

ISABELLA COUNTY
ZONING BOARD OF APPEALS

November 19, 2014

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on November 19, 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 Mr. Gilchrist 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 October 2014 regular meeting were circulated to the Commission prior to the meeting for their review.

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

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

Motion carried.

PUBLIC COMMENTS FOR NON-AGENDA ITEMS

None heard

NEW BUSINESS

PUBLIC HEARING FOR ZONING VARIANCE#14-08

Mr. Johnson explained that Joyce Lahti is requesting a variance to construct an 8' x 22' deck with an attached 4' x 21' wheelchair ramp with a 5 ft front yard setback on Sunset Dr., where 20 feet is required, on this parcel, in the Lakes Area Residential (L-R) District. The property is located at 5019 Sunset Dr.; Lot 15 of Drueke Heights Subdivision in Section 30 of Nottawa Township. Parcel #11-040-00-015-00.

Mr. Johnson stated Mrs. Lahti's lot is on the corner of Littlefield Rd and Sunset Dr. According to Section 2.12 of the current ordinance, this lot has a front yard abutting both Littlefield Rd. and Sunset Dr. Sunset Dr. is a private road which is not maintained by the county and has a 60' road right of way.

Mr. Johnson explained section 6.05 lists the Schedule of District Regulations for a Lakes Area Residential District. The front yard setback requirement is 25'. This parcel is allowed a 20' front yard setback per Section 3.31 Yard Requirement Exceptions. This section of the ordinance allows for a 20% modification of a front yard setback if the lot is nonconforming due to its area. Mrs. Lahti's lot is 100' x 75' or 7,500 ft.

The site plan submitted by Mrs. Lahti, with the zoning permit application indicated the front yard abutting Sunset Dr. would have a setback distance of 29' following the construction of the deck. Upon inspection of the property and following review of the history of the parcel, it was discovered this front yard setback on Sunset Dr. was in fact 17' to the home, therefore following construction of the 8' deck the front yard would have a setback distance of 9'. Upon further investigation it was discovered that in addition to the 8' x 22' deck shown on the site plan of the zoning application, a 4' x 21' attached wheel chair ramp was also going to be constructed further reducing the front yard setback to 5' from the front lot line on Sunset Dr.

PUBLIC COMMENTS:

Public hearing was opened at 9: 00 a.m.

Ms. Lahti stated due to failing health the ramp will be needed for her to access her home.

Ms. Glassbrook stated that she was in support of this variance, the deck and ramp would be a nice addition to the home and would make the home more easily accessible for Ms. Lahti.

Mr. Breuer informed the board he was the one who constructed the current deck without a

permit. He thought since it was not attached to the home that a permit was not needed.

The public hearing was closed at 9:13 a.m.

Ms. Fosburg inquired if the ramp could be constructed on the west side of the home?

Mr. Johnson explained that the minimum side yard requirements for the district are 10' and there would be enough distance to accommodate the ramp.

Ms. Fosburg explained that would shorten up their variance request from 4' to 9' front yard.

Board discussion occurred.

Mr. Gilchrist stated it is a private road with minimal traffic and is strictly for the convenience of the applicant.

Board discussion occurred.

A motion was made by Ms. Fosburg died due to lack of support.

A motion was made by Mr. Gilchrist supported by Mr. Riley to recommend approval of Zoning Variance#14-08. The variance should be granted based as the applicant has provided evidence of practical difficulty and demonstrated that all of the five conditions are met.

The chairman requested a Roll call vote.

Roll call vote:

Mr. Duffett No
Ms. Fosburg: No
Mr. Riley: Yes
Mr. Wynes: No
Mr. Gilchrist: Yes

Motion Denied.

STAFF COMMENTS

Mr. Nieporte stated that we included maps for the Board for the site visit and hoped they were of help to them.

Mr. Nieporte explained that at December's meeting will have an appeal coming in front of the Board. It is an appeal on a decision Ray had made in regard to parcel #08-062-00-022-00 Rod and Ruthann Cross and more information will be coming in the packets for the December meeting.

APPEALS BOARD MEMBER COMMENTS

None

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 9:50 a.m.

A handwritten signature in black ink, appearing to read "Brent Duffet". The signature is stylized with a large initial "B" and a long horizontal stroke extending to the right.

Brent Duffet, Secretary
Kim Kennedy, Recording Secretary