

7:00 o'clock p.m. 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:** Sue & Bashar Nakhleh, 5796 Lakeshore Road, Fort Gratiot, MI 48059  
 Craig Redner/Northern Sign Co., 101 E Walton Blvd, Pontiac, MI 48340  
 Ron Hassen, 3015 Sylvan Drive, Fort Gratiot, MI 48059  
 James Thelander, 5802 Lakeshore Road, Fort Gratiot, MI 48059

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

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

Motion by Sparling, supported by Reynolds, to approve the minutes of the regular meeting of May 20, 2014.

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

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

**UNFINISHED BUSINESS:**

**ITEM #1: VARIANCE & CLASS A DESIGNATION – 5802 LAKESHORE ROAD / 74-20-004-1024-000:**

**APPLICANT:** James Thelander, 5802 Lakeshore Road, Fort Gratiot, MI 48059

**OWNER:** James Thelander, 5802 Lakeshore Road, Fort Gratiot, MI 48059

**REQUEST:** Class A Designation on lot and all existing structures per survey dated 05/21/2013; 7' south side yard setback variance for proposed accessory structure and Class A Designation on proposed accessory structure

**LOCATION:** 5802 Lakeshore Road

**PARCEL ID #:** 74-20-004-1024-000

**LEGAL:** S 60' OF N 411' OF THAT PART OF SEC 4 LYING E OF LAKESHORE RD US-25 & S OF THE FORREST SUBD & EXC S 50' OF W 400' & CONT 1.34 A. SECTION 4 T7N R17E 1.34 A

**APPLICANTS PRESENTATION:** Applicant not present.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

Due to the absence of the applicant, the agenda item has been postponed.

**Findings of Facts:**

-The area is unplatted and the first home was built on the lot around 1930.

-The house was built in 2005; the existing garage was built in 1970. A Variance and Class A Designation was granted for the house on August 17, 2004.



-The property is in a high risk erosion area A, #215, per the DEQ 07/10/1998.

-The property is in a flood zone per the FIRM dated 05/03/2010, zone AE (EI. 584) on panel #230D. Per the survey dated 05/21/2013, the lowest floor of the accessory structure 592 and the lowest floor of the house is 594. All structures are above the flood zone elevation and do not require additional flood proofing.

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

*(Lot=52,184 SF; 30% allowable maximum coverage=15,655 SF; Existing structures=2,556 SF.)*

-The proposed detached accessory structure will be setback approximately 16' from the north property line. The nearest structure to the south is over 446', and the detached accessory structure is proposed to be 3' from the south property line.

-The proposed height is under the permitted maximum 16' sidewall.

-The total of all accessory structures cannot exceed 2,000 SF. A shed is shown on the survey, but the Township has no record of the shed. According to Township records, the existing detached garage is 648 SF. The proposed detached accessory structure cannot exceed 1,352 SF unless the shed is removed.

**Reasons for Decision:**

Due to the absence of the applicant, the agenda item has been postponed.

**MOTION #1-1 CLASS A DESIGNATION, 5802 LAKESHORE ROAD / 74-20-004-1024-000:**

Motion by Sparling, supported by Reynolds, to postpone the request from James Thelander due to absence of applicant, for a Class A Designation per survey dated 5/21/13 for 5802 Lakeshore Road / 74-20-004-1024-000.  
**Vote, 5/0. MOTION CARRIED. AGENDA ITEM POSTPONED DUE TO ABSENCE OF APPLICANT.**

**MOTION #1-2 VARIANCE, 5802 LAKESHORE ROAD / 74-20-004-1024-000:**

Motion by Sparling, supported by Reynolds, to postpone the request from James Thelander due to the absence of the applicant, for a 7' south side yard setback variance for proposed accessory structure at 5802 Lakeshore Road / 74-20-004-1024-000.  
**Vote, 5/0. MOTION CARRIED. AGENDA ITEM POSTPONED DUE TO ABSENCE OF APPLICANT.**

