

ISABELLA COUNTY
ZONING BOARD OF APPEALS

August 21, 2024

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on August 21, 2024 at the Commission on Aging Building, 2200 South Lincoln Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Tom Riley, Brent Duffett, Tom Kromer

MEMBERS ABSENT: Phillip Vogel

SUPPORT STAFF PRESENT: Ray Johnson, Planner/GIS Analyst
Mackenzie Perkins, Administrative Assistant, Recording Secretary

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

Mr. Wynes called for a motion to approve the agenda.

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

Yes: Jim Wynes, Tom Riley, Brent Duffett, Tom Kromer

No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the July 17, 2024 regular meeting were circulated to the Board prior to the meeting for their review.

Mr. Johnson stated that there was a correction on the minutes page 3 and staff made the correction.

Mr. Wynes called for a motion to approve the July 17, 2024 regular meeting minutes with the noted correction.

A motion was made by Mr. Kromer supported by Mr. Riley to approve the minutes with staff's correction.

Mr. Wynes called for a vote.

Yes: Jim Wynes, Tom Riley, Brent Duffett, Tom Kromer

Non: None

Motion Carried

PUBLIC COMMENT – Opened at 9:01 a.m.

Yvonne Stein read a prepared letter. Mrs. Stein asked to the Board to consider her letter in opposition of Variance #24-05.

Doug Elias informed the Board of a typo in the agenda for the Essential Public Service. It should say Nottawa not Isabella.

Mr. Johnson provided clarification on the coverage maps submitted by the applicant for Variance #24-05. Mr. Johnson informed the Board that her letter and concerns will be present to the Planning Commission at their meeting in September.

Hearing no further public comment, the Chair closed the meeting to public comment at 9:10 a.m.

Variance #24-04 – Byler – Isabella Township

Mr. Wynes called for a motion to remove Variance #24-04 from the Table.

A motion was made by Mr. Duffett supported by Mr. Riley to remove Variance #24-04 from the Table.

Mr. Wynes called for a vote.

Yes: Jim Wynes, Tom Riley, Brent Duffett, Tom Kromer

Non: None

Motion Carried

Mr. Johnson reviewed the variance request that was brought to the Zoning Board of Appeals on July 17, 2024. He stated since that meeting, Mr. Byler provided Section 14.04 C that was not addressed in either the application or during the hearing. Mr. Johnson indicated the request is for a 166-foot setback to a property line that contains a residential use where 250 feet is required.

The Chair opened the meeting for public comment at 9:17 a.m.

Dale Finnerty stated that he is to the West and South of Mr. Byler. Mr. Finnerty stated that he has no issues with Mr. Byler's facility and believes that Mr. Byler's services are good to the farming community.

Andrew Thompson – Attorney for Kathy Clouse a resident of 860 E Denver Rd immediately East of Mr. Byler's property. Mr. Thompson informed the Board that there were some concerns that he knows the Planning Commission will address but still wanted the Zoning Board to also be aware of the concerns. Mr. Thompson stated the concerns were truck traffic, outdoor burning, a train whistle, and outdoor storage.

Kristin Derby the Isabella Township Clerk, stated that the Township is in favor of Mr. Byler's business and that the Township is in support of small businesses.

Hearing no further public comment, the Chair closed public comment at 9:23 a.m.

The Chair called for Board discussion.

General discussion of Mr. Byler's operation and the concerns to be addressed by the Planning Commission.

Mr. Kromer stated that if the Planning Commission address the concerns that he is in favor to grant the variance request.

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

A motion was made by Mr. Kromer to approve Variance Number 24-04 (VAR#24-04) as submitted by Omar Byler for a 166-foot setback to a property line that contains a residential use where 250 feet is required for this parcel in the Restrictive Agricultural (AG-1) district with the stipulation that the applicant address the concerns raised at the meeting in his application for a special use permit to the Planning Commission.

The motion was supported by Mr. Duffett.

Mr. Wynes called for a roll call vote.

Mr. Kromer: Yes

Mr. Duffett: Yes

Mr. Riley: Yes

Mr. Wynes: Yes

Motion carries.

Essential Public Service #24-01 – Mindel – Nottawa Township

Mr. Johnson reviewed his staff report regarding the request. He indicated that the request was for an approval for a sewer pump station in accordance with Section 3.13.

Mr. Johnson stated Kory Mindel included a narrative in the application addressing the following:

1. How the proposed development conforms harmoniously with the general architecture and plan of the district,
2. How the advantage of the proposed location is not outweighed by the detriment to the locality, and
3. How a different suitable location is not readily available.

Mr. Johnson informed the Board that a letter of opposition from Ian Kabell (attached) was handed to him before the meeting and copies were given to each Board member.

