ISABELLA COUNTY
PLANNING COMMISSION
July 14, 2022

A meeting of the Isabella County Planning Commission was held on July 14, 2022 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Kyle Camp, Bob Campbell, Phillip Vogel, Jerry Neyer, Adam Brookens, Steve Swaney, Ann Silker

MEMBERS ABSENT: Tim O'Neil, Kelly Bean

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

The meeting was called to order by Ms. Silker at 7:00 pm.

The Pledge of Allegiance was recited by the commission.

APPROVAL OF AGENDA

Ms. Silker requested that the agenda be approved.

A motion was made by Mr. Neyer, supported by Mr. Swaney to approve the agenda.

Yes: Kyle Camp, Bob Campbell, Phillip Vogel, Jerry Neyer, Adam Brookens, Steve Swaney, Ann Silker

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the June 9, 2022 meeting were circulated to the members prior to the meeting for their review.

A motion was made by Mr. Neyer, supported by Mr. Camp to approve the minutes.

Yes: Kyle Camp, Bob Campbell, Phillip Vogel, Jerry Neyer, Adam Brookens, Steve Swaney, Ann Silker

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – None.

Parks & Recreation – None.

Board of Commissioners – Mr. Swaney reported there was no meeting the first week of July. He also indicated the *E. coli* ad-hoc committee will be meeting with a representative from the Health Department and the Tribe.

TOWNSHIP CONCERNS

Jackie Curtis indicated that Denver Township is doing well and Rosebush Rd. has re-opened.

Richard Schmidt indicated that Sherman Township is doing good and Family Dollar construction continues.

PUBLIC COMMENT – Opened at 7:02 p.m., closed at 7:02 p.m.

PUBLIC HEARING

Special Use Permit #22-01, Glen Mast – Amish School - Broomfield Township

Mr. Johnson reviewed his staff report for the application submitted by Glen Mast for a Public and Institutional Use (School) in accordance with Section 12.05 GG. Mr. Johnson indicated the proposed school is 24 x 36 ft and includes two privies and a barn for buggies and horses.

He indicated the application appears to be complete and meets all requirements of the Isabella County Zoning Ordinance. Mr. Johnson recommended the following conditions be imposed upon an approval if one is going to be made.

1. The applicant shall work with the Road Commission and have signs installed which inform the public of the presence of a school and buggy traffic.

2. The applicant shall provide a copy of an approval from the Isabella County Road Commission for a driveway for the school.

Ms. Silker opened the public hearing at 7:08 p.m.

Nick Pifer, 5597 S Sherman Rd., read a written statement in opposition to the proposed school (*letter and pdf of presentation attached to end of the minutes*).

Jamie Pifer, 5597 S Sherman Rd., asked the members to please read the packet and review the pictures that was sent to staff by Mr. Pifer.

April Brookens, 9300 W Walton Rd., indicated they live across from Hilltop School and indicated some students come from 2 miles away to that school and the new school is needed because the Hilltop School is overcrowded.

Hearing no further public comment, the Chair closed public comment at 7:17 p.m.

Mr. Camp ask about an exclusion from possessing firearms within 1,000 ft of a school and asked who determines if it is a school.

Mr. Nieporte remined the members that the information sent to staff and forwarded to the Planning Commission was just received the same day. He indicated that the law that was quoted in the packet was not from the State Act, but Wikipedia. He also wasn't certain where the official designation of the proposed, being a school would come from.

Mr. Brookens asked if Mr. Pifer was sent a notice of the public hearing.

Mr. Nieporte indicated he was and the second page of his presentation was a copy of his received public hearing notice.

Ms. Silker called for a motion.

A motion was made by Mr. Swaney to approve Special Use Permit 22-01 (SUP#22-01) as submitted by Glen Mast to establish a Public and Institutional Use for the purpose of an Amish School in the Buffer Agricultural (AG-3) district and shall further be conditioned upon the following:

1. The applicant shall work with the Road Commission and have signs installed which inform the public of the presence of a school and buggy traffic.

2. The applicant shall provide a copy of an approval from the Isabella County Road Commission for a driveway for the school.

The motion was supported by Mr. Vogel.

