

**Chairperson**  
Gail Watkins  
**Vice-Chairperson**  
Justin Padgett  
**Secretary**  
Mark Simon  
**Members**  
Rex Ferguson  
Roger Lerg  
**Alternates**  
Beth Botke  
Logan Byrne



## Clinton County Zoning Board of Appeals

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

*Clinton County Courthouse  
100 East State Street, Suite 1300  
St. Johns, Michigan 48879-1571  
(989) 224-5180*

### MEETING MINUTES MARCH 16, 2021

**VIA VIDEO AND TELEPHONIC CONFERENCE**  
**Per State Executive Order concerning OMA and COVID-19**

**CALL TO ORDER** The Clinton County Zoning Board of Appeals met on Tuesday, March 16, 2021 at 6:00 p.m. with Chairperson Watkins calling the meeting to order.

**ROLL CALL** Roger Lerg – Absent  
Mark Simon (Olive Township, Clinton County MI)  
Rex Ferguson (Essex Township, Clinton County MI)  
Justin Padgett – (East Lansing, Clinton County MI)  
Beth Botke (Bath Township, Clinton County, MI)  
Gail Watkins (Olive Township, Clinton County MI)

**STAFF PRESENT** Doug Riley, Director  
Jessica Plesko, Planning & Permit Technician  
Joel Haviland, Building Official/Zoning/SESC Administrator  
Erin McElroy, Building Department Secretary/Accounting Clerk

**VISITORS** Mark Munger  
Jean Munger  
Logan Byrne, Zoning Board of Appeals Alternate

**AGENDA** The agenda was presented for review and approval.  
**ZONING BOARD OF APPEALS ACTION:** Rex Ferguson moved, supported by Mark Simon to approve the agenda as presented. Motion carried.

**APPROVAL OF ZONING BOARD OF APPEALS MEETING MINUTES** **ZONING BOARD OF APPEALS ACTION:** Rex Ferguson moved, supported by Mark Simon to approve the February 16, 2021 Zoning Board of Appeals Meeting Minutes as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

**COMMUNICATIONS** None

**PUBLIC COMMENTS** Chairperson Watkins called for public comments. There were no public comments.

**OLD BUSINESS** None

**NEW BUSINESS** Chairperson Watkins called on Doug Riley, Director for report.  
*ZC-03-21 VR*

- Doug Riley:

- Reviewed case **ZC-03-21 VR – Application for a Variance**, noting the following:
  - An application for a variance has been submitted by Mark and Jean Munger (in conjunction with underlying property owner, Henway Acres, LLC – David and Jan Motz).
  - The applicants are requesting a variance to Section 433.E of the Zoning Ordinance; specifically, to exceed the 4 to 1 (lot depth to width) ratio. The proposed parcel would have 2,600' of depth where 1,848' would be the normal allowed depth based upon the parcel width (462') at the road right-of-way.
  - Proposing to create a 32-acre parcel – split from an existing 80-acre parcel.
  - The proposed parcel would otherwise comply with the minimum required parcel size of 10 acres and 330 feet of road frontage/width for A-2 zoned properties.
  - The vacant property is located on the west side of North DeWitt Road between West Marshall and West Island Roads (immediately north of the Ferdon County Drain) in Section 18 of Greenbush Township (Parcel ID #: 090-018-100-020-00).
  - County drains on the property are not associated with flood plain.
  - There were no objections from local agencies (pages 15 and 16 of the meeting packet).
  - Reviewed recommended 2 conditions of approval (pages 16-17 of the meeting packet) if the ZBA is inclined to approve the variance.
  - There were no written public comments.
- Chairperson Watkins asked Doug Riley to elaborate on the 4 to 1 standard by way of County zoning requirements for the new Board members.
- Doug Riley confirmed that the Zoning Ordinance only requires parcels smaller than 40 acres to comply with the 4 to 1 lot depth to width ratio.
- Chairperson Watkins called for questions for staff.
- Mark Simon inquired about the piece of property to the west side that was excluded from the proposed request (which creates a “dog leg” on the back side of the proposed parcel) and the proposed lot line.
- Doug Riley responded that he would allow the applicant to further discuss the reasoning for the “dog leg”.
  - His understanding was that it was part of the applicant’s deal with the landowner to trade properties as well as access considerations for irrigation provisions.
  - There is a drive access along the Ferdon County Drain and a crossing of the Carrus County Drain with an irrigation structure on the south side of the drain.
- Beth Botke asked if there could be an easement for access to the irrigation infrastructure so that the lot line could follow the natural boundary of the drain.
- Doug Riley confirmed that an easement is possible.
- Chairperson Watkins opened the public hearing and the floor to the applicant.
 

*\*\*\*There were efforts by staff to reach the applicant for discussion due to technical issues.*
- Mark Munger responded to the Board’s questions regarding the proposed lot line –
  - The proposed lot line is due to the drain that feeds both pivots for the irrigation system.

