

ISABELLA COUNTY  
ZONING BOARD OF APPEALS  
July 15, 2009

Room 225  
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held July 15, 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, Jim Wynes.

MEMBERS ABSENT: None.

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

A motion was made by Mr. Gilchrist, supported by Mr. Bean, to approve the minutes of June 17, 2009 meeting as amended.

Ms. Fosburg stated that an election for Secretary needs to be added to the minutes.

Yes: Bean, Thompson, Gilchrist, Fosburg, Wynes.  
No: None.

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 7' 3" from the front property line. The minimum side setback in the Lakes-Residential District in which the property is located is 8' and the minimum front setback is 35'. The property is located at 4900 Bayou Drive in Section 20 of Gilmore Township. As you recall, this application was postponed at the last meeting due to an

error in the site plan. The applicant has had the property surveyed and the proposed location of the garage is actually 7' 3" from the front property line. The applicant has submitted an updated site plan. The public hearing notice was properly published and correct 300' notices were sent out as well.

Mr. James Schehr stated that he would like to build a garage to park in, one that will complement the house. The lot size is small and there are not many places to build on the property. Others have put up unsightly buildings that do not conform to the ordinance, but he would like to have a nice one.

Mr. Wynes explained that those building which may not conform could have been grandfathered.

Mr. Thompson asked where the well was at on the property.

Mr. Schehr stated that it is on the lake side of the property.

Mr. Thompson asked if the garage is built in the proposed location how they would get equipment back there if they had to.

Mr. Schehr stated that the other side is clear for equipment.

Mr. Thompson stated that they would have to go onto the neighbors' property.

Ms. Fosburg stated that there is also a shed on that side of the property.

Mr. Schehr stated that if they build the garage the shed would be removed.

Mr. Gilchrist stated that there are safety issues with how close he would be building to the neighbors building. There is also a problem with where the LP tank is located. The LP tank could be moved over top of the septic tank.

The public hearing was opened at 9:10 a.m.

Mr. Lloyd Arthur, Bayou Drive, stated that they, in that area, are a tight nit group, they work together to get things done. This garage will enhance the property.

Mr. Wynes stated that the board has to go by what the Zoning Ordinance allows them to do, because as time goes on the circumstances might change between neighbors.

Mr. Thompson stated that they have to make sure that the request fits the Zoning Ordinance. He does not disagree that the lot is too small, but they have to look at whether it fits the criteria that is laid out in the ordinance.

Ms. Fosburg stated that they could redesign and attach the garage which would allow for 7' more to the road.

Mr. Zalewski stated that the board needs to look at what is being requested, if he is denied he can ask for a different variance.

Mr. Bean stated that in the ordinance it says that the minimum lot size is 20,000 sq. ft. It is impossible to meet this requirement, this lot is small. The area that he is in has a lot of garages, so it will fit in with the area. Blight is a problem in this area. The applicant can not have a garage and meet the setbacks on this property.

Mr. Wynes stated that this is a natural problem around the lakes, that type of reasoning can be used anywhere around a lake.

Mr. Zalewski stated that he would caution the board on approving a request based on blight. There are 2 different variances that the applicant is request in this situation.

Mr. Gilchrist stated that safety & Accessibility are issues; there is 7' between the septic and the garage. 2' is not enough room; there is 7' of wasted land.

Mr. Schehr stated that he wants to put a building up that looks nice, he didn't want to be sneaky and do it with out permits.

Mr. Zalewski stated that the board needs to find factual evidence to either grant or deny the variance.

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

A motion was made by Mr. Thompson, supported by Mr. Gilchrist, to deny the 2' side setback because 2' is too narrow, at least 8' is needed for safety purposes and there is 7' on the other side of the property that is useable.

Mr. Bean stated that they are only dealing with the side setback.

Fosburg: Yes  
Thompson: Yes  
Bean: Yes  
Gilchrist: Yes  
Wynes: Yes

Motion carried. Variance Denied.

Mr. Wynes stated that it could be unique because the right of way is not centered within the road.

Mr. Zalewski stated that the right of way issue would not be considered unique.

A motion was made by Mr. Bean, supported by Mr. Gilchrist, to approve the front setback because of exceptional circumstances. The property was platted before zoning and is a small lot. There are numerous others in the area. There are no safety issues, it does not impair, and it was not caused by the applicant.

Mr. Thompson stated that he is not in support because the lot is too small, that is not justification for granting a variance. You can not park a car in 7' of space; it will still be in the right of way.

Mr. Gilchrist stated that this is a unique situation. There is room to get off the road way without going into the garage. The neighborhood seems in support of this variance as well.

Fosburg: Yes  
Thompson: No  
Bean: Yes  
Gilchrist: Yes  
Wynes: No

Motion carried. Variance Approved.

#### STAFF COMMENTS

Mr. Zalewski stated that the Community Development Department is hosing a free seminar on Risk Management and would highly encourage all members to attend. He also stated that the annual planning conference is in Mt. Pleasant this year. At this conference they offer the Citizen Planner Program and would try to get all members who haven't been through it, signed up if their schedule permits.

#### BOARD COMMENTS

Mr. Gilchrist stated that applicants should have to submit a specific statement if the property is not on a County road.

Mr. Zalewski stated that in this case he did, he had his property surveyed.

#### ADJOURNMENT

A motion was made by Mr. Gilchrist, supported by Ms. Fosburg to adjourn at 10:05 a.m.

Yes: Gilchrist, Thompson, Bean, Fosburg, Wynes.  
No: None

Motion carried.

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Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary