

ISABELLA COUNTY  
ZONING BOARD OF APPEALS

December 17, 2014

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on December 17, 2014 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Tom Riley, Gordon Gilchrist, Jim Wynes

MEMBERS ABSENT: Marilyn Fosburg, Brent Duffett

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. Riley to approve the agenda.

Yes: Gordon Gilchrist, Jim Wynes, Tom Riley

No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the November 2014 regular meeting were circulated to the Commission prior to the meeting for their review.

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

Yes: Gordon Gilchrist, Jim Wynes, Tom Riley

No: None

Motion carried.

PUBLIC COMMENTS FOR NON-AGENDA ITEMS

None heard

NEW BUSINESS

PUBLIC HEARING FOR ZONING APPEAL #14-01

Mr. Page presented evidence of the purchase of the property by Mrs. Cross via a 1976 Warranty Deed and stated that the use was a permitted use in the district according to Section 19.2 of the 1974 Ordinance as amended in 1975. Mr. Johnson's letter to Mr. Page dated October 13, 2014, stated that the use upon the property was permitted in the district at the time of purchase by Mrs. Cross.

Mr. Page attempted to present evidence in the form of pictures which showed that the use did not discontinue according to Section 3.18 of the current Isabella County Zoning Ordinance. Chairperson Wynes stated this evidence was not included in the letter presented to Mr. Johnson which was used when he made his decision and cannot be used as part of the decision of the Board.

Mr. Page stated that in their opinion there was no discontinuance of the lawful non-conforming use, as described in Section 3.18 of the current Isabella County Zoning Ordinance.

Mr. Page stated that Section 3.27 (A) & (C) (3) of the current Isabella County Zoning Ordinance that requires temporary permits and limits the use of recreational vehicles to 90 days, does not apply to the subject property.

PUBLIC COMMENTS:

Public hearing was opened at 10:25 a.m.

Robert Paul, 4750 Bayou Dr. Lake MI – stated that he has been a resident of Bayou Dr. since 1983 and the property in question was not used on a continuous basis during the period of time. He stated that the Bylaws of the Bayou Vista Subdivision prohibit trailers on lots other than during construction. Mr. Paul expressed his opinion of the zoning definition of “trailers” which to him means different types, not multiple units.

Nivia Paul, 4750 Bayou Dr. Lake MI – Stated that Mr. and Mrs. Cross attended many Association meeting and are aware of the issue of multiple units on their lots.

Kimberly King, 4439 Joan Dr. Clio MI – Mrs. King, daughter of Mrs. Cross, expressed that continual use of the property took place from 1976 to present.

Carla Lem, 11036 N Jennings Rd, Clio MI – Mrs. Lem, daughter of Mrs. Cross, had questions on the process of the appeal. She stated that the dates on the letter were incorrect and should have

been 1976 to present continuous seasonal use.

Colleen Vogel, 6167 N Fordyce Rd, Farwell MI – Bayou Vista Subdivision President, stated that she was in attendance to see where the County stood with these multiple camping units on a single lot. She was looking for guidance within their own bylaws.

Rodney Cross – property owner, expressed his family enjoyment of this property and that they have done so for years.

Jeff King, 4439 Joan Dr, Clio MI - Son-in-law to Mrs. Cross, expressed the family has been using the property for many years.

Karen Bellows, 4905 Bayou Dr, Lake MI – Bayou Vista Subdivision Secretary, question of whether the ordinance considered year round use or just on and off use.

The public hearing was closed at 11:00 a.m.

Mr. Wynes suggested that Mr. Johnson explain to the board the process of review that he took upon receiving the letter from Mr. Page and asked him to answer some of the questions asked during the public comment period.

Mr. Johnson answered several questions which were posed by the public during their comment period.

Mr. Johnson reviewed the evidence that he used to make his determination concerning the use of the property. Mr. Johnson cited several sections of the current and historical zoning ordinances which established the use a legal non-conforming use.

Mr. Johnson stated that Mr. Page's letter only shows evidence of the continued use between 1976 and 1980, and no information in the letter showed the use was continued beyond 1980, therefore Section 3.18 Discontinuance applies. Mr. Johnson also stated that in addition to this, because the use conformed to the current ordinance in 1999 by application and issuance of a temporary permit, Section 3.18 Discontinuance applies and the use loses its status as a non-conforming use.

Mr. Johnson stated that Mr. and Mrs. Cross are still eligible to apply for a Temporary Permit according to Section 3.27 of the current ordinance.

Mr. Riley asked for clarification that if the use was non-conforming at one time and since they applied for and were granted the permit, they lose the non-conforming status. Mr. Johnson agreed.

The Board held general discussion regarding non-conformance and discontinuance.

A motion was made by Mr. Riley to affirm the decision of the Zoning Administrator based upon his findings and the evidence that he presented to the Board, supported by Mr. Gilchrist.

The chairman requested a Roll call vote.

Roll call vote:

Mr. Riley: yes

Mr. Wynes: yes

Mr. Gilchrist: yes

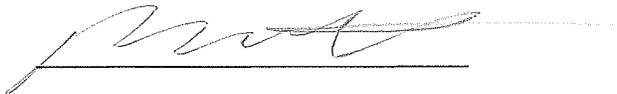
Motion carried.

STAFF COMMENTS - None

APPEALS BOARD MEMBER COMMENTS - None

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 11:21 a.m.



Brent Duffet, Secretary

Kim Kennedy, Recording Secretary