

ISABELLA COUNTY
ZONING BOARD OF APPEALS

November 18, 2015

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on November 18, 2015 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Ray Johnson, Planner/Zoning Administrator
Kim Kennedy, Recording Secretary

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 Mrs. Fosburg supported by Mr. Duffett to approve the agenda.

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

Motion carried.

PREVIOUS MINUTES

Minutes from the October 2015 regular meeting were circulated to the Commission prior to the meeting for their review.

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

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

Motion carried.

PUBLIC COMMENTS FOR NON-AGENDA ITEMS

None heard

NEW BUSINESS

VAR#15-10 Verizon Kathie Hayes / Ricki Peters

Mr. Johnson informed the board that an application was filed on October 12, 2015 by Mrs. Hayes on behalf of Verizon wireless which included a narrative by the applicant providing an explanation of the criteria in Section 14.04 of the Isabella County Zoning Ordinance for this variance request by the applicant and site plan of the proposed construction of the 195' monopole. Also submitted with the application is a letter dated October 6, 2105 from Robert Beacom, Design Engineer for Sabre Industries. In this letter, Mr. Beacom outlines the proposed structure's ability to shear at an engineered point, "in the unlikely event of total separation, this will result in collapse within a radius of 97.5 ft."

As part of the permitting process the applicant will have apply for be issued a Soil Erosion and Sedimentation Control permit as well as a DEQ wetlands permit.

Mr. Johnson informed the Board that the office received 9 emails of support stating safety concerns and the availability to reach 911 services. Two letters from neighbors in support sighting concerns of the limited service and contacting 911 services. Mr. Johnson stated the office received an email from Mr. Brad Malley with 49 individual names and addresses that stated they were in support of Variance but included not signatures with this email from Mr. Malley.

Mr. Robert LaBelle attorney for Verizon stated that Verizon has a 100% safety record for this type of tower and that even through Hurricane Katrina no towers toppled or sheered. Mr. Labelle stated that the site and location was chosen to balance not being too far or too close to an existing tower to create no permanent gaps in coverage or interference between towers.

Mr. Robert LaBelle clarified that this property is the only one that will fit into the ordinance and provide the coverage for the Littlefield Lake area. Mr. Labelle showed on the site plan that they will be crossing wetlands and not building on wetlands. The service road will be constricted and will go through a small portion of wetlands requiring Verizon to acquire a DEQ wetlands permit to fill this area for the service road.

Public hearing was opened at 9:21 a.m.

Gayle Losinger 5445 W. Stevenson Lake Rd, adjacent to the proposed location stated that her property and she feels this tower is too close to their property line and could have been placed in a different location on the property.

Public hearing was closed at 9:25 a.m.

Board discussion took place.

A motion was made by Mr. Duffett supported by Mr. Riley after review of Section 14.04 to approve Variance Number 15-10 which was submitted by Kathie Hayes to allow for a communication tower or antenna to be constructed 100 ft from a residentially used parcel where 500 ft is required and a 100 ft tower base setback where 292.5 ft is required for this parcel in the Agricultural Buffer (AG-3) district with the stipulation that the application apply for and be issued a Soil Erosion permit and a DEQ Wetlands Permit

Mr. Wynes called for a Roll Call Vote.

Ms. Riley – Yes

Mr. Duffett – Yes

Mrs. Fosburg - Yes

Mr. Wynes – Yes

Motion Carried.

VAR#15-11 R.E. Investments

Mr. Johnson informed the board an application was filed by R.E. Investments on October 26, 2105 and includes a narrative by the applicant providing an explanation of the criteria in Section 14.04 of the Isabella County Zoning ordinance for this variance request by the application.

Also included is a site plan of the proposed 80 ft x 80 ft storage building A survey of the property shows the “Existing Parcel” and “Parcel A” which will be combined to meet the minimum parcel size in the Light Industrial District. Parcel B on this survey is another parcel which will be created in the process and meets all zoning requirements.

Mr. Scott Bell of Lapham Surveying explained the reason for the request this variance.

Mr. Wynes inquired if there was an original variance granted for this property.

Mr. Nieporte explained there was no original variance for this property.

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

Public hearing was closed at 9:52 a.m.

Board discussion took place finding that all criteria in Section 14.04 was met.

A motion was made by Mr. Gilchrist supported by Mr. Duffett to approve Variance Number 15-11 which was submitted by R.E. Investments, LLC to allow for a parcel width of 318 ft where 330 ft is required for a newly created parcel and a setback distance of 724 ft from a residential district where 1,000 ft is required for this parcel in the Light Industrial (I-1) and General Commercial (C-1) district with the stipulation that the applicant apply for and be issued a Soil Erosion permit.

Mr. Wynes called for a Roll Call Vote.

Ms. Riley – Yes

Mr. Duffett – Yes

Mrs. Fosburg - Yes

Mr. Wynes – Yes

Motion Carried.

STAFF COMMENTS –

Mr. Nieporte stated that reminder calls will be made to each board member the Monday prior to meetings.

Mr. Nieporte reminded member to bring their ordinance books that we will be color coding them for easier use.

APPEALS BOARD MEMBER COMMENTS

Mr. Riley inquired about board training on making a motion.

Mr. Nieporte informed the board that the coloring coding will be part of a training for making motions.

ADJOURNMENT

A motion was made by Mrs. Fosburg and supported by Mr. Duffett to adjourn the meeting 10:10 a.m.

Yes: Jim Wynes, Brent Duffett, Marilyn Fosburg, Tom Riley

No: None

Motion Carried.

A handwritten signature in black ink, appearing to read 'Brent Duffet', written over a horizontal line.

Brent Duffet, Secretary