

ISABELLA COUNTY
Application for Special Use Permit

Applicant:

Name Omar Byler Owner/Agent/Other interest
Address 132 E. Denver Rd Rosebush MI 48878
Phone 989-339-7703 Email ellabyler13@gmail.com

Property Owner: (if different from applicant)

Name _____
Address _____
Phone _____

Property Location:

Township Isabella Section 7 Zoning District _____
Address 732 E. Denver Rd. Rosebush, Mich. 48878
Tax I.D. Number 09-017-20-012-04

Description of Project and Proposed Use (Attach additional pages if necessary):

Sawing and Building fruit boxes

Omar Byler
Signature of Applicant

2-29-24
Date

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

Omar Byler
Signature of Applicant

2-29-24
Date

NOTE: All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes, but not limited to, all copyrighted drawings/blueprints.

Office Use Only

File No. SUP24-01 Fee \$175.00 Check # 11342 Receipt No. 13192

Date Application Received MARCH 4, 2024 Application Received By RS

Legal Description Attached? YES NO Site Plan Attached? YES NO

Applicable Ordinance Section(s) 12.05 KK

1:

- A. We purchase all the cants used to build our crates from 8 different sawmills throughout the state. All loads of cants are delivered by semis with B-train trailers, varying in frequency from three times a week to several weeks between loads. Delivery is dependent on the sawmills availability and when they have cants cut, loaded, and ready for delivery. Once delivered the cants are cut and sized into what we need to build a crate to the farmers needs. All crates are nailed together from the various sizes of boards we cut out of the cants we purchase. Once a crate is built it is stacked and bundled together ready to deliver to the farmers as ordered. All the crates are picked up by either semis with B-train trailers or a 52' straight trailer. There are generally one to three truck loads of crates hauled away every week.
- B. Depending on the time of year there are generally 2-5 employee's at the business year round.
- C. All the sawdust collected from the cutting of the cants is all donated to farmers for the bedding of their livestock. 99% of all wood scraps is sold as firewood with the remaining burned in an enclosed large burning stove. A hoop barn will be built in 2025 to store the extra firewood.
- D. Everything laid out in this letter reflect that we are in compliance with Section 12.03.
- E. The train whistle is in no way affiliated with the business, It is simply used for family enjoyment.

2:

- A. The staging area for the crates is a 8' x 55' area on the north side of the building. There are three different staging area for the cants with one being on the north side of the barn with a size of 28' x35'. The remaining two staging areas are a 22' x 19' and a 9' x 20' area which is located on the south side of the barn. We're in the initial stages of planting new trees and grasses (hard maples) on the north side of the property line to comply with the standards set forth for the screening of the crates and cants. We will be moving the cants from the staging area and storing them in the hoop barn (to be built in 2025) within 24 business hours. All finished crates will be transported away from the property withing 48 business hours once there is a full load for a semi truck.
- B. There will be a 7' solid privacy fence on the east side of the property line installed. That 'said' fence will be built up to the existing five large (Christmas type) trees. Extending beyond those trees are nine large White Pine trees along with one Maple tree and 22 Chinese Elm trees.

