

ISABELLA COUNTY  
ZONING BOARD OF APPEALS  
August 20, 2008

Room 225  
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held August 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, Howard Shively.

MEMBERS ABSENT: Kelly Bean.

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

The meeting was called to order by the chair at 9:02 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as amended.

PREVIOUS MINUTES

The minutes of the July 16, 2008 meeting were approved as submitted.

PUBLIC COMMENTS

None heard.

VARIANCE REQUEST #08-09

Mr. Zalewski explained that James & Kathleen Haupt are requesting a variance to create a lot that is 67.2' wide and 9,452 sq. ft. in size. They are also requesting a variance to create a lot that is 94.07' wide and 10,184 sq. ft. in size. The minimum lot width in the Lakes Area Residential District is 100' and the minimum lot size is 20,000 sq. ft. They are also requesting a variance to construct a single family dwelling 2.3' from what would be the newly created side property line and 5.5' from the front lot line. The property is located at 952 Irwin Street in Section 19 of Vernon Township. James and Kathleen Haupt have two parcels on Stevenson Lake, known as parcel 5 and parcel 6. Parcel 6 presently has a house and garage on it. Parcel 5 is vacant. The applicants would like to adjust the property line between the two parcels to make parcel 5 larger and Parcel 6 smaller. Then construct a new home on Parcel 5. However, as it stands both

parcels do not meet the minimum area requirements and parcel 5 does not meet the minimum width requirement. It should be noted that where lot frontage is on the inside of a curve, a cul-de-sac, or similar condition lot width is determined as the average of the total of the front and rear lot lines. Adjusting the property line to the proposed location would also divide the existing garage. The applicant has stated that the garage would be removed if the variance is granted. If the board is to grant the variance request, it would be recommended that you require complete removal of the garage as a condition of that approval.

Mr. Schripsema stated that parcels 5 & 6 are related to parcels 1 & 2.

Mr. Haupt stated that the line that is thru the garage, on the plan, is current.

Mr. Schripsema asked if Mr. Haupt had answered the 5 questions that they have to look at when granting a variance.

Mr. Haupt stated that the property is unique because the road that it is on is a seasonal road, and it is more than just a cul-de-sac, there is not a turn around. The lot is a 100' by 100' lake lot that is oddly shaped. There are a number of other single family dwellings around the lake; this residence is made to be a cottage. The property lines need to be adjusted so it will be comparable to others in the area. As a single lot there would be 255' of Lake Frontage. This is considered to be excessive lake frontage which makes the property decline in value. By moving the property line it would maximize the value of both lots. This is also the only way that it would be possible to put a single family home on the property. The drain field of the neighbor to the east encroaches over the property line, but the new proposed drain field will also go next to it. Completing all this work will be pleasing to the eye and a benefit to the neighborhood. The size of home is comparable to others around the lake, but the lot is ½ the size of the 20,000 sq ft minimum. Overall moving the lot line will make 1 lot less conforming and the other more conforming to what the zoning ordinance requires.

The meeting was opened for public comment at 9:24 a.m.

None heard.

The public comment was closed at 9:24 a.m.

Mr. Zalewski stated that of the 2 parcels, one is 45' wide and the other is a pie shaped piece of property. Moving the property line over will make lot number 2 larger and lot number 1 smaller. This creates a need for 2 lot width variances and 2 lot area variances. One lot is 67.2' wide and the other is 94.07' wide, the minimum width requirement is 100'.

Mr. Wynes stated that the applicant is asking for a variance from the front setback of 5.5' where 35' is required and 2.3' from the side setback where the requirement is 8'.

Mr. Haupt stated that it would not be in his best interest to restrict access to the current residence

Mr. Schripsema stated that the 42'x33' square that is the top part of lot 4 will remain for ingress/egress. The house is going to set back from the road and any traffic that might come through there.

Mr. Gilchrist asked how far the new house will be from the current house.

Mr. Haupt stated that it would be 14'3" from the existing house. There is a potential that the well that is existing on the property will be abandon. The side setback could potentially be eliminated if that is what the board is hung up on.

Mr. Shively stated that the well in front of the proposed home, given the proposed drain field and patio, how would a rig get in to service the well?

Mr. Haupt stated that coming around from the north side on the existing piece of property. As it is drawn up it could be an issue.

Mr. Shively stated that it is required to have 2 parking spaces per single family dwelling in this district. Where the existing house is, would they be parking on top of the well?

Mr. Haupt stated that they currently park in the 33' right of way access.

Mr. Wynes stated that the new house will be 14' from the existing house, but the line that will be established it is 2.3'.

Mr. Schripsema stated that it is more like 16' total.

Discussion was held on the septic and drain field.

Mr. Haupt stated that he would ask, that if the side setback was a hang up for the board, they could deny that setback.

