

ISABELLA COUNTY
ZONING BOARD OF APPEALS

September 18, 2024

A Regular Meeting of the Isabella County Zoning Board of Appeals was held on September 18, 2024 at the Commission on Aging Building, 2200 South Lincoln Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Tom Riley, Phillip Vogel, Tom Kromer

MEMBERS ABSENT: Brent Duffett

SUPPORT STAFF PRESENT: Ray Johnson, Planner/GIS Analyst
Mackenzie Rahl, 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. Riley supported by Mr. Kromer to approve the agenda.

Yes: Jim Wynes, Tom Riley, Phillip Vogel, Tom Kromer

No: None

Motion carried.

PREVIOUS MINUTES

Minutes from the August 21, 2024 regular meeting were circulated to the Board prior to the meeting for their review.

Mr. Wynes called for a motion to approve the August 21, 2024 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, Tom Riley, Phillip Vogel, Tom Kromer

Non: None

Motion Carried

PUBLIC COMMENT – Opened at 9:01 a.m., Closed at 9:01 a.m.

Variance #24-09 – Jones – Nottawa Township

Mr. Johnson reviewed his staff report regarding the variance request. He indicated the request is for a 3040 sqft accessory building on a property where a maximum of 864 sqft is permitted for this parcel.

Mr. Johnson stated that Mr. Jones previously contacted staff about constructing a home on the property. Mr. Johnson stated that the zoning ordinance only allows for a single home on the property so it must be split, however the ordinance does not allow for an accessory building greater than 864 sqft if the property was split, hence Mr. Jones' request for a variance.

Mr. Johnson stated that staff has posted a sign on the property and posted the request in the Morning Sun as per state law and ordinance requirements. He stated that a letter of opposition from Kent and Jessica Manley was received citing the County's notification process. He indicated that staff reached out to the County attorney who indicated that the notification and process was in compliance with the State law requirements.

Mr. Johnson also stated that there was a petition given to him just before the meeting. Mr. Johnson informed the board that the petition was opposed to Variance #24-09 and signed by 20 (twenty) individuals and 15 (fifteen) different residences.

Mr. Kromer asked if there would be issues building a home on the property with existing accessory building.

Mr. Johnson stated that the accessory building would have to be in a side or rear yard and any new construction is required to be in compliance with the zoning ordinance.

Discussion about the existing accessory building, when it was originally built and how it was previously permitted.

The Chair invited the applicant to speak.

Ben Jones spoke on behalf of his brother Ken Jones. Mr. Jones stated that he believes Mr. Johnson did a good job explaining the request. Mr. Jones stated that his brother plans to build a home or convert accessory building into a residence. Mr. Jones stated that he believes they can meet criteria.

Mr. Vogel asked if the size of the building will be an issue if the variance is approved.

Mr. Johnson stated that staff will review all ordinance requirements if a zoning permit for a home is received in the future.

The Chair opened public comment at 9:15 a.m.

Sheila Rau spoke in opposition asking about the wording in the public hearing notice. She also indicated she would like the property to not be split and had concerns on future buyers of the existing home and what they would do if they want an out building.

Greg Brickner spoke in opposition citing the wording in the public hearing notice, and voiced his concern about others not receiving the notice. Mr. Brickner stated he has no issue with the current buildings but does not want industrial buildings in the area.

Mr. Johnson informed the Board that he would address concerns raised during public comment after everyone has had an opportunity to provide public comment.

Ms. Rau spoke in opposition citing the look of Mr. Jones' property.

Hearing no further public comment, the Chair closed public comment at 9:26 a.m.

Mr. Johnson stated that the State law does not require a public hearing notice to specify if a building is existing or proposed. He indicated that the members have the affidavit of mailing in their packets which show all property owners within 300 ft who were mailed notices in compliance with State law requirements. He also indicated that industrial uses are not permitted in the Lakes Area Residential Zoning district.

Mr. Wynes asked for clarification on what the Board is reviewing.

Mr. Johnson reviewed the variance request and ordinance requirements for new construction.

Mr. Kromer stated that granting the variance does not change the overall look and believes it will make it look better if another home was there. Mr. Kromer stated that the new parcel will be large enough.

Mr. Vogel asked about the notice.

Mr. Johnson stated the notice was in compliance with the State law after a review by the County's attorney.

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

A motion was made by Mr. Kromer to approve Variance Number 24-09 (#24-09) as submitted by Kenneth Jones for a 3,040 sqft accessory building on a property where a maximum of 864 sqft is permitted for this parcel in the Lakes Area Residential (L-R) District.

Mr. Kromer stated that the request only creating a new parcel does not negatively impact adjacent uses. He also indicated the split does not impair intent of the ordinance.

The motion was supported by Mr. Vogel.

Mr. Wynes called for a roll call vote.

Tom Kromer : Yes

Phillip Vogel : Yes

Tom Riley : Yes

Jim Wynes : Yes

Motion carries.

STAFF COMMENTS – None

APPEALS BOARD MEMBER COMMENTS – None

ADJOURNMENT

Mr. Wynes adjourned the meeting at 9:38 a.m.

Brent Duffett, Secretary
Mackenzie Perkins, Recording Secretary