**MOTION #1-3 CLASS A DESIGNATION, 5802 LAKESHORE ROAD / 74-20-004-1024-000:**

Motion by Sparling, supported by Reynolds, to postpone the request from James Thelander due to the absence of the applicant, for a Class A Designation on proposed accessory structure for 5802 Lakeshore Road / 74-20-004-1024-000.  
**Vote, 5/0. MOTION CARRIED. AGENDA ITEM POSTPONED DUE TO ABSENCE OF APPLICANT.**

**NEW BUSINESS:**

**ITEM #1: VARIANCE & CLASS A DESIGNATION – 4216 24<sup>TH</sup> AVENUE #200 / 74-20-022-4001-200:**

**APPLICANT:** Northern Sign Company Inc., 101 E. Walton, Pontiac, MI 48340

**OWNER:** VSR2 Investments LLC, 23517 Argyle Street, Novi, MI 48374

**REQUEST:** Variance to allow a 16 sq. ft. wall sign on east (rear) façade in addition to the existing wall signs on the north and west facades; Class A Designation on signage

**LOCATION:** 4216 24<sup>th</sup> Avenue #200 - Starbucks

**PARCEL ID #:** 74-20-022-4001-200

**LEGAL:** COM AT THE W 1/4 COR OF SEC 22, TH N89^ 52'41" E 61' TO A POINT LOCATED ON THE E'LY R/W LINE OF 24TH AVE, TH S00^ 1'18" W 200.55' ALONG THE E'LY R/W LINE OF 24TH AVE TO THE POB. TH N89^ 59'53" E 376', TH S00^ 1'18" W 199.21'; TH S89^ 52'41" W 376' TO A POINT ON THE E'LY R/W LINE OF 24TH AVE, TH N00^ 1'18" E 200' ALONG THE E'LY R/W LINE OF 24TH AVE TO POB. SECTION 22 T7N R17E 1.723A

**APPLICANTS PRESENTATION:**

Craig Redner, Northern Sign Company, stated that Starbuck's is proposing a 16 square foot oval cabinet sign on the rear of the building for identification for the service drive side behind the building. It will be the Starbuck's logo sign. He understands that they are still under the total square footage permitted for wall signage.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

Member Sparling brought up that the sign ordinance was recently revised and indicated that within the ordinance, they can choose which two sides of the building they would like to have signage. He suggested that they take an existing sign off one side of the building and place it on the back of the building. He feels that once we grant this variance request, every business in that area will be requesting variances of the same nature.

Member Arquette brought up that the ordinance allows a six square foot identification sign on the rear of the building adjacent to a rear entrance or service door in addition to the signage on the permitted two sides.

Member Sparling stated that he feels if we approve this request, we'll have to approve every request. He questions whether this is a practical difficulty. They could easily move an existing sign from the side of the building to the rear.

Craig Redner asked if they could shrink the proposed sign down to six square feet, would they be okay? The board members stated that if he put a six square foot sign on the rear of the building, he would not need the variance because that is permitted within the ordinance.

The board members suggested that if they move the existing sign from the north side of the building to the rear of the building and install the six square foot identification sign on the north side of the building, no variance would be needed.

Member Sparling recognized that they do need signage on the rear of the building. He's been back there and noticed how difficult it was to identify the business.

**Findings of Facts:**

- The ordinance permits wall signs on up to two walls with an additional 6 SF of signage permitted on a third wall when adjacent to a rear entrance or service door for directional purposes.
- The business frontage on the west/front/24<sup>th</sup> Avenue façade is a right in/out only access. This elevation is permitted up to 54 square feet and utilizes 24 square feet.
- The north/side/Red Lobster elevation is permitted up to 107 square feet and utilizes 33 square feet above the drive-thru.
- The east/rear frontage on the access road between this business and the Lowes site is also heavily used as a main access to this site.
- The total permitted square footage of signage for this business is 167, the total currently used is 57 SF and proposed is 16 SF. If approved, the business will be under their permitted allowable square footage by 94 square feet.
- There are access points between parking lots from Krafft Road, next to the Social Security Administration, running north to Keewahdin Road. The access roads and connections were required by ordinance for access management to allow relief to 24<sup>th</sup> Avenue congestion. This also created some of the business between the access roads and 24<sup>th</sup> Avenue to have 2 frontages. It is possible to have entered the Lowes site completely through parking lots and not having seen the 24th Avenue signage.