Mr. Zalewski explained that the board could deny the side setback and grant the other variances. These variances are all separate.

A motion was made by Mr. Gilchrist to deny the side setback of 2.3' of variance request #08-09.

The motion dies for lack of support.

Mr. Shively stated that all variances should be denied. One lot is only over half the size of the minimum ordinance requirements; the other is under ½ the size. The front and side setbacks would also have to be modified. The only exceptional circumstance that exists is that the parcel is oddly shaped. All other properties in the area are within the 5', 8', and 35' rule. This will be detrimental to other properties because there will be too much on the lot and this will cause a well access issue.

A motion was made by Mr. Schripsema, supported by Mr. Gilchrist to approve the 2 lot width, 2 lot size, and front yard setback variance as submitted in request #08-09 and deny the side yard setback with the following conditions:

- Property owner must submit copy of health department approval
- Property owner must submit updated site plan of property with final location of house

- Existing garage must be completely removed from property

Mr. Schripsema explained that the size and shape of the property create a unique situation. There is one lot that is too narrow to do anything with. The lots are not changing; both lots are becoming usable lots. The road is a private road that only serves the three parcels. There are parcels of this size around the lakes; this is not an uncommon situation. The pie shape of the property makes it odd shaped. There have been no issues from the neighbors in the area. Do to the shape of the lot the front setback will never be able to conform to the zoning ordinance requirements.

Mr. Wynes stated that all the lots around there can't meet the 20,000 sq. ft. minimum. Around lakes, it seems that this requirement would be difficult to meet.

Mr. Zalewski stated that 20,000 sq ft in the L-R district is hard for some lots to meet, but for others it's not difficult.

Mr. Schripsema stated that because the applicant is at the end of a cul-de-sac, the end of the road, 33'x42', can not be used for anything else; it needs to remain and be maintained for ingress and egress. He also stated that the two parcels don't meet minimum lot size now, nor will they if they are combine.

Yes: Gilchrist, Schripsema, Wynes.

No: Shively.

Variance approved.

#### VARIANCE REQUEST #08-10

Mr. Zalewski explained that Stephen McGiveron is requesting a variance to construct an 18' x 24' accessory building 9'3" from the front lot line. The minimum front setback in the Lakes Area Residential (L-R) District is 35'. The property is located at 8897 Westview Drive in Section 20 of Gilmore Township. As the board may recall, Mr. McGiveron has constructed a building on his property without permits. At the December meeting he requested to allow the structure to remain at 7'1" from the front property line and 4' from the side property line. That request was denied. The owner is now requesting to have the structure 9'3" from the front lot line and 8' from the side lot line. The new location would meet the side setback so therefore he is only applying for the front setback variance. If the request is approved, the owner would obviously have to move the building to the new location on the property.

Mr. McGiveron stated that the lot is 40' x 100', so it is not possible to meet the 35' setback because of the existing structure and the septic system. The new garage replaced a garage that had been there since 1952. Many people in the area have garages that do not meet current setbacks. Building the new garage was not detrimental to the area; this new garage was an improvement to the neighborhood. By moving the garage, it eliminates the need for the side setback variance, therefore minimizing the variance.

The meeting was opened for public comment at 10:18 a.m.

Mr. Vic Lootins, President of Westview Shores Association, stated that the garage was falling down. As a member of the association, we like to see improvements on properties. The association has no objections to granting this variance. The current building is farther from the property line than the original building sat.

The public comment was closed at 10:23 a.m.

Mr. Schripsema stated that the property on the left is owned by Mr. McGiveron

Mr. Zalewski read all letters received into the record (See Attached).

Mr. Gilchrist stated that the propane tank could be moved

Mr. McGiveron stated that the tank has been moved since the application was submitted; it is now further from the road.

Mr. Shively stated that the building is 7.1' from the front property line. The applicant would be moving the building 2' back and 4' over to comply with the variance request.

Mr. McGiveron stated that the building would be moved 2 ft further back and 4' further from the property line.

Discussion was held about a possible problem with overhead wires.

A motion was made by Mr. Gilchrist, to approve variance request #08-10 as submitted.

Motion died for lack of support.

Mr. Shively asked if the variance is denied this month would Mr. McGiveron be able to come back to the board next month and ask for a variance that allows him to keep the building where it currently is.

Mr. Zalewski stated that Mr. McGiveron was already denied that variance and he can not reapply for the same variance.

A motion was made by Mr. Gilchrist, supported by Mr. Shively to approve variance request #08-10 as submitted.

Yes: Gilchrist, Schripsema, Wynes, Shively

No: None

Variance approved.

A recess was taken at 10:45 a.m.

The meeting reconvened at 10:50 a.m.

