

ISABELLA COUNTY  
ZONING BOARD OF APPEALS  
May 16, 2012

Room 225  
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held May 16, 2012 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Gordon Gilchrist, Tom Courser, Brent Duffett.

MEMBERS ABSENT: Marilyn Fosburg.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director  
Brandy Harger, Recording Secretary

The meeting was called to order by the chair at 9:01 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

The minutes of the February 15, 2012 meeting were approved as submitted.

PUBLIC COMMENTS

None heard.

PUBLIC HEARING ON VARIANCE #12-02

Mr. Nieporte explained that Christopher Webster is requesting a variance to construct a 24' x 36' accessory building 10' from the rear property line. The minimum rear yard setback in the AG-1 District is 35'. The property is located at 2475 W. Beal City Road in Section 27 of Nottawa Township. Mr. Webster has opted to apply for a variance from the minimum 35' setback. In reviewing the site plan, it is noted that the proposed accessory building meets all other zoning requirements.

Mr. Webster stated that he currently has no place to store his stuff. There is no other place to put the building without cutting down trees or putting the new building on top of the drain field, because the drain field cuts directly across the backyard.

The public hearing was opened at 9:06 a.m.

No comments were heard.

The public hearing was closed at 9:06 a.m.

Mr. Courser asked why the building couldn't be placed to the north and west.

Mr. Webster stated that the proposed building can be moved, but he is trying to avoid moving anything that is currently on the property.

Ms. Webster stated that the existing building sets on a cement slab.

Mr. Courser stated that if the proposed building was moved to the north and the west there would be enough room to meet the setback. Mr. Courser stated that if the existing shed were moved he would have room to place his new building.

Ms. Webster stated that if the existing shed was moved the concrete slab would have to be removed.

Mr. Webster stated that he does not want to move the building onto the property any more than it absolutely needs to be.

Ms. Webster stated that no matter how far back the building is put it would be too close to the drain field for them to be able to run electricity to it.

Mr. Courser asked how far it is from the proposed building and the existing shed.

Mr. Gilchrist stated that there is 29' between the proposed and existing buildings

Mr. Webster stated that he is flexible on this dimension he is willing to move the proposed building closer to the existing shed.

Ms. Webster stated that there is still the issue of the back property line. Moving it to the north would put the building that much closer to the drain field.

Mr. Gilchrist stated that the property has a farm field behind it and there are no neighbors that are near.

Mr. Webster stated that he has 1 acre of land on each side of his house.

Mr. Gilchrist asked if the building was moved over to clear the drain field better could the request be minimized.

Mr. Nieporte stated that if the applicant is willing to move the proposed building to the west, closer to the existing shed, that there needs to be 6' between the building and the existing shed. This would potentially give the applicant room to moving the building forward.

Mr. Courser asked if Mr. Webster has considered removing the older shed and making the new building a bit larger to compensate.

Mr. Webster stated that he is not opposed to the idea if that is the only way.

Mr. Nieporte asked how far the building could be moved from the property line if the shed was removed, and the building shifted over, keeping 13' from the drain field.

Mr. Webster stated that he would be able to be 15 – 20 feet from the property line if the existing shed was removed.

Ms. Webster stated that they were trying to allow for a driveway that would be straight back to the building.

Mr. Gilchrist stated that the building could be move ahead 16' to the same distance as the existing shed and then shifted over.

Mr. Nieporte explained that the existing shed has different setback requirements because it is not permanent.

A motion was made by Mr. Gilchrist, supported by Mr. Duffett to approve variance #12-02 because it meets the requirements of section 14.04 of the Isabella County Zoning Ordinance, there are no safety concerns, this is a large lot. There is no need for the 35' requirement in a rural setting. Granting the variance will not impair the intent of the ordinance.

Roll call vote:  
Mr. Duffett: Yes  
Mr. Gilchrist: Yes  
Mr. Courser: No  
Mr. Wynes: No

Motion failed.  
Variance Denied.

#### PUBLIC HEARING ON VARIANCE #12-03

Mr. Nieporte explained that Ed Lynch is requesting a variance to construct 12' x 32' addition to an existing accessory building 10' from the side property line. The minimum side yard setback in the AG-1 District is 20'. The property is located at 902 N. Meridian in Section 31 of Isabella Township. Mr. Lynch has opted to apply for a variance from the minimum 20' setback. In reviewing the site plan, it is noted that the proposed addition to the accessory building meets all other zoning requirements.

Ms. Lynch stated that the proposed addition is to accommodate batting cages and some general storage. The property consists of a grade and swamp to the west. The property was setup with the current configuration because there needed to be access to the backyard.

The public hearing was opened at 9:25 a.m.

Mr. Nieporte read a letter from Julius S. Peters into the record (see attached).

The public hearing was closed at 9:25 a.m.

Mr. Nieporte stated that from the printed aerial photography you can see that there is lowland in front and back as well as grade to the east and west. To the North is the flattest side of the property.

Mr. Courser stated that there is a slight grade to the east.

Ms. Lynch stated that the depth of the building will accommodate a camper

Mr. Gilchrist asked if the ravine acts as a sort of drain.

Mr. Nieporte stated that there could be a transfer of water in the ravine.

Mr. Gilchrist stated that the building will blend with the surrounding area and the neighbors are ok with having it there.

Mr. Wynes asked if the property had to be filled in where the current building is located.

Mr. Frank Lynch stated that the current building is located on the high spot of the property.

Mr. Duffett asked if this addition would be a two-story addition.

Mr. Frank Lynch stated that the building would have 12' sidewalls to match the height of the existing building.

Mr. Duffett stated that the topography is exceptional for this property because of the grade and swamp.

A motion was by Mr. Gilchrist, supported by Mr. Duffett to approve variance #12-03 because it meets the requirements of section 14.04 of the Isabella County Zoning Ordinance.

Roll call vote:

Mr. Duffett: Yes

Mr. Gilchrist: Yes

Mr. Courser: Yes

Mr. Wynes: Yes

Motion Carried.  
Variance Approved.

STAFF COMMENTS

Mr. Nieporte stated that the Advance ZBA training would be held on May 29, 2012

BOARD COMMENTS

Mr. Gilchrist stated that 35' between a residential property and a piece of property with nothing on it is a problem. Housing needs to be concentrated into clusters. Currently we are not using the property we have wisely. Ten feet would not pose a problem for either cars or fire trucks.

Mr. Courser stated that ten feet would not be a large enough distance.

Mr. Nieporte stated that these cases brought out some great discussion. He also explained that if this is a problem it needs to be taken to the Planning Commission and addressed at that level.

ADJOURNMENT

A motion was made by Mr. Courser, supported by Mr. Gilchrist to adjourn at 10:02 a.m.

Yes: Wynes, Gilchrist, Courser, Duffett.

No: None.

Motion Carried.

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Marilyn Fosburg, Secretary

Brandy Harger, Recording Secretary