

ISABELLA COUNTY
ZONING BOARD OF APPEALS
January 16, 2008

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held January 16, 2008 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, 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 vice-chair at 9:00 a.m.

ELECTION OF OFFICERS/ORGANIZATIONAL MEETING

Mr. Wynes opened nominations for Chairperson.

Mr. Schripsema nominated Mr. Wynes for Chairperson.

Mr. Wynes called for any other nominations twice.

A motion was made by Mr. Schripsema, supported by Mr. Gilchrist, to close the nominations and for a unanimous vote to be cast for Mr. Wynes.

Yes: Gilchrist, Schripsema, Wynes.

No: None

By a unanimous vote, Mr. Wynes was declared Chairperson.

Mr. Wynes opened nominations for Vice-Chairperson.

Mr. Schripsema nominated Mr. Gilchrist for Vice-Chairperson.

Mr. Wynes called for any other nominations twice.

A motion was made by Mr. Schripsema, supported by Mr. Gilchrist, to close the nominations and for a unanimous vote to be cast for Mr. Gilchrist.

Yes: Gilchrist, Schripsema, Wynes.

No: None

By a unanimous vote, Mr. Gilchrist was declared Vice-Chairperson.

Mr. Wynes opened nominations for Secretary.

Mr. Gilchrist nominated Mr. Schripsema for Secretary.

Mr. Wynes called for any other nominations twice.

A motion was made by Mr. Gilchrist, supported by Mr. Schripsema, to close the nominations and for a unanimous vote to be cast for Mr. Gilchrist.

Yes: Gilchrist, Wynes, Schripsema

No: None

By a unanimous vote, Mr. Schripsema was declared Secretary.

Mr. Wynes stated that there was a note that they should discuss other times for their meetings.

A motion was made by Mr. Schripsema, supported by Mr. Gilchrist to maintain the time and date for the regular meetings as is, on the third Wednesday of the Month at 9:00 a.m. in room 225 of the Isabella County Building.

Mr. Wynes called for a vote on the motion.

Yes: Wynes, Gilchrist, Schripsema

No: None

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

The minutes of the December 19, 2007 meeting were approved as submitted.

PUBLIC COMMENTS

None heard.

INTERPRETATION #08-01

Mr. Zalewski stated that Weidman United Methodist Church is requesting an interpretation of Section 3.02 of the Isabella County Zoning Ordinance regarding the construction of an accessory building on vacant lots in the Medium Density Residential (R-2) District. The property is located at 3200 N. Woodruff in Section 18 of Nottawa Township, more specifically lots 7-12 Block 8 and lots 15-16 of Block 7 Village of Weidman.

Mr. Zalewski also explained that the building for the church and main parking lot are located on lots 8-12. The church also has additional parking on lots 15-16, which is across Nottawa Street from the church (see attached map). To complicate things, the west 60 feet of these lots are located in Sherman Township and the east 50 feet of these lots are located in Nottawa Township. Under County Zoning (Nottawa Township), the east 50 feet of the lots are zoned R-2 medium density residential.

Presently the church is a non conforming use due to the fact that churches are permitted with a special use permit in the R-2 district and the church has not, nor have they had a reason, to obtain the special use permit. The church would like to construct an accessory building on lots 15-16 for storage. However, lots 15-16 are vacant lots located across the street from the lots where the actual church building is located. Per Section 3.02 of the Zoning Ordinance, accessory buildings are not permitted on lots without a principal building. The Church would like to apply for a special use permit for the church. In the request, they would include Lots 15-16 as a parking lot for the Church. The Planning Commission if they chose to do so would approve the request for the property and ultimately the special use permit would be valid on all of the parcels. The PC would be approving the special use permit on the basis that the Church is providing parking on the lot across the street. Therefore, essentially lots 15-16 would always be tied to lots 8-12, even though they are separated by Nottawa Street. The question is could the Church construct an accessory building on the vacant lots, which upon special use permit approval will have a principal use as a parking lot for the church, given the fact that the principal building, being the Church, is across the street?

Mr. Zalewski also explained that he has talked to the applicant and that they had run through many different scenarios, but every scenario seemed to have problems.

Mr. Schripsema stated that because there are two zoning districts does the applicant have to go through the same process in Sherman Township.

Mr. Zalewski explained that depending on where the building is built. If the church decided to build a building that would cross the township line, they would have to get approval from both entities and meet both sets of requirements.

Mr. Wynes asked if the building was built in Sherman Township could they grant the interpretation without approval from the County.

Mr. Zalewski stated that they could because it would be completely within Sherman Township.

Mr. Tim Pung stated that they had looked into putting the building in Sherman Township, but they would ideally like to put it in the back corner which would be in Nottawa Township. If they were to put it in Sherman Township, the property is zoned commercial, with the setbacks the building would have to be in the center of the two lots.

Mr. Schripsema asked if the board should discuss the issue with Sherman Township before making a decision.

Mr. Zalewski stated that staff has talked with Sherman Township about different scenarios and after talking it was decided that the applicant would like to build on the Nottawa Township side.

Mr. Richard Schmidt, Chair of the Sherman Township Zoning Board, stated that he has discussed this issue at length with staff. He also explained that the problem is that the church would like to maintain the parking lot so the building would be solely in Nottawa Township. Sherman Township has no objections to this request. If the building was put in Sherman Township it would be in a commercially zoned district, which has larger setbacks than a residential district. If the building was being built in Sherman Township, they would have to grant a variance for the setbacks. He also stated that Sherman Township has no objections, where ever it is decided that the building will be built.

Mr. Zalewski stated that another option that was looked at was having this property rezoned to commercial, because they could construct an accessory building on a vacant lot in a commercial district. However, the applicant would then have to meet the 60' setback that is required in a commercial district. If they were to do this, the building would have to essentially be moved to the center of the lot and completely into Sherman Township.

Mr. Gilchrist asked how large the building would be.

Mr. Pung stated that the building would be 20' x 24' pole style building with one overhead door. The building would be used to store lawn mower, snow blower, tables and chairs, etc. It will look like a garage.

Mr. Gilchrist asked if there was another place that the building could be built on the property.

Mr. Pung stated that if they move the building they would be taking the area out of a paved parking lot rather than a gravel area. The church is applying to have the alley behind the lots abandoned to give them another 10' of land to use.

Mr. Schripsema stated that if the area as a whole is looked at and Nottawa Rd. as an alley for the parking lot the property could be tied together.

Mr. Gilchrist asked what the right of way on Nottawa Rd was.

Mr. Pung stated that Nottawa Rd. has a right of way of 66' on the original plat.

A motion was made by Mr. Schripsema, Supported by Mr. Gilchrist to allow the church to build an accessory building on lots 15 and 16 on the Nottawa Township side pending approval of the special use permit by the Planning Commission and in conjunction with tying the parking lot on lots 15 and 16 together as one unit with the church across the street.

Yes: Gilchrist, Schripsema, Wynes.

No: None.

Motion carried.

STAFF COMMENTS

None heard.

BOARD COMMENTS

Mr. Wynes asked if a second posting would be done.

Mr. Zalewski stated that one appointment was made at the January 15, 2008 Board of Commissioners meeting.

Mr. Nieporte stated that it has been posted on the website and in the newspaper

ADJOURNMENT

A motion was made by Mr. Schripsema, supported by Mr. Gilchrist, to adjourn at 9:24 a.m.

Yes: Schripsema, Gilchrist, Wynes.

No: None.

Motion carried.

Craig Schripsema, Secretary

Brandy Freed, Recording Secretary