

7:01 o'clock p.m. Chairperson Arquette called the meeting of the Zoning Board of Appeals to order.

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

**MEMBERS ABSENT:** Sparling.

**ALSO PRESENT:** Jorja Baldwin, Zoning Administrator

**VISITORS:** William Shanahan, 4335 Old Forge Drive, Fort Gratiot, MI 48059  
 Jim & Pierrette Thelander, 5802 Lakeshore Road, Fort Gratiot, MI 48059  
 John Ulrich, 5810 Lakeshore Road, Fort Gratiot, MI 48059  
 Ann L. Becker, 5808 Lakeshore Road, Fort Gratiot, MI 48059  
 Sue Nakhleh, 5796 Lakeshore Road, Fort Gratiot, MI 48059

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

Motion by Reynolds, supported by Buechler, to approve the minutes of the regular meeting of June 17, 2014.  
**Vote, 4/0. 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:**

Jim Thelander apologized for not being present at the initial meeting last year, he was moving. Basically, he's requesting the variance so he can build a structure to house his personal property rather than having it sit outside. The structure he's proposing is esthetically appealing. The location he'd like to construct is not within the neighboring property's view. He couldn't build where he initially wanted to due to the drain easement but needs to take the curvature of the driveway into consideration. They recently filled in a low area of the property and plan to improve the yard as well.

**PUBLIC COMMENT:**

An audience member questioned what the variance request actually is and Member Reynolds stated that they are requesting a 7' variance which would put the corner of the structure 3' from the south property line.

Sue Nakhleh, 5796 Lakeshore Road (owner of the property to the south), asked what the standard is for building from the lot line, 10 feet? 7 feet? What is the legal? Member Reynolds stated that, in this case, it is 10 feet. He's asking for a 7' variance. Member Arquette indicated that the proposed structure will be 3 feet from the property line. Ms. Nakhleh asked if she, as a property owner, can say anything about this request? The board indicated that this is the time for comments. Ms. Nakhleh said that she and her husband object to it.

John Ulrich, property owner of 5810 Lakeshore Road (the property directly to the north), said that the porch on the north side of his house is no more than 2 feet from the property line. He can barely get in there between the fence and his house so it seems that in that area, variances have been given there before. He has no problem with this proposal.

Ann Becker of 5808 Lakeshore Road stated that they built a house right behind them that isn't any more than 5 feet from their home, so it's pretty close too.

Sue Nakhleh said that she wanted to mention for the record that the structures the neighbors are referring to have been there for at least 10 years.

Ann Becker said that the home right behind them has not been there that long.

John Ulrich said that, at one time, all of the homes they are talking about and structures were new construction.

Member Reynolds stated that at that time, the rules that are in place now may not have been the rules at that time.

Member Arquette mentioned that at this time, they have to go according to the current ordinances and decide whether or not there is a hardship.

**BOARD DISCUSSION:**

Member Reynolds asked Mr. Thelander if he planned to remove the existing shed because he would exceed the maximum permitted lot coverage. Mr. Thelander indicated that he doesn't want to remove the shed, so he will have to decrease the size of the proposed garage. Member Reynolds asked what the size of the existing shed is and Mr. Thelander said he believes it is 10'x12'.

Member Arquette said that the shed is not shown on record with the township but is shown on the survey. Mr. Thelander indicated that the shed has been there for about 30-40 years. Member Arquette mentioned that the existing attached garage is 648 square feet so the proposed structure can't exceed 1352 square feet unless the shed is removed.

Member Reynolds said that with the existing garage and shed, the new structure cannot exceed 1232 square feet. Mr. Thelander said that he'll have to reduce the size of the proposed structure. Member Reynolds asked that with the structure being made smaller, would it possibly be further away from the property line? Mr. Thelander indicated that it would be as deep as originally proposed, it wouldn't be as long. That would not affect the distance from the property line because he would like to keep a little bit of space between the driveway and the garage to maneuver trailers in and out of the garage.

**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.



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

Motion by Eisenhauer, supported by Buechler, to grant the request from James Thelander, for a Class A Designation per survey that reflects the drain easement dated 5/21/13 for 5802 Lakeshore Road / 74-20-004-1024-000. **Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR EXISTING STRUCTURES PER SURVEY THAT REFLECTS THE DRAIN EASEMENT DATED 5/21/13.**

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

Motion by Reynolds, supported by Eisenhauer, to grant the request from James Thelander, for a 7' south side yard setback variance for proposed accessory structure at 5802 Lakeshore Road / 74-20-004-1024-000. **Vote, 4/0. MOTION CARRIED. 3' SOUTH SIDE YARD SETBACK FOR PROPOSED DETACHED ACCESSORY STRUCTURE. COMBINED TOTAL SQUARE FOOTAGE OF DETACHED ACCESSORY STRUCTURES CANNOT EXCEED 2,000 SQUARE FEET.**

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

Motion by Arquette, supported by Reynolds, to grant the request from James Thelander, for a Class A Designation on proposed accessory structure for 5802 Lakeshore Road / 74-20-004-1024-000. **Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**BOARD DISCUSSION:** None.

Motion by Reynolds, supported by Arquette, to adjourn. Time, 7:34 o'clock p.m. Vote, 4/0.

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