

ISABELLA COUNTY
ZONING BOARD OF APPEALS
July 20, 2011

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held July 20, 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, Brent Duffett.

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Mike Zalewski, Planner/Zoning Administrator
Lisa Hoisington, 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

Motion was made by Mr. Courser, supported by Mr. Gilchrist to approve the agenda as submitted.

Yes: Wynes, Courser, Fosburg, Gilchrist, Duffet.
Motion carried.

PREVIOUS MINUTES

Motion was made by Ms. Fosburg, supported by Mr. Courser to approve the minutes of the June 21, 2011 meeting as submitted.

Yes: Wynes, Courser, Fosburg, Gilchrist, Duffet.
Motion carried.

PUBLIC COMMENTS

None heard.

PUBLIC HEARING ON VARIANCE #11-02

Mr. Zalewski explained that Lori Lassen is requesting a variance to construct an 8' x 8' deck with 4' x 25' ramp 33.5' from the front lot line. The minimum front setback in the General

Agricultural District is 50'. The property is located at 9548 W. Battle Road in Section 28 of Coldwater Township.

Lori Lassen stated that she lives at 9548 W. Battle Rd. and she is requesting a variance to construct a handicap ramp on the front of the house for her 83 year old Grandmother who lives there with them and has several medical conditions that makes this a necessary project.

The public hearing was opened at 9:04 a.m.

None heard.

The public hearing was closed at 9:05 a.m.

Ms. Fosburg asked which door they use as the front door.

Ms. Lassen explained that they use the one off the driveway however, there are steps up inside the house and the door in the front is the best access for wheelchair, walker or for stretcher to get in. She also explained that with the door off the driveway there is also another step up into the kitchen. She stated they would also have to tear out stone steps and remove large stones if they were to put the ramp at the location off the driveway.

Mr. Gilchrist asked about putting the ramp next to the house between the tree and house.

Ms. Lassen explained that they ran into issues with the roots and would have to remove the tree to do that.

Mr. Courser asked what the possibility was of cutting the deck down to 4 foot wide rather than 8 foot.

Ms Lassen explained that they want it larger in case they were to have to turn anything around on the deck and that her grandmother would like to be able to sit out on the deck.

Mr. Courser asked if there were no other options than to put the ramp in the front yard.

Ms. Lassen stated that the ramp out the front is the way they need to go with.

Ms. Fosburg asked if the ramp were to be moved parallel to the house would it meet code.

Mr. Zalewski stated it would not and would still require variance approval.

Mr. Gilchrist stated that with the present design the ramp does not encroach on any one else's property or cause any safety concerns.

Ms. Lassen stated that the surrounding properties are all but one owned by family and so there are no issues with the neighbors.

Mr. Courser stated that the encroachment would be on the public right of way and not on the neighbors.

Ms. Fosburg asked if this would be a permanent or temporary structure.

Ms. Lassen stated it would be permanent.

Mr. Gilchrist read the five requirements that must be met to grant a variance.

Mr. Courser asked how many steps were inside. Ms. Lassen stated there are three.

Mr. Courser asked if it would be impractical to ramp the inside steps. Ms. Lassen stated that there is not enough room.

Ms. Fosburg asked if the only two exits from the house were the front door and the door to the driveway. Ms. Lassen stated that is correct.

A motion was made by Mr. Courser, supported by Ms. Fosburg to deny variance #11-02 because it does not meet the requirements and procedures of section 14.04 (c) of the Isabella County Zoning Ordinance.

Mr. Gilchrist stated that he thought the motion to deny was out of order with cases they have handled in the past where they have been cramped for space. He stated that the situation was not one the applicants brought on themselves.

Mr. Duffett concurred with Mr. Gilchrist stating that he would disagree with the denial of this variance giving the layout of the house. He asked if there was a reason why the ramp could not come off the deck on the East side.

Ms Lassen stated that the tree is too close to the house to have the ramp come between it and the house. She presented pictures to the board of the tree location.

The Chair called for a roll call vote:

Duffett - No
Courser – Yes
Fosburg – Yes
Gilchrist – No
Wynes - No

Motion failed.

A motion was made by Mr. Gilchrist, supported by Mr. Duffett to approve variance #11-02 as requested as the applicant's options are very limited.

