

ISABELLA COUNTY  
ZONING BOARD OF APPEALS

July 21, 2021

An Electronic Meeting of the Isabella County Zoning Board of Appeals was held on July 21, 2021 via Zoom.

MEMBERS PRESENT: Jim Wynes, Phillip Vogel, Tom Riley, Brett Duffett, Tom Kromer

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.

Mr. Nieporte stated that this meeting is being held electronic format in compliance of the open meetings act as Isabella County is currently operating under a local state of emergency.

Mr. Wynes requested the Recording Secretary perform the roll call.

Mr. Wynes, present, Deerfield Township MI  
Mr. Vogel, present, Rosebush, MI  
Mr. Duffett, present, Clare, MI  
Mr. Riley, present, Shepherd, MI  
Mr. Kromer, present, Deerfield Township, MI

**APPROVAL OF AGENDA**

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

Mr. Wynes called for a vote.

Yes: Jim Wynes, Phillip Vogel, Tom Riley, Brett Duffett, Tom Kromer

No: None.

Motion Carried

## **PREVIOUS MINUTES**

Minutes from the February 17, 2021 regular meeting were circulated to the Board prior to the meeting for their review.

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

Mr. Wynes called for a vote.

Yes: Jim Wynes, Phillip Vogel, Tom Riley, Brett Duffett, Tom Kromer

No: None.

Motion Carried

## **PUBLIC COMMENT** – None

### **VAR#21-02** – Nottawa Township

Mr. Johnson informed the board that an application for a variance was received from Wayne and Sandra Corrion. He stated the property is located 5469 W Lake Shore Dr. Weidman Mi., Nottawa Township, Section 30 in the Lakes Area Residential District. Mr. Johnson stated the request is for a variance to allow for a side yard setback of 6 inches where 5 feet is required.

Mr. Johnson reported that the application was received May 14, 2021 and included a deed to the property, site plans, a narrative and several supplemental documents and pictures. He stated that Mr. and Mrs. Corrion are proposing to install a whole-house generator 6 inches from the side property line.

Mr. Johnson stated that in April, 2021 staff received a written complaint that a structure under 200 square feet was installed too close to the property line in violation of Section 15.02. Mr. Johnson clarified the text of Section 15.02. for the board and stated the application before the Board today is Mr. and Mrs. Corrion's attempt to resolve the violation.

Mr. Johnson stated that Mr. and Mrs. Corrion would like the generator to remain in its proposed location due to a disability and the need to utilize a golf cart to access the river by Mrs. Corrion. He stated that according to the application the generator is required to be a minimum of 18 inches from the home. Mr. Johnson informed the Board that he spoke to the Mechanical Inspector who confirmed the code requires the installer follow the manufacturer's installation instructions.

Mr. Johnson stated the manufacturer instructions provided by the Mechanical Inspector requires the generator to be no closer to the home than 18 inches and a minimum of 5 feet from any window that opens. He stated the generator in its current location appears to meet these

installation instructions.

Mr. Johnson reported the narrative in the application mentioned an uncertainty of the property line. He stated staff had several communications with Mr. and Mrs. Corrion and they confirmed the small black fence indicated in the supplemental site plan is the property line and the generator is 6 inches from this property line. He also indicated the gas line for the generator is on the neighbor's property and Mr. Corrion stated that if the variance is approved, he would move the gas line.

Mr. Johnson outlined Mr. and Mrs. Corrion desire to install a privacy fence on the property line as described in the application. Mr. Johnson stated he communicated the requirements for fence installation to the applicant and informed them that setbacks to a property line are not required for fences, therefore, their fence is not subject to the variance request.

Mr. Johnson presented a letter received from Gary and Lori Shepherd 5463 W Lake Shore Dr. in opposition of the Variance. He stated this letter indicated that the Shepherd's felt the application did not meet the requirements of Section 14.04 C of the ordinance and should be denied.

Mr. Johnson stated that an email was also received this morning from Mr. Corrion stating he would like to present points for consideration to the board.

