

**Chairperson**  
Gail Watkins  
**Vice-Chairperson**  
Justin Padgett  
**Secretary**  
Mark Simon  
**Members**  
Rex Ferguson  
Beth Botke  
**Alternates**  
Greg Armbrustmacher  
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 MAY 18, 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, May 18, 2021 at 6:00 p.m. with Vice-Chairperson Padgett calling the meeting to order.

**ROLL CALL** Beth Botke (Bath Township, Clinton County, MI)  
Gail Watkins – Absent (with notification)  
Justin Padgett (East Lansing, Clinton County MI)  
Mark Simon (Olive Township, Clinton County MI)  
Rex Ferguson (Essex Township, Clinton County MI)  
Logan Byrne – (DeWitt Township, Clinton County MI)

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

**VISITORS** Wade Elton  
Greg Armbrustmacher, Zoning Board of Appeals Alternate

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

**APPROVAL OF ZONING BOARD OF APPEALS MEETING MINUTES** **ZONING BOARD OF APPEALS ACTION:** Logan Byrne moved, supported by Mark Simon to approve the April 20, 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** Vice-Chairperson Padgett called for public comments. There were no public comments.

**OLD BUSINESS** None

**NEW BUSINESS** Vice-Chairperson Padgett called on Joel Haviland for report.  
*ZC-05-21 VR*

- Joel Haviland:
  - Reviewed case **ZC-05-21 VR – Application for a Variance**, noting the following:

- An application for a variance has been submitted by Wade and Penni Elton. The applicants are requesting a variance to Section 501-F.1.C of the Zoning Ordinance.
- The applicants would like to construct an accessory structure 190 feet from the Pratt Road right-of-way where 225 feet is the requirement (i.e., a 35-foot variance).
- The subject property is located at 6767 West Pratt Road in Section 22 of Riley Township (Parcel ID # 130-022-200-008-00, located approximately ¼ mile east of the Riley Township Hall).
- Access to the home is taken off a driveway that would also provide access to the proposed pole barn. The applicant is proposing a circle drive access.
- The lot is heavily wooded for screening from the road.
- The existing ground transformer, well and septic system locations on each side of the home do limit the placement options for the proposed pole barn.
- The ground also slopes approximately 1-2 feet from west to east making the proposed pole barn location the most desirable location to protect the property owner's structure and the contents within.
- Proposed off the main drive to maneuver a truck and travel trailer.
- Beth Botke asked Joel Haviland to indicate the sloped area.
- Joel Haviland indicated the slope is a significant 1-2 foot slope from the west side of the property to the east.
- There were no objections from Riley Township or local agencies.
  - The Mid-Michigan District Health Department recommended that the well head be protected from traffic or snow removal activities in order to prevent physical damage to the well casing and potential contamination. Also, indicated needing a copy of the current maintenance report for the Aerobic Treatment Unit (ATU) septic system.
- Rex Ferguson asked why the building is proposed to be built in a diagonal direction?
- Joel Haviland answered that he believes the proposed placement is for ease of utilizing a (proposed) circle drive for a travel trailer.
- Mark Simon asked if the exterior of the proposed accessory building will match the exterior of the home.
- Joel Haviland answered, the color of the proposed accessory structure will match the exterior of the home.
  - Although, this Special Condition is not applicable in this case due to the lot being larger than 5 acres in size (where it is not a requirement).
- Vice-Chairperson Padgett asked for confirmation that that rule originates from Section 501.F.1.C of the Zoning Ordinance.
- Joel Haviland confirmed that this condition is listed under the Special Conditions within that section.
  - Lots larger than 5 acres with 225 feet front yard setback are less likely to have a negative visual impact.
  - Whereas, there are more conditions put in place for smaller lots due to the probability of visual impacts from the road.
  - The case tonight is in regards to the 225 foot setback, in which the applicants are asking for a 35-foot variance.
- Beth Botke asked Joel Haviland to confirm that the slope, well, septic, and transformer placement, and circle drive are the reasons why the applicants have requested this variance.
- Joel Haviland confirmed:

- The vehicular circulation is a proposed drive to work around the transformer, well and septic.
- The applicants have stated that if they had to relocate the proposed building, they would have to install a parking lot-type area rather than a circle drive.
  - Stated the applicants are prepared to discuss this particular matter further with the Board.
- Reviewed recommended 2 conditions of approval.
- Mark Simon inquired how far the well is from the proposed drive.
- Joel Haviland indicated that the applicants would be able to answer that question.
- Vice-Chairperson Padgett opened the public hearing and the floor to the applicant.
- Wade Elton explained that the variance is being requested because the proposed layout allows them to construct the proposed drive with the least amount of materials (cost).
  - The well head is proposed to be blocked (protected) with large rocks.
  - Additional landscaping is proposed as well.
  - He would prefer to have an easy path (such as a circle drive) to maneuver his truck and travel trailer.
- Vice-Chairperson Padgett asked the applicants if the diagonal orientation is proposed to accommodate this ease of parking?
- Mark Simon asked how far the well is from the proposed drive?
- Wade Elton responded that it would be within 5 feet – which is why they have a plan to protect it with large rocks.
- Logan Byrne inquired about the slope, in regards to any drainage issues.
- Wade Elton stated he does have slight drainage issues.
- Vice-Chairperson Padgett asked the applicant what his plan is for the heavily wooded area?
- Wade Elton replied that he plans to keep as many existing trees as possible and intends to plant more.
  - Indicated relocating the transformer and/or relocating the proposed building would incur him great additional monetary costs.
- Vice-Chairperson Padgett declared that monetary costs cannot be of consideration in this case.
  - However, the slope/topography is an item of consideration.
- Vice-Chairperson Padgett asked for any comments from the public.
  - Hearing none, Vice-Chairperson Padgett called for a motion to close the public hearing.

**ZONING BOARD OF APPEALS ACTION:** Logan Byrne 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:** Logan Byrne moved, supported by Mark Simon to approve the *Variance Request – ZC-05-21 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 number two (2) as set forth in Section 1506B on the Zoning Ordinance as referenced in the staff report.
- Conditions of Approval: **(1)** The applicant shall protect the well located near the proposed drive to prevent physical damage or contamination from traffic or snow removal. The applicant shall provide a copy of the

Mid-Michigan District Health Department's approval prior to occupancy of the proposed building.

**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            None

COMMUNITY  
DEVELOPMENT  
DIRECTOR'S REPORT

- Vice-Chairperson Padgett called for the Community Development Director's Report.
- Joel Haviland:
  - Zoning Enforcement is in full-force.
    - There are currently 4 cases in the Prosecuting Attorney's Office.
  - There has been continued work with the Comprehensive Plan Update Team moving forward with the project.
  - The June Zoning Board of Appeals meeting will likely be held via Zoom – but there is talk from the Commissioners that in-person meetings will resume in July.
- The Board commended Joel Haviland for a job well done.

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 6:38 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

NOTE: These minutes were approved by the Zoning Board of Appeals on 06/15/2021.