Ms. Silker called for further discussion.

Mr. Neyer expressed concerns about hunting or infringing on Mr. Pifer's rights to hunt his property.

Mr. Nieporte indicated it was unclear at this time since the information from Mr. Pifer was just received this afternoon.

Hearing no further discussion, Ms. Silker called for a roll call vote.

Mr. Brookens – Yes
Mr. Campbell – Yes
Mr. Camp – No
Mr. Vogel – Yes
Mr. Neyer – No
Mr. Swaney – Yes

Ms. Silker – Yes

Motion Carried

OTHER BUSINESS (NON-PUBLIC HEARINGS)

City of Clare – Notice of Intent, Master Plan Amendment

Mr. Nieporte informed the Planning Commission that a notice of intent to amend their master plan was received from the City of Clare. He stated there is no action required by the members at this time but staff would ensure the amended plan was distributed to the members when it becomes available.

PUBLIC COMMENT – Opened at 7:23 p.m., closed at 7:23 p.m.

STAFF COMMENTS – Mr. Nieporte indicated the Isabella County Master Plan distribution request will be before the Board of Commissioners in the near future. He also indicated the wind turbine sound study is ongoing and has been met with some delays because of wind inconsistency.

PLANNING COMMISSIONER'S COMMENTS – None.

ADJOURNMENT

Ms. Silker adjourned the meeting at 7:25 p.m.

Ann Silker

Ann Silker, Secretary
Ray Johnson, Recording Secretary

Dear Planning Commission,

My name is Nick Pifer and I reside at 5597 S. Sherman Rd in Blanchard. We have been informed that within 100 yards of my south property line, a zoning request has been made to construct and Amish School. I am here today to vehemently oppose this zoning request and will outline my opposition accordingly.

First and foremost, when my Wife and I bought our home and 40 acres in 2004, it was not with the intent of having commercial sawmills, Amish Schools, commercial woodshops, diesel engines running 6 days per week, logging trucks and semi-trailers speeding up and down our roads. Matter of fact, in 2004 until around 2012 we did not have these issues. Since around 2012, there has been an increase in the Amish population in Blanchard that has been dramatic to say the least. As we know many of them, we have been tolerant to their way of life. We realize that they do not operate on the same tax level as the English do. As a small business owner, who does pay state and federal income tax, this is slightly irritating. Over the years I have been approached to buy a handgun for one, simply because it is hard for Amish to prove citizenship without a birth certificate and a social security number. I was asked to loan $5000 to help pay for a broken leg on an Amish child. I have been asked for rides and asked to take a discount to sell around 5 acres of trees because, well, because they are Amish. However, I have never been asked it was ok with me to build a sawmill ½ mile from me. I was not asked if it was ok to dig a pond adjoining the SE corner of property, in the middle of deer season. And to this point, I have not been asked, approached, or informed about the property being split, and the plans to build a School 100 yards or less from my hunting land and home. So, as I have been tolerant, ignorantly to a point, I am putting my foot down and drawing the line. I live in the country because I like to hunt, I like the birds chirping, I like to garden, and I love the peace and sanctity that a country lifestyle provides.

However, since 2012 it's not as quiet and every year we feel the commercial creep growing and the quietness waning. As I said, we had no intentions of living next to a school, a sawmill, a commercial wood shop or to see the traffic increase on our road. Sherman Road from my driveway south to Millbrook Road is as hilly as any road in the county. We have two blind hills on that 1/3 mile stretch that I cannot fathom anyone would want to put a school there. I also cannot fathom why putting a school on a road that only has one Amish family residing on it, and I cannot fathom why they cannot utilize the already existing Hilltop School, that is on Walton Road two miles away. I stand here today, representing my family, and my family only. I am not speaking on behalf of anyone other my family. I have submitted a PowerPoint presentation, laying out my arguments in detail on why this should not be approved. I also implore the planning commission to please visit and see for yourself how bad of an idea this is. At this point forward, I realize my relationship with my Amish neighbors are in jeopardy. This does not sit well with me, however, my peace and sanctity, my well being and my quiet way of life will no longer take a back seat to misuse of zoning and commercialization. I ask the Planning Commission to deny this request and ask that the Amish community either utilize the already existing school or find a site nearer to an Amish population center that can better suit their needs and is zoning appropriate, without, ruining the peace and sanctity of surrounding properties.

