

ISABELLA COUNTY
ZONING BOARD OF APPEALS
August 17, 2011

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held August 17, 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
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

A motion was made by Mr. Courser, supported by Ms. Fosburg to approve the agenda as submitted.

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

PREVIOUS MINUTES

Motion was made by Mr. Courser, supported by Mr. Gilchrist to approve the minutes of the July 20, 2011 meeting as submitted.

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

PUBLIC COMMENTS

None heard.

PUBLIC HEARING ON VARIANCE #11-04

Mr. Zalewski explained that Frederick Peterson is requesting a variance to construct a 25' x 36' (900 sq. ft.) accessory building. The maximum square footage of an accessory building on a vacant lot in the Lakes Area Residential District shall not exceed 864 sq. ft. or 10% of the lot area. The maximum square footage that is allowed on this parcel is 570 sq. ft. The property is located at 4901 W. Stevenson Lake Road in Section 20 of Gilmore Township.

Mr. Peterson explained they would like to use 15% of the lot to build the proposed garage, it will blend in with the area; there will be dormers on this building. Currently the property has boat trailers on it, being allowed to build this garage would clean up the lot. He also explained that the building will be well within the required setbacks.

Mr. Wynes stated that he noticed that there is a septic tank on the lot.

Mr. Peterson stated that the previous owners had a camper on the lot. This septic tank will be removed as it will never be used for anything. He also explained that this building is similar to other buildings in this area.

Mr. Courser asked if the stakes in place signify where the building will be placed.

Mr. Peterson stated that the stakes are for the proposed building.

The public hearing was opened at 9:07 a.m.

Mr. Zalewski read a letter submitted by Mr. James Schehr (see attached).

The public hearing was closed at 9:07 a.m.

Mr. Courser stated that lake lots are small and other properties in this area are being used in the same way. He also asked if the large dashed line represented the building envelope.

Mr. Peterson stated that those lines are the setbacks.

Mr. Courser stated that the building could be moved a few feet closer to the road to maintain the building line of the back properties.

Mr. Peterson stated that the building wouldn't line up with the houses and it would also block the view of the water from the neighboring properties.

Mr. Gilchrist asked why the building will be placed 12' from the line on one side and 12' on the other instead of utilizing a lesser setback on one side, allowing greater access.

Mr. Peterson stated that they wanted to leave room on both sides of the building for their neighbors.

Mr. Gilchrist asked how close the neighboring homes are.

Mr. Peterson stated that the house to the west is 20' and the house to the east is 11'9".

Mr. Duffett asked if the building would be a two-story structure.

Mr. Peterson explained that there would be live dormers and the attic would be utilized for storage. Nothing else would ever be put on the lot, only this building.

A motion was made by Mr. Courser, supported by Mr. Duffett to approve variance #11-04 as it meets the criteria of section 14.04(c), as discussed, of the Isabella County Zoning Ordinance.

The Chair called for a roll call vote:

Duffett - Yes
Courser - Yes
Fosburg - Yes
Gilchrist - Yes
Wynes - Yes

Motion carried.

Variance approved.

PUBLIC HEARING ON VARIANCE #11-05

Mr. Zalewski explained that James Recker is requesting a variance to construct a 1288 sq. ft. cottage 24' 3" from the rear lot line. The minimum rear set back in the Lakes Area Residential District is 35'. The home would sit on the property in the same general location as the existing home. The proposed home is a little wider and will move 4' closer to the front property line, but still meet the front and side setback requirements. The proposed home will sit the same distance to the water at 24' 3" as the existing home. This setback does not meet the minimum 35' setback. The applicant has submitted a plot plan showing the existing house and also the site plan showing the proposed home.

Ms. Rachelle Short stated that the current mobile home is very old and sets between nice cottages. She also explained that the proposed building will be similar in size to the existing home, but will be two-story. They were able to design the home to fit within the zoning requirements, except for the lake side. The proposed home will be an improvement for the neighborhood.

The public hearing was opened at 9:22 a.m.

Mr. Gene Esch, of 5048 W. Jordan Road, stated that the current trailer is an eyesore. The lake lots are small and many of the buildings in the area are closer to the setbacks than required. Approving this variance would make the area better.

The public hearing was closed at 9:24 a.m.

Mr. Gilchrist asked if the deck that is on the lake side will be eliminated.

Mr. Recker stated that the deck would be removed

Mr. Gilchrist stated that along the road side, the building is back further than most others in the area.

Mr. Courser asked if they could build a smaller structure and meet the setback.

Ms. Short stated that they have a large family and would like to build a house to accommodate them. The proposed home would have almost the same size foundation as the trailer currently has.

Mr. Courser stated that when an old building is taken off a property and a new building is put on, we should try to come as close to the setback as we possibly can. He also explained that the requirement is 35' from the property line and the applicant is proposing to be 25'.

Ms. Short stated that they did sit down with the builder and tried to reconfigure the plans to make it fit, but it has to be 10' away from the septic tank and drain field that is in place. The kitchen and living area (the front part) couldn't be brought back any further, because of the septic tank. The original front was shortened up a bit for the setbacks and to get it off the road.

