

Chairperson
Gail Watkins
Vice-Chairperson
Beth Botke
Secretary
-

Members
Greg Armbrustmacher
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
100 East State Street, Suite 1300
St. Johns, Michigan 48879-1571
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MEETING MINUTES SEPTEMBER 20, 2022

CALL TO ORDER	The Clinton County Zoning Board of Appeals met on Tuesday, September 20, 2022 at 6:00 p.m. with Chairperson Watkins calling the meeting to order.
ROLL CALL	Beth Botke Gail Watkins Greg Armbrustmacher Rex Ferguson Roni Christmas
STAFF PRESENT	Doug Riley, Community Development Director Jessica Bolt, Planning & Permit Technician Joel Haviland, Building Official/Zoning/SESC Administrator
VISITORS	Dale Patterson, 9629 W. Hyde Road Gregory Guminski, 7700 N. DeWitt Road Pamela Allen, 7678 N. DeWitt Road Robert Allen, 7678 N. DeWitt 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. ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Beth Botke 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 Beth Botke to approve the June 21, 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 with Roni Christmas recusing herself from the vote.]
COMMUNICATIONS	None
PUBLIC COMMENTS	Chairperson Watkins called for public comments. There were no public comments.
OLD BUSINESS	None
NEW BUSINESS <i>ZC-10-22 VR</i>	Chairperson Watkins called on Joel Haviland for report. <ul style="list-style-type: none">Joel Haviland reviewed case ZC-10-22 VR – Application for a Variance as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).

- Rex Ferguson inquired about the direction of water flow from the site.
 - Would it go right to the property to the north?
 - Could it reach the pond on that property?
- Joel Haviland indicated that the Clinton County Drain Commission (CCDC) has been out to the site and may have a way to divert the water flow so it's not so concentrated.
 - The Clinton County Road Commission (CCRC) is also doing some drainage improvements along DeWitt Road.
- Chairperson Watkins asked if the setbacks for class II animals and manure storage is still 100 feet from the property lines?
- Joel Haviland confirmed the setback distance of 100 feet – which also matches the regulations for a Home Based Business.
 - The Planning Commission would also address such setback issues in their review of the Home Based Business.
- Rex Ferguson asked for clarification –
 - If the Home Based Business were not there, the applicant could have the barn in that location with class II animals?
- Chairperson Watkins stated, the activity space, including manure storage, must be 100 feet from the property line.
- Joel Haviland added, a variance would have to be approved for the building to remain in the current location.
- Rex Ferguson questioned if the applicant would be allowed to have the building in its current location if there were no Home Based Business or class II animals?
- Joel Haviland answered: the side yard setback for a detached accessory building in this zoning district is 5 feet from the property line.
 - This is only for residential uses – not for stable/housing of class II animals.
- Chairperson Watkins explained, the Home Based Business setback is 100 feet from the property line – same as manure storage, etc.
 - The encroachment on the setback seems to be the primary issue.
- Beth Botke inquired if the building would meet all required setbacks if it were a residential detached accessory building?
- Joel Haviland responded that if it were a residential detached accessory building, it would meet the front, side, and rear yard setbacks but not the setback to the principal structure (i.e., house).
- Chairperson Watkins inquired about the regulations for an accessory structure closer to the road than the home?
- Joel Haviland referenced the conditions that permit an accessory structure between the house and the road:
 - There are two types of criteria: (1) for lots greater than 5 acres and (2) for lots smaller than 5 acres.
 - The applicable conditions to this case are under Section 4.1.F.2 of the Zoning Ordinance.
- Chairperson Watkins asked for any 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 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 Ms. Allen who constructed the barn?

- Pamela Allen recalled, it was a dealer for steel buildings out of the Coldwater area – possibly Alward Steel.
 - Noted that Greenbush Township is currently working on ditch improvements, from south to north, along Hyde Road near her property.
 - Greenbush Township also added some ditching along the west side of the road.
 - Is aware that drainage issues has caused material to settle in the tree line between her property and the neighbor to the north.
 - Is unsure if the material has ever reached his pond.
 - Greenbush Supervisor, Lee Thelen, has relayed a plan to her that would continue the ditching where it has stopped along Hyde Road and outlet to a county drain on the east side somewhere.
 - Believes that is expected to start this fall.
 - Tries her best to manage the storage of manure.
 - Hoping to have a manure storage bunker toward the front of her property with a grass berm around it.
 - This location is not as poorly drained as other areas on the property.
 - The concept of this storage method is to compost the manure.
- Chairperson Watkins asked Ms. Allen why she selected this property for the type of business that she is running?
- Pamela Allen explained that it was difficult to find properties in her price-point at that time.
 - She and her husband “knew what [they] knew and didn’t know what [they] didn’t know”.
 - Were looking for properties to house horses and run her program.
 - The business is not a “big” business – potentially 1-2 children and/or adults – depending on the type of program they would like to offer.
- Beth Botke asked Ms. Allen for clarification on the fencing that indicated on the site plan with concerns that the location of the fencing would cause a setback issue as well.
- Pamela Allen explained that the proposed fencing would give her the required 1.5-acre pasture area.
- Chairperson Watkins asked Ms. Allen if she purchased the property based on the purchase price, and not necessarily the permitted use?
- Pamela Allen explained that they did look at things ahead of time and asked the questions they knew to ask.
 - They thought that this property was a property they could use for this use.
- Chairperson Watkins inquired if her realtor indicated that to her?
- Pamela Allen stated that her realtor is not from a rural area.
 - She did ask about zoning and allowances with the size of the property.
 - Did her own research as well.
 - In which, she thought that horses were allowed on 3-acre properties.
- Chairperson Watkins clarified that the Zoning Ordinance states a minimum of 3 acres is required to have a horse.
 - Also considering all of the setback issues.
- Pamela Allen admitted that she could have mitigated that had permits been pulled ahead of the building construction.
- Chairperson Watkins asked for any comments from the public.

