

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

1. ROLL CALL

PRESENT: Bradley, Marlar, Petho (S)

ABSENT: Oprita (C), Eisenhauer (VC)

ALSO PRESENT: Courtney Landreville, Recording Secretary
 Jorja Baldwin, Zoning Consultant
 Alexander Hishon, O'Reilly Rancilio PC Attorneys at Law
 John Anter, Fort Gratiot
 Allen Shaw, Fort Gratiot
 Edward Brennan, Fort Gratiot
 Russ Bommarito, Fort Gratiot
 Theresa Turnbull, Fort Gratiot
 Jeannie, Eileen & John Grenfell, Fort Gratiot
 Mark Morse, Marine City
 Tom Osgood, Fort Gratiot
 Mary Ann Davidson, Fort Gratiot
 Rob Montgomery, Supervisor
 Laurie Wilson, Fort Gratiot
 Paul Jones, Fort Gratiot
 Kathy Taylor, Fort Gratiot
 Ed Mogle, Fort Gratiot
 Diane Langolf, Fort Gratiot
 Linda Bastien, Fort Gratiot
 Leslie & Glenn Clark, Fort Gratiot
 Tom & Kelly Kieffer, Fort Gratiot

Motion by Petho, supported by Bradley, to appoint Marlar temporary chair.

Roll Call Vote, 3/0. Motion Passed.

2. APPROVAL OF AGENDA: December 17, 2024

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

Voice Vote, 3/0. Motion Passed.

3. APPROVAL OF MINUTES: October 15, 2024

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

Voice Vote, 3/0. Motion Passed.

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

5. PUBLIC HEARING:

ITEM 5-1: VARIANCES/CLASS A DESIGNATION – 2959 MAPLEWOOD DR 74-20-468-0089-001 :

OWNER/APPLICANT: Allen Shaw & Theresa Turnbull

REQUEST: Variances & Class A Designation

LOCATION: 2959 Maplewood Drive

PARCEL ID #: 74-20-468-0089-001

LEGAL: LOT 120 LAKE HURON MANOR & LOT 1 THE FORREST SUBD

Motion by Bradley, supported by Petho, to open the public hearing for Item 5-1 at 7:03 P.M.

Voice Vote, 3/0. Public Hearing Open.

APPLICANT PRESENTATION: Mr. Alexander Hishon is the attorney representing Mr. Shaw and Mrs. Turnbull in this application. Hishon spoke on the Fort Gratiot staff report and detailed each item being reviewed. No concerns on public welfare, health, safety or to depress the value of nearby properties. The current home is not in compliance height. The two combined lots have lot lines at odd angles on small lots that were created near 100 years ago before zoning ordinances were adopted. The requests for the north and south property lines are minimal due to those property lines being curved. The main neighbor who is affected by this request to the northwest is in favor of the request.

The east/park side request, the drawings show 12" overhang encroachment onto the park, they have taken off the overhang on this piece. The current structure is encroaching on the park property with the deck and the shed on the Sylvan lot is encroaching on the neighbors. The current structure is 4 stories tall, the new one is only 2 stories and in compliance with current regulations. Hishon gave pictures of 2956 Elmwood Drive, stating he believes it is built right on the lot line in the same subdivision on the park side. Hishon gave the board members an additional page from Zillow showing the estimated lot lines for houses in the Forrest near the applicant's property and how close they all are to their estimated property lines.

PUBLIC HEARING CITIZEN COMMENT:

- Child of Ruth Jeannine Grenfell, Sylvan Drive: Direct neighbor, opposed to the variance requests, high erosion zone
- John Grenfell, S. Shoreview Drive: Opposed to encroachment, abiding by rules
- John Anter, Sylvan Drive: Opposed to park side setback
- Laurie Wilson, Woodland Drive, Forrest HOA President: Opposed to park side setback
- Edward Brennan, Elmwood Drive: Support, most houses in the subdivision are at minimal setbacks

Contacts/Communications/Correspondence:

- Kathy Lis on Woodland Drive, Opposed to Park Encroachment (C.)
- Forrest Homeowners Association, Opposed to Encroachment (D.)
- Larry & Theresa Holman on Elmwood Drive, Support (E.)
- R. Jeannine Grenfell, Eileen Grenfell, John Grenfell III, Jim Grenfell, Zoe and James Grenfell, Laurie Breman, Kathy Betcher on Sylvan Drive, Opposed (F.)
- Leslie Coxon on Elmwood Drive, Lake Huron Manor Association President, Support (G.)

