

7:03 p.m. Acting Chairperson Arquette called the meeting of the Zoning Board of Appeals to order.

**MEMBERS PRESENT:** Arquette, Eisenhauer, Reynolds, Buechler, Sparling.

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** None.

**VISITORS:** Barbara Seymore, 4574 Lakeshore Road, Fort Gratiot, MI 48059

Motion by Sparling, supported by Reynolds, to appoint Arquette, as temporary chair.

**Vote, 5/0. MOTION CARRIED. ARQUETTE APPOINTED TEMPORARY CHAIRPERSON.**

Motion by Arquette, supported by Reynolds, to approve the agenda as printed and posted.

**Vote, 5/0. MOTION CARRIED. AGENDA APPROVED.**

Motion by Sparling, supported by Arquette, to approve the minutes of the regular meeting of December 17, 2013 with the correction of changing the title from agenda to minutes.

**Vote, 5/0. MOTION CARRIED. MINUTES APPROVED WITH ONE CORRECTION.**

**CITIZENS WISHING TO ADDRESS THE BOARD (for items not on the agenda):** None.

**NEW BUSINESS:**

**ITEM #1: ELECTION OF OFFICERS (Positions Expire 12/31/2014):**

Temporary Chairperson Arquette opens the nominations for the 2014 Zoning Board of Appeals Officers.

**NOMINATIONS / APPOINTMENTS:**

Motion by Sparling, supported by Eisenhauer, to nominate Arquette as 2014 Chairperson.

Motion by Arquette, supported by Buechler, to nominate Sparling as 2014 Vice Chairperson.

Motion by Arquette, supported by Sparling, to nominate Eisenhauer as 2014 Secretary.

Temporary Chairperson Arquette closes the nominations for the 2014 Zoning Board of Appeals Officers.

**MOTION #1-1 CHAIRPERSON: (Responsible for presiding over all meetings)**

Motion by Sparling, supported by Reynolds, to appoint Arquette as 2014 Chairperson.

**Vote, 5/0. MOTION CARRIED. ARQUETTE APPOINTED 2014 CHAIRPERSON.**

**MOTION #1-2 VICE CHAIRPERSON: (Acting Chair in case of absence or conflict of interest)**

Motion by Arquette, supported by Buechler, to appoint Sparling as 2014 Vice Chairperson.

**Vote, 5/0. MOTION CARRIED. SPARLING APPOINTED 2014 VICE CHAIRPERSON.**

**MOTION #1-3 SECRETARY: (Responsible for taking attendance & roll call for voting, signs minutes)**

Motion by Arquette, supported by Buechler, to appoint Eisenhauer as 2014 Secretary.

**Vote, 5/0. MOTION CARRIED. EISENHAUER APPOINTED 2014 SECRETARY.**

**ITEM #2: VARIANCE & CLASS A DESIGNATION–4574 LAKESHORE ROAD/74-20-765-0003-000:**

**APPLICANT:** Barbara J. Seymore, 4574 Lakeshore Road, Fort Gratiot, MI 48059

**OWNER:** Barbara J. Seymore Rev Trust, 4574 Lakeshore Road, Fort Gratiot, MI 48059

**REQUEST:** 8.5' north side yard setback variance for proposed detached accessory structure to replace existing accessory structure with 1.5' north side yard setback; Class A Designation for proposed detached accessory structure

**LOCATION:** 4574 Lakeshore Road

**PARCEL ID #:** 74-20-765-0003-000

**LEGAL:** Lot 3 Supervisor's Plat of Karrer Beach

**APPLICANTS PRESENTATION:**

Barbara Seymore indicated that the existing garage is falling down due to water damage and it's time to rebuild.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

The board discussed the existing location of the garage. It was noted that the lot is narrower where the garage currently sits. There is 96' between the existing garage and the home, and within that 96', the lot gets wider. The question was raised as to why the proposed garage couldn't be moved closer to the home where the lot is wider. Ms. Seymore indicated that there are utilities and sewer lines within that area and she was under the understanding that nothing could be built within 20' each way of the utility easements.

**Findings of Facts:**

-The area was platted in 1934.

-On 10/04/2005 (V05-013) the Zoning Board of Appeals granted a 7' north side yard variance beginning at the northwest corner of the proposed house & a 2' south side yard variance. A Class A Designation was granted on the new house only and the existing garage was to remain Class B nonconforming structure. The ZBA decision was appealed to St. Clair County Circuit Court (case # D05-002493 AZ.) The ZBA decision was affirmed by Judge Deegan on 05/18/2006. The decision was not further challenged and the house was built in 2006.

-The accessory structure that is proposed to be replaced was built in 1955 and is a Class B lawfully existing nonconforming structure.

-The property is not in a high risk erosion area, per the DEQ 07/10/1998.

-The property is in a flood zone per the FIRM dated 05/03/2010, zone AE (El. 584) on panel #237D. However, the area where the existing garage/proposed replacement appears to be outside the floodplain. The proposed structure will have to be built above an elevation 584 or the building official will require additional flood proofing and an elevation certificate should be provided with the building permit if it's not already on file. If a LOMA has been issued, no certificate or flood proofing will be required.

-The lot coverage of all existing and proposed structures does not exceed the maximum lot coverage.

**Reasons for Decision:**

Due to the size of the area in between the house and existing garage, the board stated that this setback variance request is the result of a self-created hardship. There are other possible locations on the property which would allow the proposed garage to be built in line with the variance granted setbacks of the home. The board mentioned that a 7' north side yard setback variance should be sufficient and stays consistent with the home.

**Recommendations:**

- The building official recommends approval with the following conditions: North wall and 1.5' of the east and west walls require 1 hour fire rating. No openings (i.e. windows) are allowed within the fire rated areas.
- The fire chief recommends approval with no conditions.
- The department of public works recommends approval with no conditions.
- The zoning administrator recommends approval with no conditions. The existing building has been in this location for almost 60 years with no issue. There are no structures to the north or south that are in conflict with this structure, nor does its location prohibit the reasonable development of the property to the north.

**MOTION #2-1 NORTH SIDE YARD SETBACK VARIANCE, 4574 LAKESHORE ROAD / 74-20-765-0003-000:**

Motion by Reynolds, supported by Sparling, to grant the request from Barbara Seymore, for a 7' north side yard setback variance for a proposed detached accessory structure at 4574 Lakeshore Road / 74-20-765-0003-000. **Vote, 5/0. MOTION CARRIED. 7' NORTH SIDE YARD SETBACK VARIANCE GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #2-2 CLASS A DESIGNATION, 4574 LAKESHORE ROAD / 74-20-765-0003-000:**

Motion by Sparling, supported by Eisenhower, to grant the request from Barbara Seymore, for a Class A Designation on the proposed detached accessory structure at 4574 Lakeshore Road / 74-20-765-0003-000. **Vote, 5/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON PROPOSED DETACHED ACCESSORY STRUCTURE.**

**BOARD DISCUSSION:** None.

Motion by Eisenhower, supported by Sparling to adjourn. Time, 7:18 o'clock p.m.  
**Vote, 5/0. MOTION CARRIED. MEETING ADJOURNED.**