RECEIVED

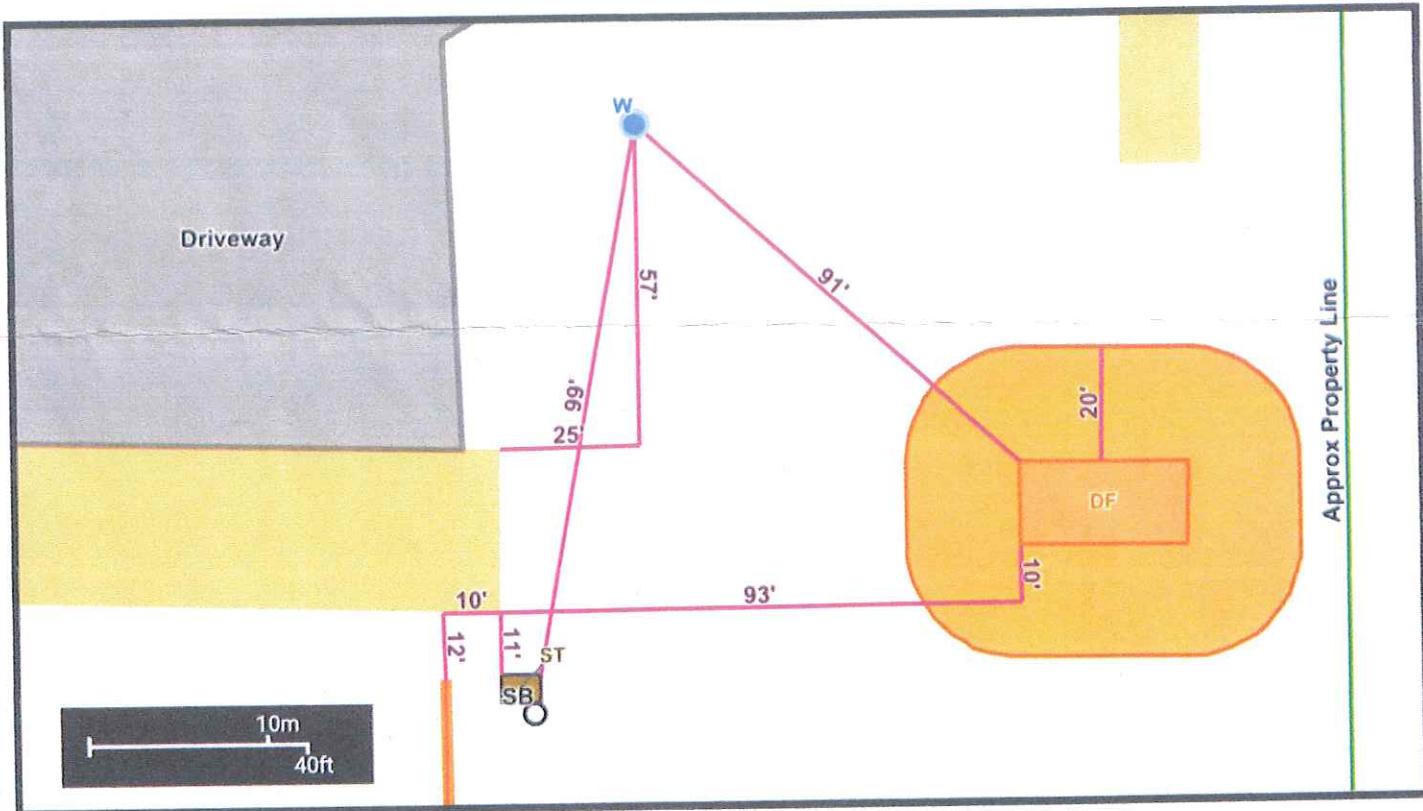
SEP 18 2024

INSPECTION DEPT.



Central Michigan District Health Department

Serving: Arenac, Clare, Gladwin, Isabella, Roscommon, and Osceola Counties



Property Information:

PIN: 09-007-20-002-04

Address: 732 E DENVER RD

State: MI

Township: Isabella Township

Owner Name: BYLER OMAR H & ELLA D

System Type: Residential

City: ROSEBUSH

Zip: 48878

County: Isabella County

SEWAGE FINAL INSPECTION

ONSITE SEWAGE FINAL INSPECTION REPORT

Permit Number: 27779

Permit Type: Replacement

SEPTIC TANK

Label: ST

Install Type: Replacement

Type: Septic

Effluent Filter: Yes

Material: Concrete

Comments:

Status: Finalized

Capacity Gallons: 1250

Riser(s): Yes

Compartments: 2

Pump is installed in the second compartment of the 2-compartment tank. Notified homeowner of the potential risk of pre-mature failure by having the pump in the septic tank rather than a separate pump chamber. The reason for the separate tank is to give more time for solids to settle before getting to the pump.

Existing septic tank was removed.

CONTRACTOR

Business Name: Homeowner Install

DRAIN FIELD

Label: DF

Status: Finalized

Length (ft): 35

Square Area (sqft): 525

Max Depth of System (in): 16

Berm Length (ft): 20

Comments:

Straw used to cover drainfield aggregate.

Drain Field Type:

Width (ft): 15

Number of Laterals: 5

Bottom of Bed: Above Grade

Advance Treatment Type (if applicable):

CONSTRUCTION INSPECTION

Inspection Type: Final

Eval conducted by: Lisa Patke

Installed in compliance with isolations distances: Yes

System installed according to approved plans: Yes

Seasonal High Water Table or Impermeable Layer (in.): 8

Inspection Status: Complete

Inspection Result: Approved

Visit Date: 07/03/2024

Date System Approved: 08/02/2024

Comments:

During time of inspection there was a perforated pipe as a header, asked homeowner to install a solid header. During time of the inspection the taper was not constructed. Homeowner followed up with pictures and updates about the solid header, taper, and alarm.

Sanitarian Signature:

RECEIVED

OCT 9 2024

INSPECTION DEPT.



2261 E. REMUS ROAD, MOUNT PLEASANT, MI 48858

PH: 989-773-7131

FAX: 989-772-2371

September 23, 2024

Omar Byler
732 E. Denver Road
Rosebush, MI 48878

Re: Existing Driveway at 732 E. Denver Road

Dear Mr. Byler,

I have reviewed the existing driveway at the above address and find that they meet the requirements for their intended use.

No driveway permit will be required.

Sincerely,

A handwritten signature in blue ink that reads "Patrick J. Gaffney".

Patrick J. Gaffney, P.E.
Engineer - Superintendent

Cc: File



October 10, 2024

Mr. Ray Johnson
Zoning Administrator
Isabella County Planning Commission
200 N. Main Street, Room 105
Mt. Pleasant, Michigan, 48858

Re: Special use permit request by Omar Byler

Dear Mr. Johnson,

As you know, this office represents Kathy Clouse who resides at 860 E. Denver Road, Rosebush, Michigan, 48878. On October 10, 2024, the Planning Commission is scheduled to consider a request by Omar Byler for a special use permit to operate a a rural production and processing facility pursuant to Section 12.05(KK) of the Isabella County Zoning Ordinance on the real property located at 732 E. Denver Road, immediately to the west of Mrs. Clouse's property.

While Mrs. Clouse does not oppose Mr. Byler's request, she has significant concerns about the negative effects of Mr. Byler's business on her parcel and other neighbors. Mr. Byler's business has been in operation in violation of the Isabella County Zoning Ordinance for a considerable period, and Mr. Byler only seeks approval now because the County threatened enforcement. It is important that the Planning Commission carefully consider this application, and impose reasonable conditions to ensure that Mr. Byler's use does not disrupt the lawful neighboring residential uses already in existence.

Mrs. Clouse has provided this office with pictures of Mr. Byler's current operations at the property, taken in July (Exhibit 1), August (Exhibit 2), and October (Exhibit 3). These pictures demonstrate that Mr. Byler is not in compliance with the requirements of the Zoning Ordinance at present. In order for the Planning Commission to approve the requested special use permit, Mr. Byler must comply with the following requirements:

1. The Ordinance requires visual screening along the property boundary between Mr. Byler's property and neighboring properties used for residential purposes. This visual screening must be either a 6 foot privacy fence or a 20 foot wide landscaped buffer at



least 6 feet in height. Mr. Byler has erected a fence along the boundary, but that fence does not cover the entire boundary with Mrs. Clouse's property.

2. Further, Mr. Byler must keep his manufacturing and storage operations within his enclosed buildings. At present, as demonstrated in the attached pictures, he is storing both his raw materials and stacks of his finished products outside of his enclosed buildings.
3. He must provide visual screening for all exterior waste containers.
4. Mr. Byler must have an approved waste disposal plan. Part of his current waste disposal plan involves significant burning of processed wood, which exposes Mrs. Clouse's property to significant smoke and fire risk. Mr. Byler has built some sort of enclosure for burning, but the Planning Commission should inspect this facility thoroughly to determine whether it will address the smoke and fire hazard concerns.
5. As shown in the attached pictures, Mr. Byler is currently using portable restrooms for his employees. Mrs. Clouse requests that the Planning Commission require Mr. Byler to construct permanent sanitary facilities to accommodate his employees.

