

Chairperson
Gail Watkins
Vice-Chairperson
Beth Botke
Secretary
Greg Armbrustmacher
Members
Rex Ferguson
Roni Christmas

Alternates
Logan Byrne



Clinton County Zoning Board of Appeals

Community Development Dept.
Director
Doug Riley
Zoning Administrator
Joel Haviland
Planning & Permit Technician
Jessica Bolt

Clinton County Courthouse
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MEETING MINUTES FEBRUARY 21, 2023

- CALL TO ORDER** *With Chairperson Watkins absent, Vice-Vice-Chairperson Botke, assumed the Chair.*
The Clinton County Zoning Board of Appeals met on Tuesday, February 21, 2023 at 6:00 p.m. with Vice-Chairperson Botke calling the meeting to order.
- ROLL CALL** Beth Botke
Gail Watkins – *absent with notification*
Greg Armbrustmacher
Logan Byrne, Alternate
Rex Ferguson
Roni Christmas – *absent with notification*
- STAFF PRESENT** Doug Riley, Community Development Director
Jessica Bolt, Planning & Permit Technician
- VISITORS** Dan Jones, Jones Road
Dennis Strahle, Eagle Township Trustee
Greg Marble, 12520 Wright Road
Jerad Marble, 12520 Wright Road
Ken Strong, S. Jones Road
Matt Marble, 3580 Beal Lane
Patti Schafer, Eagle Township Supervisor
- PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was given to the flag of the United States of America.
- AGENDA**
 - Vice-Vice-Chairperson Botke advised the applicant that there are only 4 ZBA members in attendance tonight and for a motion to pass, it would require 3 concurring votes.
 - Asked the applicant if he would like to proceed?
 - Jerad Marble stated that he would like to proceed.

The agenda was presented for review and approval.
ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Greg Armbrustmacher to approve the agenda as presented. Motion carried.
- ELECTION OF OFFICERS**
 - Vice-Chairperson Botke opened the nominations for the election of officers for 2023.
 - Rex Ferguson moved to elect Gail Watkins as Chairperson, Beth Botke as Vice-Chairperson, and Greg Armbrustmacher as Secretary.
 - Logan Byrne supported.

ZONING BOARD OF APPEALS ACTION: Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

APPROVAL OF
ZONING BOARD OF
APPEALS MEETING
MINUTES

ZONING BOARD OF APPEALS ACTION: Logan Byrne moved, supported by Rex Ferguson to approve the December 20, 2022 Zoning Board of Appeals Meeting Minutes as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

COMMUNICATIONS

None

PUBLIC COMMENTS

Vice-Chairperson Botke called for public comments. There were no public comments.

OLD BUSINESS

None

NEW BUSINESS
ZC-01-23 VR

- Doug Riley, Director reviewed case **ZC-01-23 VR – Application for a Variance** as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).
 - Noted comments that were received after the packets were sent to the ZBA members:
 - Eagle Township’s Board met and reviewed this matter; as indicated by the Township Supervisor (Patti Schafer), the Board voted 3:2 to recommend approval to the ZBA.
 - The Clinton County Road Commission (CCRC) provided a letter indicating no objections to the request.
 - Reviewed the potential motions.
- Rex Ferguson asked if 330 feet of frontage was allocated to each desired division, the applicant could have a 30-acre parcel and two 10-acre parcels?
 - There’s a way to configure the number of desired parcels (3) that does not require variances?
- Doug Riley confirmed that the parcels could be configured that way without necessitating variances.
 - Per the Ordinance, parcels greater than 40 acres are exempt from 4:1 (lot depth-to-width ratio).
- Greg Armbrustmacher inquired if the proposed lots would qualify for a Multiple Residential Drive (MRD)?
- Doug Riley responded, it may be possible.
- Vice-Chairperson Botke asked if the proposed lots are “typical” for utilizing variances?
 - Is there anything unique about this parcel?
- Doug Riley explained that variances such as this have historically applied to land that has existing physical defining features or when dividing a homestead from ag land.
- Greg Armbrustmacher asked Mr. Riley to confirm that the subject property does not currently have a home on it?
- Doug Riley confirmed that the subject property is vacant.
- Vice-Chairperson Botke called on the applicant.
- Jerad Marble explained that he wants to give the rural experience he had growing up to his family.
 - Intends to keep and use the proposed 20-acre portion for himself for horses, hunting, and other outdoor recreational activities.
 - The Mid-Michigan District Health Department (MMDHD) has already approved the location for the well and septic system on said 20-acre portion.

