

ISABELLA COUNTY
Application for Special Use Permit

Applicant:

ANDY and KATIE HERSHBERGER

Name 10035 S WYMAN, BLANCHARD, MI 49310 Owner/Agent/Other interest (circle one)

Address NONE

Phone Fax

Property Owner: (if different from applicant)

Name

Address

Phone Fax

Property Location:

Township ROLLAND Section 28 Zoning District AG-3
Address 10035 S WYMAN, BLANCHARD, MI 49310
Tax I.D. Number 12-028-10-002-05

CONSTRUCTION OF WOODEN STORAGE

Description of Project and Proposed Use:
SHEDS ON 40-ACRE PARCEL TO BE OPERATED BY FAMILY

Andy Hershberger

Signature of Applicant

9/16/2020

Date

Optional: I hereby grant permission for members of the Isabella County Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to this application. *EXCEPT NO PHOTOGRAPHS OF INDIVIDUALS SHALL BE TAKEN.*

Andy Hershberger

Signature of Applicant

9/16/2020

Date

NOTE: All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes, but not limited to, all copyrighted drawings/blueprints.

Office Use Only

File No. 008 Fee \$175.00 Check # 3072 Receipt No. 6327

Date Application Received 9-18-2020 Application Received By RL

Legal Description Attached? YES NO

Site Plan Attached? YES NO

Applicable Ordinance Section(s) 12.05 KK

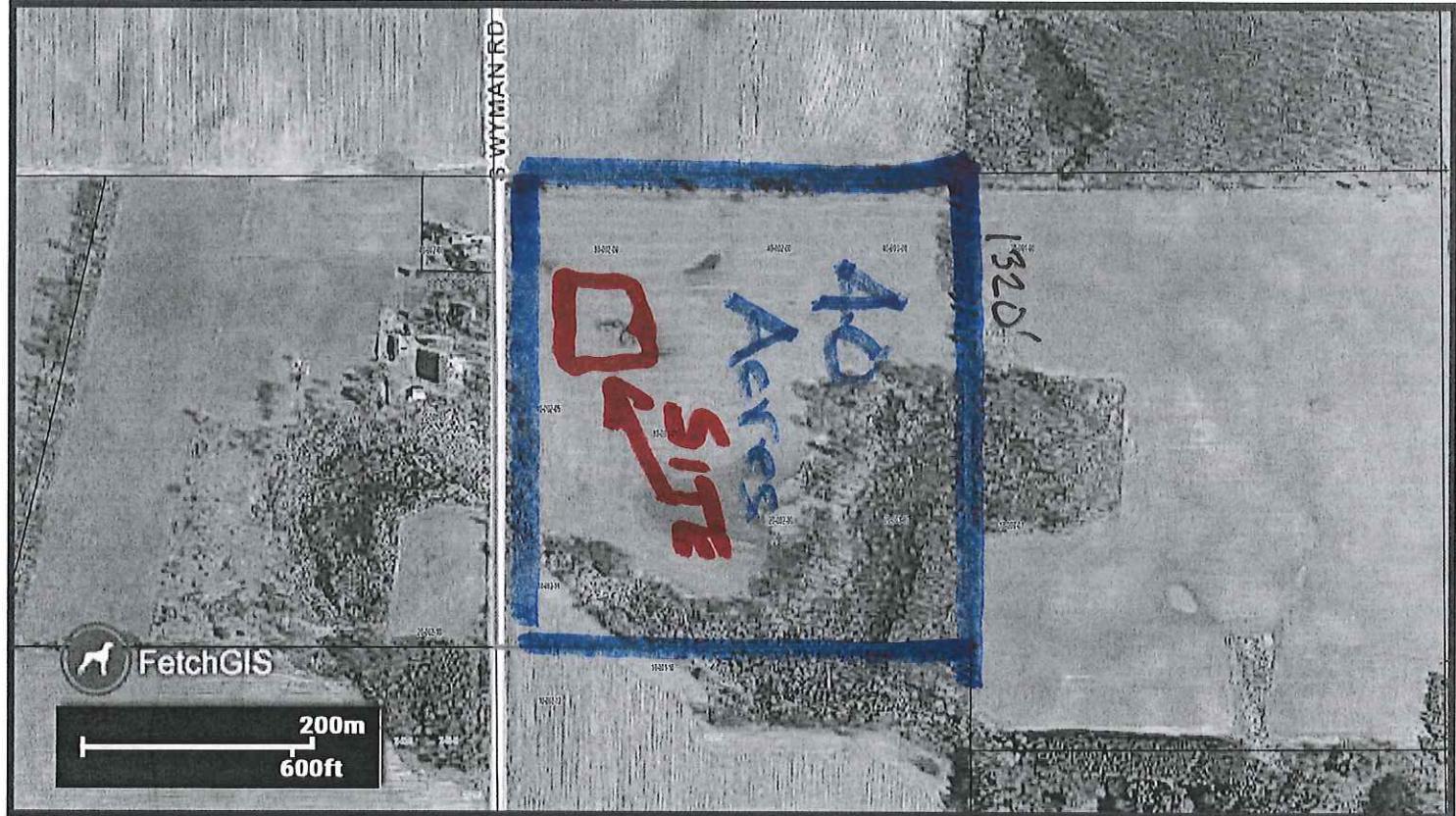


Isabella County GIS Tax Info

Parcel Report: 12-028-10-002-05

9/16/2020

10:38:37 AM



Property Address

10035 S WYMAN RD

--, --, --

Owner Address

HERSHBERGER ANDY & KATIE

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5537 KNOXBORO RD

MUNNSVILLE, NY 13409

Unit: 12

Unit Name: ROLLAND

General Information for 2020 Tax Year

Parcel Number:	12-028-10-002-05	Assessed Value:	\$101,700
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Prop. Class Code:	109	Taxable Value:	\$50,313
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Prop. Class AGRICULTURAL-VACANT State Equalized Value: \$101,700
Name: Exemption Percent: 100
School Dist 59045
Code:
School Dist MONTABELLA/MNTCC/MISD
Name:

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2019	\$56,500	\$56,500	\$15,322
2018	\$0	\$0	\$0

Land Information

Acreage: 4

Zoning:

Town/Range/Sec 13N 06W 028

Legal Description

N 1/2 OF W 1/2 OF NW 1/4 SEC 28 T13N R6W ROLLAND TWP40.0 A M/L.SPLIT FOR 2019 FROM 10-002-00 TO 10-002-05 & 10-002-10. AG EXEMPT TRANSFER FOR AFFID L1825 P688 REGISTERED 10-04-18 FOR SALE WD L1825 P677 DATED 09-28-18 WITH 2019 CAPPED TV = 15322 & AV = 56500

Sales Information

Sale Date: 09-28-2018

Sale Price: 128000

Instrument: WD

Grantor: LEE WENDEL & JEAN REVOCABLE TRUST

Grantee: HERSHBERGER ANDY & KATIE

Terms of Sale: AB=ARMS:SPLIT-NEW#

Liber/Page: 01825/00677

Tax History *Total Due as of settlement date

Tax Details 2019 Winter

School Dist. Code: 59045

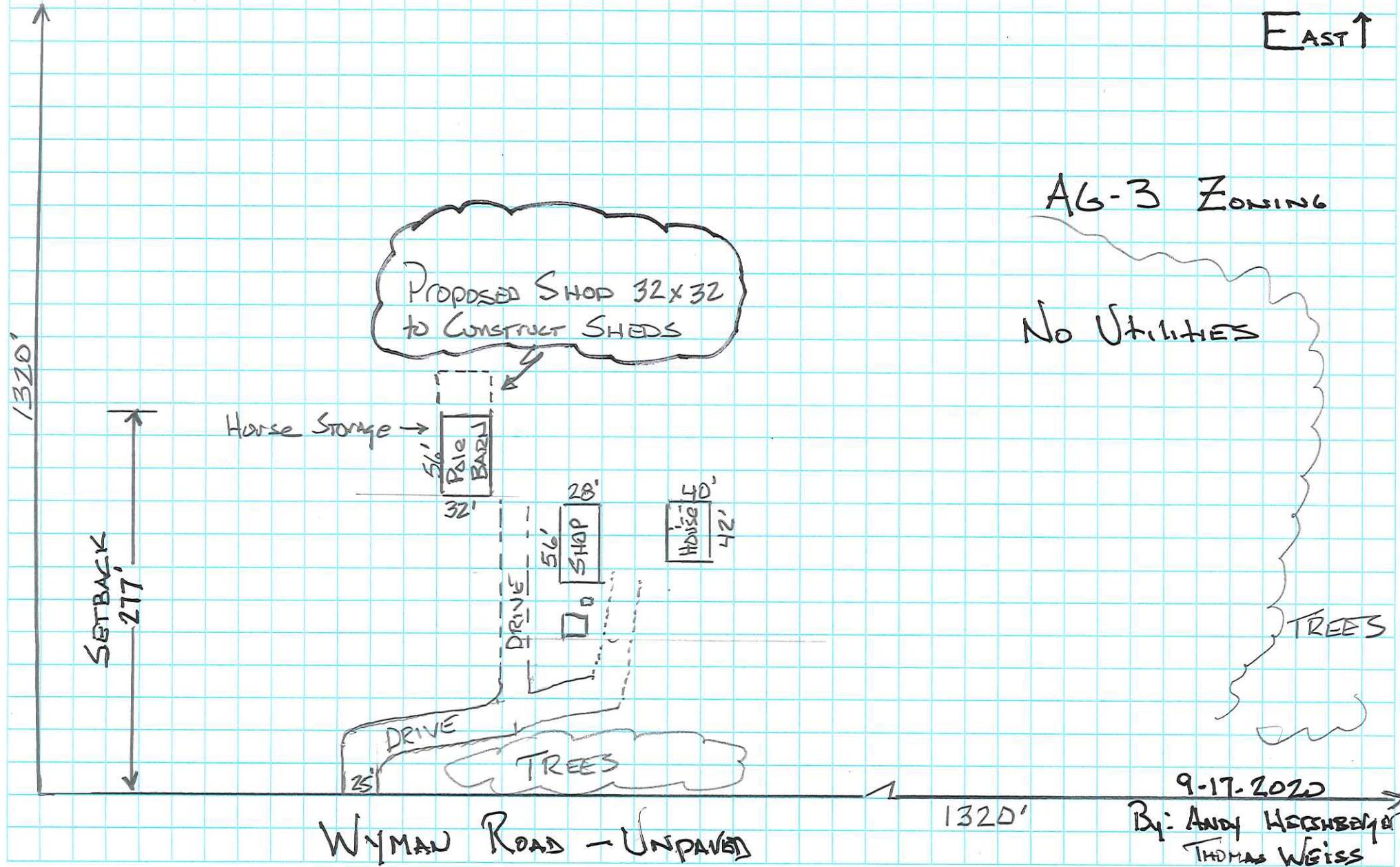
Assessed Value:

\$56,500

Andy Hershberger SLU Permit Application
10035 S. Wyman, Blanchard
N 1/2 or W 1/2 of NW 1/4 SEC 28, T13N R6W
Rollins Twp. 40 acres

100'
SCALE
1" = 100'

EAST ↑



**ANSWERS TO QUESTIONS
APPLICATION FOR SPECIAL LAND USE PERMIT**

1. Is the special use allowed within the site's zoning district and does the use agree with the County's comprehensive plan?

ANSWER: **Applicants' parcel is zoned "AG-3". Applicants' desire to operate a family business of constructing portable storage sheds for sale and state that such use is consistent with "Rural Production and Processing Facilities" (RPPF), which are a permitted use in an AG district with a Special Land Use permit.**

2. Will the proposed use be detrimental to adjacent properties or land uses?

ANSWER: **No. Applicant constructs storage sheds using hand tools and saws and drills. Noise generation is minimal. The nearest residential properties are across (west of) Wyman Road – the David Kauffman residence is approximately 277 feet from the shop, and the Preston home is approximately 350 feet from the shop.**

3. How will the proposed use be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and surrounding areas?

