOCATION: 3955 Pine Grove Avenue **PARCEL #:** 74-20-028-2017-000

ZONING: C-2 General Business MASTER PLAN: Uptown Business District

OWNER(S): Shelby Nichole Pickelhaupt (Velasquez) APPLICANT(S): Shelby Nichole Pickelhaupt

Request: Class A Designation, pursuant to Sec. 38-612

Findings of Facts:

- -The area is unplatted.
- -This parcel is a lawfully existing conforming lot.

The home is a lawfully existing nonconforming characteristic of use.

- -This property is not within a High-Risk Erosion Area.
- -This property is not within a Special Flood Hazard area, FEMA FIRM 07/19/2022, Panel 0239E.
- -The property was zoned R-1B Single Family Residential after the house was built in 1938 and remained conforming until the rezoning in 1993.
- -Effective 10/16/1993, per Ordinance 104, the area was rezoned to C-2 General Business, making the seven rezoned parcels lawfully existing nonconforming characteristics of use.
- -The properties on the west side of pine grove in this area have remained residential and are a mix of owner-occupied and rental homes.
- -Currently the home is considered a Class B Use and must comply with the following without a Class A Designation: 38-612 (g) *Regulations pertaining to Class B nonconforming uses and structures.*
- (3) No Class B nonconforming structure shall be enlarged or structurally altered, or shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. In 2024, the cost-new estimated by the assessor is \$238,125, meaning the home could only be reconstructed/repaired up to approximately \$120,000 with building permits and without obtaining a Class A Designation.
- (9) Ordinary repair and maintenance work may be done on any class B nonconforming structure including repair and replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this chapter shall not be increased. In 2024, the SEV (State Equalized Value) set by the assessor is \$90,500, meaning the home could be updated/repaired only up to approximately \$45,250 with building permits and without obtaining a Class A Designation.
- (h) Repairs and maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. -Any repairs deemed necessary for safety can be completed without obtaining a Class A Designation.
- -For many mortgage lenders and insurance companies, Class B restrictions can make a home unable to be mortgaged or insured, which could lead anywhere from lack of repair as homes become aged or damaged, to total abandonment.
- -Granting a Class A Designation does not prevent or prohibit the property from being developed into a commercial development at a later date.

Section 38-612 Nonconforming lots, nonconforming uses of land, nonconforming structures and nonconforming characteristics of use.

- (c) Definition and classification of nonconforming uses and structures. Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this chapter but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the zoning board of appeals, after application by any interested person or the building inspector upon findings that:
- (1) Continuance thereof would not be contrary to public health, safety or welfare.
- (2) The use or 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.

All nonconforming uses, buildings or structures not designated as class A are class B nonconforming uses, buildings or structures.

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.

Contacts/Communications/Correspondence:

None received as of 10/10/2024

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.
- -The zoning administrator recommends approval with no conditions based on (1)-(4), above. The area has not seen commercial development since the 1993 zoning change, and a Class A will prevent properties from potentially becoming blighted until or unless the area begins commercial development.

CHARTER TOWNSHIP OF FORT GRATIOT ZBA DEPARTMENTAL REVIEW

FROM:		Building Dep	partment, Departme	ent of Public Works, Fire D	epartment			
APPLICANT: Shelby Nichole Pickelhaupt OWNER: LOCATION: 3955 Pine Grove Ave				Shelby Nichole Pickelhaupt				
					Parcel I.D. #: 74-20-028-2017-000			
DATE:		Octo	ober 1, 2024	MEETING DATE:	Tue	sday, October 15, 2024		
YES	NO		BUILDING DEP					
	X	X	 Will the new construction require additional fire proofing? Will the existing structure require additional fire proofing? 					
СОММЕ	-		_ Z. Will the exis	ung structure require addi	nional life proon	ng:		
	Deny			ove w/conditions	-	itional information requested		
Reviewe	ed By: <u>(</u>	Gary Beem,	Building Official		_ Date:	10/1/2024		
YES	NO	N/A	DEPARTMENT	OF PUBLIC WORKS:				
	X			onflicting or multiple struct	tures?			
	Χ		2. Are there any common service agreements?					
			3. If yes, above, are easements/necessary paperwork recorded?					
	Х		 Will the proposed construction interfere with any: sewer lines or mains? If yes, please indicate: ☐ existing or ☐ future 					
	$\frac{X}{X}$		water lines or mains? If yes, please indicate: existing or tuture					
	X	<u> </u>		n drains? If yes, please inc				
СОММЕ	NTS:		-					
RECOM	IMEND	ATION:						
	Deny		prove 🗌 Appro	ove w/conditions] Postpone-addi	itional information requested		
Reviewe	ed Bv·.	Jeff Parent			Date:	10/1/2024		
COVICATO	. <u>с</u>	Jon r aront				10/1/2024		
YES	NO	N/A	FIRE DEPARTM					
X				tion and adequacy of wate	r lines and fire h	nydrants?		
Χ		2. Are additional on-site fire protection systems necessary?						
Χ	3. Can use or building be serviced, in case of fire, from all sides?							
X 4. Is there adequate vehicle access for fire equipm 5. Are there special conditions which may necessit								
	X		_	eciai conditions wnich may olvents, explosives, unstat		thei study or information?		
СОММЕ	ENTS:		(i.o., pairit, si	orvorito, explosives, uristat	ne diletilledis)			
	-							
RECOM			oprovo	ovo w/conditions	Doctrons and	itional information requests d		
	Deny	·		ove w/conditions	ı rosipone-add	itional information requested		
201101110	d By: I	Michael F F	ronimos Fire Chief		Date:	10/1/2024		