Mr. Byler must not be permitted to enlarge the variance by expanding his production or storage facilities closer to the neighboring residential uses. Finally, Mrs. Clouse is requesting that the Planning Commission consider conditions to mitigate the increased traffic, noise, and dust that Mr. Byler's business causes on Denver Road. This is a rural gravel road, and the heavy trucks delivering supplies to and picking up deliveries of his products from Mr. Byler's business cause significant noise and dust and increase the level of maintenance required for this road.

Thank you for your consideration. As stated earlier, my client does not oppose Mr. Byler's request, but has asked us to appear to ensure that the Planning Commission carefully considers the negative impacts of Mr. Byler's operations on neighboring residential parcels, to request that the Planning Commission imposes reasonable conditions to alleviate those negative effects.

Kind Regards,

Andrew C. Thompson

Andrew C. Thompson
Attorney

Enc.
cc: Client

Exhibit 1 – Pictures sent to counsel July 15, 2024



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Exhibit 1 – Pictures sent to counsel July 15, 2024



Exhibit 1 – Pictures sent to counsel July 15, 2024



Exhibit 2 – Pictures sent to counsel August 12, 2024



Semi waiting for 1st semi to leave

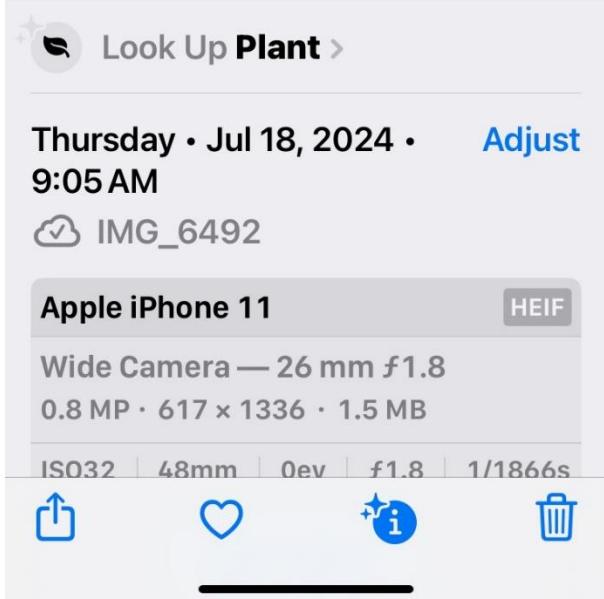


Exhibit 2 – Pictures sent to counsel August 12, 2024



2nd semi waiting for semi to leave



Look Up Plant >

Thursday • Jul 18, 2024 • [Adjust](#)
9:42AM



IMG_6495

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
1 MP • 886 x 1918 • 1.1 MB



Add a Caption

Thursday • Jul 18, 2024 • [Adjust](#)
11:03AM

Cloud icon IMG_6499

Apple iPhone 11

HEIF

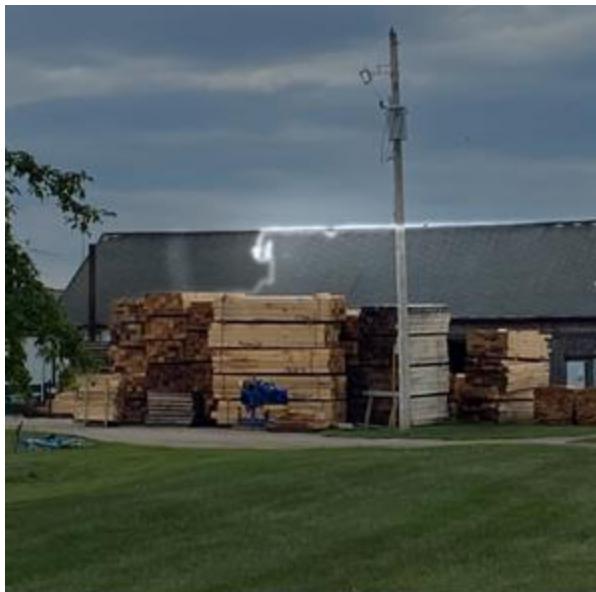
Wide Camera — 26 mm f1.8
12 MP • 3024 x 4032 • 1.5 MB

ISO32 | 63mm | 0ev | f1.8 | 1/3125s

Add a location...



