

ISABELLA COUNTY  
ZONING BOARD OF APPEALS  
February 20, 2008

Room 225  
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held February 20, 2008 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Craig Schripsema, Gordon Gilchrist, Kelly Bean

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 9:00 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

The minutes of the January 16, 2007 meeting were approved as submitted.

PUBLIC COMMENTS

None heard.

VARIANCE REQUEST #08-01

Mr. Zalewski explained that Craig & Cindy Machuta are requesting a variance to construct a 32' x 56' accessory building 16' from the rear property line. The minimum rear setback in the Agricultural Buffer (Ag-3) District is 35'. The property is located at 7209 E. Baseline Road in Section 32 of Denver Township. As indicated, Craig and Cindy Machuta would like to construct a 32' x 56' addition to an existing accessory building. The addition would be 16' from the rear property line. The applicant has indicated with the location of the existing buildings and pool, and the low ground of the property, this would be the only location for the proposed building. Several pictures of the property have been submitted to show the low, swampy area of the property. Staff has visited the site and would encourage the board members to do so as well. The property owner submitted a brief history of the site as well for your reference. The owner received a side setback variance in 2002 to construct an addition to the house. The property

owner then obtained a home occupation permit to operate a nail salon at this location. This does not necessarily have any relevance to this request, but was just given as part of the application to clear up any questions that you may have regarding the location of the house to the side property line and the use of the property.

Mr. Michael Straus, of 1563 S. Gilmore Rd, stated that if the owner had to move the accessory structure he would have to cut down trees that were on the property. The trees are like a small orchard and they are the only trees on the property. If the accessory building was moved it would also cut the drive way off. This piece of property is swampy and water comes up to the handicap ramp that is located on the property when the water table is high. There would have to be a lot of excavating work to fill in an area to make it suitable to build on; other than where he is proposing to put the addition.

Mr. Gilchrist stated that it was hard to see because of the snow fall, but the swamp is over the property line. There is a 20 – 24” drop off before the property turns into water. The proposed garage is staked off and is 16’ from the property line.

Mr. Craig Machuta, 7209 E. Baseline Rd, stated that his property is a natural waterway for the field next door. The proposed addition is behind the existing building, keeping everything in order.

The meeting was opened for public comment at 9:09 a.m.

Ms. Jackie Curtiss, Denver Township Trustee, stated that she talked with the Denver Township Supervisor and they have no problems with this variance.

Public comments were closed at 9:10 a.m.

Mr. Gilchrist stated that it doesn't look like anyone would be able to build behind where the proposed building will be put if the variance is granted. He also stated that he did not see the distance between the existing garage and the building by the pool.

Mr. Machuta stated that the distance between building and the garage when it is complete will be about 30’.

Mr. Gilchrist asked what was requested in the previous variance that was granted.

Mr. Zalewski stated that they had to be 9’ from the side property line. The structure actually ended up being 15’ from the property line.

Mr. Machuta stated that Adverna Nolan owns the property directly behind his and his Mother and Father, Kenneth and Sharon Walker own the property to the west.

Mr. Schripsema asked the applicant to address the 3 question in section 14.04 C of the Isabella County Zoning Ordinance.

Mr. Machuta stated that the in front, the property is natural waterway that runs into the ditch.

Mr. Straus stated that there is very limited high ground on this property.

Mr. Machuta explained that before applying for this variance he contacted all his neighbors and they had no problems with this variance.

Mr. Schripsema asked if there would be an overhang on the back of the building.

Mr. Straus stated that the variance is for 16' and that should cover it.

Mr. Zalewski explained that no part of the building structure, including the overhang can be closer than 16' to the property line. If it is going to be closer than 16', the public hearing notice would need to be republished as the ZBA cannot grant a greater variance than what was stated in the public hearing notice.

A motion was made by Mr. Schripsema, supported by Mr. Gilchrist to approve the variance at 16' from the rear property line because there is a natural waterway in the front of the property and swamp in back. Other property owners with the same sized lot could build on their lots but because of the special circumstances the applicant can not. Further, the granting of this variance does not convey upon the applicant special privileges that are not enjoyed by others. This variance is in harmony with the general purpose of the area.

Yes: Gilchrist, Schripsema, Wynes, Bean.

No: None.

Motion carried.

#### STAFF COMMENTS

Mr. Zalewski stated that in the past there has been confusion with the variance section in the Isabella County Zoning Ordinance. Staff has looked at and has revised this section by inserting language that was in the proposed ordinance. The board can review this language and discuss at the next meeting. If they like the new language, they can forward it to the Planning Commission to take the appropriate action to amend the zoning ordinance.

#### BOARD COMMENTS

Discussion was held about having another Zoning Board of Appeals member.

#### ADJOURNMENT

A motion was made by Mr. Schripsema, supported by Mr. Bean, to adjourn at 9:43 a.m.

Yes: Schripsema, Gilchrist, Wynes, Bean.

No: None.

Motion carried.

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Craig Schripsema, Secretary

Brandy Freed, Recording Secretary