Ms. Fosburg asked if the proposed home was only one bedroom.

Ms. Short stated that it is a one bedroom home with a loft.

Mr. Gilchrist stated that the applicant would be removing an eyesore.

Mr. Courser asked what the minimum dwelling requirements were.

Mr. Zalewski stated that a dwelling must be 720 square feet and at least 24' wide.

A motion was made by Ms. Fosburg, supported by Mr. Gilchrist to approve variance #11-05 because it fits in with all other buildings in the area and it meets the criteria of section 14.04(c), as discussed, of the Isabella County Zoning Ordinance.

The Chair called for a roll call vote.

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

Motion carried.

Variance approved.

PUBLIC HEARING ON VARIANCE #11-06

Mr. Zalewski explained that Joan Preece is requesting a front yard setback variance to construct a 6' x 24' addition to an existing structure. The parcel is a corner lot which fronts on W. Lake Dr., Ford St., and an undeveloped platted street. The 6' x 24' proposed addition to the back of the house will be 4'5" from the lot line along the undeveloped platted street. He further noted that the public hearing notice stated that she was requesting a front setback variance along Ford Street. However at 20', the proposed addition meets the front setback requirement for this lot and thus a variance is not needed. So the only variance that is needed is the front setback variance along the undeveloped platted street. The proposed addition will be 4'5" from this lot line. As noted, this property is unique in the fact that it has front setbacks along Lake Drive, Ford Street and the undeveloped platted street.

Mr. Wynes asked if the undeveloped platted street could ever be developed.

Mr. Zalewski state that the undeveloped platted street could in theory be developed.

Mr. Kevin Matthews, builder for Ms. Preece, stated that the front corner of the home is currently only about 3.5' off the platted street. The house sits on a bit of an angle so once the addition is built, that addition will be 4.5' off the platted street.

Mr. Gilchrist asked if Mr. Matthews was the builder who originally did work on the home.

Mr. Matthews stated that he did indeed do the original work.

Mr. Gilchrist stated that this is now a nice cottage; in 2008 it was very rugged looking. This proposed variance would not be threatening to anything. He also asked if W Lake Drive is maintained by the County.

Mr. Matthews stated that W. Lake Drive is a private road.

The public hearing was opened at 9:41 a.m.

Ms. Preece stated that addition is for her daughter, she has moved home to help out. The current porch is too small and the extra 6' would help to make it a more comfortable space, it should have been done to begin with. She has a small bathroom, bedroom and kitchen currently; this addition would allow for a bit more room in the home.

Mr. Gilchrist asked if there is an existing 5' landing on the existing porch.

Mr. Matthews stated that the current landing is 3.5'

Mr. Gilchrist stated that the current landing is unsafe.

Mr. Matthews stated that this addition would allow for more room to get in and out.

Mr. Wynes asked if they would be widening what currently exists.

Mr. Matthews stated that currently the backroom is 9' x 24' this variance would allow them to open it up an extra 6'.

Ms. Fosburg asked if the proposed addition was staked out.

Mr. Matthews stated that he did not get a chance to stake out the proposed addition. He explained that this addition would actually be farther away from the setback than the existing footprint.

Ms. Preece stated that the property used to be 48' wide, but when it was surveyed from the top 10' was lost.

Mr. Wynes asked if the road was not platted and undeveloped, would the applicant still need a variance.

Mr. Zalewski stated that a variance would still be required because the setback would be 8' from a side setback.

The public hearing was closed at 9:47 a.m.

Ms. Courser stated that section 14.04 (c)(1)(a) applies to this case, but (2) is questionable

Mr. Duffett stated that realistically the undeveloped road will never be developed.

Mr. Courser stated that he cannot justify increasing the variance at this time. The intention for the 2008 variance was to allow the property owner to enjoy the property as others in the area do. Now the applicant can have those same rights.

Mr. Matthews stated that the house is 820 square feet currently, very small.

Mr. Courser stated that it is a 24' x 44' house which would make it 1056 square feet.

Ms. Fosburg asked if the addition would be far enough from the septic tank.

Mr. Matthews stated it would be.

A motion was made by Mr. Duffett, supported by Mr. Gilchrist to approve variance #11-06

Mr. Courser asked for justification on the motion.

Mr. Gilchrist stated that this property is locked into a situation that is dependent on big guess of whether the road will be developed. There is no hazard to any human being if this addition is built. The applicant has limited options on this lot, as the original house was placed where it is currently.

Mr. Duffett stated that the other setbacks should be of more concern. He also stated that there are very limited options on this lot.

Mr. Wynes suggested that the motion state that the applicant complies with section 14.04(c) of the Isabella County Zoning Ordinance.

Mr. Duffett agreed to amend motion to state that the applicant complies with section 14.04(c) of the Zoning Ordinance.

Mr. Gilchrist still supported the amended motion.

The Chair called for a roll call vote.

Duffett – Yes
Gilchrist – Yes
Fosburg – Yes
Courser – Yes
Wynes – Yes

Motion carried.
Variance approved.