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Sunday • Jul 21, 2024 •
10:45 AM

IMG_6513

Apple iPhone 11

HEIF

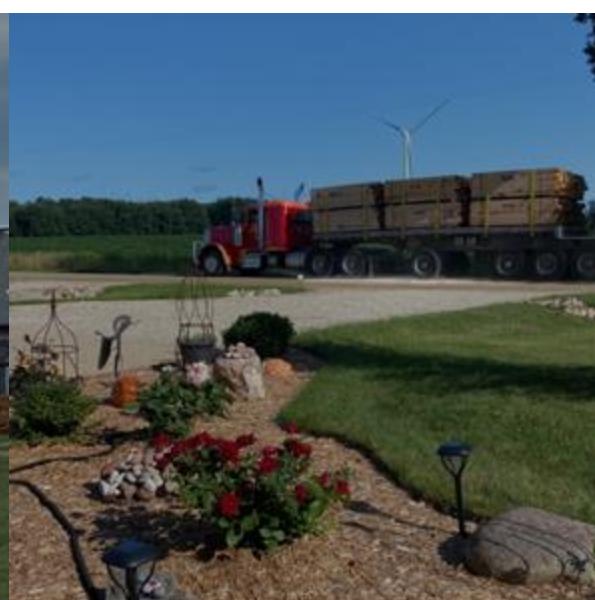
Wide Camera — 26 mm f1.8
12 MP • 4032 × 3024 • 574 KB

ISO32 | 109mm | 0ev | f1.8 | 1/3205s

Add a location...



Add a location...



Add a Caption

Thursday • Jul 18, 2024 •
9:41 AM

IMG_6494

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 × 4032 • 2.3 MB

ISO32 | 34mm | 0ev | f1.8 | 1/2571s

Add a location...



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Friday • Jul 19, 2024 • [Adjust](#)
8:26 AM

IMG_6505

Apple iPhone 11

HEVC

Wide Camera — 26 mm f1.8
1080p • 1080 × 1920 • 22.2 MB

29.97 FPS

00:22

[Add a location...](#)



Add a Caption

[Look Up Plant](#)

Thursday • Jul 18, 2024 • [Adjust](#)
9:15 AM

IMG_6493

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 × 4032 • 3.3 MB

ISO32 26mm 0ev f1.8 1/2183s



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Thursday • Jul 18, 2024 • [Adjust](#)
9:01AM

IMG_6491

Apple iPhone 11

HEVC

Wide Camera — 26 mm f1.8
1080p • 1080 × 1920 • 25.7 MB

240.36 FPS

00:04

[Add a location...](#)



Add a Caption

Sunday • Jul 21, 2024 • [Adjust](#)
10:44 AM

IMG_6510

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 × 4032 • 2 MB

ISO32 | 63mm | 0ev | f1.8 | 1/513s

[Add a location...](#)



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Wednesday • Jul 24, 2024 • [Adjust](#)
7:54 AM

 IMG_6519

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 × 4032 • 3.9 MB

ISO32 | 26mm | 0ev | f1.8 | 1/387s

[Add a location...](#)



Add a Caption

Sunday • Jul 21, 2024 • [Adjust](#)
10:44 AM

 IMG_6511

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 × 4032 • 750 KB

ISO32 | 109mm | 0ev | f1.8 | 1/2513s

[Add a location...](#)



Exhibit 2 – Pictures sent to counsel August 12, 2024



Monday July 29

Add a Caption

Monday • Jul 29, 2024 • [Adjust](#)
9:16 AM

IMG_6527

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 × 4032 • 3.9 MB

ISO32 | 26mm | 0ev | f1.8 | 1/407s

[Add a location...](#)



[Add a location...](#)

[PNG](#)

Screenshot

No lens information
1 MP • 750 × 1624 • 3.3 MB

- | - | - | - | - | - | - | -

[Add a location...](#)



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Tuesday • Jul 30, 2024 • [Adjust](#)
9:05 AM

IMG_6530

Apple iPhone 11 HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 x 4032 • 3.4 MB

ISO32 | 26mm | 0ev | f1.8 | 1/1565s

[Add a location...](#)



Add a Caption

[Look Up Plant](#) >

Tuesday • Jul 30, 2024 • [Adjust](#)
8:13AM

IMG_6529

Apple iPhone 11 HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 x 4032 • 4.2 MB

ISO32 | 26mm | 0ev | f1.8 | 1/250s

[Add a location...](#)



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Sunday • Aug 4, 2024 •
11:29 AM

IMG_6539

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 x 4032 • 856 KB

ISO32 | 60mm | 0ev | f1.8 | 1/4115s

Add a location...



