

Chairperson
Gail Watkins
Vice-Chairperson
Beth Botke
Secretary
Mark Simon
Members
Greg Armbrustmacher
Rex Ferguson
Alternates
Logan Byrne



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

Clinton County Zoning Board of Appeals

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

MEETING MINUTES

APRIL 19, 2022

CALL TO ORDER	The Clinton County Zoning Board of Appeals met on Tuesday, April 19, 2022 at 6:00 p.m. with Chairperson Watkins calling the meeting to order.
ROLL CALL	Beth Botke Gail Watkins Greg Armbrustmacher Mark Simon Rex Ferguson
STAFF PRESENT	Doug Riley, Community Development Director Jessica Plesko, Planning & Permit Technician Joel Haviland, Building Official/Zoning/SESC Administrator Dan Hufnagel, Building/SESC Inspector Erin McElroy, Building Department Secretary/Accounting Clerk
VISITORS	Kevin Shelle, 6484 S. Chandler Road Mark Jarrett, 5642 N. Lowell Road
PLEDGE OF ALLEGIANCE	The Pledge of Allegiance was given to the flag of the United States of America.
AGENDA	The agenda was presented for review and approval. <u>ZONING BOARD OF APPEALS ACTION:</u> Mark Simon moved, supported by Rex Ferguson to approve the agenda as presented. Motion carried.
APPROVAL OF ZONING BOARD OF APPEALS MEETING MINUTES	<u>ZONING BOARD OF APPEALS ACTION:</u> Rex Ferguson moved, supported by Beth Botke to approve the February 15, 2022 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 <i>ZC-02-22 VR</i>	Chairperson Watkins called on Doug Riley, Director for report. <ul style="list-style-type: none">• Doug Riley:<ul style="list-style-type: none">○ Reviewed case ZC-02-22 VR – Application for a Variance as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).

- Chairperson Watkins asked for any comments from the Board.
 - Inquired when the property owners acquired the subject property?
- Doug Riley answered, 2010 was the last sale date according to assessing records.
- Chairperson Watkins asked for any additional comments from the Board.
 - Hearing none, Chairperson Watkins called for a motion to open the public hearing.

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

- Chairperson Watkins called on the applicant.
- With no representative present for this case, 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: Rex Ferguson moved, supported by Beth Botke 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: Beth Botke moved, supported by Rex Ferguson to approve *Variance Request – ZC-02-22 VR, Whitmore*, for the requested lot depth to width ratio variance for a proposed parcel on W. Chadwick Road in Section 34 of Riley Township based upon the following reasoning and subject to the following condition:

- Reasoning: **(1)** The proposal satisfies the basic conditions as set forth in Section 720F.1 of the Zoning Ordinance as referenced in the staff report. **(2)** The proposal satisfies special condition #2 as set forth in Section 720F.2 of the Zoning Ordinance as referenced in the staff report.
- Conditions: **(1)** The applicant/property owner shall complete the surveying and land division with Riley Township within 6 months of this approval for the variance to remain valid under the terms of the Clinton County Zoning Ordinance.

ZONING BOARD OF APPEALS ACTION: Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Beth Botke noted that she does not believe this issue is self-created of the applicant.
 - The county drain makes a good natural boundary between the two proposed parcels.
- Chairperson Watkins noted that there is only one non-conforming parcel resulting from this split.

ZC-03-22 VR

- Doug Riley:
 - Reviewed case **ZC-03-22 VR – Application for a Variance** as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).
 - Discussed, in detail, the Basic Conditions.
 - Noting, this is the first variance request to these elements (i.e., expansion of a non-conforming structure).
 - Highlighted, “prior to 2006, the Zoning Ordinance did not specify a maximum non-conforming structure allowable amount. A review of the file from 2006 indicated that the 50% allowable expansion standard was established in the Zoning Ordinance *to allow additions*

to non-conforming structures without a variance as long as the non-conforming setback or dimension was not exceeded.”

