

ISABELLA COUNTY
ZONING BOARD OF APPEALS

November 17, 2021

An Electronic Meeting of the Isabella County Zoning Board of Appeals was held on November 17, 2021 via Zoom.

MEMBERS PRESENT: Jim Wynes, Phillip Vogel, Tom Riley, Tom Kromer, Brett Duffett (9:11 a.m.)

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Ray Johnson, Planner/ Zoning Administrator

The meeting was called to order by the Chair at 9:00 a.m.

The Pledge of Allegiance was recited by the Board.

Mr. Wynes requested the Secretary perform the roll call.

Mr. Wynes, Present, Deerfield Township, MI
Mr. Vogel, Present, Rosebush, MI
Mr. Riley, Present, Shepherd, MI
Mr. Kromer, Present, Deerfield Township, MI

APPROVAL OF AGENDA

Mr. Wynes called for an approval of the Agenda.

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

Mr. Wynes called for a vote.

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

No: None.

Motion Carried

PREVIOUS MINUTES

Minutes from the July 21, 2021 regular meeting were circulated to the Board prior to the meeting for their review.

Mr. Wynes called for an approval of the July minutes.

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

Mr. Wynes called for a vote.

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

No: None.

Motion Carried

The Chair asked Mr. Duffett to indicate where he is joining the meeting from.

Mr. Duffett indicated he is present in Clare, MI.

PUBLIC COMMENT

The Host indicated there was no public with their hand raised for public comment.

VAR#21-04 – Ross Nartker - Nottawa Township

Mr. Johnson informed the board that an application for a variance was received from Russ Nartker. He stated the property in question is located at 1694 Fritch Dr. Weidman Mi., Nottawa Township, Section 30 in the Lakes Area Residential District. Mr. Johnson stated the request is a variance to allow for a side yard setback of 5 feet where 10 feet is required and a front yard setback of 0 ft where 25 feet is required.

Mr. Johnson reported that the application was received in October and included a deed to the property, site plan, and a narrative addressing the criteria in Section 14.04 (C) of the ordinance. He stated that Mr. Nartker is proposing to construct a 32 ft x 48 ft (1,536 sqft) pole building for additional storage on his property.

Mr. Johnson stated there are currently three homes on Fritch Dr. and it is completely surrounded by wetlands regulated by the Department of Environment Great Lakes and Energy (EGLE). He also stated this area is within the 100-year floodplain, and the current dimensions of the private road are less than what is required by the Zoning Ordinance for the current number of parcels along Fritch Dr. Mr. Johnson stated that additional development would require an upgrade to Fritch Dr. and EGLE approval for impact to the wetlands and the 100-year floodplain.

Mr. Johnson noted that previous attempts to upgrade Fritch Dr. to Zoning Ordinance standards have been met with various denials by County and State agencies and was met with opposition from the local Fire Department.

Mr. Johnson stated that because of the factors previously listed it is unlikely that new development would occur in this area and therefore be negatively impacted by the proposed location of the pole barn.

Mr. Nieporte clarified that Fritch Dr. is a dead-end road and this pole barn would be nearly at the dead end of Fritch Dr.

Mr. Johnson discussed the site plan.

Mr. Johnson stated that Staff's only concern would be about potential ingress/egress from the pole building directly into the road right-of-way. He stated that if the Zoning Board of Appeals is considering approving the variance request, staff is recommending a condition would disallow vehicular ingress and/or egress from the northwest side of the pole building. He stated that he has spoken to Mr. Nartker about this and he has verbally agreed to this condition.

Mr. Johnson indicated that with all factors taken together (wetlands, private road status, and staff's recommended condition), this would eliminate staff's concern of a variance request with a zero (0) ft front yard setback in this location.

Mr. Johnson stated that he received an email from Kathleen Sheehan, 1678 Fritch Dr., which is directly adjacent to Mr. Nartker's property and Ms. Sheehan is in support of this variance request.

The Chair invited Mr. Nartker to Present his justification for the variance request.

Mr. Nartker explained that the power line placement has caused the need for the variance request. He stated that he spoke with both neighbors and they had no issues with building placement and that there would be no impact to neighbor's views of the lake.

Mr. Vogel inquired if there has been a survey of the property.

Mr. Nartker stated no and stated that the neighbors were in support of the proposed setbacks. He also stated that due to location it would be hard to get surveyed.

Mr. Vogel stated hard, but not impossible.

Mr. Nartker agreed.

Mr. Nieporte explained that the Zoning Ordinance doesn't require a survey from applicants. He indicated that it is the responsibility the applicant to ensure proper placement of a building or structure.

Mr. Nartker indicated he would like a small garage door on the northwest side for the ease of parking his 5th wheel. He stated he would put flags out or have spotters and stated that there is very little traffic on this road.

Mr. Nieporte did agree that there was very little traffic on this road and the building would still be 20' from the developed road.

Mr. Duffett asked for clarification that there would be a door facing the road.

Mr. Nartker stated yes just for the 5th wheel placement into the barn and that he would back the trailer in, so that he would be pulling out of the barn to the road and not backing onto the road.

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

Mr. Eric Thompson, 4629 Nicklas Rd., Mason Mi, indicated he owns the land which surrounds the three residences. He expressed his concerns about the power lines being able to be extended to his property with the placement of this barn and thought a survey would be beneficial to Mr. Nartker.

Hearing no further public comment, the Chair closed the meeting to public comment.

Mr. Nieporte clarified that there is still a 33' right of way on both sides of Fritch Dr. He also indicated that if an easement is needed for crossing someone's property it is between the Power Company and individual. Mr. Nieporte stated that this building will not impact the ability of power lines to be installed through the right of way.

Mr. Nieporte stated that because of the placement of the building, the Board may want to condition an approval on no vehicular parking on the apron of the road side.

The Chair called for Board discussion.

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

A motion was made by Mr. Kromer to approve variance number 21-04 (VAR#21-04) as submitted by Ross Nartker to allow for a side yard setback of 5 ft 10 ft is required and a front yard setback of 0 ft where 25 ft is required for this parcel with the following conditions:

1. There shall be no vehicular ingress and/or egress from the northwest side of the new building.
2. There shall be no vehicular parking within the Fritch Drive Road right of way along the northwest side of the new building.

Mr. Kromer stated that the approval is based upon the fact that the applicant has demonstrated he is meeting the conditions in Section 14.04 C of the Zoning Ordinance.

Seconded by Mr. Riley.

Mr. Nieporte asked for clarification on the motion and the two conditions.

Mr. Kromer amended his motion so that it only contained the condition that there shall be no vehicular parking within the Fritch Dr. road right of way along the northwest side of the new building.

Mr. Riley supported the amended motion and condition.

The Chair called for a Roll Call Vote.

Mr. Riley - Yes

Mr. Vogel - No

Mr. Kromer - Yes

Mr. Wynes - Yes

Mr. Duffett - Yes

Motion carries.

STAFF COMMENTS – None

ZONING BOARD OF APPEALS MEMBER COMMENTS – None

ADJOURNMENT

Mr. Wynes adjourned meeting at 9:44 am.

Tom Riley, Secretary
Kim Kennedy, Recording Secretary