PUBLIC HEARING ON VARIANCE #11-07

Mr. Zalewski explained that Steve Galgoczi is requesting a variance to construct a 26' x 42' accessory building 14' from the front lot line. The minimum front setback in the Lakes Area Residential District is 25'. The property is located at 1527 N. Cedar Point Drive in Section 30 of Nottawa Township. As the board will recall, Mr. Galgoczi appeared at last month's meeting requesting a variance and was denied. Mr. Galgoczi has changed the size of the building requested and moved it further from the front property line. The request is now for a 26' x 42' accessory building to be constructed 14' from the front property line.

Mr. Galgoczi stated that he is requesting to build a 26'x42' garage to replace the existing 24' x 24' that currently sets 8' from the property line. This was reduced from a 28' x 42' building and moved to the west 4', closer to the house. It will be placed 34' from the road, but 14' from the property line; it can't be moved further west because that would cause issues with the drain field and oak trees that are currently there. Building this structure will enhance the home and neighborhood. There are large structures in this area, including a 30' x 40' accessory structure across the road.

The public hearing was opened at 10:04 a.m.

Mr. Esch stated that the applicants are very nice people and anything they build will be very nice.

The public hearing was closed at 10:04 a.m.

Mr. Wynes stated that the variance would affect most of the building.

Mr. Zalewski stated that the way the lot is situated at an angle, the rear of the building would meet the front setback.

Mr. Courser stated that Mr. Galgoczi currently has a garage attached to the house just like most other houses in the area, so it wouldn't be necessary for the enjoyment of the property to have this accessory building.

Mr. Duffett stated that he would agree that it would be considered an accessory building, in addition to the garage that is currently attached to the house.

Mr. Courser stated that section 14.04(c)(4) is hard to justify in this case.

Mr. Gilchrist asked if this property was on an undedicated road and if the applicant owns to the center of the road.

Mr. Zalewski stated that he does not own to the center as the parcel is part of a plat.

Mr. Courser stated that a variance goes with the property not the property owner.

Ms. Fosburg asked if the neighboring properties could still see the lake.

Mr. Wynes stated that this building wouldn't change anything for the neighbors.

Mr. Gilchrist stated that this building would not create any kind of safety factor because traffic is minimal and always will be. He also explained that it would not affect the aesthetics of the area; the applicant has made a commendable effort in trying to move the building back and size it down.

Mr. Courser stated that the lot can be used and enjoyed as is; this building would just be an option.

Mr. Gilchrist stated that this variance would not be affecting the neighbors.

Mr. Duffett stated that if the building was pushed to the house, it would block the neighbor's view of the lake.

Mr. Courser stated that this is a self-created issue and the applicant can use the lot as it was intended to be used. These lots were developed for recreational purposes. Mr. Galgoczi has a nice home there currently and is using as it was developed for.

Mr. Wynes stated that any accessory building variance could be a self-created issue. He also explained that when these lots were developed they did not take into consideration all the toys that went along with lake lots; lifestyles have changed a lot since these lots were developed.

Mr. Zalewski stated that the applicant can have an accessory building. If there were not obstacles such as trees, neighboring views, and septic tank, they would be able to place the building within the setbacks and would be permitted to do so.

Mr. Gilchrist asked where the natural gas line is located.

Mr. Galgoczi stated that it is located on the south side of the driveway and go to the northeast corner of the house.

Mr. Courser asked if the building could be turned to meet the setback, even though it wouldn't look the most pleasing.

Mr. Galgoczi state that the house sets opposite, if the building is turned there is 34' to the road, but the property line is only 25' at the south end.

A motion was made by Mr. Gilchrist, supported by Mr. Duffett to approve variance #11-07 because of the condition of the lot, location and area. The building does not encroach on others rights. They will be shrinking a structure that currently exists. As well it meets the criteria of section 14.04 (c).

The Chair called for a roll call vote.

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

Motion carried.
Variance approved.

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

Discussion was held about lake lots.

Mr. Gilchrist stated that the Zoning Board of Appeals could benefit by having more members as sometimes members are absent and the votes are difficult. He also explained that he doesn't believe that the board should be redesigning the applicants' plans.

Mr. Zalewski stated that the number of board members could be increased, but they could also appoint alternate members, so when a member is going to be absent the alternate could take their place.

ADJOURNMENT

A motion was made by Mr. Courser, supported by Mr. Gilchrist to adjourn at 10:42 a.m.

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

No: None.

Motion Carried.

Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary

August 8 2011

Isabella County
ZONING BOARD OF APPEALS
August 17, 2011 Meeting



RE; Variance #11-04:

I own the property directly across the channel from the Petersons. They take very good care of the vacant property and are there every week to cut the lawn. The Peterson's are asking to put a beautiful building. It will blend in and compliment the neighborhood well. They would like to store their recreational equipment out of site which will make the area more appealing.

The neighborhood seems in support of this variance as we will not have to look at boat trailers etc. The building does not impair and I believe a building of this type can only enhance not hurt the neighborhood. These ordinances were put in place for larger lots and the Peterson's are trying to clean up and beautify the property. Please GRANT them the two variance's.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Schehr".

James Schehr
Lot 30 Bayou Dr.
Lake, Michigan 48632