**Reasons for Decision:**

Because the sign ordinance was recently revised, several board members feel that if they grant this particular variance request, numerous businesses would apply for the same variance leaving those board members feeling obligated to approve the requests as well.

Member Sparling recognizes that Starbuck's needs a sign at the rear of their building but also feels that they have other alternatives as opposed to what this request entails.

The board members and the applicant discussed possibly moving the north wall sign to the rear of the building and placing an identification sign on the north wall.

**MOTION #1-1 VARIANCE FOR WALL SIGN, 4216 24<sup>TH</sup> AVENUE #200 / 74-20-022-4001-200:**

Motion by Arquette, supported by Sparling, to deny the request from Northern Sign Company Inc., for a wall sign on the east (rear) façade, at 4216 24<sup>th</sup> Avenue #200 / 74-20-022-4001-200.

**Vote, 4/1. VARIANCE REQUEST DENIED FOR A WALL SIGN ON A THIRD WALL. THE BOARD GRANTED PERMISSION FOR A SIX SQUARE FOOT IDENTIFICATION SIGN TO BE LOCATED ON THE NORTH (SIDE) WALL AS OPPOSED TO ON OR ADJACENT TO THE REAR ENTRY DOOR OR SERVICE DOOR, AS STATED IN THE SIGN ORDINANCE.**

**MOTION #1-2 CLASS A DESIGNATION ON SIGNAGE, 4216 24<sup>TH</sup> AVENUE #200 / 74-20-022-4001-200:**

Motion by Sparling, supported by Eisenhauer, to postpone the request from Northern Sign Company Inc. until additional information is received, for a Class A Designation on signage, at 4216 24<sup>th</sup> Avenue #200 / 74-20-022-4001-200.

**Vote, 5/0. MOTION CARRIED. REQUEST FOR CLASS A DESIGNATION ON SIGNAGE IS POSTPONED UNTIL ADDITIONAL INFORMATION IS RECEIVED.**

**ITEM #2: VARIANCE & CLASS A DESIGNATION – 3015 SYLVAN DRIVE / 74-20-297-0029-000:**

- APPLICANT:** Ronald Hassen, 3015 Sylvan Drive, Fort Gratiot, MI 48059
- OWNER:** Ronald Hassen & MaryBeth Martin, 3015 Sylvan Drive, MI 48059
- REQUEST:** 4' east side yard setback variance for proposed shed; Class A Designation on lot, existing structures and proposed shed
- LOCATION:** 3015 Sylvan Drive
- PARCEL ID #:** 74-20-297-0029-000
- LEGAL:** LOTS 46 & 63 THE FORREST SUBD

**APPLICANTS PRESENTATION:**

Ronald Hassen, owner and applicant, stated that they took some trees down last year. They needed space and the house has no storage whatsoever. Everything is stored in the garage. He would love to build a shed where they tore the trees down. The way the house is set up and the lot is designed, there is really no good place to put the shed other than right in the middle of the yard which would waste a lot of space and look stupid. The way they are proposing makes it inconspicuous and the shed would be tucked back in a perfect area of the lot. He understands that his neighbor Jim has no problem with this request and he has driven around the neighborhood and has noticed many sheds closer to the property lines. He's going to build the shed himself so it will look beautiful. He noticed on the department head notes that a one hour fire rating would be required on the shed sidewall and said that would be no problem.

**PUBLIC COMMENT:**

An email was received from Jim Goldsworthy, Ronald Hassen's neighbor, and he has no problem with a two foot setback but not a one foot setback.

**BOARD DISCUSSION:**

Member Reynolds stated that she feels there are other places this shed could be located and they are causing their own self-created hardship.

Ronald Hassen pointed out that there is landscaping in the yard and he didn't want to put it in the middle of the yard. It would be tucked away in the proposed location.

Member Sparling said he doesn't have any problem with the location of the shed, it's the one foot off the property line that he's having a hard time dealing with.

Member Reynolds mentioned that they have been very consistent with the side yard setback variances being three feet, so he would have to make the shed 16'x5'.

Member Sparling said he could apply for another variance to allow 7' between the garage and proposed shed in addition to this variance request rather than shrinking down the size of the shed. The board would have to table this item and new notices would have to be sent out to the properties within 300' from this property because the initial notices mailed out for this request did not include a variance request for the distance between the proposed shed and the existing garage.

