ISABELLA COUNTY
ZONING BOARD OF APPEALS

June 18, 2014

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on June 18, 2014 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT:	Tom Riley, Marilyn Fosburg, Gordon Gilchrist, Jim Wynes Brent Duffett
MEMBERS ABSENT:	None
SUPPORT STAFF PRESENT:	Tim Nieporte, Community Development Director Kim Kennedy, Recording Secretary Ray Johnson, Planner/Zoning Administrator

The meeting was called to order by the Chair at 9:00 a.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

A motion was made by Ms. Fosburg supported by Mr. Duffett to approve the agenda.

Yes: Marilyn Fosburg, Gordon Gilchrist, Jim Wynes, Tom Riley Brent Duffett
No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the March 19, 2014 regular meeting were circulated to the Commission prior to the meting for their review.

A motion was made by Ms. Fosburg and supported by Mr. Riley to approve the minutes as presented.

Yes: Marilyn Fosburg, Gordon Gilchrist, Jim Wynes, Tom Riley Brent Duffett
No: None

PUBLIC COMMENTS FOR NON-AGENDA ITEMS

None heard

NEW BUSINESS

PUBLIC HEARING FOR ZONING VARIANCE#14-03

Mr. Nieporte explained Karen K. Magnus on behave of the Estate of Roy and Phyllis Keller is requesting a variance to create a new parcel with 70' of road frontage were 165' is required in the General Agricultural (AG-2) district. The property is located at 1318 North Isabella Road in Section 25 of Isabella Township. **Parcel # 09-025-30-001-00**

Mr. Bean is representing the Estate of Roy and Phyllis Keller. The Estate is approximately 75+/- acres. The property is nearly all comprised of Major Agricultural Soils and therefore is limited in the way it can be split in an effort to preserve the Prime or Major soils for agricultural production. After splitting two parcels and squaring another off the parent or residual parcel, approximately 70 feet of frontage is left for access to the residual parcel. The split and boundary adjustment utilize very little of the productive tillable farmland.

Public hearing was opened at 9:08 a.m.

PUBLIC COMMENTS:

None heard

With no public comment made, the public hearing was closed at 9:08 a.m.

Board discussion took place

A motion was made by Mr. Gilchrist supported by Mr. Riley to recommend approval of Zoning Variance#14-02 as stated reference to section 14.04. The variance will not be detrimental to adjacent property and the surrounding neighborhood and the variance will not materially impair the intent and purpose of this Ordinance or the provision from which the variance is requested.

The chairman requested a Roll call vote.

Roll call vote:

Mr. Duffett Yes
Ms. Fosburg: Yes
Mr. Riley: Yes
Mr. Wynes: Yes
Mr. Gilchrist: Yes

Motion Carried.

PUBLIC HEARING FOR ZONING VARIANCE#14-04

Mr. Nieporte explained Quality Truck and Tire is requesting a variance to install a 50 square foot freestanding sign at a height of 17 feet and install an 88 square foot wall mounted sign to the existing building. The maximum sign size is 24 square feet and the maximum height of the freestanding sign is 8 feet in the General Agricultural (AG-2) District. The property is located at 10532 North Mission Road in Section 11 of Vernon Township. **Parcel # 15-011-10-003-01**

Mr. Nieporte stated that this is the old site of the Auto Auction. Quality Truck and Tire has moved to this location and has had a site plan approved by the Planning Commission.

Public hearing was opened at 9:30 a.m.

PUBLIC COMMENTS:

Mr. Jeff Bean, Vernon Township Supervisor stated the township has not issues with this signage.

Public hearing was closed at 9:31 a.m.

Board discussion took place

A motion was made by Ms. Fosburg supported by Mr. Duffett to recommend approval of Zoning Variance#14-04 as it meets all requirements of zoning ordinance 14.04.

The chairman requested a Roll call vote.

Roll call vote:

Mr. Duffett Yes
Ms. Fosburg: Yes
Mr. Riley: Yes
Mr. Wynes: Yes
Mr. Gilchrist: Yes

Motion Carried.

