ISABELLA COUNTY
ZONING BOARD OF APPEALS
August 15, 2007

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held August 15, 2007 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT:	Jim Wynes, Tom Courser, Gordon Gilchrist
MEMBERS ABSENT:	Roy Ranck, Craig Schripsema
SUPPORT STAFF PRESENT:	Timothy Nieporte, Community Development Director 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. Wynes stated that the date needed changed to 2007 and that Marilyn Fosburg is no longer a member of the board and needs changed to Craig Schripsema.

The minutes of the May 16, 2007 meeting were approved with corrections.

PUBLIC COMMENTS

Mr. Greg Weaver of 26276 Fieldstone Dr. asked for clarification on the definition of structure in accordance with a variance. In the ordinance it states that stairs and steps are not included as part of the structure, but anything that is permanently attached is normally considered part of the structure. The roof over hang is permanently attached, but was told that it is not considered part of the structure.

Mr. Courser stated that the footprint of the building, where the building meets the ground is how they define a structure.

Mr. Zalewski stated that historically the setback has been measured from the footprint of the building. There has not been a formal interpretation of this nature. This should be brought back in front of the board to be made clearer and determine where the setback is measured from.

Mr. Greg Weaver stated that this would be sufficient as long as it is clearly defined whether the roof overhang is part of the structure.

Mr. Nieporte explained that it is not really a question of whether the overhang is a part of the structure. The question is where the setback is measured from. He further questioned if the setback is measured from the closest point of the structure or the foundation/footprint.

Mr. Courser stated that 2 of the 5 members that sit on the board are absent so the applicants could postpone their public hearings until next month. He also explained that the board would have to have a unanimous vote in each case for the variance to be approved.

Mr. Warren Weaver of 4907 Penny Ln. stated that he would like to postpone his case.

Mr. Nieporte explained that there were concerns with Mr. Warren Weaver's site plan. The site plan that was submitted was incorrect; therefore they improperly notified property owners.

Mr. Courser stated the applicant should be denied this variance and reapply.

Mr. Nieporte explained that because all money that was submitted has been used on notifications the applicant should reapply because it was not the fault of staff. The applicant should resubmit with a corrected site plan.

Mr. Greg Weaver asked how many postponements could be granted

Mr. Nieporte stated that there is no set limit.

Mr. Warren Weaver stated that he would like to withdraw his application and reapply next month with a proper site plan.

Mr. Nieporte reiterated that this is a 5 member board and because there are only 3 members present there would have to be 3 affirmative votes to approve a variance.

NEW BUSINESS

A. Variance Request #07-04: Corey Wernette is requesting three variances to construct a 12' x 40' and 8'3" x 14' (595.5 square foot L-shaped) residential addition. The proposed addition will be 28' from the front property line along Second Street, 26'3" from the front property line along Nottawa Street and 5' from the side (south) property line. The minimum front setback in the Medium Density Residential (R-2) District is 35' and the minimum side setback in the R-2 District is 15'. The property is located at 3152 Second Street in Section 18 of Nottawa Township.

Mr. Wernette explained that he is asking for 3 different variances. He also explained that extending his setbacks seems consistent with the rest of the community.

Mr. Gilchrist asked if Mr. Wernette would be doing the work himself.

Mr. Wernette stated that he would be having a contractor do some of the work and family members would also be helping.

Mr. Nieporte explained that because there are not two adjacent properties to the applicant that the exception in the ordinance to lessen the front setback would not apply. One adjacent property owner is currently at 28' from Second St.

Mr. Gilchrist asked if the South setback of 5' was grandfathered in.

Mr. Zalewski stated that yes the existing structure is grandfathered. The ordinance allows for exceptions. The setbacks can be extended if the addition is not 25% of the structure and not closer than ½ of the district requirement. Mr. Wernette could add the addition, but this would encroach on the other front setback. On the South side, he would be able to build out 7 ½ feet, but his would encroach into the front setback.

Mr. Courser stated that the existing porch sets out 6'6" and encroaches on the 35' road setback and is actually 33' 6" from the road.

Mr. Wernette stated that the porch is currently 33' 6" from the road setback; he will be removing this and going over it with the new addition.

Mr. Courser stated that if the same building line could be maintained, only building out to where the porch is now, he would not have to obtain a variance.

Discussion was held on how a permit for this addition could be obtained without requiring a variance.

Mr. Courser asked why not demolish the entire house and start over.

Mr. Wernette stated that he did not have the funds available to complete such a project.

Mr. Zalewski explained that if the addition were built to come out 6' 6" and go the entire length, 40', including the covered porch it would be 350 sq ft. This is less than 25% of the existing structure. A variance would then be required for the south property line, otherwise the proposed structure could be brought back 2 ½ ft to meet the requirements.