Sincerely,

Nick Pifer

OPPOSITION TO SPECIAL USE PERMIT #22-01

Concerned landowner adjoining proposed school location

Nick Pifer and family

5597 S. Sherman Rd. Blanchard, MI, Broomfield Twp, USA

HISTORY

My Wife, Jamie, and I purchased our home and 40-acre property in October of 2004. We have raised 3 children in our home, all attending Montabella Community Schools. It was a very quiet area when we purchased it.

At our time of closing there was one Amish family in our entire section. Since then, we have seen a steady increase in population, residences and ill zoned commercial businesses in our community.

ISABELLA COUNTY
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Date of Meeting: Thursday, July 14, 2022 at 7:00 p.m.

Place of Meeting: Isabella County Building, 200 N. Main, Mt. Pleasant, MI 48858

PLEASE TAKE NOTE that the Isabella County Planning Commission will conduct a public hearing on the following request:

1. **Special Use Permit #22-01:** The Planning Commission will consider taking action on a Special Use Permit request submitted by Glen Mast to establish a public and institutional use (Amish School) in accordance with Article 12 of the Isabella County Zoning Ordinance. The affected property is located in the 5800 block of S. Sherman Rd., Blanchard, MI 49310. Section 32 of Broomfield Township. Parcel ID 01-032-30-002-05.

The public is invited to attend and present their comments on the requests. You may submit your views in person or in writing. The requests and pertaining materials may be reviewed at and written comments will be received at the Isabella County Community Development Department, 200 N. Main St., Mt. Pleasant, MI 48858, Monday-Friday, between the hours of 8:00 a.m. and 4:30 p.m., or call (989) 317-4067.

Should anyone wishing to attend this meeting require any special accommodations due to a physical disability or limitation, please contact the Community Development Department at the number above in advance of the public hearing so that appropriate accommodations can be arranged.

Ann Silker
Secretary, Isabella County Planning Commission

PROPOSED SITE AT 5800 BLOCK OF S. SHERMAN-PER SUP #22-01

The proposed site, according to the Notice of Public Hearing is at 5800 block of S. Sherman. The permit was submitted by a "Glen Mast". The proposed property is owned and resided by Marvin Yoder at 5847 S. Sherman Rd, Blanchard, MI, Broomfield Twp, USA. Who is Glen Mast and why is this person applying for a special use permit on Marvin Yoder's property? The tiny red dot shows on/about of where the drive to school will be constructed.

01-032-30-002-05 parcel ID does not exist in FetchGis of Isabella County

VARIANCE

The distance from the red arrow (top of big hill) to white arrow (white informational sign/proposed driveway for school) is 93 yards via Nikon Range finder. The distance from the red arrow to property line that adjoins the Pifer and Yoder properties is 25 yards, via Nikon Range finder

GUN FREE SCHOOL ZONE ACT

Can I actually lose my rights to carry and discharge my firearms on my own property that is within 1000 feet of a newly zoned school?

Does the Gun-Free School Zone Act of 1995 apply? 18 U.S.C. § 921(a)(25)

It states that it is illegal to possess a loaded firearm within 1000 feet of a "school zone" with exceptions :

Exceptions [edit]

Gun-Free School Zones Act of 1990 - Wikipedia

Pursuant to 18 U.S.C. § 922(q)(2)(B):

[18 U.S.C. § 922(q)(2)(A)] does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

Pursuant to 18 U.S.C. § 922(q)(3)(B):

[18 U.S.C. § 922(q)(3)(A)] does not apply to the discharge of a firearm—

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

(iv) by a law enforcement officer acting in his or her official capacity.

ISABELLA COUNTY ROAD COMMISSION

I spoke with an ICRC Supervisor, who was doing a site inspection near the white sign. He showed me a permit with the name "Steve" on it. Steve has an address in Elwell, MI. The Supervisor asked if Steve lived at the home. I said "No, it belongs to Marvin Yoder". He asked what they were trying to build, and I replied, "an Amish School". He stated to me that in his opinion, the marked flag tape, on the fence, most likely would not be approved since the driveway opening is too close to the big hill. Also, who is Steve from Elwell?