The Chair called for a roll call vote:

Duffett - Yes
Courser – No
Fosburg – No
Gilchrist – Yes
Wynes - Yes

Motion carried.
Variance granted.

PUBLIC HEARING ON VARIANCE #11-03

Mr. Zalewski explained that Steve Galgoczi is requesting a variance to construct a 28' x 42' accessory building 8' from the front lot line. The minimum front setback in the Lakes Area Residential District is 25'. The applicant is removing an existing 24 x 24 garage that is presently on the property at 8' from the front lot line and would like to replace it with a larger 28 x 42 garage.

The property is located at 1527 N. Cedar Point Drive in Section 30 of Nottawa Township.

Mr. Steve Galgoczi stated that they would like to remove the existing structure and keep the distance they are currently from the lot line. He stated that they had considered adding on to the existing building but it would restrict the neighbor's view of the lake so they decided to rebuild.

Mr. Schafer stated that the structure is not getting closer to the lot line; they are actually going further away from the lot line and moving closer to the house. He stated that there is a drainfield to the South of the building and a tree that is keeping them from moving further away from the front lot line.

The public hearing was opened at 9:37 a.m.

None heard.

The public hearing was closed at 9:37 a.m.

Mr. Duffet asked if the existing structure had a concrete slab.

Mr. Schafer stated that it is a floating slab. He stated that it keeps moving and does not allow the doors to work right and that is the reason they want to take that out and put a foundation down to keep that from happening.

Mr. Courser asked if the drainfield was between the proposed garage and the house.

Mr. Schafer stated that there is a tree between the garage and the house and that they would have to remove the pine tree. He further stated there is an oak tree that they would like to leave and if they removed it they would only gain about two feet.

Mr. Wynes asked how far away they could get from the road before encroaching on the drainfield.

Mr. Schafer stated that to maintain the 10 feet off the drainfield they would only gain two feet at best.

Mr. Courser asked about moving the building to the East and to the North.

Mr. Schafer stated that you would not be able to get in the door. He also stated that if they moved further to the North it would bring the corner of the building closer to the lot line.

Mr. Courser asked if the applicant was to put up a garage the same size as what he currently has would he need a variance.

Mr. Zalewski read the section of the ordinance that states over 50 percent of the building would have to remain or it would require a variance.

Mr. Courser asked how far back it was to the oak tree that is not being removed.

Mr. Schafer stated it would probably be about 10 to 12 feet to the stump of the tree.

Mr. Courser stated that it would only need to be moved 17 feet to make it comply.

Mr. Schafer stated that then they would be on top of the drainfield.

Ms. Fosburg asked if the garage could be squared up rather than sit at an angle.

Mr. Schafer explained that they went with the angle of the house and it would not look as nice if they turned it. The garage would look crooked to the house and it would be tight to get into the garage.

A motion was by Mr. Gilchrist to approve variance #11-03 based on the building being placed 10 foot from the North East corner of the property line rather than the 8 foot requested by the applicant.

Motion failed due to lack of support.

A motion was made by Mr. Duffett to approve variance #11-03 to replace the existing structure with the existing size and in the existing location.

Mr. Zalewski suggested the Board make a decision on the request at hand first.

Motion was withdrawn.

A motion was made by Mr. Duffett, supported by Mr. Courser to deny variance #11-03 because it does not meet the requirements of section 14.04 (c) of the Isabella County Zoning Ordinance.

The Chair called for a roll call vote.

Duffett - Yes
Gilchrist – No
Fosburg – No
Courser – Yes
Wynes - Yes

Motion Carried.
Variance denied.

A motion was made by Mr. Duffett to approve a variance to allow the replacement of the existing structure with the existing size and in the existing location.

Motion failed due to lack of support.

Discussion was held on the applicant's options for reapplying.

STAFF COMMENTS

Mr. Zalewski reminded the members of the upcoming training sessions on August 31 and September 28. The August 31st session is a basic Planning & Zoning session free to the members and he encouraged them to attend. The September 28th session is on site plan reviews.

BOARD COMMENTS

None heard.

ADJOURNMENT

A motion was made by Mr. Courser, supported by Ms. Fosburg to adjourn at 10:48 a.m.

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

Motion Carried.

Marilyn Fosburg, Secretary

Lisa Hoisington, Recording Secretary