

ISABELLA COUNTY
ZONING BOARD OF APPEALS

October 21, 2020

An Electronic Meeting of the Isabella County Planning Commission was held on October 21, 2020 via Zoom on the above date.

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

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development Director
Ray Johnson, Planner/Zoning Administrator

The meeting was called to order by the Chair at 9:01 a.m.

The Pledge of Allegiance was recited by the Board.

Mr. Wynes welcomed attendees to the electronic meeting of the Isabella County Zoning Board of Appeals. Mr. Wynes stated that the meeting will be recorded and live streamed to YouTube where the public will have the opportunity to view the meeting live and access it in the future. He stated that the Recording Secretary will perform roll call votes for every vote during the meeting and the public meeting attendees will be able to listen by telephone call-ins, and participate in public comments by following the directions in the public notice for this meeting. Mr. Wynes stated that the Zoning Board of Appeals members and staff will not be muted in the meetings and should be respectful. He reminded attendees to be patient with the process and with each other.

APPROVAL OF AGENDA

A motion was made by Mr. Riley supported by Mr. Vogel to approve the agenda.

Mr. Wynes called for a roll call vote.

Mr. Vogel – Yes
Mr. Duffett – Yes
Mr. Riley – Yes
Mr. Wynes – Yes

No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the July 15, 2020 electronic regular meeting were circulated to the Board prior to the meeting for their review.

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

Mr. Wynes called for a roll call vote.

Mr. Vogel – Yes
Mr. Duffett – Yes
Mr. Riley – Yes
Mr. Wynes – Yes

No: None

Motion carried.

PUBLIC COMMENT

Mr. Wynes opened the meeting for public comment.

Mr. Wynes informed attendees that they are muted and if they wished to speak press *9 on the telephone key pad that will identify them.

Host Ray Johnson, Isabella County Planner and Zoning Administrator stated that there were no attendees.

Mr. Wynes closed the meeting for public comment.

VAR#20-04 Mike and Lisa Jackson – Nottawa Township

Mr. Johnson informed the board that an application was received from Mike and Lisa Jackson requesting a variance in the Medium Density Residential district for a 4 ft front yard setback where 35 ft is required.

Mr. Johnson stated that the request was to reconstruct a concrete front porch which was crumbling. He indicated that they are proposing to be no closer to the road than what has been there for many years and that this request is similar one approved by the Board in 2018 across the street.

Mr. Johnson noted that he has spoken with the Building Official who indicated a landing such as this one being proposed is required by the building code.

Mike Jackson thanked the Board and indicated that they are asking to be able to replace the porch with one that is safer.

Mr. Wynes opened the public hearing to public comment at 9:05 a.m.

Mr. Wynes informed attendees if they wished to speak press *9 on the telephone key pad that will identify them with a raised hand.

The meeting Host stated that there were no public in attendance.

Mr. Wynes closed the public hearing to public comment at 9:05 a.m.

Mr. Nieporte informed the Board that many of these have been seen over the years and that the uniqueness here is that the homes in this area are elevated so just installing stairs doesn't comply with the building code, a landing is required. He stated that if you look at the entire Beal City area many homes are built similar to this one and the Board has heard and approved several variance requests such as this over the years.

Mr. Duffett indicated he agreed and would be voting to approve the request. He stated that they have shown they are meeting the criteria in Section 14.04 C.

Mr. Wynes called for a motion and a second.

Mr. Duffett made a motion to approve Variance number 20-04 as submitted by Mike and Lisa Jackson for a front yard setback of 4 ft where 35 ft is required based upon a review of Section 14.04 C and the applicant demonstrating they are meeting this review criteria. Mr. Vogel seconded the motion.

Mr. Wynes called for a roll call vote.

Mr. Vogel – Yes

Mr. Duffett – Yes

Mr. Riley – Yes

Mr. Wynes – Yes

No: None

Motion carried.

VAR#20-05 Paula Arnt – Sherman Township

Mr. Johnson informed the Board that an application was received which included a site plan and comments on the review criteria in Section 14.04 C of the ordinance. He stated that Ms. Arnt was requesting a variance to construct a 1,200 sqft accessory building where 864 sqft was the maximum allowed for this property in the Lakes Area Residential (L/R) district. Mr. Johnson

reviewed the requirement from the ordinance for the Board and stated that this property was unique in that it was an acre and a half in size where typically platted lots in the L/R district are much smaller and typically under 10,000 sqft. He also noted that if the property were subdivided, there's the possibility of three to four 864 sqft pole barns that could be constructed which would have a greater impact than this single 1,200 sqft pole barn.

Mr. Johnson stated that staff had reviewed the area and found that there were similar or larger pole barns on other property to the north and south of this one. He stated that with this property along N. Rolland Rd, and directly across from agriculturally zoned property, it is more similar in characteristic to agricultural than lakes residential.

Mr. Nieporte stated that we typically see storage being constructed on back lots across from a platted street and not against a county road. He stated these types of variances have been approved on other properties on the outskirts of the Lakes Residential district and it is unique in that this property is so large.

Ms. Arnt stated that she lives down the paved road on the waterfront and that she would use the pole barn for personal storage. She displayed a picture of the pole barn for the Board.

Mr. Nieporte thanked Ms. Arnt and indicated that while we trust and believe she would build an aesthetically pleasing building, the reality is that you could build anything and the Board will make their decision based upon the criteria in the ordinance.

Ms. Arnt stated that she understood and thanked Mr. Nieporte.

Mr. Wynes opened the public hearing to public comment at 9:19 a.m.

Mr. Wynes informed attendees if they wished to speak press *9 on the telephone key pad that will identify them with a raised hand.

The meeting Host stated that there were no public in attendance.

Mr. Wynes closed the public hearing to public comment at 9:19 a.m.

Mr. Wynes called for Board Discussion.

Mr. Vogel asked if Staff knew why 864 sqft was chosen to be the maximum in the ordinance.

Mr. Nieporte indicated that he doesn't recall specific conversations, but thought that it is a size just above a 2 car garage at 24 ft x 24 ft which gives more room for storage of water related accessories.

Mr. Duffett stated that he felt the applicant has shown they are meeting Section 14.04 C

Mr. Wynes called for a motion and a second.

Mr. Duffett made a motion to approve Variance number 20-05 as submitted by Paula Arnt to allow for a 1,200 sqft accessory building where 864 sqft was the maximum for this parcel in the Lakes Area Residential District following a review of Section 14.04 C and that the applicant had met all the criteria in this section. The motion was seconded by Mr. Riley.

Mr. Wynes called for a roll call vote.

Mr. Vogel – Yes
Mr. Duffett – Yes
Mr. Riley – Yes
Mr. Wynes – Yes

No: None

Motion carried.

STAFF COMMENTS

Mr. Nieporte thanked all board members for attending and stated staff had no comments.

APPEALS BOARD MEMBER COMMENTS

Mr. Vogel stated that he has seen turbines spinning along Summerton road and also saw there is still dirt work to be done.

Mr. Nieporte indicated that they are currently conducting testing of collection lines from the substation to turbines but believes all foundations have been poured and nearly all bases have been installed.

ADJOURNMENT

A motion was made by Mr. Riley, supported by Mr. Vogel to adjourn the meeting.

Mr. Wynes called for a roll call vote.

Mr. Vogel – Yes
Mr. Duffett – Yes
Mr. Riley – Yes
Mr. Wynes – Yes

No: None

Motion carried.

Meeting was adjourned at 9:25 am.

Tom Riley, Secretary
Kim Kennedy, Recording Secretary

UNAPPROVED