

ISABELLA COUNTY  
ZONING BOARD OF APPEALS  
June 17, 2009

Room 225  
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held June 17, 2009 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Gordon Gilchrist, Kelly Bean, Bob Thompson, Marilyn Fosburg.

MEMBERS ABSENT: Jim Wynes.

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

The meeting was called to order by the vice-chair at 9:00 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as submitted.

Mr. Gilchrist opened nominations for Secretary.

Mr. Thompson nominated Ms. Fosburg for Secretary.

Mr. Gilchrist called for any other nominations twice.

A motion was made by Mr. Thompson, supported by Mr. Mr. Bean, to close the nominations and for a unanimous vote to be cast for Ms. Fosburg.

Yes: Gilchrist, Bean, Thompson.

No: None

By a unanimous vote, Ms. Fosburg was declared Secretary.

PREVIOUS MINUTES

A motion was made by Mr. Thompson, supported by Mr. Bean, to approve the minutes of May 20, 2009 meeting as submitted.

Yes: Bean, Thompson, Gilchrist.

No: None.

Abstain: Fosburg.

Motion carried.

### PUBLIC COMMENTS

None heard.

### VARIANCE REQUEST #09-03

Mr. Zalewski explained that James Schehr is requesting variances to construct a 12' x 24' accessory building 2' from the side property line and 20' from the front property line. When conducting the site inspection the measurements seemed to be off and the property owner was advised to have a survey conducted. When the survey was conducted it was found that the accessory building would be constructed 7'3" from the property line; therefore the public hearing notice needs to be republished and the case postponed until the July meeting.

A motion was made by Ms. Fosburg, supported by Mr. Bean, to postpone Variance #09-03 until the July 15, 2009 meeting of the Zoning Board of Appeals.

Yes: Bean, Thompson, Gilchrist, Fosburg.

No: None.

Motion carried.

### VARIANCE REQUEST #09-04

Mr. Zalewski explained that Carolyn Kelsey is requesting variances to allow a 4' x 6' shed to remain 14 inches from the side property line and 8 inches from the front property line. Ms. Kelsey is also requesting a variance to allow a 4' x 8' shed to remain 9.6 inches from side property line. The minimum front setback in the Lakes-Residential District in which the property is located is 35' and the minimum side setback for accessory buildings under 200 sq. ft. is 5'. The property is located at 4404 W. Birch in Section 20 of Gilmore Township.

Ms. Kelsey stated that the lots in this area are small and limiting. The 4'x6' shed used to be on the other side of the house, but was moved because in the winter the ground ruined the siding that was on the bottom of it. There are 29 other sheds in the neighborhood that are in violation of the ordinance.

Ms. Fosburg asked which shed on the property was in question.

Mr. Zalewski stated that Ms. Kelsey is asking for a variance for both sheds.

Ms. Kelsey stated that when she came before the board for a variance for her home addition, the sheds were on her survey then and the board didn't say anything about them.

Mr. Gilchrist asked how long the sheds have been in there current place.

Ms. Kelsey stated that the 4'x8' shed has been in its spot for 10 years. The 4'x6' shed was moved to the spot it is now at about 5 years ago.

Mr. Thompson asked if there is any other place that Ms. Kelsey could move the shed on the property.

Ms. Kelsey stated that there was no other place on the property that the sheds could be moved to. There was already a variance approved for the house addition.

Mr. Gilchrist stated that the 4'x 6' shed could be move up next to the house. He also inquired as to whether Birch St. is a public or private road.

Ms. Kelsey stated that it is a private subdivision, the current owners have to pay to have the road maintained, and the County does not plow it in the winter either.

Mr. Gilchrist stated that the drain field was on the road side.

Ms. Fosburg asked who measured where the 4'x6' shed was because it seems closer than 4'

Ms. Kelsey stated that when it was first measure out, it was measured incorrectly. When she was informed where exactly she had to measure from, she changed the measurement and it is corrected in the public hearing notice.

The public hearing was opened at 9:15 a.m.

Judy Allen of, 4393 Birch St., stated that she is the one who filed the complaint against Ms. Kelsey. She also explained that she is a joint property owner of the lot across the street as well as the lot to the west of Ms. Kelsey. She also read a letter that she wrote to the board (see attached).

Laura Harrison of, 4393 Birch St., stated that she has children that are 7 and 9 years old, they tend to dart across the street, even though as parents they do their best to watch them. There are sheds in the neighborhood that are in compliance with the zoning laws. The one lot that the family owns is used as a gathering place for everyone, and it is their intentions to build a building on the property for everyone to gather at. They have 8 family members who are of handicap status and these sheds pose a safety concern for them and the other children that will be there.

Mr. Zalewski read the letters into the record of those who submitted correspondence (See Attached).

The public hearing was closed at 9:35 a.m.

Ms. Fosburg asked if the variances were being considered individually or together.

Mr. Zalewski stated that essentially these are three separate variances.

Mr. Gilchrist read the requirements for granting a variance.

Mr. Bean stated that the front building issue was caused by the applicant because she moved it to that spot from another spot.

A motion was made by Mr. Thompson, supported by Mr. Bean, to approve the variance for the 4'x8' shed because the conditions have been met; There are exceptional circumstances, it does not impair the purpose of the ordinance, and it is was not caused by the applicant.

Mr. Gilchrist stated that the 4'x 8' shed is in an area where it could be moved closer to the house.

Mr. Thompson stated that if it was moved towards the house there would be less than 10' between the house and the shed. There needs to be some room for access.

Yes: Bean, Thompson, Gilchrist, Fosburg.

No: None.

Motion carried. Variance Approved.

Mr. Gilchrist stated that the 4'x 6' shed poses a safety risk.

Mr. Bean stated that the public has valid concerns with this shed; it does need to be moved.

A motion was made by Mr. Thompson, supported by Ms. Fosburg, to deny the 4'x6' shed variance because it is detrimental to the to adjacent property and the surrounding neighborhood, the need for a this variance was caused by the property owner and there are safety issues while the shed is there.

Mr. Gilchrist asked how far from the house the shed has to be.

Mr. Zalewski stated if this variance is denied it would have to be 6' from the house and 5' from the property line.

Yes: Bean, Thompson, Gilchrist, Fosburg.

No: None.

Motion carried. Variance Denied.

#### STAFF COMMENTS

None Heard.

#### BOARD COMMENTS

Mr. Gilchrist stated that lake properties are difficult to deal with because the lots are small.

Ms. Fosburg stated that some of this difficulty could be solved by new septic system technology.

ADJOURNMENT

A motion was made by Mr. Thompson, supported by Mr. Bean to adjourn at 9:55 a.m.

Yes: Gilchrist, Thompson, Bean, Fosburg.

No: None

Motion carried.

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Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary

We are currently setting a plan to add a building to our lot, we will be required to meet zoning ordinances in the placement of this building, and will do so in respect of our neighbors and Isabella County. It is only fair that our neighbor meet the same requirements as defined in the ordinances.

Also please understand we will live at this location with young grandchildren for the entire summer. This is not a part time issue as we will occupy this residence full time through the summer as well as each weekend and Holidays during the balance of the year.

Respectfully



Judith A. Allen  
1621 Theresa Ave.  
DeWitt, MI 48820

DeWitt Phone 517-484-5092  
Cottage at 4393 Birch Phone 989-588-4078  
Cell 517-256-3480

June 17, 2009

To Whom It May Concern:

My name is Deborah George and I am a property owner at 4291 Birch St. Littlefield Lake. I am writing in concern of a building located at 4404 Birch St. Littlefield Lake. This property adjoins our family gathering place at 4418 Birch St. I take my grand child down there to play quite frequently. I have a great concern of a building that is on the property line which is located at 4404 Birch. This building has been a major concern since it has been put there causing major concerns of traffic safety for our kids because of them not being able to see around it. I also have a son that is emotionally and mentally impaired and he plays all the time on that property and he doesn't necessarily hear the cars coming down the street and the way the building sets he steps into the road to see if cars are coming. This creates a huge safety issue for him. He has almost gotten hit several times because he has stepped out to see if a car is coming. I feel that no variance should be given because of safety issues and also zoning issues. I also feel that I CANNOT PUT ANY VARIANCES ON ANY CHILDS LIFE.

Respectfully

*Deborah George*

Deborah George



June 16, 2009

To Whom It May Concern:

We are writing in response to the proposed variance request made by the owner located at 4404 Birch Street, Littlefield Lake. We own the property at 4429 Birch Street.