Continuous burning of
processed wood

Wednesday • Aug 7, 2024 • Adjust
10:33 PM

IMG_6546

Screenshot

PNG

No lens information

1 MP • 750 x 1624 • 3.1 MB

Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption



Look Up **Poplar** >

Friday • Aug 9, 2024 •
2:08PM

Cloud icon IMG_6549

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8
12 MP • 3024 x 4032 • 3.7 MB

ISO32 26mm 0ev f1.8 1/981s



**Smoke from Byler burning
product.. I cannot have any
windows open**

Friday • Aug 9, 2024 •
5:17 PM

Cloud icon IMG_6550

Apple iPhone 11

HEIF

Ultra Wide Camera — 13 mm f2.4
12 MP • 3024 x 4032 • 1.1 MB

ISO20 25mm 0ev f2.4 1/1916s



Exhibit 2 – Pictures sent to counsel August 12, 2024



Add a Caption

Saturday • Aug 10, 2024 • [Adjust](#)
8:32PM

IMG_6558

Apple iPhone 11

HEIF

Wide Camera — 26 mm f1.8

12 MP • 3024 × 4032 • 1.2 MB

ISO100 74mm 0ev f1.8 1/121s

[Add a location...](#)



Add a Caption

Look Up Plant >

Saturday • Aug 10, 2024 • [Adjust](#)
8:38PM

IMG_6560

Screenshot

PNG

No lens information

1 MP • 750 × 1624 • 2.9 MB

Exhibit 2 – Pictures sent to counsel August 12, 2024



Exhibit 2 – Pictures sent to counsel August 12, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



The fence erected by Mr. Byler does not cover the entire property line with Ms. Clouse's property. The white post in the above picture denotes the southeast boundary of Mr. Byler's property with Ms. Clouse's property.

Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



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Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024