Geographical information of note

The 5000 block of South Sherman road runs from Deerfield to Millbrook. It has a "T" at the intersection of Deerfield and Sherman and a 2-way stop at the intersection of Millbrook and Sherman. On the corner of Millbrook and Sherman roads is the home of Bud and Spring Bissell. Adjacent to the north and bordering is the lone Amish family of Marvin Yoder. Adjacent to the north of Yoder is the Pifer property. Adjacent to the north of the Pifer's is James Mitchell, single man. Those represent the only homes on Sherman Rd, (Three English and one Amish). This begs the question, why is a school proposed on this road and this location?

SAFETY CONCERNS

The Blind Hills are a permanent and unavoidable physical feature that are a safety hazard to school and children at play, horse and buggy and increased commercial traffic.

THE BLIND HILLS

The big hill from p.o.v. looking south from driveway entrance at 5597 S. Sherman Rd

The vantage from the big hill looking south to white information sign, that also signifies where the school may be constructed

THE BLIND HILLS

The vantage of looking north to small hill from corner of Sherman and Millbrook Rds. Yoder's home is not visible, and it stands 2-1/2 stories tall

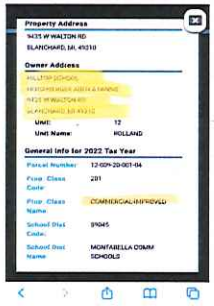
The vantage from top of small hill looking north to big hill. Yoder's mailbox is visible in this picture, along with white informational sign

A ZONED SCHOOL NEARBY ALREADY EXISTS

AIDEN HERSHBERGER AND THE HILLTOP SCHOOL

Approximately 2.85 miles away, 2 miles via straight line, is a commercially-zoned, Amish School. This school sits next to Aiden Hershberger's commercial tiny-home building factory. Case of note, Aiden Hershberger's factory operates on an Agricultural-Improved property class. This area would be considered an Amish Population center as several Amish families live on or adjoining Walton Rd between Guy Rd and Rolland Rd. Why is this school not being utilized?

HILLTOP SCHOOL-WALTON RD.



HILLTOP SCHOOL- WALTON ROAD

THE ADVENT OF COMMERCIALIZING RESIDENTIAL AND AGRICULTURAL PROPERTIES

11091 W MILLBROOK RD
BLANCHARD, MI, 49310

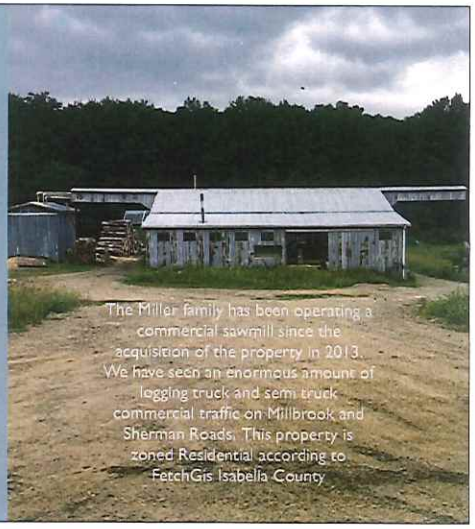
Owner Address
MILLER MONROE & MARTHA
-
11091 W MILLBROOK RD
BLANCHARD, MI 49310

Unit:	12
Unit Name:	ROLLAND

General Info for 2022 Tax Year

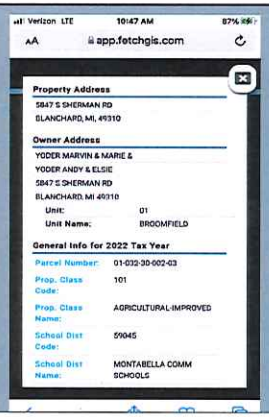
Parcel Number:	12-006-20-001-01
Prop. Class Code:	401
Prop. Class Name:	RESIDENTIAL-IMPROVED
School Dist Code:	59045
School Dist Name:	MONTABELLA COMM SCHOOLS

