

ISABELLA COUNTY
ZONING BOARD OF APPEALS

April 17, 2013

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held April 17, 2013 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Brent Duffett, Marilyn Fosburg, Gordon Gilchrist, Tom Riley, Jim Wynes.

MEMBERS ABSENT: None.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Allison Langworthy, 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

Mr. Nieporte stated that Interpretation Request Section 3.26 Swimming Pools needed to be added to the agenda.

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

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

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the January 16, 2013 regular meeting were circulated to the Board prior to the meeting for their review.

A motion was made by Ms. Fosburg, supported by Mr. Duffett to approve minutes as submitted.

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

No: None.

Motion carried.

PUBLIC COMMENTS

None heard.

INTERPRETATION REQUEST SECTION 3.21 PRINCIPLE USE

Mr. Nieporte explained that there is a mini storage located north of Jordan Rd on Mission Rd. The owner of the mini storage is applying through the state of Michigan for fireworks sales – a commercial retail sale operation. He would like to put it on the same parcel as the mini storage unit. Our ordinance indicates in Section 3.21 that:

‘Only one principle use shall be made of a lot, except for upstairs apartments, unless groups of apartment buildings, commercial, or industrial buildings shall be deemed a principle use collectively.’

Mr. Nieporte asked if multiple commercial businesses qualify as the “shall be deemed a principle use collectively”.

The interpretation was discussed by the Board.

A motion was made by Mr. Gilchrist, supported by Mr. Riley, that the interpretation of Section 3.21 of the terminology “deemed a principle use collectively” shall mean groups of buildings allowed in a zoning district may be deemed collective for purposes of this section of the Ordinance.

ROLL CALL VOTE:

Riley: Yes Fosburg: No

Duffett: No Wynes: Yes

Gilchrist: Yes

Motion carried.

INTERPRETATION REQUEST SECTION 3.26 – SWIMMING POOLS

Mr. Nieporte said that there is a local pool company in town that is telling residents they do not need permits to put a pool in and that is not the case both the building code and zoning ordinance regulate pools.

Section 3.26 D reads:

‘Every private swimming pool shall be collectively enclosed with a permanent substantial fence with gate or gates not less than 4 feet in height above the ground level. No opening in such fence or gates shall be designed or maintained to permit access to the pool except under the supervision of the processor or by his permission.’

Mr. Nieporte explained that the zoning ordinance does not define the word fence. The State of Michigan Building Code uses the terminology barrier, not fence. He asked if a word “fence” in this section of the Ordinance could be considered a barrier. The dictionary definition of a fence is a barrier. If the word “fence”

in this section can be seen as a barrier as defined then an above ground pool with a minimum side wall of 48 inches would not require a fence as a barrier around the pool. This would be consistent with the State of Michigan Building Code.

The interpretation was discussed by the Board.

A motion was made by Mr. Duffett, supported by Ms. Fosburg that the word fence in Section 3.26 be defined as barrier in conjunction with the State of Michigan Building Code.

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

No: None.

Motion carried.

STAFF COMMENTS

None heard.

BOARD COMMENTS

None heard.

ADJOURNMENT

A motion was made by Mr. Gilchrist, supported by Mr. Duffett to adjourn at 10:20 a.m.

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

No: None.

Motion Carried.



Brent Duffett, Secretary

Allison Langworthy, Recording Secretary