

ISABELLA COUNTY
ZONING BOARD OF APPEALS
May 16, 2007

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held May 16, 2006 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Roy Ranck, Jim Wynes, Tom Courser, Craig Schripsema,
Gordon Gilchrist

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Mike Zalewski, Planner/Zoning Administrator
Brandy Freed, Recording Secretary

The meeting was called to order by the chair at 9:03 a.m.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

Mr. Ranck stated that Mr. Wynes was nominated Vice-Chairperson.

A motion was made by Mr. Ranck, supported by Mr. Gilchrist, to approve the minutes of the January 17, 2007 meeting as amended.

Yes: Roy Ranck, Tom Courser, Jim Wynes, Gordon Gilchrist, Craig Schripsema.
No: None.

Motion carried.

PUBLIC COMMENTS

None heard.

NEW BUSINESS

- A. Variance Request #07-01: Richard Hernandez is requesting a variance to construct a 32' x 48' accessory building 5' from the rear property line. The minimum rear setback in the General Agricultural (Ag-2) District is 35'. The property is located at 6600 S. Whiteville Road in Section 6 of Lincoln Township. Parcel # 10-006-40-001-04

Mr. Hernandez explained that the reason he is applying for this variance is because there is no other place on the property to construct the building. On the other side of the pool there is a drop off of about 3' and he does not want to move the pool. He also stated that his neighbor has no problem with him being 5' from the property line.

Mr. Gilchrist asked how wide the gravel driveway was.

Mr. Hernandez stated that the driveway is 32' x 52'.

Mr. Gilchrist explained that 5' is not sufficient because there are subdivisions to the North, West, and East of the property. He suggested some alternatives which included moving one power line pole, turning the building 90 degrees, or other locations without the slope. He also asked if the property was 180'.

Mr. Zalewski stated the property was 180'.

Discussion was held on where the slope in the property starts.

Mr. Ranck stated that if the building were turned 90 degrees it would easily fit, meeting all the criteria.

Mr. Hernandez stated that trees would have to be taken out to turn the building 90 degrees.

Mr. Ranck responded by stating that yes he would have to remove trees, or make the building smaller.

Mr. Hernandez stated that he could make the building smaller.

Mr. Gilchrist stated that it is 38' from the power pole to the tree; this would involve removing one tree if the building were turned 90 degrees.

Mr. Courser asked how many feet were required between unattached buildings.

Mr. Zalewski stated that the zoning ordinance states they must be 6' apart.

Mr. Courser stated if the building was turned, there would be access from the South and it would also allow for the setback off the back property line. He also stated that there are other options that would make the building fit.

Mr. Hernandez stated that he realized that there are other options, but he would have to take out 3 trees.

Mr. Ranck stated that if the building was turned 90 degrees and put in the southeast corner he would only lose one tree.

Mr. Courser explained that shrubbery is not to be considered when hearing a variance.

Public comments were opened at 9:13 a.m.

None heard.

The public comments were closed at 9:13 a.m.

Discussion was held on postponing the variance.

Mr. Wynes stated that there is no proof that conditions exist in order to grant this variance.

A motion was made by Mr. Wynes, supported by Mr. Ranck, to deny variance request #07-01 as submitted based on the following justifications:

- The applicant has not met the conditions of Section 22.04 3 (a) (b) (c).

Yes: Roy Ranck, Tom Courser, Jim Wynes, Gordon Gilchrist, Craig Schripsema.

No: None.

Denied.

Discussion was held on reapplying for a variance.

- B. Variance Request #07-02: Kurt Willoughby is requesting a variance to allow for two buildings that are 52' and 81' from the front property line to be used for a Rural Production and Processing Facility. The minimum setback for this particular use is 100' from all property lines. The property is located at 2305 E. Coe Road in Section 28 of Lincoln Township and zoned Restrictive Agriculture (Ag-1). Parcel # 10-028-30-004-00.