The Chair invited the applicant to speak.

Pete Lorenz reviewed background of sewer pumps in general and on the pump that was previously approved in Beal City. Mr. Lorenz reviewed the infrastructure plans and how the site is setup for expansion if it becomes necessary. He informed the Board that the property is already owned by the Township and that the location is outside of the wetland area of the property. Mr. Lorenz also addressed and safety concerns of the driveway being on a steep slope if it were placed on E. Beal City Rd.

Mr. Lorenz discussed the use after installation of the pump station. He indicated that there will be routine inspections approximately once a week along with help of a SCADA system for remote monitoring.

Mr. Lorenz addressed that in an event of a power outage the building will use a natural gas generator housed in the building which would only run when the pump kicked on. Mr. Lorenz provided an example of a pump station in Howell 40 ft from a home which has received no known complaints of noise or odor.

Mr. Lorenz addressed that there is no plan to use chemical odor control but that there will be provisions if chemical control is needed. Mr. Lorenz explained how chemical odor control is managed. He stated that odor control is only added when it is necessary.

Mr. Lorenz stated that this location was ideal as the 40-acre property is vacant, the Township already owns it, and that the winds blow mostly to the west. He stated that other property locations could be more impactful since they would be closer to other buildings or residents.

Mr. Lorenz informed the Board that the Township has submitted for approvals from EGLE for Part 41 compliance. He reviewed the permitting process and stated that a wetland impact permit has been issued.

Mr. Kromer asked if there were typically any odor.

Mr. Lorenz stated it would be minimal and explained the pump process and air movements.

Mr. Kromer asked how often the pumps run.

Mr. Lorenz stated that there are a lot of factors such as size of well, time of day, and usage.

Mr. Duffett asked about the risk of leak and how it is managed. He also asked if that was addressed with EGLE.

Mr. Lorenz stated that there is a low risk of leaking with the structure being concrete and the pipes being small around the lake. Mr. Lorenz stated that in the event of a leak the Health Department and EGLE will be immediately involved with mitigation.

Mr. Kromer asked if they are worried about vandalism why there is no proposed fence.

Mr. Lorenz stated that there have been no issues this far in Beal City. Mr. Lorenz stated that there will be a light pole, building will be close to the road and visible which reduces the chance of vandalism. He stated that control panel coverings are steel and are under lock and key. Mr. Lorenz stated there are no plans at this time to add fencing.

Mr. Kromer asked about the longevity of the building.

Mr. Lorenz stated that there is no vision for decommissioning. He stated there is no known municipal location to decommission a sewer pump. He also stated that both the building and pumps can last for many years with the proper maintenance and they can be upgraded if needed.

The Chair opened public comment at 10:04 a.m.

Ian Kabell read his prepared letter that was previously provided to the Board. Mr. Kabell stated that he feels the Township has not provided opportunities to the residents for input. Mr. Kabell expressed concern of odor and water impact. He wants the Township to work with the residents concerning the risks.

Mr. Kabell stated that he was not concerned with the location. Mr. Kabell feels the station will fail and maintenance will be required. Mr. Kabell asked the Board to deny the pump so the Township can discuss the project further with the community.

Vyonne Stein reviewed her opposition letter for variance request 24-05.

Diana Pitts stated she lives directly across where the proposed sewer pump would be placed. Mrs. Pitts read from a prepared statement and indicated she had pictures for the Board to review. She stated that the proposed structure is not harmonious and does not look similar to other accessory buildings. Mrs. Pitts expressed concern on the possibility of pumps breaking. She also expressed concern about power outages, noise, and odor.

Mrs. Pitts stated that Littlefield Rd. is a main road in the community that links to beaches, the campground, a County park, and an ice-cream shop. She also stated that there are other

locations on the northeast corner of the 40-acre parcel that she believes the building could be placed. Mrs. Pitts asked that the request be denied because of these concerns.

Doug Elias asked if the request was approved will there be more roads installed to access all areas of the property or just one driveway by the pump station. He indicated he was concerned about this since he owns property adjacent to the Township property.

Patricia Carrick stated she lives one mile from the proposed. Mrs. Carrick raised concerns on the environmental risk with the proposed building being near wetlands and the land being an old landfill. Mrs. Carrick raised concern of pipes freezing and power outages. She requested that an environment impact assessment and inspection of the landfill be completed to check for leaching.

The Chair asked if there were any more individuals who would like to speak during public comment.

Hearing no further public comment, the Chair closed the meeting to public comment at 10:22 a.m.

The Chair called for Board discussion.

Mr. Duffett asked if there have been any open meetings in with the Township or is the first meeting for the pump station.