- Gregory Guminski, adjacent property owner to the north, discussed the many drainage issues impacting the area.
 - Is unhappy with the drainage “improvements” that were recently done and those planned for the future as it is causing/will further cause surrounding properties to slope toward his property.
 - Has been in contact with Greenbush Township in these regards.
 - Part of the future plans require removal of some of his trees – which he does not consent to.
 - Is unhappy with the material that is draining from Ms. Allen’s property to his.
 - Is not in support of a business operating so close to his home.
 - Is not in support of the proposed manure storage in his neighbor’s front yard.
 - Commented that his neighbors are great people and would be great to run this type of business, but this is a bad location for horses and a business.
- Pamela Allen stated that she re-homed one of the horses.
 - Currently has 2 ponies.
- Rex Ferguson asked Mr. Haviland to elaborate on the regulations for horses.
- Joel Haviland clarified:
 - Horses are allowed on a property with a minimum of three (3) acres of area.
 - 1 acre of activity space shall be provided per each horse
 - Activity spaces include the total contiguous ground floor stable/housing area, pasture, and manure storage area.
 - Per his calculations, the total activity area proposed by the applicants equals 2 acres – which would allow up to 2 horses.
- Rex Ferguson inquired how that might affect the keeping of other animals such as pigs or chickens?
- Joel Haviland indicated that Ms. Allen does also have chickens.
 - To his knowledge, they are not free-range.
 - The applicants have stated they will remain inside the barn.
- Rex Ferguson asked if chickens would require additional space beyond the two acres of activity space proposed by the applicant?
- Joel Haviland confirmed that chickens would be allowed in the space proposed.
- Beth Botke questioned if expanding the activity space as proposed would take away from the character (i.e., vegetative buffer) in front of the home?
- Joel Haviland responded that it may.
 - Does not believe Ms. Allen intends to remove a lot of vegetation to expand the fenced-in (activity) area.
 - There is still decent distance between the fence and property lines to maintain a vegetative buffer.
- Chairperson Watkins inquired why there isn’t any focus being placed on manure storage?
 - Because you’re focusing on the Home Based Business and the setbacks of the building?
 - Shouldn’t the manure storage be part of this review – not remain an oversight?
- Joel Haviland explained that it could be made part of this review...as a side yard setback variance for both the manure storage and accessory structure.

- Chairperson Watkins asked if manure storage is generally considered as part of the required setbacks for an animal storage building?
- Joel Haviland confirmed that the setbacks for manure storage and structures used for the housing of animals setbacks are both included in Section 4.46 of the Zoning Ordinance.
- Chairperson Watkins explained that he wants to make sure that the storage of manure is part of this review.
- Roni Christmas inquired about moving the proposed location for the manure storage to a less offensive location to neighbors.
- Pamela Allen indicated that she would be willing to entertain alternative locations or options.
 - Commenting that she only has 2 ponies, she explained:
 - They do not produce a terrible amount of manure build-up.
 - The manure composts relatively quickly.
 - She could also look into alternatives where the manure is removed off-site.
- Chairperson Watkins asked for any additional 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 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: Beth Botke moved, supported by Rex Ferguson to deny *Variance Request – ZC-10-22 VR, Allen*, for the requested Home Based Business accessory building distance variance in Section 8 of Greenbush Township, based upon the following reasoning:

- Reasoning: **(1)** The proposal does not satisfy basic conditions 1, 4, 6, and 7 as set forth in Section 7.20.F.1 of the Zoning Ordinance. In regards to criteria 7, this is a very typical parcel (size and configuration) and is concerned about the precedent this would set. **(2)** The proposal does not satisfy at least one of the special conditions as set forth in Section 720.F.2 of the Zoning Ordinance as referenced in the staff report.

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

- Doug Riley, Director provided a brief update:
 - There was going to be another case on the agenda tonight; however, the appeal was withdrawn.
 - This may still come before the ZBA at a later time.
 - Asked the ZBA to allow him to update Chairperson Watkins for potentially cancelling the October 18th, 2022 ZBA meeting.
- *The ZBA granted Doug Riley and Chairperson Watkins permission to cancel the meeting, if there are no cases.*

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 6:46 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]



Jessica Bolt, Planning & Permit Technician

NOTE: These minutes were approved by the Zoning Board of Appeals on October 18, 2022.