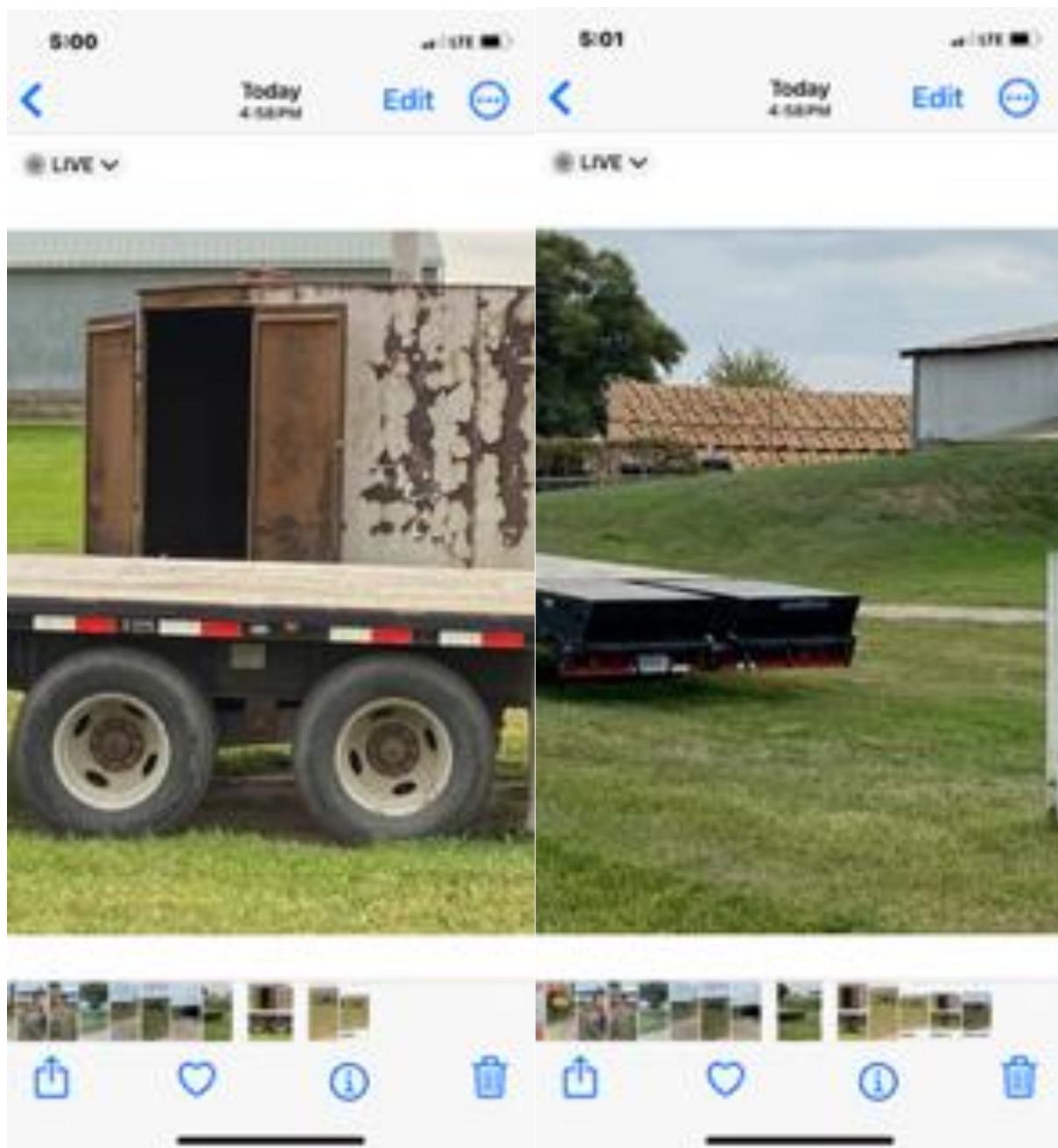
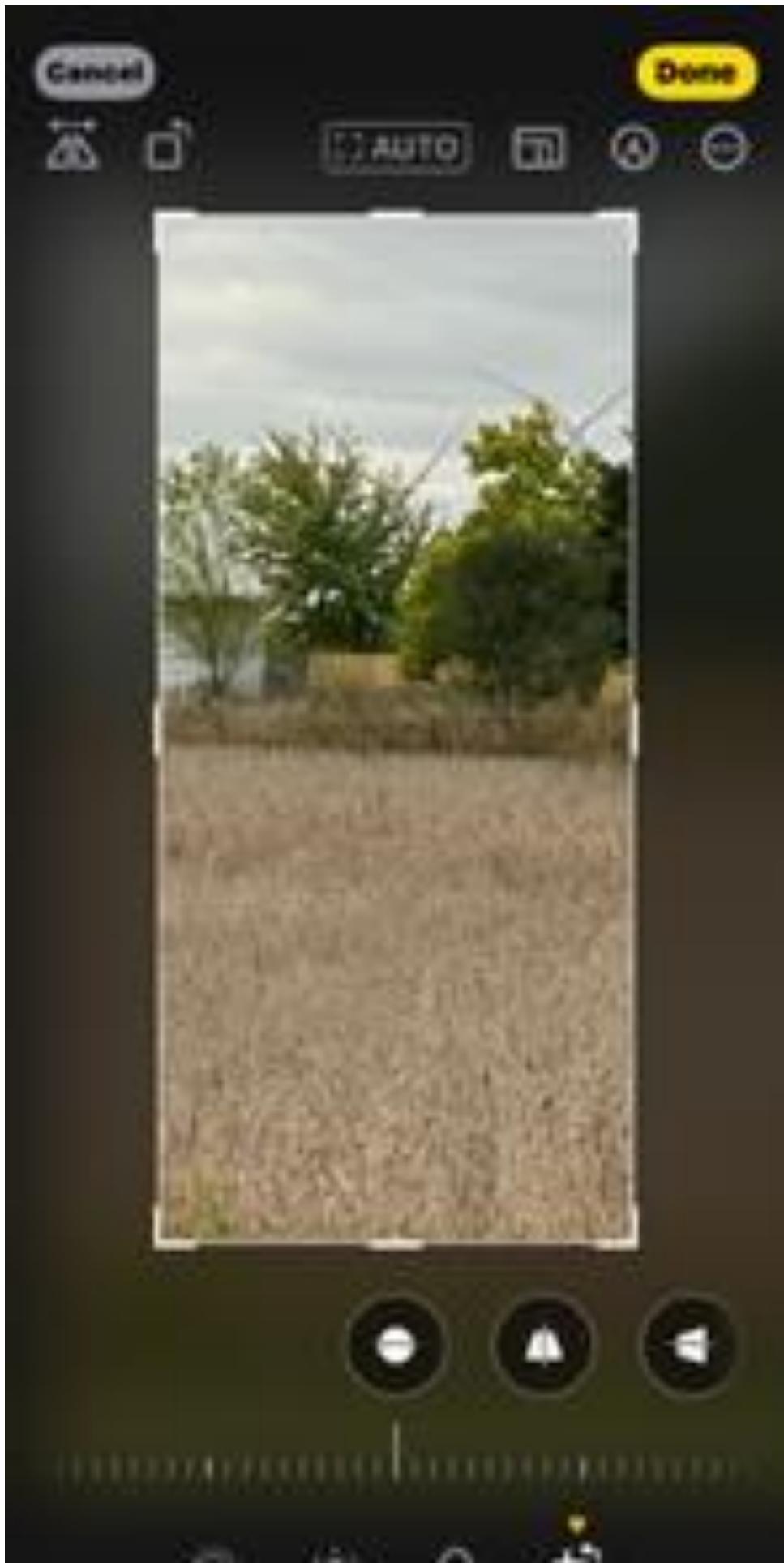