After reviewing the request, we feel that the shed locate on 4404 Birch Street is a health and safety issue. The shed is approximately eight feet high and approximately three feet from the road's edge. This is next door to our family owned property lot located at 4418 Birch Street. This lot is currently being used as a gathering place for family members including children and toddlers.

The location of this shed makes it very difficult to view any on-coming vehicles. Birch Street is a private street that is not patrolled by law enforcement. So it falls upon us and other family members to watch our toddler grandchildren as well as other family members' children and grandchildren. Even though the speed limit is posted at 15 miles per hour, this is not always followed by Littlefield residents or their guests.

We are asking for Isabella County's assistance in rectifying this highly dangerous environment.

Sincerely,

*Gary K McCauley*

Gary K McCauley

*Norma Jean McCauley*

Norma Jean McCauley



June 16, 2009

Isabella County Zoning Board

Dear Board Members

My name is Jeffrey McCauley; I have been owner of lot 17 of West View Shores for several years and currently joint owner with my sister, Judith Allen since 2008. When I purchased the property, there was a small Cottage on it. In August of 2003 it burned to the ground from a suspected arson fire that is still under investigation as of this date.

Before the fire the storage sheds in question were located on the east side of lot 16 along with the propane tank. A short time after the fire, the sheds and propane tank were moved to their current location on the west property line of lot 16 and the east property line of lot 17.

Our family has ownership of 6 lots in the West View Shore community and our family has owned property in this community since it was developed over 53 years ago. At this time we have many young people from the age of 1 and up. Lot 17 is being used as a family park, it is lakefront, we have our watercraft located there and our family uses this area for swimming and picnicking, in the near future we plan to build a pavilion for our family use.

Our major concern is that the sheds create a blind area from oncoming traffic as the shed at the roadside is only 34 inches from the actual road edge and is over 8 foot high. We have already had close calls with oncoming traffic with a little one darting out from behind the shed. We watch our children very close, but it will only take one time for one of them to get hit by an approaching vehicle. The posted speed limit is 15 mph, however many people drive much faster making it impossible to stop in time should a child dart into the road.

The complaint submitted to the Zoning Department regarding the location of the 2 shed's being on the property line of lot 16 and lot 17 is a Zoning Violation. Even more, it is a severe Safety Hazard. Please use good judgment in making your decision on this variance request, declining the request could very well save a child's life.

It is our intent and desire to be good neighbors, however we must stand firm on protecting our children from undue safety hazards.

Thank You

  
Jeffrey O. McCauley  
1509 Turner  
Lansing, MI 48906



March 23, 2009

Department of Community Development  
200 North Main  
Mt. Pleasant, MI 48858

Attention: Mr. Michael R. Zelewski  
Planner/Zoning Administrator



Dear Mr. Zelewski,

On September 9, 2008, I wrote you a letter concerning a formal complaint of Zoning Ordinance infractions at 4404 Birch St. Lake, MI 48632. The formal complaint was submitted on August 14, 2008. I am the property owner next door and also across the Street at 4393 Birch St., Lake, MI 48632.

After receipt of my letter last September, the decision was made to table the complaint because the owner, Carolyn Sue Kelsey planned a trip south for the winter and could not deal with the issue until her return in the spring of 2009.

I have attached the letter that I sent to you last September as it highlights the concerns that me and my family have with the current placement of these buildings. We fear a major accident with one of our family members crossing the street and stepping in front of a car, being hit and injured or killed. Even with a speed limit sign posted for 15 mph, the traffic on this small road does not move slowly, and some drive at a very high rate of speed for the conditions. With the front building only being 34 inches from the road edge it creates a grave hazard to our safety. Also please be aware, both buildings of concern are portable and are easily moveable as they are not attached to a foundation. Please see attached pictures; both buildings are on the lot line and block view of road when crossing from the lake side.

Spring is here; our expectation is that this matter will be promptly handled. Applying for and getting a variance to allow the buildings to stay in their current location and would negate a major safety issue. How can this be acceptable for any reason in the variance process? If this matter is not properly resolved with the moving of the buildings, and if any accident is incurred, we will take issue to the full extent of the law against all parties involved, as this SAFETY issue has been made clear beyond any reasonable doubt. To help expedite if Carolyn is not at 4404 Birch, below is her Home Address and phone:

7198 Porter Road  
Grand Blanc, MI 48439  
810-695-6237