

7:02 p.m. Chairperson Arquette called the meeting of the Zoning Board of Appeals to order.

MEMBERS PRESENT: Arquette, Eisenhauer, Buechler, Sparling.

MEMBERS ABSENT: Reynolds.

ALSO PRESENT: None.

VISITORS: Darlene Peterson, 3017 Riverside Drive, Port Huron, MI 48060
 M. McCarthy, 2714 Stone Street, Port Huron, MI 48060
 Kay Yurgens, 4770 Huron Court, Fort Gratiot, MI 48059
 Andrea McCarthy, 2714 Stone Street, Port Huron, MI 48060
 John Yurgens, 4770 Huron Court, Fort Gratiot, MI 48059
 Jeff Jones, 744 Lakeview Avenue, Port Huron, MI 48060
 Kim Harmer, 8086 Lakeshore Road, Lakeport, MI 48059

Motion by Eisenhauer, supported by Buechler, to approve the agenda as printed and posted.
Vote, 4/0. MOTION CARRIED. AGENDA APPROVED.

Motion by Buechler, supported by Sparling, to approve the minutes of the special meeting of April 22, 2014.
Vote, 4/0. MOTION CARRIED. MINUTES APPROVED.

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

NEW BUSINESS:

ITEM #1: VARIANCE & CLASS A DESIGNATION ON 4770 HURON COURT / 74-20-675-0002-000

APPLICANT: John & Kay Yurgens, 4770 Huron Court, Fort Gratiot, MI 48059

OWNER: John & Kay Yurgens, 4770 Huron Court, Fort Gratiot, MI 48059

REQUEST: Lot 2: 4' north side yard, 4' south side yard and 4' west rear yard setback variances for proposed dwelling; Lot 2: Class A Designation on lot and proposed dwelling; Lot 15: Class A Designation on lot and existing structures, per mortgage report dated 10/26/1993

LOCATION: 4770 Huron Court

PARCEL ID#: 74-20-675-0002-000

LEGAL: Lots 2 & 15 RIALTO PLAT

APPLICANTS PRESENTATION:

Kay Yurgens stated that they possibly want to sell lot 2 but need to see if a home could be built on this property by a prospective buyer prior to splitting the lots.

PUBLIC COMMENT:

Darlene Peterson of 3017 Riverside Drive, Port Huron, indicated that she purchased the property at 4784 Lakeshore Road, north of the property in question, and she sees no reason for this request to be denied. She also owns 4661 Desmond Beach and the next door neighbor requested a 3' variance for a garage and they were given that so she doesn't see any reason why this request wouldn't be approved. By putting up a new house, the neighborhood would be improved. It does not appear to obstruct any views.

Kim Harmer, representing the Jean M. Crockett Trust at 4780 Huron Court, said she feels uncomfortable appearing at this meeting because the Yurgens are such wonderful neighbors but she wants to make sure she understands the proposal. It's a vacant lot that they have, a separate lot, and the zoning ordinance requires 75' for new construction of a single family dwelling. As she sees it, they have one lot right now that is 63' wide with the Yurgens home on it and then the vacant lot that's separated by a private easement at one time had a garage on it but now it's vacant and they use it for parking. To take that lot and allow the split to now take a nonconforming lot that's existing but to split it and now make two nonconforming lots. They don't really have a problem with the setback requirement but it's the idea that you would take that lot now and allow new construction on a 31' lot and allow for two existing nonconforming lots to be created out of one. The other issue is just a question with regards to parking and she doesn't know if the township requires an attached garage or what the requirements are for parking, but as it stands, parking is always very tight there of course. It's no one's fault, that's the way it's always been. Those homes were built in the 1920's.

