

**ISABELLA COUNTY
ZONING BOARD OF APPEALS
Application for Variance**

APPLICANT INFORMATION:

Name Jacob Toth Owner/Agent/Other (Circle One)
Address 2775 S Nuttana Rd Mt. Pleasant, MI 48858
Phone 989-488-9925 Fax _____

PROPERTY OWNER INFORMATION: (if different from applicant)

Name _____
Address _____
Phone _____ Fax _____

PROPERTY INFORMATION:

Address/Location 6000 block W Pickard Rd
Tax I.D. Number 01-013-10-001-05
Zoning District A62 Township Utton Field Section 13
Directions to property E on W Pickard From Coldwater
Approx 1/2 mile

ATTACHMENTS: Please submit the following items with the application.

A Site Plan showing the following: Dimensions of property, location of roads, easements and driveways. The location and dimension of any existing buildings and/or structures; any unique natural features such as lakes, rivers, streams, wetlands, steep slopes. The location and dimensions of proposed building(s) and/or structures.

A copy of the deed and accurate legal description of property.

The applicant must demonstrate evidence of a practical difficulty and demonstrate that ALL conditions in Section 14.04 (C) (1-5) are met (see reverse).

Nature of request: See Attachment

Jacob Toth 10-9-23
Signature of Applicant Date

Optional: I hereby grant permission for members of the Isabella County Zoning Board of Appeals and Zoning Administrator to enter the above described property for the purposes of gathering information related to this application.

Jacob Toth 10-9-23
Signature of Applicant Date

File # PVAR230006 OFFICE USE ONLY Date Received 10.9.23
Received by MR Fee \$175.00 Receipt Number 12550
Check Number 1172



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 2.14 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.

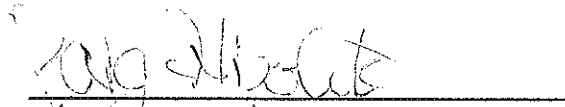
Dated: June 15, 2023


Cathleen Conley-Treichel

STATE OF MICHIGAN
COUNTY OF ISABELLA

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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, 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