- The “dog leg” is due to the land that they are trading: his 18 acres south of the 32-acre property he is proposing for a variance.
  - The 18-acre parcel needs tiling, which he would prefer not to do.
- Justin Padgett asked Mark Munger if the proposed parcel was configured that way to make both parties “even”.
- Mark Munger confirmed that is the case.
- Chairperson Watkins questioned the reason for the “dog leg” should hold on the variance request.
- Mark Munger replied that the landowner has tile on the north side of the creek that he wants to keep.
- Chairperson Watkins asked if the tile runs along the drive.
- Mark Munger confirmed that the tile is on the north side of the drain.
- Rex Ferguson asked if the tile is for irrigation piping or if it is field tile.
- Mark Munger answered that the tile is for irrigation piping and runs between both pivots of the irrigation system.
- Chairperson Watkins asked what he intended to do with the property.
- Mark Munger commented that he plans to plant trees and use the property for recreation purposes.
- Chairperson Watkins asked for any comments from the public.
  - Hearing none, Chairperson Watkins called for a motion to close the public hearing.

**ZONING BOARD OF APPEALS ACTION:** Justin Padgett moved, supported by Rex Ferguson to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

**ZONING BOARD OF APPEALS ACTION:** Mark Simon moved, supported by Rex Ferguson to approve the *Variance Request – ZC-03-21 VR* as presented based upon the following reasoning:

- Reasoning: **(1)** The proposal satisfies the basic conditions as set forth in Section 1506A of the Zoning Ordinance as referenced in the staff report. **(2)** The proposal satisfies special condition #1 as set forth in Section 1506B of the Zoning Ordinance as referenced in the staff report.
- Rex Ferguson asked for a friendly amendment to add a reason of approval to contour the land based on the Ferdon and Carrus County Drains/layout.
- Mark Simon accepted the friendly amendment.
- Rex Ferguson asked for a friendly amendment to add the following conditions:
  - Conditions of Approval: **(1)** The applicant shall have the property officially surveyed as part of the land division process with Greenbush Township and that survey shall be reviewed by the Community Development Department for general compliance with this variance prior to final approval. **(2)** Any future crossing of the Carrus County Drain to access the wooded area shall be officially approved by the County Drain Commissioner’s Office prior to construction.
- Mark Simon accepted the friendly amendment.
- Chairperson Watkins asked for discussion from the Board, noting:
  - Basic Condition #1 (the Zoning Ordinance) requires parcels smaller than 40 acres to comply with the 4 to 1 lot depth to width ratio for A-2 zoned properties.
  - Natural boundaries are not being used for lot lines, referring to Basic Condition #7 – which would entail creation of parcels with “dog legs”.
- Mark Simon commented that an easement may be a better solution than the proposed configuration of the proposed parcel.

- Rex Ferguson commented that the tile for the irrigation system should be of consideration in this case.
- Justin Padgett inquired if the west boundary can be pushed to the Carrus County Drain, noting a variance would not be required then.
- Beth Botke questioned if he was suggesting encompassing the “dog leg” section.
- Justin Padgett confirmed that he would prefer if the lot either included that section or cut to the east of the Carrus County Drain, noting:
  - The Zoning Ordinance Basic Condition #1 is clear on avoiding “bowling alley” parcels.
- Beth Botke asked if there was a reason why access (north of the drain) can’t be done with an easement.
- Chairperson Watkins asked Doug Riley if an easement can be done.
- Doug Riley clarified that an easement can be done, noting that it would need to be a detailed record between property owners indicating conditions for access, maintenance, etc.
- Logan Byrne, declaring he is not a voting member, asked for clarification on the variance request in regards to road frontage and the 4 to 1 lot depth to width ratio, including the discussion of the “dog leg”.
- Doug Riley explained that the remainder of the original 80 acres would remain complaint as it would be exempt from the 4 to 1 lot depth to width ratio being over 40 acres.
- Chairperson Watkins discussed previous issues with “dog leg” parcels, noting:
  - There is potential for issues among neighbors in situations where the owner of a “dog leg” parcel is building structures or doing various activities on that section behind another person’s property.
  - Despite current agreements, issues can be more apparent with future owners.
- Logan Byrne asked if adding the property to the west would be a better solution.
- Doug Riley commented that if this combination were done, it would move that property toward conformity as it is a land-locked parcel without road frontage.
- Mark Simon asked if the Board to move the property lines as a condition of approval.
- Doug Riley replied that the Board cannot amend their application.
  - Recommended the Board to table if there is a non-consensus, to give the applicant and underlying property owner an opportunity to take the Board’s discussion into consideration.
- Mark Simon withdrew his motion.

**ZONING BOARD OF APPEALS ACTION:** Mark Simon moved, supported by Justin Padgett to postpone decision on request ZC-03-21 VR, Henway Acres/Munger as proposed in Section 18 of Greenbush Township to allow the applicant and underlying property owner to look at other alternatives as discussed by the ZBA. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

OTHER BUSINESS

None

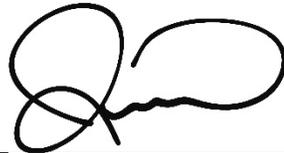
COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

- Chairperson Watkins called for the Community Development Director’s Report.
- Doug Riley:
  - Welcomed Beth Botke and Logan Byrne to the Board.

- Meetings will remain remote through April per Administration.
  - COVID-19 has increased in the Courthouse, specifically.
- New (2020) aerial photos have been uploaded to GIS.

ADJOURNMENT

**ZONING BOARD OF APPEALS ACTION:** With no further business to come before the Board, Beth Botke moved, supported by Mark Simon to adjourn the meeting at 6:47 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]



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Jessica Plesko, Planning & Permit Technician

*These minutes were approved by the ZBA on 04-20-2021.*