At this point, the Yurgens have an advantage that they have that extra vacant lot and that's where they can park their cars. They don't have really the room in the front yard with the porch at the front to park maybe more than one and if that lot may be split and sold, we have some concerns about where the new property owners would have for parking and what Mr. and Mrs. Yurgens would then have as well for parking. She doesn't know if anyone has visited the site, if the zoning board members, if they typically go out and take a look, but they'd notice that that driveway is narrow and Huron Court is very narrow as well. Fortunately, the neighbors are all terrific. They work together, no one parks in the common area, they all make sure they're inside their garage or within their property lines, but it is a very small area. She does apologize to the Yurgens, it is very uncomfortable to be here. They are wonderful people but looking down the road, she's just not sure if splitting an existing nonconforming lot into two nonconforming lots and allowing construction is the right thing for the neighborhood in the long run.

Andrea McCarthy, the proposed buyer of the lot, clarified, that both of the lots are 35' wide at one end and 31' on the driveway end and there is a 4' easement that separates the two lots. That's the actual size of the lots.

The daughter of Ms. McCarthy, who lives in Boston but is from Port Huron, believes that, as the board members know, the lots are already two separate lots so it's obvious that they are nonconforming in the sense that you wouldn't build (zone) a new lot at 35' but these lots are already existing separate lots.

BOARD DISCUSSION:

Member Sparling stated that the lot splits have already been done, they were platted in the early 1920's at those size lots and nothing can be done about that. They are only here to look at whether they want to grant a variance for the property. He's said it in the past, they've granted 3' setbacks on the side yards and this case would be 6' from the property lines. They're more than within the realm of what they've done in the past. It is a practical difficulty. There's no way they could comply with the township ordinance due to the narrowness of the already platted lot.

Member Arquette agrees. It is a practical difficulty and the request is not as extreme as most of the requests for variances.

Member Eisenhower agrees.

Member Sparling said that even though these lots are owned by one person, they could've been owned by two separate people and we'd have to work with them in order to allow them to build on their own lot anyway. They're paying taxes on it.

Member Buechler agrees as well.

Member Arquette brought up the letters received between the time the packets were delivered and the day of the meeting. Some are in favor of the request, others are in opposition.

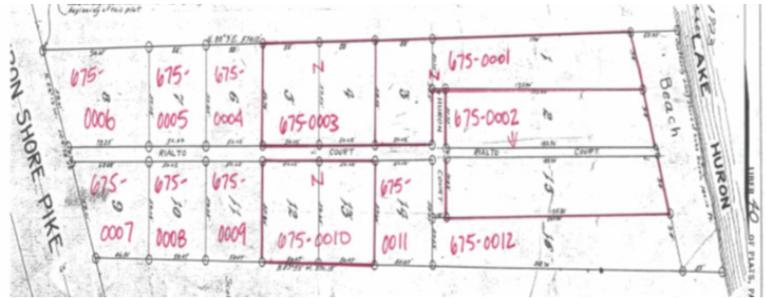
Member Sparling mentioned that some of the concerns were if the board was granting a lot split tonight and that is not the case. The Zoning Board of Appeals has nothing to do with the lot split. It's already been done, the land was platted years ago and you can't take that back.

Finding of Facts on Lot 2:

- The Rialto Plat was platted in 1923.
- The property is not in high risk erosion area.
- The property is in flood zone AE (Elevation 584) on panel #0230D per the firm dated 05/03/2010. New construction would require compliance with Michigan Building Code Appendix G and/or a Letter of Map Amendment (LOMA) from FEMA. These issues would be addressed by the building official.



- The new house is proposed at 6.62' from the north and south property lines. The south property line is on a 4' easement for beach access for all property within the plat. This easement cannot be vacated or built upon; it must remain an unobstructed walkway. The proposed house is 8.62' from the house to the north and 12.62' from the house to the south.
- The front yard setback (east/lake) is met as proposed. The rear yard setback is proposed at approximately 31', requiring a variance.
- The lot coverage of the proposed structure does not exceed the maximum lot coverage.