Motion by Bradley, supported by Petho, to close the public hearing for Item 5-1 at 7:45 P.M. Voice Vote, 3/0. **Public Hearing Closed.**

BOARD DISCUSSION:

Bradley asked when 2956 Elmwood Drive was built, Baldwin stated in 2006 it was built and variances were granted for the north, west, south and east property lines. Petho asked if any of the nearby houses have received variances or are newly built. Baldwin stated none of the houses in the Manor or Forrest are meeting our current requirements. These lots were platted in 1926, most of the homes were built prior to any zoning ordinances being adopted in 1984. This home was built prior to the zoning ordinances and that is why it is nonconforming. In recent years, few homes were granted at less than 3' setbacks, though some requests years ago were granted the 2' setback. In 2012 the overhangs were brought onto an ordinance to allow 2" per foot of setback. Baldwin clarified that an encroachment is anything over the property line, which this home cannot be granted any encroachments as this board cannot not grant that. Baldwin mentioned 2956 Elmwood Drive shows that the variance granted is for 20' off of the property line. She was not able to see a survey at this time. In the last 30 years, Baldwin has never seen a 0' variance granted. The 2956 Elmwood Drive variance was not granted for 0' variance, but would need to see the survey to verify the actual setback.

Marlar wanted to clarify if any of the existing structure would remain. Shaw said they are working with their builder to determine what can be preserved from the existing structure to remodel into the new home. Shaw stated that they are primarily staying in the current footprint aside from the north side bump out and the garage. They plan to retain the basement.

Mr. Hishon wanted to clarify that the property is not in the high risk erosion area. Mr. Shaw is willing to work with EGLE and any other entities needed.

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.

MOTION 5-1.1 CLASS A DESIGNATION ON EXISITING STRUCTURE:

Motion by Bradley, supported by Petho, to grant the request for a Class A Designation on the existing structure for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.2 NORTH FRONT YARD VARIANCE (MAPLEWOOD DR):

Motion by Petho, supported by Bradley, to grant the request for a 6’ north front yard variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.3 SOUTH REAR YARD VARIANCE (SYLVAN DR):

Motion by Bradley, supported by Petho, to grant the request for a 2’ south rear yard variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.4 EAST SIDE YARD VARIANCE (PARK/LAKE):

Motion by Petho, supported by Bradley, to grant the request for a 9’ east side yard variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.5 WEST SIDE YARD VARIANCE (MANOR NEIGHBOR):

Motion by Petho, supported by Bradley, to grant the request for a 8’ west side yard variance & 8” overhang variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.6 WEST SIDE YARD VARIANCE (FORREST NEIGHBOR):

Motion by Petho, supported by Bradley, to grant the request for a 8’ west side yard variance & 8” overhang variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.7 WEST SIDE YARD VARIANCE (FORREST NEIGHBOR):

Motion by Petho, supported by Bradley, to grant the request for a 7’ west side yard variance & 6” overhang variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.8 LOT COVERAGE VARIANCE:

Motion by Petho, supported by Bradley, to grant the request for a 370 SQ FT lot coverage variance for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

MOTION 5-1.9 CLASS A DESIGNATION ON PROPOSED STRUCTURE:

Motion by Bradley, supported by Petho, to grant the request for a Class A Designation for the proposed structure for 2959 Maplewood Drive, 74-20-468-0089-001-000.

Voice Vote, 3/0. Motion Passed.

Reasons for decisions 5-1.1 through and including 5-1.9:

- Public hearing comments
- Correspondence letters
- Staff report

6. **UNFINISHED BUSINESS:** None

7. **NEW BUSINESS:** None

8. **MEMBER UPDATES:** No updates

9. **ADJOURNMENT**

Motion by Bradley, supported by Petho, to adjourn. **Voice Vote, 3/0. Time, 8:09 P.M.**