Mr. Nieporte explained that if the applicant is alright with this the board can deny this request based on other options that are available.

A motion was made by Mr. Gilchrist, supported by Mr. Wynes, to deny variance request #07-04 as submitted based on the following justifications:

- The applicant has indicated he has other options in which a variance is not required and is willing to pursue them.

Yes: Tom Courser, Jim Wynes, Gordon Gilchrist.

No: None.

Variance request denied.

B. Variance Request #07-05: Michael McConnell is requesting a variance to construct a 40' x 64' accessory building 21' from the rear property line. The minimum rear setback in the General Agricultural (Ag-2) District is 35'. The property is located at 5635 N. Mission Road in Section 3 of Isabella Township. Parcel # 09-003-20-001-06.

Mr. McConnell explained that he used to get water in his basement, but has since fixed the tile to it. He does not want to put the new building to close to the tile or the water line in case he has to repair them again.

Mr. Courser stated that the only problem with this is that the building needs to be set another 14' ahead. There is 15' to the water line that goes into the house.

Mr. McConnell further explained that if the water line had to be dug up it would have to be dug up a little wider that is why he would like the larger variance. He also stated that he had talked to the land owner behind him and he had no problems with him being close.

Mr. Nieporte explained that there was one correspondence from Roy Ranck. It was pointed out that this area has a 100' right of way, but this does not affect the variance request in any way.

Mr. Courser stated that there is still plenty of room out back. The open area behind the applicant is not infringing on any neighbors. The building could be moved 14' ahead for a smaller variance and be 1'from the water line. A partially new water line could be put in at a different angle.

Mr. McConnell stated that if the water line was moved it would be move into the tile.

Mr. Courser stated that the tile and water line has been fixed and replaced once, therefore it could be done again.

Mr. Gilchrist stated that the water line could be rerouted, run at a diagonal from the well or sump pump. The proposed building could then be moved ahead to meet all requirements.

Mr. Courser asked if there was a tile drain running east and west between the house and proposed building.

Mr. McConnell stated that there is field tile running along there.

Mr. Courser stated that this is then part of a drain for the County Drain. He also asked if the applicant has the right to do the work himself or does the County have to do it.

Discussion was held about the tile being county owned.

Mr. Gilchrist stated that this would be just a field tile and not county owned.

Mr. Wynes asked where the well was located before it was moved.

Mr. McConnell stated that it was located in the basement of the house.

Discussion was held about what property was original and what was purchased.

Mr. Wynes stated that because of the original situation, water in the basement, the applicant purchased more land to alleviate the problem, and asked if that could be a special condition.

Mr. Courser stated that if there was no other place to go he would be able to see this as a special condition. The water line could be moved or the building could be moved without moving the water line so a special condition does not seem to exist.

Mr. Wynes stated that if a 5' variance was granted, then the water line would not have to be moved.

Mr. McConnell stated that if the water line breaks they may have a problem finding the leak.

Mr. Gilchrist asked if any other buildings in that area were close to the back property line.

Mr. McConnell stated that there are no other buildings that close to the property line.

Mr. Wynes questioned why the water line was not run into the corner of the house.

Mr. McConnell stated that Bob Gates had put it in so he would know where the water line was. It was run into the house to connect directly to the existing plumbing.

Discussion was held about the placement of the existing tile.

A motion was made by Mr. Wynes, supported by Mr. Gilchrist, to deny variance request #07-05 as submitted based on the following justifications:

- The applicant has not met the conditions for section 22.04 (a)(b)(c)

Yes: Tom Courser, Jim Wynes, Gordon Gilchrist.

No: None.

Variance request denied.

Mr. Gilchrist stated that when he visited the site for the Weaver variance he had to be lead in and had to ask where the electric line was running. He also stated that there is not much room there; the information given to the board was not very good.

Mr. Zalewski stated that the front setback is measured from easement for Penny Lane and that was the issue, it was not accurately shown on the site plan.

Mr. Gilchrist stated that it would be helpful to have a workshop on how to handle these types of unique situations.

Mr. Nieporte stated that he would be glad to sit down and go over this information and discuss it and further stated that the department in the past has held seminars for the Planning Commission and Zoning Board of Appeals.

Mr. Gilchrist stated that he is concerned with the 200 sq. ft. accessory buildings that do not need building and zoning permits, because they are putting them right at the edge of the water in the lake residential areas.

Mr. Nieporte suggested that Mr. Gilchrist sit down with the Planning Commission and discuss this problem because they are the body that needs this information.

STAFF COMMENTS

None Heard.

BOARD COMMENTS

None Heard.

ADJOURNMENT

The meeting was adjourned by call of the Chair at 9:54 a.m.

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Roy Ranck, Secretary

Brandy Freed, Recording Secretary