

ISABELLA COUNTY
ZONING BOARD OF APPEALS

November 18, 2020

An Electronic Meeting of the Isabella County Zoning Board of Appeals was held on November 18, 2020 via Zoom on the above date.

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

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: 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.

ROLL CALL

Mr Wynes requested the Recording Secretary perform the roll call.

Mr. Wynes present Mt Pleasant MI
Mr. Vogel present Rosebush, MI
Mr. Duffett present Clare, MI
Mr. Riley present Shepherd, MI

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. Riley – Yes

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

No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the October 20, 2020 electronic regular meeting were circulated to the Board prior to the meeting for their review.

A motion was made by Mr. Duffett and supported by Mr. Riley 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- Brad Fussman – Nottawa Township

Mr. Johnson informed the board that an application was received from Brad Fussman requesting a variance to allow for side yard setbacks of 6 ft and 5 ft where 10 ft is required and a rear yard setback of 17 ft where 35 ft is required this parcel. The property is located at Coldwater Lake and is a “back lot” or non-waterfront lot.

Mr. Johnson stated that in 2018, Mr. Fussman submitted a variance to expand the footprint of the existing building on this non-waterfront lot. The Zoning Board of Appeals denied this variance request citing safety of vehicles backing out of the driveway and the expansion being detrimental to the neighboring properties.

Mr. Johnson noted that the office has worked with Mr. Fussman to help guide him to find a solution within the Ordinance. Mr. Fussman submitted an application on October 5, 2020 and includes a deed to the property, site plan and comment on Section 14.04 (C) of the ordinance.

Mr. Johnson state that Mr. Fussman is requesting to install new roof on the building. If approved, he would be removing the currently installed gable trusses, and installing gambrel trusses. According to Mr. Fussman, the gable roof does not allow for the needed additional storage in the accessory building. By installing a gambrel roof, Mr. Fussman would gain additional storage without increasing existing the foot print of the building, or negatively affecting neighboring properties.

Mr. Johnson explained since the installation of these types of trusses would change the height of the building, a variance is required because the new construction does not meet side and rear yard setbacks. The height of the building is not subject to a variance request, the new roof Staff would note that the Board has approved several variances in the past similar to this one which increased the building height without increasing the footprint of the building.

Mr. Johnson did state during an inspection of the property, there were two additional storage buildings on the property. One in the front yard being a car port type structure and a shed in the rear yard. These additional buildings are a violation of the Zoning Ordinance, Section 3.02 B 2 d., which only allows for a single accessory building to be on a property where a dwelling is not present.

Staff spoke to Mr. Fussman about these additional buildings and the violation. Mr. Fussman stated that he would, *"100% remove these buildings, if approved,"* because he would be gaining the storage needed by installing the new roof.

Mr. Johnson explained that if approved, and the two buildings are removed as required by ordinance, this would eliminate the violation and bring this property into compliance. If the Board is going to make an approval staff would recommend the following stipulation be included in your motion for the removal of the two small accessory buildings.

1. The applicant shall remove the two small accessory buildings in violation of the ordinance on the property within 30 days of receiving a final approval from the building inspector.

Mr. Wynes invited the applicant to address the Board.

Mr. Fussman explained that this roof change would be consistent with the neighbors to the south

and north of him and would give him the storage needed.

Mr. Wynes opened the public hearing to public comment at 9:12 a.m.

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

Mr. Wynes closed the public hearing to public comment at 9:12 a.m.

Mr. Vogel asked if a permit to occupy is required.

Mr. Johnson stated that a building permit is required and that upon the final inspection the 30 days for removal of sheds would begin.

Mr. Duffett reviewed sec 14.04 C and he found the applicant meets the criteria of the ordinance.

Mr. Wynes called for a motion and a second.

Mr. Duffett made a motion to approve Variance Number 20-06 (VAR#20-06) as submitted by Brad Fussman to allow for side yard setbacks of 6 ft and 5 ft where 10 ft is required and a rear yard setback of 17 ft where 35 ft is required this parcel in the Lakes Area Residential (L-R) district. The approval is conditioned upon the following:

1. The applicant shall remove the two small accessory buildings on the property within 14 days of receiving a final approval from the building inspector.

Mr. Wynes called for a roll call vote.

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

No: None

Motion carried.

VAR#20-07 Sue Kish Nottawa Township

Mr. Johnson informed the Board that an application was received from Sue Kish requesting a variance to allow for a rear yard setback of 25 ft 6 in where 35 ft is required. The property is 5672 Lake Shore Dr. located at Coldwater Lake and is a waterfront lot. The application included a site plan and comments on the review criteria in Section 14.04 C of the ordinance.

He stated that Ms. Kish is proposing to install a roof over a portion of an existing deck The proposed is an un-enclosed roof over the deck so the addition will not obstruct the view of the

lake from any of the neighbors. This is similar to other requests the Zoning Board of Appeals has approved.

As indicated in the application, the roof line will be 2 ft closer to the lake than the existing deck. Ms. Kish has indicated the roof is necessary for the preservation and enjoyment of the home because of on-going water damage issues to this side of the home.

Mr. Johnson stated that staff would recommend that if an approval is going to be made, a stipulation be included to prevent additional runoff from the roof onto neighboring properties.

1. The applicant shall install eaves troughs on the roof so as not to shed water on neighboring properties.

Mr. Wynes invited the applicant to address the Board.

Ms. Kish informed the history of the cabin and the reason for the need of the roof to prevent further water damage. She stated that they have spoke with property owners on each side and they support the request.

Mr. Wynes opened the public hearing to public comment at 9:22 a.m.

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

Mr. Wynes closed the public hearing to public comment at 9:22 a.m.

Mr. Wynes called for Board Discussion.

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 supported by Mr. Vogel to approve Variance Number 20-07 (VAR#20-07) based on review of sec 14.04 C and the applicant meeting all requirements. The approval is conditioned upon the following:

1. The applicant shall install eaves troughs on the roof so as not to shed water on neighboring properties.

Mr. Wynes called for a roll call vote.

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

No: None

Motion carried.

STAFF COMMENTS

Mr. Johnson informed the board that staff will be working remotely till November 30 but can be contacted by leaving message on office phones.

APPEALS BOARD MEMBER COMMENTS

None

ADJOURNMENT

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

Mr. Wynes called for a roll call vote.

Mr. Wynes – Yes

Mr. Vogel– Yes

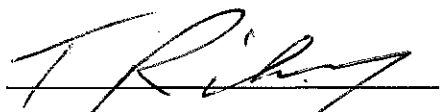
Mr Riley – Yes

Mr. Duffett– Yes

No: None

Motion carried.

Meeting was adjourned at 9:30 am.

A handwritten signature in black ink, appearing to read 'T. Riley', written over a horizontal line.

Tom Riley, Secretary

Kim Kennedy, Recording Secretary