VARIANCE REQUEST #08-11

Mr. Zalewski explained that Joan Preece is requesting multiple front setback variances to construct two separate 10' x 24' residential additions and a 6' x 8' covered porch. The property is located at 5048 W. Lake Drive in Section 30 of Nottawa Township. The parcel is a corner lot which fronts on W. Lake Drive, Ford Street and an undeveloped platted street. The 10' x 24' proposed addition on the front of the house will be 14'4" from the front lot line along W. Lake Drive, 18' from the front lot line along Ford Street and 3'8" from the front lot line along the undeveloped platted street. The 6' x 8' covered porch will be 11' from the front lot line along Ford Street. The 10' x 24' proposed addition on the back of the house will be 20' from the front lot line along Ford Street and 4' 5" from the front lot line along the undeveloped platted street. The minimum front setback in the Lakes Area Residential (L-R) District is 35'. Joan Preece is requesting multiple variances to allow the additions to the existing 24' x 24' cabin. The two 10' x 24' additions will allow for a new roof over the entire structure. As well with the one addition being living space, it would increase the square footage of the home to 816 square feet. The addition off the front of the house will be living space and the addition on the back will be a screened porch. The 6' x 8' porch on the side will allow for covered entry into the house. The property is a small lot that is only 40' wide and is unique in the fact that it has three front setbacks. Even though the one road is undeveloped, it is part of the recorded plat and has to be treated as a front setback. The applicant has submitted photos of the site for your review.

Mr. Kevin Matthews, builder for Ms. Preece, stated that increasing the square footage will make the house barely livable because it will put the house just over the minimum dwelling size. The porch roof has a 1/12 pitch and to add on to that, the structure would not be strong enough to hold it.

Mr. Zalewski stated that the existing house is 24' x 24' and is nonconforming because it is too close to the property lines. The house is only 576 sq. ft. which makes it less than the minimum required size. Granting a variance of the addition would make the dwelling meet the minimum size requirement. He also explained that the lot is much narrower in the back than in the front.

Mr. Wynes state that 35' is the required setback.

Mr. Matthews stated that on the side that the variance is being requested for, there is a tree line, so nobody would know that the building was too close anyway.

Mr. Gilchrist asked if the right of way was a 66' easement.

Mr. Matthews stated that he believes it to be only 20'

The meeting was opened for public comment at 10:59 a.m.

None heard.

The public comment was closed at 10:59 a.m.

Mr. Gilchrist stated that 35' is the setback, but there is not enough room. Denying the variance serves no purpose. Nobody could ever build on it without getting a variance.

A motion was made by Mr. Shively, supported by Mr. Gilchrist to approve variance request #08-11 based on the following:

- The lot is too narrow and shallow
- It makes the dwelling conform with the minimum square footage requirement
- Improves the property, does not impair it

Yes: Gilchrist, Schripsema, Wynes, Shively, ~~Bean~~.

No: None.

Variance approved.

Mr. Schripsema stated that it is confusing when you have 2 front setbacks on your lot. In other ordinances one front setback is chosen, usually the one in which the property is address from, and the others become side setbacks. This is something that the Planning Commission needs to look at when reviewing the ordinance.

#### VARIANCE REQUEST #08-12

Mr. Zalewski explained that Thomas Peters is requesting a variance to construct a 28' x 64' accessory building 21' from the front lot line. The minimum front setback in the Agricultural Buffer District (AG-3) is 50'. The property is located at 5021 W. Stevenson Lake Road in Section 19 of Gilmore Township. The applicant would like to remove an existing 24' x 24' garage and replace it with a 28' x 64' garage. The proposed building would be no closer to the front lot line than the existing structure. The property is 40 acres in size however the majority of it is swamp. The applicant has submitted a detailed narrative explaining his request and has submitted photos of the site for your review.

Mr. Peters stated that building this in the proposed spot would be an improvement to the corner.

Mr. Gilchrist asked how tall the building would be.

Mr. Peters stated that the side walls would be 10' high.

Mr. Wynes stated that the new building would be 21' from the property line when the setback is required to be 50'.

Ms. Peters stated that the property is on a corner lot.

The meeting was opened for public comment at 11:12 a.m.  
None heard.

The public comment was closed at 11:12 a.m.

Mr. Shively stated that the building would not be encroaching on the roads. The NE corner would be just like it is. The building would be built going away from the road.

A motion was made by Mr. Shively, supported by Mr. Schripsema to approve variance request #08-12 based on the following:

- The usable area of the property dictates the building site
- The variance is necessary for the preservation and enjoyment of the property
- Will be an improvement to the neighborhood

Yes: Gilchrist, Schripsema, Wynes, Shively

No: None

Variance approved.

#### STAFF COMMENTS

None Heard.

#### BOARD COMMENTS

Mr. Gilchrist stated that there needs to be a list of exceptions when dealing with properties in the L-R district.

Discussion was held on drain fields.

