

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

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

**MEMBERS ABSENT:** Arquette, Sparling

**ALSO PRESENT:** Liz Austin, Recording Secretary

**VISITORS:** Steve Anderson, 2977 Maplewood Drive, Fort Gratiot, MI 48059  
 Dave Tyler, 2977 Maplewood Drive, Fort Gratiot, MI 48059  
 Gary Beem, 5775 Lakeshore Road, Fort Gratiot, MI 48059

Motion by Eisenhauer, supported by Reynolds, to approve the agenda as printed and posted.  
**Vote, 3/0. MOTION CARRIED. AGENDA APPROVED WITH A CORRECTION TO THE REQUEST IN ITEM #1.**

Motion by Reynolds, supported by Eisenhauer, to approve the minutes of the regular meeting of July 21, 2015.  
**Vote, 3/0. MOTION CARRIED. MINUTES APPROVED.**

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

**NEW BUSINESS:**

**ITEM #1: CLASS A DESIGNATION – 2977 MAPLEWOOD DRIVE / 74-20-468-0085-000:**

**APPLICANT:** David Tyler, 11811 Leighwood Drive, Plymouth, MI 48170  
**OWNER:** David & Catherine Tyler/Steve & Holly Anderson, 11811 Leighwood Drive, Plymouth, MI 48170  
**REQUEST:** Class A Designation.  
**LOCATION:** 2977 Maplewood Drive  
**PARCEL ID #:** 74-20-468-0085-000  
**LEGAL:** LOT 115 LAKE HURON MANOR

**APPLICANTS PRESENTATION:**

Mr. Tyler mentioned that the garage he was requesting variances for is still standing, therefore, no variances are needed. The board will just be voting on the Class A Designation for the lot and existing structures. They decided to request the Class A Designation due to a public safety issue which is a tree that is about 9' in circumference and 6 stories high located in the back corner of the yard that could affect 4 different properties. The only way to remove the tree is to demolish the garage. There is no other access to the rear yard. There is also a power line under the tree. A branch broke off the tree last year and punctured a hole in the neighbor's garage. It's an ash tree and when they die, the roots die as well causing the tree to become even more unstable.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

Member Reynolds stated that after reviewing the reports from the department heads and the Zoning Administrators recommendation, she has a hard time with allowing a Class A protecting the current setbacks. The Fire Chief and Zoning Administrator have indicated that with the current setbacks, the existing structures on the property cannot be serviced from all sides in the case of an emergency.

Mr. Tyler commented by saying he went out the property and measured the distance between the 2 garages, it would be the 3' that the Fire Chief recommended. It was mentioned that when a review is done by the department heads, they have to imagine a fence around the property and cannot just base their decision on the distance between 2 structures on 2 different properties because anyone can put up a fence at any time with the required permit. The fence obstructs the distance between structures on surrounding properties.

Mr. Tyler stated that if the garage had to be moved to the recommended location, it would be unusable due to the narrow nature of the lot.

Member Reynolds said that there are other locations on the property that a garage can be built. It doesn't have to be within the same location as existing. It can be flipped and placed behind the house.

Mr. Tyler indicated that because the narrowness of the lot, flipping the layout of the garage would make it very difficult to make the turn into the structure.

Member Eisenhower said that the existing garage is 18' deep. If that were flipped and placed behind the house with a 3' side yard setback, they would have 19' of space to pull in and back out of the garage. It seems to be a reasonable amount of space.

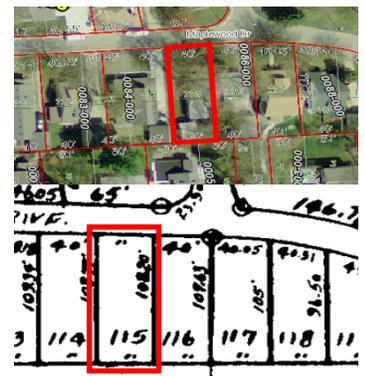
Mr. Tyler said that with moving the location of the existing garage, it would have to be moved back further to create a practical investment. Otherwise, they would lose use of the yard. There is also another tree in the backyard and it sits in the exact spot that is being recommended for the new location of the garage. This tree is alive and well and he hopes to be able to keep that tree.

