

ISABELLA COUNTY
ZONING BOARD OF APPEALS
November 17, 2010

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held on November 17, 2010 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Gordon Gilchrist, Marilyn Fosburg, Tom Courser, Kelly Bean.

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 9:03 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

Mr. Courser stated that the time for the public hearing should be changed to 9:12.

The minutes of the October 20, 2010 meeting were approved as amended.

PUBLIC COMMENTS

None heard.

VARIANCE REQUEST #10-09

Mr. Zalewski explained that Ken and Debbie Saari are requesting a variance to construct a 195 square foot residential addition 2' 8" from the side property line. They are also requesting variances to construct a new roof over the existing home with a larger overhang that would be 19' 10" to the high water mark of Littlefield Lake and 2" from the other side property line. The minimum side setback for this property located in the Lakes Area Residential (L-R) District is 8'. The minimum setback to the high watermark is 35'. The property is located at 8908 Westview Drive in Section 20 of Gilmore Township. Ken and Debbie Saari would like to construct a 195 square foot residential addition and a new front porch. With the new addition, they would also like to construct a new roof over the entire existing structure. However in constructing the new roof, the size of the overhang is going to increase and make the structure closer to the property line. Thus the need for them to apply for the variances. On the south side of the property adjacent to lot 21, the house will now have a 1' 4" overhang which will make the structure 2" from the side property line. On the water side, they are proposing to construct a new wall for

support and with the larger overhang make the home 19' 10" from the lake. On the site plan this new wall for support is the 'proposed 18 sq. ft addition'. They are leaving the existing wall up and will not be adding living space in this area. On the North side of the house they are constructing an addition. The proposed addition will be 2' from the side property line at the closest point. However, due to the location of the existing house and the angled placement on the property, only a small portion of the addition would not meet setback requirements. Based on the yard requirement exceptions in Section 3.31(B), the addition could be as close to the side property line as the existing building as long as the size is less than 25% of the existing structure and is at least half (4 ft) of the district requirement. That small portion of the addition (highlighted in dark pink) is the only part of the addition that does not meet the requirements of the ordinance. Staff has visited the site and would encourage the board members to do so as well. The public hearing notice for this variance was published incorrectly. The proposed addition would only be 2' from the side property line however the notice was published at 2' 8". Our office had several communications with the person drafting the site plan and there was some confusion on our part about the setback to the North line. Unfortunately the correct setback was not noted until after the public hearing notice was published and there was not enough time to publish a corrected notice. The applicant has indicated the possibility of attending the November meeting anyway to see if the board would be willing to hear the two other variance requests. As a board you can choose whether or not to make a decision on the two variance requests or postpone them until the December meeting. The public hearing for the variance request to the North line will be set for the December meeting.

Ms. Fosburg asked what the proposed demolition would consist of.

Mr. Saari stated that the demolition would be of the sunroom that is currently there and a new roof would be constructed

Mr. Bean asked if the only change on the back corner would be the roof overhang.

Mr. Saari stated that yes they would be changing the roof overhang and also replacing the siding.

Mr. Gilchrist asked where on the site plan Westview Drive was located.

Mr. Saari stated that Westview Drive dead ends at his property line. The reason for constructing a new wall is for structural support as well as it will allow for proper wiring.

Mr. Wynes asked for clarification on the site plan.

Mr. Saari explained that the dark pink portion of the site plan is the future outline of the addition, the Tan color with cross hash is what exists today.

Mr. Zalewski stated that the light pink color is the proposed addition, the dark pink is the only part of that addition that does not meet zoning requirements.

Mr. Wynes asked how close this portion is from the property line currently

Mr. Zalewski stated that it is currently 4' from the property line, but they are proposing it to be 2'. He also explained that the ordinance allows for modifications, so a permit could be issued for everything but the dark pink portion of the proposed addition.

Mr. Wynes asked how close the building would be on the lake side.

Mr. Zalewski stated that it is currently 22' but they are proposing it to be 19'10".

Mr. Wynes asked what the setback for the south portion of the building is currently.

Mr. Zalewski explained that the building footprint is currently 1'6", they are proposing for the overhang to be 2" from the property line.

Mr. Gilchrist asked if the property has been surveyed.

Mr. Saari stated that it was staked about a year ago.

Ms. Fosburg asked if the existing shed was on the site plan properly, because it seems much closer than is stated.

Mr. Saari stated that it has been measured out in the past.