#### ADJOURNMENT

A motion was made by Mr. Schripsema, supported by Mr. Wynes to adjourn at 11:23 a.m.

Yes: Schripsema, Gilchrist, Wynes, Shively.

No: None.

Motion carried.

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Craig Schripsema, Secretary

Brandy Freed, Recording Secretary

**Mike Zalewski**

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**From:** <Jeffrey.G.Grinn@jci.com>  
**To:** <mzalewski@isabellacounty.org>  
**Sent:** Monday, August 18, 2008 11:25 AM  
**Subject:** McGiveron Variance Hearing Aug 20, 2008

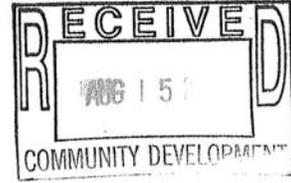
Mr. Zalewski,

Per the variance hearing for McGiveron's on Aug 20, 2008, we will not be able to attend the meeting but would like to comment on the proposed variance. We do not have any concerns regarding the proposed variance and feel that the proposed location for the structure is in a position that comes closer to meeting the zoning requirements as it is farther from the road than the old structure and does not interfere with road traffic making it safer. Also, the proposed position for the structure meets the side offsets which will give the land a more appealing look. As homeowners, we are concerned about values of the homes in the area and feel that the proposed structure will enhance the value of the property and neighboring properties as it would be much more aesthetically pleasing than the old structure.

Sincerely,  
Jeff and Kris Grinn  
8889 Westview Drive  
Lake, Michigan  
(517) 333-5916



8/18/2008



8840 Westview Dr.  
Lake, Mi 48632

Aug. 10<sup>th</sup>, 2008

Isabella County  
Zoning Board of Appeals

REGARDING: Hearing on parcel # 08-090-00-029-00 variance request  
#08-10 by Mr. Steven McGiveron.

We are in favor of granting Mr. McGiveron a variance for the garage on his property.

We look upon this building from our front windows and find it to be an asset to our community.

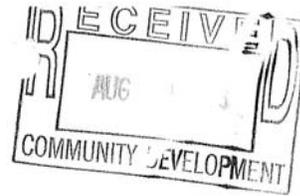
Sincerely,

*James T. Welton*

James T. Welton

*Eleanor Welton*  
Eleanor Welton

c.c. Mr. Steven McGiveron



**Date:** August 8, 2008

**To:** Isabella County  
Zoning Board of Appeals

**From:** Douglas and Sandra Welton  
8785 Westview Drive  
Lake, Mi. 48632

**Subject:** Hearing on parcel #80-090-00-029-00 Variance request #08-10 for  
Mr. Steve McGrivern

The McGovern's have resonantly tore down an old garage and replaced it with a new one. The new garage is an improvement on the old one and it has improved the looks of the area. Westview Shores is the oldest subdivision on Littlefield Lake and as such there are many of the older buildings that have fallen into disrepair due to their age. The McGovern's old garage was one of these old buildings and it needed to be updated / replaced. I understand there may have been a problem with them not getting the required permits; however, it seems to us that there should be a way to resolve this without the destruction of a perfectly good building which is an asset/ improvement to the community.

We would have appeared at the hearing and spoke in person however, we are going to be out of state during the scheduled hearing. Please feel free to contact us if there is anything we can do that would assist in resolving this unfortunate situation. Our home phone number is 989-855-2340.

Sincerely,

Douglas L. Welton

Handwritten signature of Douglas L. Welton in cursive.

Sandra S. Welton

Handwritten signature of Sandra S. Welton in cursive.

Mr. Stephen M. McGiveron  
13101 Willow Grove Drive  
Dewitt, MI 48820

January 21, 2008

Dear Steve,

Joan and I own the property located at 8901 Westview Shores and have now for a number of years. Your new garage is located on or very near to the same location as our property line, however sets back from the road 5 feet or more than the old garage did. It sets back further than our storage building and further back than most buildings on the street.

Be advised that Joan and I are pleased to have the old garage replaced and have no problem whatsoever with the new location.

Please let us know if there is anything else you need regarding this issue.

Sincerely,



Victor Lootens  
Joan Lootens

Westview Shores Assoc., Inc.  
A Michigan Corporation  
3476 E. French Rd.  
St. Johns, MI 48879  
Victor Lootens, President

January 21, 2008

Mr. Stephen M. McGiveron  
13101 Willow Grove Drive  
Dewitt, MI 48820

Dear Steve,

The Westview Shore Board controls all of the roads, parks and other owned land. All expenses are paid through an annual maintenance fee assessed to each property owner.

There is no intent now or planned in the future to turn over control of the road to the county. Such a turn over would not be allowed as the Association could never meet the requirements of the County Road Commission.

Should you have any further concerns or questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Lootens", written over a horizontal line.

Victor Lootens  
President, Westview Shores Association