Member Reynolds asked where this tree is located because it is not shown on the drawing. Mr. Tyler said it is about 10' north of the dead tree and about 5' inside the yard.

Member Eisenhower stated that in this area, they've been sticking with 3' and they don't want to change this and set a precedent. She agrees with the fire safety issues.

**Findings of Facts:**

- The area was originally platted in 1926.
- The lot was platted at 40' x 108'. Currently we require a minimum of 75'x134'. The lot is of a lawfully existing nonconforming size.
- The house was built in 1925 and is a lawfully existing nonconforming structure.
- The overhangs and gutters are not shown.
- The area has seen several new homes and improvements to existing cottages over the past several years. Similar variances have been granted in this neighborhood, with 3' being a consistent minimum yard setback.
- The west side yard setback exceeds the minimum by 2'.



**Recommendations:**

- The building official recommends approval with conditions based on the approved setbacks on the north and west.
- The department of public works recommends approval with no comments or conditions.
- The fire chief recommends a minimum of 3' from property line to garage and a minimum of 4' from property line to house if re-built. If a fence were constructed on the property line, the proposed garage would not be accessible from all sides.
- The zoning administrator recommends approval with conditions noted on the drawing.

**Reasons for Decision:**

Due to the fire safety issues, recommendations from the department heads and the minimum setbacks the board has tried to impose and maintain, the Class A Designation will be conditional.

**MOTION #1-1 CLASS A DESIGNATION, 2977 MAPLEWOOD DRIVE / 74-20-468-0085-000:**

Motion by Reynolds, supported by Eisenhower, to grant, with conditions, the request from David Tyler, for a Class A Designation on the lot and existing structures for 2977 Maplewood Drive / 74-20-468-0085-000.

**Vote, 3/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED WITH THE CONDITIONS THAT 1) IF THE DWELLING IS REBUILT, IT MUST BE A MINIMUM OF 4' FROM THE EAST SIDE YARD PROPERTY LINE AND 2) IF THE GARAGE IS REBUILT, IT MUST BE A MINIMUM OF 3' FROM THE WEST SIDE YARD PROPERTY LINE.**

**ITEM #2: VARIANCE & CLASS A DESIGNATION – 3030 ELMWOOD DRIVE / 74-20-468-0013-000:**

**APPLICANT:** Gary Beem, 5775 Lakeshore Road, Fort Gratiot, MI 48059

**OWNER:** Ruth Hicks Trust/Edgar Mogle, 2991 Elmwood Drive, Fort Gratiot, MI 48059

**REQUEST:** Proposed detached accessory structure: 7' north rear yard setback variance; 7' east side yard setback variance; 4' west side yard setback variance; 261 sq. ft. lot coverage variance; Class A Designation.

**LOCATION:** 3030 Elmwood Drive

**PARCEL ID #:** 74-20-468-0013-000

**LEGAL:** LOT 19 LAKE HURON MANOR

**APPLICANTS PRESENTATION:**

Gary Beem of Beem Construction is requesting a variance for a proposed garage with a 6’ west side yard setback, a 3’ east side yard setback and a 3’ north rear yard setback. The have only a shed on the property right now that will be removed when the garage is constructed. The owners intend on living in this home permanently in the near future.

**PUBLIC COMMENT:** None.

**BOARD DISCUSSION:**

All requests from here on out will reflect setbacks from the nearest point of the structure(s); overhangs, gutters, etc.

Member Buechler asked if anything is planning on being done to the home at this point. Mr. Beem indicated that nothing will be done to the home, just the garage. A new section of driveway will have to be put in to connect the existing driveway to the new garage. This location gives the owners a courtyard in between structures.

