

ISABELLA COUNTY  
ZONING BOARD OF APPEALS

May 18, 2022

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on May 18, 2022 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

MEMBERS ABSENT: Tom Riley

SUPPORT STAFF PRESENT: 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.

APPROVAL OF AGENDA

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

Yes: Jim Wynes, Phillip Vogel, Tom Kromer, Brent Duffett

No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the April 20, 2022 Regular meeting were circulated to the Board prior to the meeting for their review.

Mr. Wynes called for an approval of the April 20, 2022 Regular meeting minutes.

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

Mr. Wynes called for a vote.

Yes: Jim Wynes, Phillip Vogel, Tom Kromer, Brent Duffett

Non: None

Motion Carried

PUBLIC COMMENT – None

**Variance #22- 02 – Jacob Malley – Isabella Township**

Mr. Johnson reported that an application was received from Jacob Malley for a rear yard setback of 20 ft where 35 feet is required for this parcel. He stated the application is for an addition to an existing building for the storage of vehicles and other vehicular related items. Mr. Johnson indicated the application included a site plan, a copy of the purchase agreement for the property and a narrative addressing the review criteria in Section 14.04 (C) of the zoning ordinance.

Mr. Johnson indicated that the narrative explains the construction of the current building by Mr. Malley in 2018 and his work to control the excessive run-off and ponding of the water on the property. He also noted that the site plan and narrative detail the location of the well and septic installed for the future home and that the narrative states these factors taken together limit his ability to meet the required setbacks.

The Chair invited the applicant to speak.

Mr. Malley described the elevations on the property when he purchased it in 2018 and his work to bring in a large amount of fill and drain tile to control water on and around the property.

The Chair opened public comment at 9:08 a.m.

Sharon Guthrie, owner of the farm field to the east and south indicated that she has concerns that the new addition will increase the amount of run-off on her property.

The Chair closed public comment at 9:10 a.m.

Mr. Johnson indicated to the Zoning Board of Appeals members that if they are going to make an approval on the request, they should consider a stipulation to require eve troughs directing an additional run-off away from Ms. Guthrie's property.

The Chair called for Board discussion.

Mr. Vogel asked what the size of the drainage ditch around the perimeter of the property is.

Mr. Malley indicated the size and stated that he is working with the Road Commission to alleviate the blockage of the drainage in the road right of way which would greatly decrease ponding of the water on his property and the surrounding neighbor's property. He also agreed to the installation of eve troughs if the condition was imposed.

Mr. Duffett reviewed Section 14.04 (C) and indicated that he felt Mr. Malley was not meeting number five and that the practical difficulty was created by the applicant. He also felt that Mr. Malley is limited in building locations, however the difficulty could be removed by a re-design of the proposed building.

Mr. Vogel asked if there was an ordinance requirement for a setback to a drain field.

Mr. Johnson indicated there was not that it likely would be a requirement of the Central Michigan District Health Department.

The Board discussed the practical difficulty and if it could be removed by building in a different location or orienting the building differently.

Mr. Vogel indicated that he believes the proposed location of the building would protect the runoff and drain tiles that Mr. Malley installed on the property. He also indicated that the run-off and that the bottle-neck in the right of way was not created by the applicant. Mr. Vogel determined the addition is not detrimental to the surrounding properties.

Mr. Kromer agreed and indicated that the addition of eve troughs should be required.

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

A motion was made by Mr. Vogel to approve Variance Number 22-02 (VAR#22-02) as submitted by Jacob Malley to allow for a rear yard setback of 20 ft where 35 ft is required this parcel in the Restrictive Agricultural (AG-1) district and shall be conditioned upon the following:

1. The applicant shall install eve troughs on the new addition so as not to increase the amount of runoff onto the neighboring properties.

Mr. Vogel indicated the approval is based upon the fact that the applicant has demonstrated they have met the zoning ordinance criteria in Section 14.04 C.

The motion was supported by Mr. Kromer.

Mr. Wynes called for a roll call vote.

Mr. Kromer: Yes

Mr. Duffett: No

Mr. Vogel: Yes

Mr. Wynes: Yes

Motion carried.

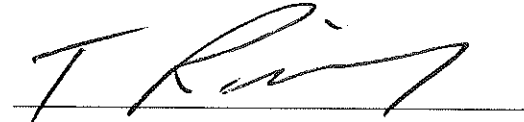
STAFF COMMENTS – Mr. Johnson indicated to the members that Ms. Kim Kennedy from the Community Development Office has submitted her resignation and that she will be retiring from the County at the end of May.

The members wished Ms. Kennedy well in retirement.

APPEALS BOARD MEMBER COMMENTS – None

ADJOURNMENT

Mr. Wynes adjourned meeting at 9:37 a.m.

A handwritten signature in black ink, appearing to read "T. Riley", is written over a horizontal line.

Tom Riley, Secretary  
Ray Johnson, Recording Secretary