

7:00 o'clock p.m. Vice-Chairperson Sparling called the meeting of the Zoning Board of Appeals to order.

MEMBERS PRESENT: Eisenhauer, Reynolds, Buechler, Sparling

MEMBERS ABSENT: Arquette

ALSO PRESENT: None.

VISITORS: Scott Caughel, 3868 Krafft Road, Fort Gratiot, MI 48059

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

Vote, 4/0. MOTION CARRIED. AGENDA APPROVED AS POSTED.

Motion by Eisenhauer, supported by Buechler, to approve the minutes of the regular meeting of March 17, 2015.

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 – 3868 KRAFFT ROAD / 74-20-020-4007-000:

APPLICANT: Scott Caughel, 3868 Krafft Road, Fort Gratiot, MI 48059

OWNER: Scott & Carla Caughel, 3868 Krafft Road, Fort Gratiot, MI 48059

REQUEST: 5' east side yard setback variance for proposed detached garage; Class A Designation.

LOCATION: 3868 Krafft Road

PARCEL ID #: 74-20-020-4007-000

LEGAL: E 80 FT OF W 180 FT OF S 250 FT OF E 1/2 OF SW 1/4 SECTION 20 T7N R17E 0.46 A

APPLICANTS PRESENTATION:

Mr. Caughel would like to build a 2 car detached garage. His house is built off-center and the utilities are all on the larger setback side of the house. In order to have access to the 2nd bay of the proposed garage, he is unable to comply with the required 10' side yard setback. 3' setback would be best but a 5' setback would work. An attached garage is not an option with the layout. If they ever wanted to add on to the existing deck, you wouldn't be able to get into the garage.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Member Reynolds mentioned that access to the garage could be easier if it were laid out differently. You could turn into the garage if it were placed directly behind the house. Mr. Caughel stated that the garage would then be in the middle of the back yard. Member Reynolds indicated that the purpose of the board is to weigh other options and not decide based on esthetics. Mr. Caughel indicated that his request is in line with his surrounding neighbors garages who were granted variances in the past. His neighbor said they had a 3' setback granted in 1986. Mr. Caughel also stated that if he were to move the proposed location and turn the garage to face the other direction to where you can turn left from the driveway into the garage, he'd have to move the garage so far away from the property line to allow a 19' vehicle to make the turn. It would lower his property value because you'd have a large unusable yard.

Member Reynolds asked if he has asking for the footprint to be the 5' away from the property line or the overhang because the Zoning Administrator recommended that the setback be measured from the overhang. Mr. Caughel didn't see why that 1' would have any impact on serving the purpose of the township. Every foot he has to move the garage over makes it less and less accessible.

Member Sparling stated that his problem with the scenario is if they held him to the overhang being 5' from the property line, Mr. Caughel can then build an unpleasant looking building with no overhang on the east side so he can have the footprint sit 5' off the line.

Mr. Caughel said that when he purchased the home, it was condemned. He has significantly improved the condition of the home. He has invested many hours and much money in the perennials and bushes in the backyard. Moving the proposed location of the garage would cost too much.

Member Sparling said that the board cannot take cost into consideration, they can only go by our ordinances. He asked Mr. Caughel if he was only going to have a 1' overhang and Mr. Caughel confirmed.

Mr. Caughel stated that the location of the proposed garage used to be collapsed buildings and weeds. He has improved the property and by adding a concrete driveway through all of the improvements wouldn't seem fair.

The members noted that they do recognize most of the surrounding accessory structures are, in fact, closer than the 10' minimum setback. Most appear to be 3'. Mr. Sparling mentioned that the board would normally grant 5' setbacks for narrow lots but indicates this is not considered a narrow lot, it is a pretty standard 75' lot.

Mr. Caughel said that there is a septic field still on the west side of the rear yard. They have sewer now but the field was never abandoned.

Member Reynolds indicated that the mortgage survey provided shows that his property is 75' wide but the county records and the legal description say the lot is 80' wide. Mr. Caughel believes that the lot is 80' wide. The mortgage survey was something they received when they bought the house and never questioned it.

The board asked which of the setbacks is correct and which are incorrect on the drawing because if there is an extra 5' on the east side, the variance request would change.

Mr. Caughel stated that he did measure the house to the east property line and also the neighbors shed from the same property line. The neighbors shed is 3' from the property line. He said that the distances on the east side of the survey are correct, the west side are approximate (and weren't done by him).

Member Eisenhauer questioned the pine tree on the west side of the lot if he were to build the garage more behind the house. Mr. Caughel stated that the trunk is massive and the branches extend out probably 25'. The base of the tree actually sits on the property line.

The board questioned why it couldn't be moved back further and Mr. Caughel said he would have to remove a bush, a tree and a blueberry bush. Going too much further back would be directly under the power lines. The lines are completely covering the rear of his property.

