

ISABELLA COUNTY
ZONING BOARD OF APPEALS

April 17, 2019

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on April 17, 2019 in Room 320 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

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 Board.

APPROVAL OF AGENDA

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

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

Motion carried.

PREVIOUS MINUTES

Minutes from the March 14, 2019 regular meeting were circulated to the Board prior to the meeting for their review.

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

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

Motion carried.

PUBLIC COMMENT – None

VAR#19-02 – Nottawa Township

Mr. Johnson explained that an application submitted is submitted by Richard and Carol VanDyke is requesting a variance for a side yard setback of 2 ft where 5 ft is required and a distance of 26 inches between the principle building and an accessory building where 6 ft is required.

Mr. Johnson explained in January of 2019 the Community Development Office received a written complaint from a resident that a shed had been moved on this property in violation of the Isabella County Zoning Ordinance. Upon investigation, including contact with the property owner, he determined that the shed was in violation being too close to a home and too close to a side property line.

Mr. Johnson informed the board that the shed in question is under 200 sqft and although it does not require a permit for construction, the ordinance requires a 5 ft side yard setback to the lot line and a separation distance of 6 ft to the home. Mr. Johnson stated the shed is in compliance with the front and rear yard setback requirements and is a replacement of a smaller shed that was in poor condition placed by a previous owner. Mr. Johnson noted that the site plan shows all utilities including the septic tank on the north side of the home and that there is a deeded access area on the south next to the property line where the shed is placed, so development directly to the south would not take place.

Mr. Johnson stated staff has spoken to the Building Official about the narrow distance from the shed to the home and has confirmed that proper fire proofing in the shed will remove a concern for fire separation. Staff would recommend that if the board is going to make an approval, the installation of fire proofing, as per the building code, should be a stipulation of the approval.

Mrs. Carol Van Dyke stated they did not intend to violate the ordinance they just replaced an old shed with a new one in the same location. With utilizes on the north side they felt this was the only location and feel the new shed adds to the property value.

Mr. Richard Van Dyke informed the board he was unaware of the fire code at the time they installed the shed but discussed options to install a fire wall from floor to ceiling on the wall between the shed and the home within 30 days and to provide staff with pictures following the installation.

Open public hearing 9:14

Steve and Lynette Sova expressed their support of this variance but feel they have been singled out on the removal of their own shed and commented on sheds at Coldwater Lake that he felt were not in compliance.

Mr. Wynes informed Mr. and Mrs. Sova the board is there to hear the variance request only.

Mr. Nieporte stated that Mr. and Mrs. Sova are welcome to make an appointment with him to discuss any issues they may have that are not related to this variance request.

Closed public hearing 9:20 a.m.

Mr. Duffett reviewed the ordinance criteria and found that all the requirements were being met.

Ms. Fosburg asked why the shed wasn't attached to the home.

Mrs. VanDyke indicated it was a replacement of an old existing shed.

Mr. Vogel asked indicated it could be possible to place the shed over the utilities.

Mr. Nieporte stated it might be possible however the board would have to table the action. Staff could then have the applicant have to mark the utility lines and staff could bring this information back to the board next month for their review.

Board discussion took place and reviewed section 14.04 C of the ordinance. The Board found the applicant had demonstrated that they were meeting all of the conditions in 14.04 C. Discussion included the uniqueness of this property having an access easement adjacent where no permanent structures would be constructed. Additionally the board discussed the fire separation as it relates to the building code.

A motion was made by Mr. Duffett supported by Mr. Riley to approve Variance Number 19-02 (VAR#19-02) as submitted by Richard and Carol VanDyke for a side yard setback of 2 ft where 5 ft is required and a distance of 26 inches between the principle building and an accessory building where 6 ft is required for this parcel in the Lakes Area Residential (L-R) district with the stipulation the applicant install appropriate fire proofing as per the building code.

Mr. Wynes called for a roll call vote.

Tom Riley: Yes
Marilyn Fosburg: Yes
Phillip Vogel: No
Brent Duffett: Yes
Jim Wynes: Yes

Motion carried.

VAR#19-04 – Sherman Township

Mr. Johnson explained that an application submitted is submitted by Andy Fritz of Mastec Network Solutions on behalf of AT&T. The applicant is requesting a variance for a 1.82 mile setback to an existing communication tower where 3 miles is required and a 150 ft setback to a

residential use where 500 ft is required. The property is at the Nottawa/Sherman Fire Department in the Village of Weidman.

Mr. Johnson stated that if approved, there will be no net increase in the overall number of towers in the County as the applicant is proposing to replace an existing lattice style tower currently supported by guy wires with a monopole tower requiring no guy wires. The applicant has also provided a fall zone letter from an engineer for Sabre Industries. Mr. Johnson stated that according to the design, if the tower were to fail it would do so at 87 ft according to the letter and would remain on the property. This design would lessen the impact than the currently installed tower would have in a failure such as this.

Mr. Johnson also stated that the tower would continue to house two antennas used by the Nottawa/Sherman Fire Department for live safety and is overall only a few feet taller than the existing tower.

Andy Fritz of Mastec Network Solutions stated that this tower will provide AT& T service coverage in the area. The current tower is not able to hold state of the art wireless equipment and they will move existing critical infrastructure antennas to this new tower. The new monopole will also provide room for more companies to collocate their antennas.

Public hearing opened 9:35 a.m.

Dave Livermore, representing the Nottawa/Sherman Fire Department indicated the tower was over 30 years old and was built on this property before there were any surrounding buildings.

Bob Thompson, Sherman Township Supervisor stated the township is in support of the request and the old tower cannot hold updated equipment and feels it is a public safety issue.

Public hearing closed 9:37

Board discussion took place and reviewed section 14.04 C of the ordinance. The Board found the applicant had demonstrated that they were meeting all of the conditions in 14.04 C. The board discussed the replacement of an existing tower with the proposed tower resulting in no net increase in the overall number of towers within the county. The board discussed the engineering report and discussed the fire department antennas as they relate to critical infrastructure.

A motion was made by Mr. Vogel supported by Mrs. Fosburg to approve Variance Number 19-04 (VAR#19-04) as submitted by Mastec Network Solutions for a 1.82 mile setback to an existing communication tower where 3 miles is required and a 150 ft setback to a residential use where 500 ft is required for this parcel in the Agricultural Buffer (AG-3) district.

Mr. Wynes called for a roll call vote.

Tom Riley: Yes

Marilyn Fosburg: Yes

Phillip Vogel: Yes
Brent Duffett: Yes
Jim Wynes: Yes

Motion carried.

STAFF COMMENTS – None

APPEALS BOARD MEMBER COMMENTS – None

ADJOURNMENT

A motion was made by Mr. Duffett and supported Mr. Vogel by to adjourn the meeting.

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

No: None

Motion carried.

Meeting was adjourn at 9:09 am.

Brent Duffett, Secretary
Kim Kennedy, Recording Secretary