ANSWER: **The shop is not yet constructed and will conform to Michigan building codes and inspected by the Joint Construction Code Administration for Rolland Township.**

4. Will any hazard to adjacent property be generated by the special use or will it involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property due to traffic, noise, smoke, odor, fumes, or glare?

ANSWER: **No. Applicants purchase dimensional lumber of typical sizes to construct storage sheds. They may also purchase metal roofing material. They do not utilize electrically powered tools, but do utilize gasoline powered (flex-shaft driven) hand saws and drills. Waste lumber is burned in the applicants' home for heat in the cold months, used to fuel hot water and cooking year-round, and incinerated on property during the warmer months.**

5. Does the special use require and have an appropriate and adequate waste handling system? If so, can person(s) responsible for the proposed special use demonstrate that the Central Michigan District Health Department has approved such a system or facility for continual use?

ANSWER: The project only creates production waste lumber discussed in #4 above. Bathroom facilities are located at the applicants' home, which is located on-site. Family members, who are employed exclusively in the business, utilize bathroom facilities in the applicants' adjacent home. From time to time a "Porta-John" is used and is managed by an outside contractor.

At this time, the applicants plan to employ 3-4 family members in the business and no non-Amish. The family members are descendants of the applicant. The Amish community prohibits the direct employment of non-Amish.