Mr. Lorenz stated that he is unaware if there was any meeting with the Township in regards to the location of the proposed pump station. He stated that the northeast corner was investigated as a possible location but it is 30 ft higher in elevation. Mr. Lorenz stated that pump stations do better in lower locations taking advantage of gravity and reducing costs. He also stated that the rest of the property is wetlands and old landfill areas. Mr. Lorenz informed the Board that the location of the building was heavily thought about before the Township chose this location.

Mr. Lorenz stated that there will be a driveway along the pumpstation clearing for only current infrastructure and no other development on the rest of the parcel is planned at this time. Mr. Lorenz also indicated EGLE has been involved with the review and testing.

Mr. Duffett asked about vehicle traffic and if it will be minimal once the operation is up and running.

Mr. Lorenz stated that there may be someone there about once a week. He also reiterated the installation of the SCADA system for remote monitoring. Mr. Lorenz stated traffic would only pick up if items inappropriate items get flushed in toilets by residents.

Mr. Duffett asked about possibility of odor and what would be the process if someone made a complaint.

Mr. Lorenz stated concerns would go to the Township for evaluation. He stated that if needed a chemical odor control could be utilized.

Mr. Wynes asked if there were any problems at the Beal City pump station.

Mr. Lorenz stated that there have been problems but its been cause by the flushing of non-flushable items.

General discussion on the different pump types with their advantages and disadvantages.

Mr. Lorenz stated that if needed, pumps can be replaced extending the longevity of the system.

Mr. Johnson indicated a copy of Diana Pitts' letter was provided following her public comment along with her pictures (she asked pictures be returned after review). He also stated that he was handed a letter of general opposition to the sewer project signed by Paul and Kelly Pung.

Discussion on concerns by the Board.

Mr. Johnson recommended that if an approval was going to be made, a condition be imposed that staff are to receive a copy of the EGLE permit and any other required permits.

Mr. Duffett stated that the structure is harmonious with the neighborhood which is known for having a wide variety of out-buildings. Mr. Duffett said the need is there and that he feels Mr. Lorenz and the Township have taken concerns into consideration.

A motion was made by Mr. Duffett to approve Essential Public Service Number 24-01 (EPS #24-01) as submitted by Kory Mindel, Nottawa Township Supervisor, for the construction of a sewer pump station and shall be further conditioned upon the following:

1. The applicant shall apply for and be issued a Soil Erosion and Sedimentation Control permit.
2. The applicant shall provide a copy of any state required permits.

The motion was supported by Mr. Riley.

Mr. Wynes called for a roll call vote.

Mr. Kromer: Yes

Mr. Riley: Yes

Mr. Duffett: Yes

Mr. Wynes: Yes

Motion carries.

At 10:48 a.m. the Chair called for a 5-minute recess

The Chair called the meeting to order at 10:53 a.m.

Variance #24-08 – McNeill – Vernon Township

Mr. Johnson reviewed his staff report regarding the variance request. He indicated that the request was for a front yard setback of 15 ft 6 in where 25 feet is required (East) and rear yard setback of 11 ft where 35 ft is required (West) for the construction of an L-shaped deck.

Mr. Johnson stated that there are existing decks and the new construction would replace these ailing decks.

The Chair invited the applicant to speak.

William McNeill stated that he plans to replace existing deck including making the East deck smaller. Mr. McNeill stated that the decks are currently in disrepair and unsafe. He also informed the Board he plans to use more durable material.

The Chair opened public comment at 10:58 a.m.

The Chair closed public comment at 10:58 a.m.

The Chair called for Board discussion.

Mr. Duffett stated that this has no visual impact to road and meets the requirements in Section 14.04 C.

The Chair called for a motion.

A motion was made by Mr. Duffett to approve Variance Number 24-08 (VAR#24-08) as submitted by William McNeill for a front yard setback of 15 ft 6 in where 25 ft is required and a rear yard setback of 11 ft where 35 ft is required for this parcel for the construction of a deck in the Lakes Area Residential (L-R) district.

The motion was supported by Mr. Kromer.

The Chair called for a vote.

Yes: Jim Wynes, Tom Riley, Brent Duffett, Tom Kromer

No: None

Motion carried.

STAFF COMMENTS – None

APPEALS BOARD MEMBER COMMENTS – None

ADJOURNMENT

Mr. Wynes adjourned the meeting at 11:00 a.m.