- Chairperson Watkins asked for any comments from the Board.
- Beth Botke inquired how many square feet the house is currently?
- Doug Riley deferred to the applicant, Mr. Shelle.
- Chairperson Watkins asked for any additional comments from the Board.
 - Hearing none, Chairperson Watkins called for a motion to open the public hearing.

ZONING BOARD OF APPEALS ACTION: Beth Botke moved, supported by Greg Armbrustmacher to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Chairperson Watkins called on the applicant.
 - Asked Mr. Shelle why he is proposing this large of an expansion as opposed to building a whole new house that would meet current setback requirements?
- Kevin Shelle explained that he already has a lot of “sweat equity” into the existing home.
 - If a new home were built behind where the existing home sits, it would impede on the pasture area.
 - His family is involved in 4H.
 - To help alleviate structural issues.
 - Believes the existing square footage of the home is 1,800 square feet.
- Beth Botke clarified from the application materials, that the square footage of the existing home is 1,388 square feet.
- Chairperson Watkins inquired if 1,388 square feet includes the second story?
- Kevin Shelle stated that 1,388 square feet is based off of the foundation area.
- Rex Ferguson asked Mr. Shelle what hardship requires him to need an addition of this size?
- Kevin Shelle answered that he is unsure – other than there is no attached garage currently.
- Rex Ferguson stated that he is unsure if use of an attached garage is a “practical difficulty”.
 - Believes the drive could be utilized for a detached garage.
- Doug Riley requested Mr. Haviland to explain his preliminary review findings of this case; specifically, the allowable area for accessory buildings.
- Joel Haviland indicated that he believes the applicant has adequate room for a detached accessory building being that one of the accessory buildings is used for agricultural purposes (and does not count toward the allowable footprint).
- Chairperson Watkins inquired if this proposed addition would bring the entire building up to current building code?
- Joel Haviland indicated that Building Code only requires new portions to be brought to current standards.
 - The old/existing portions would only need updating if they were in poor condition.
- 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: Beth Botke moved, supported by Mark Simon 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.]

- Chairperson Watkins noted, one of the benefits of remodeling structures like this is bringing it up to current code, expected living conditions/lifestyle, etc.
 - This is not the only consideration, however.
- Mark Simon inquired about the current condition of, and potential plan for the septic system.
- Kevin Shelle explained that he has been working with the Mid-Michigan District Health Department (MMDHD) regarding the septic system.
 - His last submittal to the MMDHD was for an engineered mound system.
- Rex Ferguson, referencing Special Condition #1 as described in Section 720F.2 of the Zoning Ordinance, stated that he is struggling to identify a “practical difficulty” in this case.
 - Noted that any addition, 50% or less of the existing footprint (allowed by the Ordinance), would be built to current code, regardless.
- Chairperson Watkins asked Doug Riley, if the variance is denied today, how might Mr. Shelle proceed?
 - What could the applicant do if he takes the Board’s feedback from tonight, revises the plan, and is still unable to meet Ordinance standards?
- Doug Riley answered, the applicant would be required to re-apply and come before the ZBA again for a variance with significant changes to the plans.
- Beth Botke inquired how many times the landowner can expand the existing footprint up to 50%?
- Doug Riley explained that the Ordinance does not clarify.
 - However, under his administration, he would not allow an aversion of this rule.
- Chairperson Watkins stated, he wanted the applicant to be aware that if he is denied today, he could re-apply with changes to his plan.

ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Beth Botke to deny *Variance Request – ZC-03-22 VR, Shelle*, for the requested variance to enlarge the non-conforming structure beyond 50% of its floor area in Section 12 of Olive Township, based upon the following reasoning:

- Reasoning: **(1)** The proposal does not satisfy all of the basic conditions as set forth in Section 720F.1 of the Zoning Ordinance as referenced in the staff report. **(2)** The proposal does not satisfy at least one special condition as set forth in Section 720F.2 of the Zoning Ordinance as referenced in the staff report.