6. Will the special use need to be conducted before 8 a.m. or after 8 p.m.? If yes, why?

ANSWER: See § 12.05.KK where hours of operation are agreed to be limited to the hours of 7 a.m. to 7:00 p.m.

SECTION 12.03

GENERAL REQUIREMENTS FOR SPECIAL LAND USES

A. Whether the proposed development is in general agreement with the County's adopted Comprehensive Plan?

ANSWER: Operation of wood shop to construct portable sheds support agricultural activity and encourages economic diversity in Rolland Twp and the Blanchard Amish community.

B. Whether the density or use characteristics of the proposed development are detrimental or could be considered to be significantly detrimental to adjacent properties and land uses?

ANSWER: The shed-building operation is low-impact. Use of hand-held power tools (saws and drills) are minimal, given the Old-Order Amish nature of the facility. There are no forklifts, hydraulic tools or equipment or other power tools other than saws and drills powered by gasoline motors ("flex-shaft".)

C. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

ANSWER: The surrounding properties are generally small-scale agricultural or large-parcel residential. The site plans indicate relative distances from the shed-building operation. The nearest residential property line is approximately 277 feet or more from the operation. Screening trees exist and are indicated on the site plan.

D. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property due to traffic, noise, smoke, odor, fumes or glare.

ANSWER: Facility produces portable sheds which are constructed with lumber products and metal roofing. No hazardous materials or equipment are ever used. There is no impact from traffic (Amish use horse drawn conveyances) and pick-up of finished sheds are exclusively made by pick-up truck and trailer.

E. The special land use shall be adequately served by essential public facilities and services; or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequate services and facilities deemed essential to the special use under consideration. Said facilities or services shall be approved by the Central Michigan District Health Department.

ANSWER: Applicants are "Old Order Amish" and do not utilize public services such as electric power, telephone, or other public utilities. Applicants utilize motor-fuel powered ("flex-shaft") saws and drills. All carpentry is manual.

F. No special use shall be conducted between the hours of 8 a.m. and 8 p.m. unless otherwise approved by the planning commission.

ANSWER: See KK.2 below where a 7 a.m. to 7 p.m. is agreed to.

**SECTION 12.05 DESIGN STANDARDS FOR SPECIAL LAND USES
SUBSECTION KK. RURAL PRODUCTION AND PROCESSING FACILITIES**

1. Rural Production and Processing Facilities shall only be located in AG-1, AG-2, and AG-3 Districts.

ANSWER: The subject property is zoned AG-3.

2. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.

ANSWER: Agreed.

3. All facilities shall be setback at least 100 feet from all property lines and 250 feet from any property line that contains a residential use.

ANSWER: This plan conforms. Setback is approximately 300 feet from the northerly property line and approximately 277 feet from the property line on the center of Wyman Road.

4. All activities, including storage, shall be conducted within the enclosed building.

ANSWER: All active and substantial activities will be conducted in an enclosed building.

5. Only contracted sales of items produced on site are permitted on the premises with no visible change of the outside appearance evident in the conduct of the activity.

ANSWER: Agreed.

6. Activities shall be restricted to a cumulative building are not to exceed a maximum of 10,000 square feet.

ANSWER: The proposed building housing the portable shed building operation is less than 2,000 sq. ft. (36' x 36').

7. The facility shall be limited to seven (7) employees on site at one time who do not live on the premises; employee parking shall meet the requirements of Section 5.11.

ANSWER: The business is a family owned operation solely run by Andrew Hershberger and members of his immediate family. Since the Amish only travel by horse and buggy, typical parking spaces needed for similar businesses are not relevant.

8. A visual screen shall be created along the adjoining boundaries of properties zoned or used for residential purposes. The screen shall consist of one of the following:
 - a. A solid fence a minimum of six (6) feet in height, or
 - b. A landscaped buffer of at least twenty (20) feet in width located between the proposed use and the adjoining residential use, consisting a hedge or plant material barrier, wall, berm, or combination of these elements to form a continuous barrier at least six (6) feet in height.

ANSWER: Screening is in place relative to the Preston residential property, located approximately 300'+ southeast of the shop.

9. All exterior dumpsters or trash containers shall be screened on four (4) sides with an opaque or solid fence or wall at least four (4) feet in height.

ANSWER: Agreed. If applicant decides to use dumpsters, he will conform the storage to the screening requirement.

10. The applicant will submit and be subject to a waste disposal plan approved by the Planning Commission.

ANSWER: Waste consists of scrap lumber which is burned in a stove for cooking and hot water year-round, burned in the Hershberger's adjacent home as their primary source of heating during cold weather, and some may be burned in an incinerator during the warmer months.