

ISABELLA COUNTY
ZONING BOARD OF APPEALS
June 21, 2011

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held June 21, 2011 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.

MEMBERS ABSENT: Brent Duffett.

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

The meeting was called to order by the chair at 9:04 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved with the removal of #4.

PREVIOUS MINUTES

The minutes of the January 19, 2011 meeting were approved as submitted.

PUBLIC COMMENTS

None heard.

PUBLIC HEARING ON VARIANCE #11-01

Mr. Zalewski explained that Dave Laporte is requesting a variance to construct a 24' x 32' accessory building 78' from the front lot line and located in the front yard of the home on the property. In the Medium Density Residential (R-2) District, accessory buildings are not allowed to be located in the front yard of the home. Therefore, the minimum front setback for an accessory building on this property would be 155'. The property is located at 2561 N. Johnson Road in Section 19 of Nottawa Township. He also explained that In the Residential Districts, the Zoning Ordinance does not allow accessory buildings to be constructed in the front yard. The front yard is from the front lot line to the nearest portion of the dwelling. Therefore on this property the front setback for an accessory building would be 155'. The applicant would like to construct the accessory building in the front yard at 78' from the front lot line. The property is

heavily wooded and the owner would like to construct the building at this location so as to not have to remove several trees and result in changing the characteristics of his lot, as well as the neighboring properties. On the site plan, he has indicated the tree line with a dotted line. Also, I have enclosed an aerial map of the property that shows the large amount of pine trees on the property. Staff has visited the site and would encourage the board members to do so as well to note the characteristics of the lot that the applicant indicates is the reason for the request.

Mr. Skye Howard, contractor for the applicant, stated that the site speaks for itself. Placing the building in the proposed location makes the most sense. The neighbors on both sides of the property are close.

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

None heard.

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

Mr. Gilchrist inquired as to where the well and septic are located.

Mr. Howard stated that they are behind the house.

Mr. Courser stated that there appears to be room in the back yard to place a building of this size.

Mr. Howard stated that they would have to clear trees in that area and there is also a new fence in the back.

Mr. Courser stated that there appears to be room without clearing trees.

Ms. Fosburg asked if building onto the existing shed would be feasible.

Mr. Howard stated that it would not be feasible, the shed would have to be removed and the building completely rebuilt.

Mr. Gilchrist stated that on the north side of the house there is 44' and very few trees, it could be put there.

Mr. Zalewski stated that the new building could not be built in front of the house unless it was attached to the principle building.

Mr. Gilchrist stated that there is ample room on the north side of the house. They would still be able to access the back yard on the south side.

Ms. Fosburg stated that the new structure could also be built on the south side of the existing home.

Mr. Courser stated that if this structure was attached to the principle structure it could be built on the east side.

Mr. Courser asked if the exact location of the septic and well is known.

Mr. Howard stated that he does not know exactly where the well and septic are located in the backyard.

Mr. Gilchrist asked what type of foundation the home sits on.

Mr. Howard stated that the home is on a crawlspace. He also stated that this building, at the proposed location, will be set off the road and the property is enclosed by trees.

Mr. Zalewski stated that the house is a conforming structure. If the proposed building is attached to the house on the north side, what rooms are at that end of the house?

Mr. Howard stated that the building would be attached where the 2 bedrooms are located.

Mr. Zalewski stated that the applicant does not want to change the characteristics of the lot or his neighbors' lots.

Mr. Courser asked what was located in the south end of the house.

Mr. Howard stated that the kitchen is located in the south end of the home.

Mr. Wynes stated that the geography does allow this building to be built in a conforming manner without a variance; there are not mountains or anything that would restrict building it.

A motion was by Ms. Fosburg, supported by Mr. Courser to deny variance #11-01 because it does not meet the requirements of section 14.04 (c) of the Isabella County Zoning Ordinance.

Yes: Wynes, Gilchrist, Fosburg, Courser.

No: None.

Motion Carried.

Variance Denied.

Ms. Fosburg stated that in that area there are no other garages in front of principle structures.

Mr. Wynes stated that they have had other cases like this in the past.

Mr. Courser stated that the applicant has other options; there was not justification to grant this variance.

STAFF COMMENTS

Mr. Zalewski stated that there are already two requests for next month. Also the department will be hosting two educational seminars and it is highly recommended that board members attend. The first will be a basic training session on August 31 and the second will be a site plan review session on September 28th.

BOARD COMMENTS

Ms. Fosburg asked if a variance could be denied because the well and septic were not shown on the site plan that was provided.

Mr. Zalewski stated that it could not be solely denied for well and septic not being shown.

Mr. Gilchrist stated that the Planning Commission is holding a public hearing on a moratorium for medical marihuana.

ADJOURNMENT

A motion was made by Mr. Courser, supported by Ms. Fosburg to adjourn at 9:43 a.m.

Yes: Wynes, Gilchrist, Fosburg, Courser.

No: None.

Motion Carried.

Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary