

ISABELLA COUNTY  
ZONING BOARD OF APPEALS

April 20, 2016

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on April 20, 2016 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

MEMBERS ABSENT: Tom Riley

SUPPORT STAFF PRESENT: Tim Nieporte, Directory  
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 Mrs. Fosburg supported by Mr. Duffett to approve the agenda.

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

Motion carried.

PREVIOUS MINUTES

Minutes from the February 2016 regular meeting were circulated to the Commission prior to the meeting for their review.

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

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

Motion carried.

PUBLIC COMMENTS FOR NON-AGENDA ITEMS

None heard

**VAR#16-03**

Mr. Johnson informed the board that an application was filed on March 21, 2016 by Mr. and Mrs. Sova. Included with the application is a site plan of the proposed project and the Sova's written justification for the variance addressing the criteria in Section 14.04 (C) of the Isabella County Zoning Ordinance

Mr. Johnson explained the Sova's will remove the current non-conforming side yard setback of the existing garage by adding 5ft to its setback distance. With this increased distance the Sova's are reducing the impact of the addition to an adjoining property and will not shed water from the roof of the addition onto adjoining properties. The proposed addition will also not be any closer to the road right of way than the existing non-conforming garage, nor will it be closer to the water's edge than the 35 ft required by the zoning ordinance.

Since the lot is currently non-conforming due to the width and area, administratively we are able to apply Section 3.31 (A) and reduce the requirements of the side and front yard setbacks by 20%. Therefore the front yard requirement is 20 ft when it is otherwise 25 by ordinance and the side yard is 8 ft when it is otherwise 10 ft by ordinance.

Mr. Sova, the applicant, addressed the board stating the request for the variance will bring the building in conformance on the north side and they will not be going any closer to the road than they currently are.

Mr. Wynes asked if the current building would be torn completely down.

Mr. Sova answered yes and that the peak will also be changed and that all water shed from the roof would be controlled by installing gutters on the addition.

Mrs. Fosburg inquired if the small shed would be removed.

Mr. Sova said yes they would be removing the shed.

Mr. Paul Weber, neighbor and Lake Association board member, stated that the property is very well maintained and he is in favor of the variance being granted.

Mr. Leo Hanes, neighbor to the north, supported the variance as long as the 8 ft setback to his property line were met.

Mr. Nieporte clarified that all property lines are the responsibility of the land owner and that if

there are any complaints and found to be any zoning violations on a building it will have to be moved. The Sova's have indicated on their site plan that they will be at 8ft on that property line with the new construction which meets the ordinance requirements and have ensured us it will be at 8ft.

Public hearing opened 9:16 am  
Public hearing closed 9:16 am

The Chair asked for if there was any board discussion. The board held no discussion

A motion was made by Mr. Duffett supported by Mr. Gilchrist to approve variance #16-03 as submitted based upon the small lot size, they are reducing the degree of the non-conformity, the new building is no any closer to the road than the current building is and they've demonstrated all requirements of Section 14.04 C with stipulation that gutters are installed on the north side of the addition and a Soil Erosion and Sedimentation Control Permit be obtained.

Mr. Wynes called for a vote.

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

Motion Carried

#### STAFF COMMENTS –

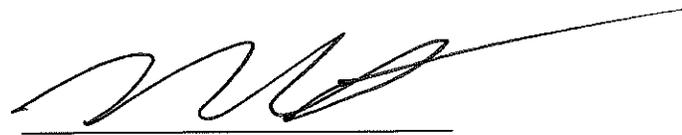
Mr. Nieporte clarified again that all property lines are land owners responsibility. And it is the owners obligation to place any constructed building with in the zoning guidelines in regards to set backs.

Mr. Nieporte reminded ZBA members there should be no contact with applicants or surrounding neighbors in the area other than acknowledgement of who you are and what you are there for.

#### APPEALS BOARD MEMBER COMMENTS – None

#### ADJOURNMENT

A motion was made by Mr. Duffett and supported by Mr. Gilchrist to adjourn the meeting at 9:20 am.



Brent Duffett, Secretary  
Kim Kennedy, Recording Secretary