Member Buechler asked if the current location of the shed is within the footprint of the proposed garage. Mr. Beem said yes, and that the shed will be completely removed from the property prior to construction.

**Findings of Facts:**

- The area was originally platted in 1926.
- The lot was platted at 45’ x 98’. Currently we require a minimum of 75’x134’. The lot is a lawfully existing nonconforming use.
- The house was built in 1961 and included a detached shed. The shed was previously removed.
- The existing home is a lawfully existing nonconforming structure.
- The garage is proposed to follow the existing west building setback of 6’. The garage on the property to the west is 21’ from the proposed, and the house to the east has a garage attached by a breezeway that is along its east property line.
- The proposed garage is at least 10’ from all surrounding standing structures.
- The overhangs and gutters will be on the east and west sides.
- The area has seen several new homes and improvements to existing cottages over the past several years. Similar variances have been granted in this neighborhood, with 3’ being a consistent minimum yard setback.



**Recommendations:**

- The building official recommends approval with the condition that there are no openings on the north and east walls.
- The department of public works recommends approval with no comments or conditions.
- The fire chief recommends approval with no comments or conditions.
- The zoning administrator recommends approval with no conditions.

**Reasons for Decision:**

Request is consistent with the surrounding properties and there were no safety issues noted by the department heads.

**MOTION #2-1 VARIANCE, 3030 ELMWOOD DRIVE / 74-20-468-0013-000:**

Motion by Reynolds, supported by Buechler, to grant the request from Gary Beem, for a 7’ north rear yard setback variance for proposed detached accessory structure for 3030 Elmwood Drive / 74-20-468-0013-000. **Vote, 3/0. MOTION CARRIED. 3’ NORTH REAR YARD SETBACK APPROVED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #2-2 VARIANCE, 3030 ELMWOOD DRIVE / 74-20-468-0013-000:**

Motion by Eisenhauer, supported by Reynolds, to grant the request from Gary Beem, for a 7’ east side yard setback variance for proposed detached accessory structure for 3030 Elmwood Drive / 74-20-468-0013-000. **Vote, 3/0. MOTION CARRIED. 3’ EAST SIDE YARD SETBACK APPROVED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #2-3 VARIANCE, 3030 ELMWOOD DRIVE / 74-20-468-0013-000:**

Motion by Reynolds, supported by Buechler, to grant the request from Gary Beem, for a 4' west side yard setback variance for proposed detached accessory structure for 3030 Elmwood Drive / 74-20-468-0013-000. **Vote, 3/0. MOTION CARRIED. 6' WEST SIDE YARD SETBACK APPROVED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #2-4 VARIANCE, 3030 ELMWOOD DRIVE / 74-20-468-0013-000:**

Motion by Reynolds, supported by Eisenhauer, to grant the request from Gary Beem, for a 261 sq. ft. lot coverage variance for proposed detached accessory structure for 3030 Elmwood Drive / 74-20-468-0013-000. **Vote, 3/0. MOTION CARRIED. 261 SQUARE FOOT LOT COVERAGE VARIANCE APPROVED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.**

**MOTION #2-5 CLASS A DESIGNATION, 3030 ELMWOOD DRIVE / 74-20-468-0013-000:**

Motion by Eisenhauer, supported by Buechler, to grant the request from Gary Beem, for a Class A Designation on the lot, existing dwelling and proposed detached accessory structure for 3030 Elmwood Drive / 74-20-468-0013-000.

**Vote, 3/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED ON LOT, EXISTING DWELLING AND PROPOSED DETACHED ACCESSORY STRUCTURE.**

**BOARD DISCUSSION:**

The board discussed the upcoming move into our new township hall.

Motion by Reynolds, supported by Buechler, to adjourn. Time, 7:35 o'clock p.m. Vote, 3/0. MEETING ADJOURNED.