Exhibit 3 – Pictures sent to counsel October 7, 2024



Exhibit 3 – Pictures sent to counsel October 7, 2024



To Whom It May Concern,

I am writing to formally regard specific issues pertaining to Mr. Omar Byler and his business operation. It has come to my attention that certain matters, which are pivotal to his livelihood, need to be reconsidered with the utmost seriousness and diligence.

The purpose of this letter is to outline the key concerns at hand. I have known Mr. Omar Byler for several years. He is an upstanding, respectful, honest, and hardworking gentleman. We have received sawdust from Omar several times to use as bedding for the cattle on our family farm, which is located just around the section. It is our privilege to work with Omar and his family as we strive to support local. Mr. Omar Byler has worked very hard to develop the business that he now successfully operates. This business is his family's bread and butter. Like many of us he is a simple man who is doing his best to provide for his family. Our farm property neighbors the west and south side of Mr. Byler's land, and I can attest to the responsible and diligent manner in which he operates his business. I have no reservations about the impact of his operations on our surroundings and am confident in his commitment to sustainable and ethical agricultural practices.

It is my firm belief that businesses like Mr. Byler's play a crucial role in maintaining the agricultural heritage of our region and contribute to the local economy in a positive way. Mr. Omar's property is clean, organized, and quaint. Living in a rural town, there are farms located at almost every mile. Omar's business does not cause any additional noise or disruptions as would the common piece of farming equipment that we often use to travel down his same road.

Furthermore, I would like to express my support for the agricultural business operated by Mr. Omar Byler. As a fellow member of the local farming community, I believe it is essential to encourage and preserve such ventures, especially in a time when agricultural businesses are becoming increasingly scarce.

As a small business owner myself, I firmly believe that businesses like Mr. Omar Byler's operation are the backbone of our community, and his dedication to creating employment opportunities deserves commendation. Mr. Omar Byler's efforts have not only provided individuals with jobs but have also contributed to the overall welfare of our society and economy.

Additionally, the potential need to build a new structure large enough to house materials and equipment, which could significantly impact Mr. Byler. With the rising cost of building materials, there is a concern that this requirement could impose a substantial financial burden on Mr. Byler and jeopardize everything he has worked for. Given the circumstances, I believe it is crucial to explore alternative solutions or provide support to mitigate the potential financial strain on Mr. Byler.

Thank you for your attention to this matter. I trust that you will find Mr. Byler's business to be a valuable asset to our community.

Sincerely,

Dale Finnerty
Finnerty Beef Farm Inc.
(989) 506-5056



RECEIVED

OCT 10 2024

INSPECTION DEPT.