



Variance Request attachment

We are requesting a variance to change the maximum allowable Excavation/ Transportation Business acreage from 5 to 10 acres in preparation for applying for a special use permit for that use.

The property already meets or can meet with some minor alterations the requirements for that special use except for #6.

1. Excavation-Transportation Services shall be located by special use only in AG-1, AG-2, and AG-3 Districts and by right in I-1 Districts.
2. All heavy equipment used in the operation shall enter and exit the property in driveways located no less than 100 feet from an adjacent residence.
3. Hours of operation shall be 6:00 a.m. to 10:00 p.m.
4. All storage of equipment and materials must be inside a building or in the rear yard and behind the building.
5. Screening, in accordance with [Section 3.23](#), shall be provided from adjacent residences.
6. The maximum lot size shall be 5 acres in all Agricultural Districts.

The reason for the variance request is that due to the shape and dimensions of the property it cannot be split into 2.5 acre parcels to comply with the zoning ordinance. The property is 330' x 1320', zoning ordinance for this district requires that parcels have 165' of road frontage. Due to the Michigan Land Division Act a property cannot exceed a 4:1 depth to width ratio and splitting the property to create 2 165' wide parcels would create parcels with an 8:1 depth to width ratio. Therefore this property we believe falls under the extreme narrowness criteria outlined in the variance documents.

In order to use this property for our intended use we would need to receive this variance. While not in the direct vicinity there are multiple other businesses of the same type throughout the county in Ag districts that meet similar criteria of exceeding the 5 acre parcel size.

We do not believe that this variance will be detrimental to neighboring properties any more than if the property were only 5 acres as it meets the remainder of the requirements for that special use.

This variance will not impair the intent and purpose of the ordinance as in conjunction with receiving the variance the property would still need to be approved for the special use permit as outlined in the ordinance.

Lastly, this difficulty which we are requesting the variance for was not created by us as the property was split prior to our purchase and created this extremely narrow parcel that prevents a split that would comply with both the ordinance and Michigan Land Division Act

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Cathleen Conley-Treichel

Whose address is 12425 Wilkinson Rd, Freeland, MI 48623

Convey(s) and Warrant(s) to Jacob M. Toth and Kaylee M. Toth, Trustees of The Jacob M. Toth and Kaylee M. Toth Living Trust

Whose address is 2775 S. Nottawa Rd., Mount Pleasant, MI 48858

the following described premises:

Land situated in Broomfield Township, Isabella County, Michigan to-wit:

The East 10 acres of the Northeast 1/4 of the Northwest 1/4 of Section 13, T14N, R6W, Broomfield Township, Isabella County, Michigan

Tax Parcel No.: 01-013-10-001-05

For the Sum of Forty Eight Thousand Dollars and No Cents (\$48,000.00)

Subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any.

The grantor grants to the grantee the right to make 0.114 division(s) under section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

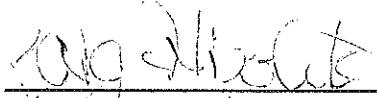
Dated: June 15, 2023



Cathleen Conley-Treichel

STATE OF MICHIGAN)
COUNTY OF ISABELLA)SS
)

On this 15th day of June 2023 before me personally appeared Cathleen Conley-Treichel to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.



Paige Hipolite

Paige Hipolite, Notary Public

Isabella County, Michigan

My Commission Expires: June 21, 2027

Acting in the County of: ISABELLA

Instrument Drafted By:
Cathleen Conley-Treichel
12425 Wilkinson Rd
Freeland, MI 48623

Assisted By:
Mt. Pleasant Abstract & Title, Inc.
116 Court Street
Mount Pleasant, MI 48858
File #23-413913

Return to:
Jacob M. Toth and Kaylee M. Toth
Living Trust
2775 S. Nottawa Rd.
Mount Pleasant, MI 48858