PUBLIC HEARING FOR ZONING VARIANCE#14-05

Mr. Nieporte explained that Absolute Investment Solutions, LLC is requesting a variance to create a new parcel with 33' of road frontage were 165' is required in the Agricultural Buffer (AG-3) district. The property is located at 6894 West Remus Road in Section 13 of Broomfield

Township. **Parcel # 01-013-30-003-00**

Absolute Investment Solutions is requesting to split the residence in the rear of the property from the vacant commercially zoned property abutting M-20 (Remus Rd). The property is oddly shaped and has a 33' wide access on the west side out to Coldwater Rd. Therefore, in order to split the property and preserve the residence in the rear, a variance is needed. Mr. Nieporte explained if the applicant is granted a Variance staff would suggest that they impose a condition on the approval to obtain a new address for the residence off of Coldwater by applying for a new address in the Community Development Department. Thus, the Department will provide a Green E911 sign to be placed at the intersection of the new Driveway and Coldwater Rd.

Public hearing was opened at 9:45 a.m.

PUBLIC COMMENTS: None

Public hearing was closed at 9:45 a.m.

Board discussion took place

A motion was made by Mr. Duffett supported by Mr. Riley to recommend approval of Zoning Variance#14-05 as it meets all requirements of zoning ordinance 14.04, with the condition of a new address be obtained for the resident off Coldwater Rd.

The chairman requested a Roll call vote.

Roll call vote:

Mr. Duffett Yes
Ms. Fosburg: Yes
Mr. Riley: Yes
Mr. Wynes: Yes
Mr. Gilchrist: Yes

Motion Carried.

Interpretation of Section 7.06 (A) of the Isabella County Zoning Ordinance.

Section 7.06 (A) of the Isabella County Zoning Ordinance states, "All outdoor storage shall be restricted to rear and side yards and shall be completely screened in accordance with Section 3.23. All outdoor sales areas shall be set back a minimum of 50 feet from any residential use or district and shall be screened in accordance with Section 3.23."

Mr. Johnson stated he had an inquiry from a resident asking if a restaurant/bar would like to install an outdoor patio for its patrons to utilize during normal hours of operations, is this activity on this outdoor patio considered "outdoor sales"?

If the interpretation is such that a restaurant/bar patio area is considered outdoor sales, we would like for you to consider Section 12.05 (II)(2), "In establishments where alcoholic beverages or entertainment are permitted, no building shall be located closer than 100 feet to any residential district."

Although the patio area does not meet the definition of a building, the activities occurring on the patio are essentially the same as those occurring within the building, therefore, should the patio be considered an extension of the building and be required to conform to Section 12.05 (II)(2)?

Board discussion took place

A motion was made by Mr. Duffett supported by Mr. Riley the interpretation of Section 7.06 A of the Isabella County Zoning Ordinance does consider a restaurant/bar patio area as outdoor sales.

The chairman requested a Roll call vote.

Roll call vote:

Mr. Duffett Yes
Ms. Fosburg: Yes
Mr. Riley: Yes
Mr. Wynes: Yes
Mr. Gilchrist: Yes

Motion Carried.

A motion was made by Mr. Duffett supported by Ms. Fosburg the interpretation that a patio shall be considered an extension of the building and conform as in Section 12.05(II0 (2).

The chairman requested a Roll call vote.

Roll call vote:

Mr. Duffett Yes
Ms. Fosburg: Yes
Mr. Riley: Yes
Mr. Wynes: Yes
Mr. Gilchrist: Yes

Motion Carried.

STAFF COMMENTS -

At the request of Ms. Fosburg, Mr. Johnson gave a brief introduction of himself.

APPEALS BOARD MEMBER COMMENTS

Ms. Fosburg would like state she has found the new zoning sign to be very beneficial.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 10:30 a.m.

Brent Duffet, Secretary
Kim Kennedy, Recording Secretary