Brent Duffett, Secretary
Mackenzie Perkins, Recording Secretary

UNAPPROVED

Dear Zoning Board Members,

I am writing to express my strong opposition to granting the zoning variance for the proposed Nottawa Township sewage pumping station. While my home is not within line-of-sight of the proposed pumping station, it would absolutely, in the event of a sufficiently catastrophic failure, be within range-of-smell of the station and, quite possibly, within range of potential groundwater contamination. I am told, in such a way as to make me believe it, that the township is concerned about the possibility of vandalism at the site, which, if true, would further heighten these concerns.

Regrettably, the township, in their application, chooses to attempt to handwave past these concerns with the phrase “the proposed use ... is not seen as a potential detriment to the area.”¹

As an affected homeowner, I would like, and believe I am entitled to have, a serious engagement with these concerns as a part of the zoning process. Specifically, I would like to see discussion of:

the possible risk of, and consequences of, a potential site failure and material release,

the steps the township is proposing to take to minimize these risks,

the plans the township is proposing to have in place for repair and remediation in the event of a site failure, and

the township's plan and timeline for decommissioning the site at the end of its reasonable life cycle.

I respectfully request that the board deny this variance at least until the township more thoroughly engages with the environmental risks associated with this project. I would further request, that, if possible, notices of further hearings on this matter be sent to all homeowners within the potential environmental footprint of this project.

Sincerely,



Ian D. Kabell
5160 Parkview Dr
Weidman Mi 48893

¹A large and vocal majority in the neighborhood believe that the station, and the larger project of which it is a part, are indeed “a potential detriment to the area”. The township is aware of this. This may explain the concerns around vandalism.

Patricia Carrick
2058 N Johnson
Weidman MI 48893
pattyC1@frontier.com
989-644-5014

August 21, 2024

Zoning Board
MT. Pleasant, MI. 48858

Dear Members of the Zoning Board

I am here to express my concerns regarding the purpose installation of a Sub Station at the corners of Littlefield Rd and Beal City Rd.

I strongly believe that this project poses significant environmental risks that must be carefully considered.

The proposed location is close proximity to sensitive wetlands, and a dump site that has not been inspected for leaching into our drinking

Water or Coldwater lake,
which is Mere $\frac{1}{8}$ Mile away.

I am worried that the pipes
even if buried below frost line
can still freeze and burst.

The Ottawa Twp needs this Substation
for its Sewer lines that will run
around Coldwater Lake.

We have two power Companies,
Consumers on the North Side and Tri-
County on the South East Side
of the lake.

My point is, What happens if
one electric Company lose power?

The extremely Cold Weather can
Send ice into drains System if
left unUsed without warm waste
water flowing through the lines
Causing them to burst and harm
The surrounding eco system.
drinking Water and Contamination
of the lake.

I urge the zoning board to carefully evaluate the potential risks and consider alternate solutions that prioritize environmental protection.

I request the board:

- ① Conduct a thorough environmental impact assessment
- ② Inspect the dumpsite for leaching and ensure it is properly contained.
- ③ Explore alternative reason for the substation before Northawn Twp makes 380 people pay this huge burden. Not mandatory, expensive, Loud, ugly site that leads us to our beautiful park.

I look forward to your responds

Sincerely

Patricia Carrick
Patricia Carrick

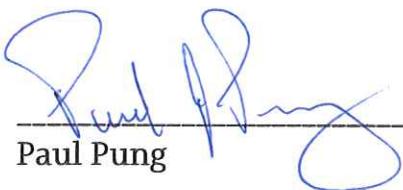
Paul and Kelly Pung
5073 West Beal City Road
Weidman, MI 48893

August 19, 2024

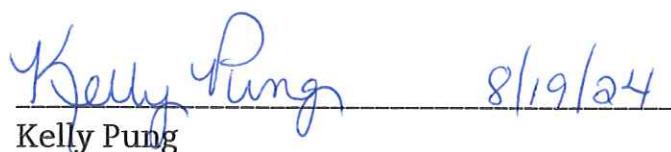
Isabella County Zoning Board of Appeals

As owners of the residence listed above, we would like to have this property and others surrounding properties around us be re-evaluated for the Essential Public Service request (pump station) submitted by Nottawa Township in accordance with Section 3.13 of the Isabella County Zoning Ordinance. The affected property is located at 1974 N Littlefield Rd., Weidman, MI 48893; Section 29 of Nottawa Township. Parcel #11-029-10-002-00.

- There are houses right on the lake that do not have to hook on.
- We can't see any water from our residence.
- We are not as close to the water as other homes that are not having to hook on
- We have 2-1/2 acres of property, which is enough to maintain our own sewer system.
- There isn't a benefit for us to have to hook up to the pump station. What are we gaining?
- We are not experiencing any of the issues that the lake homers are nor are we affecting any of their issues.
- This will decrease the market value of our home.


Paul Pung

8/19/24


Kelly Pung

8/19/24