Mr. Hassen said that the shed would be located in the best location at one foot off the property. Two feet could work but three feet off the property line would not work. He'd rather have it two feet.

Member Eisenhauer stated that they have granted 3' variances but not less and she feels they need to continue the consistency throughout the township. If they grant him two feet, they'd have to grant everyone two feet.

Member Arquette said they have come to the conclusion that the board is not going to grant the one foot setback, but they are discussing tabling the agenda item to give Mr. Hassen an opportunity to look at other locations or to add the other variance request for the distance between the proposed shed and the existing garage.

Mr. Hassen suggested that if they would grant him a 3' side yard setback variance, he could make the shed 7' wide instead of 8' and that would still give him the 10' between the shed and garage.

Member Sparling stated that if that is what he wants, they can make their ruling on that request but if it is denied, Mr. Hassen will have to go back in front of the board and pay another meeting fee.

Member Reynolds reiterated that he is asking for a 2' setback with a 3' variance.

Member Eisenhauer said that the board can rule on this request or postpone it so Mr. Hassen can ask for the other variance.

Member Arquette mentioned to Mr. Hassen that if they rule on this tonight and he doesn't like the result, he will have to come back to the board and pay the meeting fee again, so it would be best if this item could be postponed. At this time, the board has something in front of them right now asking for a 1' setback. They can't do that, so they're giving the option of setting the request aside until he can decide if he wants to get a smaller shed or ask for a variance to shorten the distance between the garage and the shed, which is probably a good idea.

Member Sparling said he doesn't think Mr. Hassen would want them to vote on the 1' setback tonight.

Member Arquette said she thinks that they should postpone this item until Mr. Hassen can talk to the township and get the right recommendation about how to get the right wording for the revised request.

Mr. Hassen asked if they gave him the 3' setback, could he just make the shed 6' wide? That would allow for the 10' away from the garage. Member Reynolds said he can definitely change the dimensions of the shed as long as he stays within the allowed lot coverage and square footage for accessory structures.

Mr. Hassen asked if he built an overhang with a slab, would that be included in the shed square footage. Member Sparling stated that he would need to speak to the building department about the overhang, that's not a question this board can answer.

**Findings of Facts:**

- The area was platted in 1926.
- The house was built in 1950
- The property is not in a high risk erosion area or a flood zone.
- The lot is platted at 50' and is a lawfully existing nonconforming lot. Minimum lot width on a newly platted lot is 75'.
- The neighborhood is nearly fully developed and all lawfully existing structures have some form of setback variance.

**Reasons for Decision:**

The board wants to stay consistent with their rulings throughout the township and stay with a minimum of a 3' side yard setback. This is not a practical difficulty as there are other locations within the property that the proposed shed can be placed. The board feels that it would be in the best interest of the applicant to have the agenda item postponed so he can revise the request and not have to pay another meeting fee if the ruling is not in his favor.

**MOTION #2-1 VARIANCE, 3015 SYLVAN DRIVE / 74-20-297-0029-000:**

Motion by Sparling, supported by Buechler, to grant the request from Ronald Hassen, for a 2' east side yard setback variance for a proposed shed, at 3015 Sylvan Drive / 74-20-297-0029-000.

**Vote, 5/0. MOTION CARRIED. VARIANCE GRANTED FOR A 3' SIDE YARD SETBACK FOR PROPOSED SHED.**

**MOTION #2-2 CLASS A DESIGNATION, 3015 SYLVAN DRIVE / 74-20-297-0029-000:**

Motion by Sparling, supported by Reynolds, to grant the request from Ronald Hassen, for a Class A Designation for the lot, existing structures and proposed shed, at 3015 Sylvan Drive / 74-20-297-0029-000.

**Vote, 5/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON LOT, EXISTING STRUCTURES AND PROPOSED SHED.**

**BOARD DISCUSSION:**

None.

Motion by Eisenhauer, supported by Sparling, to adjourn. Time, 7:41 o'clock p.m.

**Vote, 5/0. MOTION CARRIED. MEETING ADJOURNED.**