ZONING BOARD OF APPEALS ACTION: Voting on the motion by roll call vote, AYES: Beth Botke, Greg Armbrustmacher, Mark Simon, Rex Ferguson; NAYS: Gail Watkins, motion carried. [Vote of 4-1, four in favor, one opposed.]

ZC-04-22 VR

- Doug Riley:
 - Reviewed case **ZC-04-22 VR – Application for a Variance** as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).
- Chairperson Watkins asked for any comments from the Board.

- Rex Ferguson inquired when the garage was built.
- Doug Riley explained that he was unable to find records on when the garage was built.
- Chairperson Watkins asked for any additional comments from the Board.
 - Hearing none, Chairperson Watkins called for a motion to open the public hearing.

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

- Chairperson Watkins called on the applicant.
- Mark Jarrett introduced himself as the representative of the applicant, Adam Baudoux.
- Mark Simon inquired if there will be any changes to the footprint of the building?
- Mark Jarrett affirmed that no changes will be made to the footprint; it will just be connected to the home.
- Rex Ferguson asked Mr. Jarrett if the siding and roofing materials will match the house?
- Mark Jarrett answered, yes – to the best ability.
- Beth Botke asked Mr. Jarrett if he knows when the garage was built?
- Mark Jarrett explained that he does not know the date the garage was built.
 - Only knows that Mr. Baudoux purchased the property in 2015.
- 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: Beth Botke moved, supported by Mark Simon 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.]

- Doug Riley offered to consult Google Earth Pro (to try to gauge the time it was built by when it appears in aerial photos) at the ZBA’s pleasure.
- Chairperson Watkins affirmed the Board’s pleasure.
- Doug Riley determined that the garage was not built until after 1993 (according to Google Earth Pro).
 - Noted, a building permit would have been required in that timeframe.

ZONING BOARD OF APPEALS ACTION: Mark Simon moved, supported by Rex Ferguson to approve *Variance Request – ZC-04-22 VR, Baudoux*, for the requested side yard setback variance in Section 23 of Essex Township based upon the following reasoning and subject to the following condition:

- Reasoning: **(1)** The proposal satisfies the basic conditions as set forth in Section 720F.1 of the Zoning Ordinance as referenced in the staff report. **(2)** The proposal satisfies special conditions #1 and #3 as set forth in Section 720F.2 of the Zoning Ordinance as referenced in the staff report.
- Conditions: **(1)** The applicant shall obtain a building permit from the Community Development Department within 6 months, prior to commencing construction of the addition.

ZONING BOARD OF APPEALS ACTION: Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

OTHER BUSINESS
(9.A) WORKSHOP
RECAP

Doug Riley, Director:

- Recapped the Training Workshop from March 15, 2022.
 - Noted, Clinton County does not allow Use Variances.

*(9.B) TRAINING
DISCUSSION*

- Reviewed and discussed Basic Conditions A.2, A.3, and A.4 with the Zoning Board of Appeals.
- The Board specifically discussed Basic Conditions A.2, A.3, and A.4 as detailed in the variance criteria.

COMMUNITY
DEVELOPMENT
DIRECTOR'S REPORT

- Chairperson Watkins called for the Community Development Director's Report.
- Doug Riley, Director:
 - There are currently 3 cases on the docket for the May ZBA meeting.
 - Announced that he will be out of the office for the month of May.
 - Joel Haviland will be presenting the May cases in his absence.

ADJOURNMENT

ZONING BOARD OF APPEALS ACTION: With no further business to come before the Board, Mark Simon moved, supported by Beth Botke to adjourn the meeting at 7:38 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]



Jessica Plesko, Planning & Permit Technician

NOTE: These minutes were approved by the Zoning Board of Appeals on May 17, 2022.