MONROE MILLER- CORNER OF MILLBROOK AND SHERMAN ROADS



The Miller family has been operating a commercial sawmill since the acquisition of the property in 2013. We have seen an enormous amount of logging truck and semi truck commercial traffic on Millbrook and Sherman Roads. This property is zoned Residential according to FetchGis Isabella County

MARVIN YODER- SHERMAN ROAD



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Property Address
5847 S SHERMAN RD
BLANCHARD, MI, 49310

Owner Address
YODER MARVIN & MARIE &
YODER ANDY & ELSIE
5847 S SHERMAN RD
BLANCHARD, MI 49310

Unit:	01
Unit Name:	BROOMFIELD

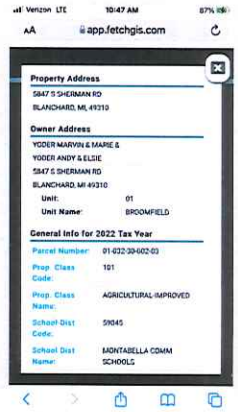
General Info for 2022 Tax Year

Parcel Number:	01-032-30-002-03
Prop. Class Code:	101
Prop. Class Name:	AGRICULTURAL-IMPROVED
School Dist Code:	59045
School Dist Name:	MONTABELLA COMM SCHOOLS

Cleared building site with large trusses piled up, rumored to be a new, commercial shop with lathes. Yoder is moving away from construction and into manufacturing according to folks in and around Blanchard. This site sits directly south of the residence and property is zoned agricultural-improved

MARVIN YODER-SHERMAN RD

Marvin is currently zoned Agricultural-Improved according to FetchGis Isabella County



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Property Address
5847 S SHERMAN RD
BLANCHARD, MI, 49310

Owner Address
YODER MARVIN & MARIE &
YODER ANDY & ELSIE
5847 S SHERMAN RD
BLANCHARD, MI 49310

Unit:	01
Unit Name:	BROOMFIELD

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Prop. Class Name:	AGRICULTURAL-IMPROVED
School Dist Code:	59045
School Dist Name:	MONTABELLA COMM SCHOOLS

AIDEN HERSHBERGER-WALTON ROAD COMMERCIAL TINY HOME MANUFACTURER

- Mr. Hershberger has been manufacturing tiny homes on top of 5th wheel trailers for a couple of years. This manufacturing facility sits next to the Hilltop School. The property is zoned Agricultural-Improved

The Pifer Property at 5597 S. Sherman Rd,
Blanchard, MI, Broomfield Twp, USA

Closing statement

As alluded to earlier, we bought our home and land in 2004. We have since put hundreds of thousands into remodeling, land improvements and wildlife habitat improvements to build our version of peace and sanctity. We have done this with the mindset that we want to be seen, not heard. We do not trespass, we have maintained great relationships with our neighbors, including the Yoder's and have always been there for our neighbors and vice versa. Marvin has not approached me in any way, shape or form about building a school 100 yards from my property line. Likewise, he did not inform me of digging the pond that borders my SE corner of property in 2015. That pond was dug after-hours by Isabella Corporation and collects water that runs off my property from a wetland. That pond was dug during bow season. I bit my tongue while I lost 2 weeks of hunting b/c of an excavator running from 5pm till dark feet from my land. Because neighbors being neighbors. Now, I am taking a stand. This school represents yet more commercial creep and degradation of our peace and sanctity. The fact that it is being proposed next to a huge hill with safety concerns, while increasing traffic on such a hilly road is dumbfounding. The fact that there is only one Amish family on the 5000 block of Sherman Rd and this school is being proposed here is also dumbfounding. And the fact that it is being built next to me is the deal breaker. I have not seen a site plan, any assurance that this will not interrupt my peace and sanctity, that it will not increase traffic and/or it will not affect the wildlife and their natural movement. 5597 S. Sherman is my Eden, and I will not have any more commercial factories, businesses, sawmills, or noisy diesel engines running 6 days per week at 3000 rpm near me. I say enough is enough. Thank you