Mr. Wynes stated that the applicant and the neighbor has established the fence as the property line but a survey could indicate differently.

Mr. Johnson agreed.

Mr. Nieporte informed the board that a variance is the request before something is in place the review is not that it is currently in place. He reminded the Board their review should be based on meeting the criteria of 14.04 C.

Mr. Kromer had a question about distance between the house and garage. And expressed that the generator could be placed in that location or lake side to make more room for a golf cart.

Mr. Duffett stated that he would believe due to cost and location of electrical panel in the home is the reason for current location. He also agreed with Mr. Kromer that the location could have been elsewhere on the property and would alleviate the need for a variance.

The Chair invited Mr. Corrion to present his justification for the variance request.

Mr. Corrion presented his points for the approval of this variance from his letter to Mr. Johnson. He stated that the lots around the lakes are all small and when they were designed it could not have been foreseen a need for modern conveniences such as stand-alone generators.

Mr. Corrion also indicated that the variance is necessary for them to access their most enjoyable feature on the lot. He indicated their only way to modernize the home was to place the generator in their chosen location.

Mr. Corrion stated that allowing access to the lakefront is not detrimental to the adjacent property and is similar to retaining walls, trees, sheds, etc. He also stated the location of the generator does not prevent the personal use and enjoyment of the neighbor's property.

Mr. Corrion indicated the need for the variance was not created by them since they did not construct the home. He stated they chose the location to take advantage of the interior layout of the electricity in the home and they wanted to modernize the home with safety features while providing convenient access to the lake from their home.

Mr. Corrion cited portions of the Americans with Disabilities Act and referenced other text sections noting that discrimination can not be made based upon a disability.

Mr. Corrion stated a survey would be a wasted expense since he found the corners of the property. He also stated that the locations noted by the Board members earlier are available but with increased expense and the new sewer lines coming from Beal City would require the lines to be removed and moved again.

The Chair thanked Mr. Corrion for his comments and opened the meeting to public comment.

Lori Shepherd of 5463 W Lakeshore Dr., stated they do not agree with current location generation and stated that the noise from the generator which ran recently was very disturbing throughout their entire home. She agreed it could have been placed elsewhere on the property. She thanked the Board.

The host indicated there were no other callers on the meeting.

The Chair closed the meeting to public comment.

The Chair called for Board discussion.

Mr. Vogel asked how far the neighbor's home was.

Mr. Kromer indicated it was about 10 ft. Mr. Johnson concurred that would be an accurate estimation.

Mr. Duffett agreed with the Shepherd's opinion and agreed that if the generator was moved elsewhere on the property, it would likely be disturbing to any neighbor. He also stated that the generator could be placed elsewhere on the property without the need for a variance even though it would be more expensive, however expense is not a consideration of the Board according to Section 14.04 C 2.

Mr. Kromer agreed with Mr. Duffett.

Mr. Wynes asked Mr. Johnson about the uncertainty of the lot lines and if this were a problem.

Mr. Johnson reminded the initial uncertainty of the property line is resolved between the two neighbors according to Mr. Corrion. He also stated that if there were an approval for the structure to be 6 in from the property line, Mr. Corrion would have to comply with the requirement regardless of the location of the property line.

Hearing no further discussion, the Chair called for a motion.

A motion was made by Mr. Duffett to deny the request based upon the fact that the applicant did not demonstrate that he met Section 14.04 C. 2.

Seconded by Mr. Kromer

The Chair called for a Roll Call Vote.

Duffett - Yes  
Riley - Yes  
Kromer - Yes  
Vogel - Yes  
Wynes - Yes

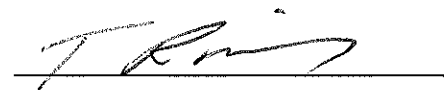
Motion carries.

**STAFF COMMENTS** – None

**ZONING BOARD OF APPEALS MEMBER COMMENTS** – None

**ADJOURNMENT**

Mr. Wynes adjourned meeting at 9:16 am.



Tom Riley, Secretary  
Kim Kennedy, Recording Secretary