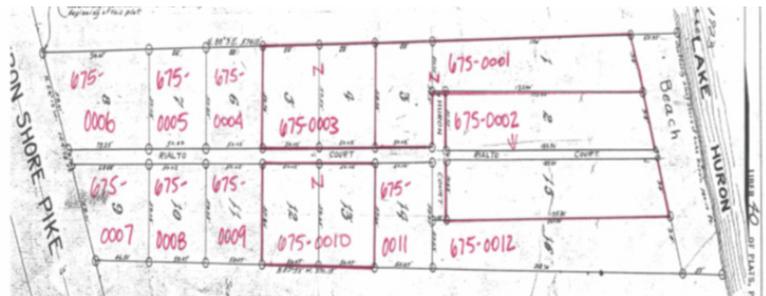


Reasons for Decision:

Because the lots were platted years ago, it is a practical difficulty to construct a dwelling on the lot without a variance being granted due to the narrowness of the lot.

Findings of Facts on Lot 15:

- The Rialto Plat was platted in 1923.
- The property is not in high risk erosion area.
- The property is in flood zone AE (Elevation 584) on panel #0230D per the firm dated 05/03/2010. New construction would require compliance with Michigan Building Code Appendix G and/or a Letter of Map Amendment (LOMA) from FEMA. These issues would be addressed by the building official.
- The house was built in 1930 and is approximately 5' from the south property line. The north property line is on a 4' easement for beach access for all property within the plat. This easement cannot be vacated or built upon; it must remain an unobstructed walkway. The house is approximately 2' from the north property line.
- The lot coverage of all existing structures does not exceed the maximum lot coverage.



Reasons for Decision:

Due to the narrowness of the lot, the existing structures on this lot would not be able to be reconstructed due to uncontrollable weather conditions, fire, etc. without a Class A Designation.

MOTION #1-1 NORTH SIDE YARD SETBACK VARIANCE ON LOT 2, 4770 HURON COURT / 74-20-675-0002-000:

Motion by Sparling, supported by Arquette, to grant the request from John & Kay Yurgens, for a 4' north side yard setback variance for proposed dwelling on Lot 2, at 4770 Huron Court / 74-20-675-0002-000.

Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR 6' NORTH SIDE YARD SETBACK FOR PROPOSED DWELLING ON LOT 2.

MOTION #1-2 SOUTH SIDE YARD SETBACK VARIANCE ON LOT 2, 4770 HURON COURT / 74-20-675-0002-000:

Motion by Sparling, supported by Buechler, to grant the request from John & Kay Yurgens, for a 4' south side yard setback variance for proposed dwelling on Lot 2, at 4770 Huron Court / 74-20-675-0002-000.

Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR A 6' SOUTH SIDE YARD SETBACK FOR PROPOSED DWELLING ON LOT 2.

MOTION #1-3 WEST REAR YARD SETBACK VARIANCE ON LOT 2, 4770 HURON COURT / 74-20-675-0002-000:

Motion by Arquette, supported by Sparling, to grant the request from John & Kay Yurgens, for a 4' west rear yard setback variance for proposed dwelling on Lot 2, at 4770 Huron Court / 74-20-675-0002-000.

Vote, 4/0. MOTION CARRIED. VARIANCE GRANTED FOR A 31' WEST REAR YARD SETBACK FOR PROPOSED DWELLING ON LOT 2.

MOTION #1-4 CLASS A DESIGNATION ON LOT 2, 4770 HURON COURT / 74-20-675-0002-000:

Motion by Eisenhauer, supported by Buechler, to grant the request from John & Kay Yurgens, for a Class A Designation on lot and proposed dwelling on Lot 2, at 4770 Huron Court / 74-20-675-0002-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON LOT AND PROPOSED DWELLING FOR LOT 2.

MOTION #1-5 CLASS A DESIGNATION ON LOT 15, 4770 HURON COURT / 74-20-675-0002-000:

Motion by Buechler, supported by Sparling, to grant the request from John & Kay Yurgens, for a Class A Designation on lot and existing structures on Lot 15, per mortgage report dated 10/26/1993, at 4770 Huron Court / 74-20-675-0002-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON LOT AND EXISTING STRUCTURES ON LOT 15, PER MORTGAGE REPORT DATED 10/26/1993.

BOARD DISCUSSION: None.

Motion by Sparling, supported by Arquette, to adjourn. Time, 7:20 o'clock p.m.

Vote, 4/0. MOTION CARRIED. MEETING ADJOURNED.