Mr. Zalewski explained that it was a condition of his special use permit, which was received from the Planning Commission, to obtain a variance. If the variance is denied he would have to go before the Planning Commission again with an updated site plan.

Public comments were opened at 9:23 a.m.

Mr. Vance Johnson of 7777 S. Whiteville Rd. stated that he encouraged that this variance be approved, because the existing buildings have been utilized to maintain the existing architecture. He also stated that you would not know that anything but farming was going on at the site.

Mr. Gale Willoughby of 1746 E. Jerseyville Rd. stated that granting this variance would preserve the agricultural heritage and maintain the rural character. He also stated that he urged the board to grant this variance.

The public comments were closed at 9:26 a.m.

Ms. Willoughby distributed letters that were written by neighbors (See Attached).

Ms. Willoughby explained that the buildings are part of a centennial farm and the community that they are in is a farm community. Many of the other buildings in the area are also close to the road. She also stated that this is a unique situation. There are other

small businesses in their area. Also others have the right to come before the board to ask for a variance of this nature. She also explained that the business was started about 12 years ago, if they would have had to build a new building, they probably would not be in business today. She also stated that they have the option of moving their business to St. Louis, but would like to stay in this community.

Mr. Gilchrist inquired as to what product was produced.

Mr. Kurt Willoughby stated that they manufacture products for the automotive industry.

Discussion was held on the Planning Commission's decision of their special use permit.

Mr. Courser stated that if the 52' for the office is approved everything else will be approved along with that.

Mr. Wynes asked that because this is a centennial farm does that make it a special condition.

Mr. Zalewski stated that the 82' x 32' barn has been on the property since the 1880's and is now being utilized, that is unique.

Mr. Courser asked if it would be practical to move the operation to the shed in back.

Mr. Willoughby explained that the sheds are currently being utilized.

Mr. Wynes stated that the special condition would be to preserve the centennial heritage.

Mr. Courser stated that others could apply for similar uses.

Mr. Wynes stated that section 22.04 (b) and (c) would be the same.

Mr. Courser explained that sections 22.04 3 (b) and (c) are some what the same but come from different angles.

Mr. Zalewski explained that this request is different from those cases that normally come before the board. In this situation you have an existing farm building which has a 100' setback.

Mr. Wynes stated that the fact that others can apply for a variance is true.

Mr. Zalewski asked, if future applicants were to apply in a similar situation, would a variance be granted to them.

Mr. Schripsema stated that if it were a new building they would have to be 100' away, but because this is an existing structure the 100' setback needs to be looked at.

Discussion was held on meeting the requirements of the zoning ordinance.

Mr. Gilchrist stated that the Planning Commission needs to address the fact that they are requiring anyone who wants to start a business in a rural area to give up 100' of their land to beauty and that seems unreasonable. He also stated that by denying the variance they would be putting a young couple out of business

Mr. Courser stated that the problem is a variance goes with the property, not with the people.

Discussion was held on the uniqueness of the request.

A motion was made by Mr. Gilchrist, supported by Mr. Schripsema, to accept variance request #07-01 as submitted based on the following justifications:

- The property is a centennial farm in continuous use.

Discussion was held on concrete evidence for granting the variance.

Yes: Tom Courser, Jim Wynes, Gordon Gilchrist, Craig Schripsema.

No: Roy Ranck.

Approved.

STAFF COMMENTS

None heard.

BOARD COMMENTS

Discussion was held on what stage the new Zoning Ordinance is currently at and what the language states in the ordinance.

Mr. Ranck stated that he had attended a Planning Commission meeting and they held the public comment, then their meeting and there was no other opportunity for public comments.

Discussion was held on concerns that there was a lack of reporting to the Planning Commission.

ADJOURNMENT

The meeting was adjourned by call of the Chair at 10:14 a.m.

Roy Ranck, Secretary

Brandy Freed, Recording Secretary