Member Reynolds asked if this house was up for sale. Mr. Caughel indicated that it was but not at this time. Health issues within the family caused a difficulty living in the home due to the bedrooms being on the second floor.

Member Reynolds said that of the variances granted in the past, none were granted because the property owner didn't want buildings in the middle of the yard.

Mr. Sparling mentioned a property on the lake where they required the garage to be repositioned for that same reason.

Member Reynolds agreed that if he'd push back the location 10', the need for the variance would not exist. Mr. Caughel stated 10' back would interfere with the power lines. Member Reynolds stated that according to the drawing, the power lines were much further back. Mr. Caughel said that he drew on the location of the power lines and they go beyond his drawn-on lines.

Member Sparling stated that according to the Zoning Administrators recommendation, the surrounding properties are conforming. Mr. Caughel said they were not as they all have variances for structures on their properties. Member Reynolds stated that because they had variances, they are legally nonconforming.

Member Reynolds said that the purposes of the neighbor's variances in the past could have been for many different reasons than this particular request. Mr. Caughel stated that all the yards and layouts are the same.

The board reviews the aerial views on the county site.

Member Reynolds reiterates that the county site also states that the property is 80' wide. There is an additional 5' somewhere.

Member Sparling stated that they need to base their decision on what they have in front of them.

Member Reynolds mentioned that the only hardship she sees is not wanting to lose yard.

Mr. Caughel questioned the definition of “hardship” because he’s trying to sell his house at value and not give up the yard. This investment would be money down the well for him.

Member Reynolds said that the board cannot consider money a hardship.

Mr. Caughel questioned whether or not value is considered a hardship because that’s not financial. He could easily build something ugly that meets code but will have an effect on the value of the property.

Member Sparling said they’d have to have a reason to grant this, other than a self-created hardship.

There was discussion about the disagreement in opinion of the definition of a hardship.

Member Reynolds asked if there was already something in the proposed location and Mr. Caughel stated that there is an asphalt square. He is unsure if it was ever anything other than that.

Member Sparling said that if this were his yard, he’d have a hard time building the garage behind the house and cutting off all vision of the rear yard. If he had kids playing in the backyard, he would not be able to see them.

Mr. Caughel stated that the location of the addition they did in 2007 was based strictly on leaving the large windows in place by the deck to continue the view of the backyard.

Member Sparling stated that he sees this as a safety issue.

Member Reynolds questioned whether or not the yellow bush is considered a natural feature of the land because it can’t be relocated, the bush would have to be removed.

Member Eisenhower mentioned that this variance request is conforming to the neighboring properties.

Member Sparling agreed.

Member Reynolds stated that without knowing the reasons for granting the variances for the surrounding legally nonconforming structures, they can’t really use that as the reason for granting this variance.

Member Sparling sees the hardship in moving the proposed garage to the other side of the yard. It would wipe out the backyard.

Member Buechler said that the west location would also have issues due to the pine tree.

Mr. Caughel indicated there is also a power line behind the house (not shown on any drawings) that would also prevent him from moving the garage more to the west.

Member Eisenhower mentioned that her yard is the same way.

Member Reynolds stated that she wished the power line was referenced on the drawing.

Due to the location of the power line coming from the house to the pole, an alternate location for the garage is very limited.

Findings of Facts:

- The area is unplatted.
- The house was built in 1925.
- The house has water and sewer service.
- The utilities run between the road and the front of the house on the south side of the property. The proposed new garage is on the north side and there are no conflicts shown.
- The lot size exceeds the minimum for the zoning district.
- The existing structures all meet the minimum setback requirements.

-5' setbacks are only permitted for structures under 200 square feet, per the revised ordinance for accessory structures.

Reasons for Decision:

Practical difficulty due to power line locations.

MOTION #1-1 VARIANCE, 3868 KRAFFT ROAD / 74-20-020-4007-000:

Motion by Eisenhauer, supported by Buechler, to grant the request from Scott Caughel, for a 5' east side yard setback variance for a proposed detached garage for 3868 Krafft Road / 74-20-020-4007-000.

Vote, 4/0. MOTION CARRIED. 5' EAST SIDE YARD SETBACK VARIANCE GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.

MOTION #1-2 CLASS A DESIGNATION, 3868 KRAFFT ROAD/ 74-20-020-4007-000:

Motion by Reynolds, supported by Buechler, to grant the request from Scott Caughel, for a Class A Designation for 3868 Krafft Road / 74-20-020-4007-000.

Vote, 4/0. MOTION CARRIED. CLASS A DESIGNATION GRANTED FOR PROPOSED DETACHED ACCESSORY STRUCTURE.

BOARD DISCUSSION:

Discussion about progress of new Township Hall.

Motion by Reynolds, supported by Eisenhauer, to adjourn. Time 7:54 o'clock p.m.

Vote, 4/0. MEETING ADJOURNED.