- Noted that, leaving a 30-acre portion whole leaves more farmland for a farmer to utilize.
- Has the interested farmer (of the proposed 30-acre parcel) and his cousin (who would build on the proposed 10-acre parcel) here with him.
- Logan Byrne asked if the intent is for the farmer of the proposed 30-acre parcel to farm the portion that is currently farmed only, or if he would farm the wooded portion as well?
- Jerad Marble indicated that the farmer could clear the wooded portion and farm that as well, if desired.
- Vice-Chairperson Botke asked for any additional comments from the Board.
 - Hearing none, Vice-Chairperson Botke called for a motion to open the public hearing.

ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Logan Byrne to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

- Vice-Chairperson Botke asked for any comments from the public.
- Patti Schafer, Eagle Township Supervisor noted that there are a lot of non-conforming parcels in Eagle Township.
 - Suggested the stock of non-conforming parcels may have prompted this request.
- Ken Strong explained that he sees no extenuating circumstances, outside of personal gain, for why this request should be approved.
 - Feels this request is avoiding the law without good reason.
 - Doesn't understand why the applicant would request this when the law prohibits bowling alley lots for a good reason.
- Jerad Marble stated, he feels like 4:1 only denies his family of benefits the property has to offer – trails, woods, etc. since a 10-acre land division would essentially end the property where the wooded portion begins.
 - Believes Mr. Strong only opposes his request because of loss of farmland.
 - Does not agree that concern for a loss of farmland applies to this situation (his request).
- Rex Ferguson asked Mr. Marble why he couldn't build on 40 acres and divide two 10-acre parcels – one to sell to his cousin – and just land lease access to the wooded (recreational) portion to him?
- Jerad Marble explained that the land is expensive and he can't afford to build on a 40-acre parcel.
 - He would not sell any of the land if he could afford to keep it.
- Rex Ferguson presented the option of selling 40 acres with a lease agreement that would allow Mr. Marble rights to access for recreation and keeping a 10-acre parcel to build on for himself.
- Jerad Marble asked the ZBA to reconsider 4:1 in this situation due to the wooded portion of the property.
 - The wooded portion is not being farmed currently, and therefore, would not affect preservation of ag land if he were to be granted the requested variances.
- Rex Ferguson asked Mr. Riley to elaborate on the 4:1 standards.
- Doug Riley explained that 4:1 was established by the state of Michigan in the 1990's to protect farmland in parcels smaller than 40 acres.
 - There are theories that 4:1 does more than that:

- Avoiding property line disputes with long, skinny parcels – difficulties determining the location of property lines, etc.
 - More “square” properties.
 - Protection of rural character – limiting of the number of driveways / protecting of the function of rural roadways.
- Jerad Marble asked if the ZBA would be favorable of a sale agreement requiring the potential farmer of the proposed 30-acre parcel to sell him back the property, if he ever decided to sell it, to prevent another home from being constructed on it?
- Vice-Chairperson Botke stated that such a legal agreement is beyond the charge of the ZBA.
- Ken Strong reiterated that 4:1 is a good law and feels this proposal is a bad idea.
- Dan Jones noted that he has owned family property in the subject area for a long time.
 - Would like to help Mr. Marble out.
 - Intends to purchase as much of the farmland as possible to sustain farmland.
- Jerad Marble stated that he believes the same number of houses would be possible regardless of configuration.
- Vice-Chairperson Botke asked for any additional comments from the public.
 - Hearing none, Vice-Chairperson Botke called for a motion to close the public hearing.

ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Logan Byrne to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

- Vice-Chairperson Botke asked Mr. Riley if he would like to add anything?
- Doug Riley advised the ZBA to stick to the criteria.
- Logan Byrne asked how far the wetland encroaches on the subject property?
- Doug Riley reviewed the County’s GIS website – the wetland is not shown.

ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Greg Armbrustmacher to deny Variance Request ZC-01-23 VR, MARBLE for the requested parcel width and lot depth to width ratio variances for the property on S. Jones Road in Section 32 of Eagle Township based upon the following reasoning:

- Reasoning: **(1)** The proposal does not satisfy basic conditions #6 and #7 as set forth in Section 720F.1 of the Zoning Ordinance. **(2)** The proposal does not satisfy special condition #1 as set forth in Section 720F.2 of the Zoning Ordinance.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

OTHER BUSINESS

None

COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

- Doug Riley, Director provided a brief update:
 - As no applications/cases were submitted by the noticing deadline, advised that the ZBA could consider cancelling their March 21st meeting.

ZONING BOARD OF APPEALS ACTION: Greg Armbrustmacher moved, supported by Rex Ferguson to cancel the March 21, 2023 Zoning Board of Appeals meeting. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

ADJOURNMENT

ZONING BOARD OF APPEALS ACTION: With no further business to come before the Board, Rex Ferguson moved, supported by Greg Armbrustmacher to adjourn the meeting at 6:38 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]



Jessica Bolt, Planning & Permit Technician

NOTE: These minutes were approved by the Zoning Board of Appeals on April 18, 2023.