Mr. Gilchrist inquired as to whether Mr. Saari could be at the property to explain what is going on if the board decides to postpone a decision on the case.

Mr. Zalewski stated that there should be no ex parte contact

Ms. Fosburg stated that she would like to see an updated site plan showing where the existing shed is.

Mr. Wynes stated that the board would like to see a revised site plan, relocating the shed and clarifying the demolition of the sunroom.

The public hearing was opened at 9:38 a.m.

None heard.

The public hearing was closed at 9:38 a.m.

A motion was made by Ms. Fosburg, supported by Mr. Gilchrist, to postpone variance request #10-09 until the December 15, 2010 meeting when the applicant can provide a more accurate site plan that shows the items as discussed.

Yes: Wynes, Gilchrist, Fosburg, Courser, Bean.

No: None.

Variance postponed.

VARIANCE REQUEST #10-10

Winn Communications is requesting a variance to be able to apply for a new communications tower to be constructed 1400' from an existing communication tower. The setback requirement for a new communication tower to an existing tower is 3 miles. The property is owned by Earl and Teresa Mason and is located at 11200 W. River Road in Section 6 of Broomfield Township. Winn Communications would like to construct a new communications tower to provide wireless internet service to the Lake Isabella and surrounding area. The zoning ordinance states that no new communication tower shall be constructed within a 3 mile radius of an existing communication tower. There is an existing tower at the corner of W. River and Sherman Road. However, the applicant looked into the possibility of co-locating their equipment on this tower and the engineer report came back stating that the tower and its foundations are not sufficient for the equipment that Winn Communications would need to install. Therefore, they would need to construct their own tower. Based on elevation and other site characteristics they chose a site that is only 1400' from this existing tower. Thus the need to apply for the variance. The ZBA is only determining whether or not to grant the variance request from the setback requirement. If the variance is approved, the applicant will have to apply to the Planning Commission for special use permit approval to construct the tower. If the variance request is denied, the applicant will not be able to proceed to the Planning Commission for a tower at this particular location. The exact location of the proposed tower is located approximately 1600' North of River Road.

Mr. David Brink, of Winn Communications, stated that the tower would be used for broadband coverage. The existing tower that is in the area is not structurally sound enough to handle the equipment that they are in need of, so they were unable to co-locate on that tower.

Mr. Courser asked if the current tower was still going to be in use.

Mr. Brinks stated that yes, it serves about a 2 mile radius.

Mr. Courser asked if the tower on ~~Rolland~~ Brinton Road would be kept as well.

Mr. Brinks stated that it would be kept, but if there are ways of reducing the number of towers they would.

Mr. Gilchrist asked how much property is required for the construction of a tower.

Mr. Brinks stated that they would be leasing the property for the base, but they are required to have a fall zone around the tower too.

Mr. Gilchrist asked how high the tower would be.

Mr. Brink stated that the tower would only be 190' tall because the FCC requires lighting if it is above 200'.

Mr. Bean asked what the radius for service would be.

Mr. Brinks stated that the tower could be used as a relay tower and service other cells that could be out farther, this would minimize the impact.

Mr. Courser asked how the height of this tower compared with the existing tower.

Mr. Brinks stated that the existing tower is 300'.

Ms. Fosburg asked if the tower would be able to handle other services as well.

Mr. Brinks stated that it will be designed so others would have the option of co-location.

The public hearing was opened at 9:50 a.m.

None heard.

The public hearing was closed at 9:50 a.m.

Mr. Gilchrist stated that this tower would be up on a hill rather than in a valley.

Mr. Courser stated that there is more than enough land to place this tower on.

Mr. Bean stated that internet services have become a necessity for people.

Mr. Gilchrist stated that there is a larger tower already located in the same neighborhood.

A motion was made by Ms. Fosburg, supported by Mr. Courser, to approve Variance #10-10 because it meets all the criteria of section 14.04 being that the tower is in a higher elevation and it is necessary for the area.

Roll Call Vote:

Tom Courser: Yes
Marilyn Fosburg: Yes
Gordon Gilchrist: Yes
Kelly Bean: Yes
Jim Wynes: Yes

Motion carried.

Variance Approved.

STAFF COMMENTS

None heard.

BOARD COMMENTS

Mr. Gilchrist stated that he appreciated all the discussion from the board today.

ADJOURNMENT

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

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

Motion Carried.

Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary