

**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

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## Clinton County Zoning Board of Appeals

### MEETING MINUTES OCTOBER 19, 2021

CALL TO ORDER	The Clinton County Zoning Board of Appeals met on Tuesday, October 19, 2021 at 6:00 p.m. with Chairperson Watkins calling the meeting to order.
ROLL CALL	Beth Botke Gail Watkins Justin Padgett Mark Simon Rex Ferguson
STAFF PRESENT	Doug Riley, Community Development Director Erin McElroy, Building Department Secretary/Accounting Clerk Jessica Plesko, Planning & Permit Technician Joel Haviland, Building Official/Zoning/SESC Administrator
VISITORS	Greg Armbrustmacher, Zoning Board of Appeals Alternate Krista Becker, 5674 N. Wacousta Road Trent Becker, 5674 N. Wacousta 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. <b><u>ZONING BOARD OF APPEALS ACTION:</u></b> Rex Ferguson moved, supported by Beth Botke to approve the agenda as presented. Motion carried.
APPROVAL OF ZONING BOARD OF APPEALS MEETING MINUTES	<b><u>ZONING BOARD OF APPEALS ACTION:</u></b> Mark Simon moved, supported by Justin Padgett to approve the September 21, 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 <i>ZC-13-21 VR</i>	Chairperson Watkins called on Doug Riley, Director for report. <ul style="list-style-type: none"><li>• Doug Riley:<ul style="list-style-type: none"><li>○ Reviewed case <b>ZC-13-21 VR – Application for a Variance</b> as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).</li></ul></li></ul>

- Chairperson Watkins commented that the review criteria came from a case located on South Francis Road for accessing structures in front of homes (and a string of issues resulting years prior)
- Doug Riley asked Chairperson Watkins if the referenced case is also the case where the accessory structure was proposed directly in front of the house as well?
- Chairperson Watkins confirmed.
  - Clarified that this request would be allowed if it weren't for the proposed 14-foot walls.
  - 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 Beth Botke 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 addressed Mr. Becker regarding his proposal – the 14-foot walls is due to an 11-foot tall travel trailer?
- Trent Becker confirmed, commenting that the trailer has an air-conditioning unit, which adds to the height.
- Rex Ferguson asked for clarification of dimensions of the structure and where the access would be located.
- Trent Becker stated that the structure would be 40-foot by 60-foot.
- Rex Ferguson inquired if the lean-to would be enclosed?
- Trent Becker stated that he has intended to leave it open but has considered finishing and enclosing it in the future.
- Chairperson Watkins asked Mr. Becker if the lean-to was included in the dimensions he stated?
- Trent Becker replied that the lean-to was not included when he stated the dimensions.
- Rex Ferguson inquired how the lean-to would be accessed if the pole barn is being accessed from the north?
- Trent Becker responded that the access would be from the adjacent property's driveway to the south.
- Krista Becker stated that the lean-to will be open.
  - Noted that they have gotten approval from the adjacent property owners to access the open side of the lean-to.
- Beth Botke questioned if the exterior west side of the lean-to (facing the road) would be finished?
- Krista Becker confirmed that it will be finished to match the rest of the structure (and also closely match the home).
- Chairperson Watkins asked Mr. Becker to confirm his understanding that the lean-to is not proposed to be accessed from his own property.
- Trent Becker confirmed that he would be accessing the lean-to from the adjacent property owner's farm access.
- Rex Ferguson inquired if the proposed trees are a cause for concern regarding impacting the view of the home?
- Trent Becker answered that he has no such concerns.
- Krista Becker stated that there is a structure on an adjacent property that blocks the view anyways.
- Chairperson Watkins asked Doug Riley what the distance between the side of the lean-to to the side property line is?
- Doug Riley responded that the distance is 12-foot.

- Mark Simon questioned if there should be a legal agreement (i.e., easement) for the access to the lean-to?
- Doug Riley answered that there is not such a standard in the Ordinance.
  - However, it is always recommended to obtain an easement to ensure access long-term.
  - The County does require each property to have it's own physical and legal access.
- Justin Padgett inquired why Mr. and Ms. Becker built their home where they did?
- Trent Becker responded that the placement of the home was determined based on how to make the most of the space (parcel) and was ideal for a walk-out basement.
- Rex Ferguson asked where the doors will be located on the structure?
- Trent Becker answered that he is proposing to put a service door and an overhead door on the north with the potential to install a second overhead door on the east.
- Justin Padgett requested Mr. Becker to clarify the details of the drain field location.
- Trent Becker stated that the Mid-Michigan District Health Department (MMDHD) visited the site and required them to install a new drain field (rather than utilize the existing drain field).
- 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 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.]

- Justin Padgett shared that he was initially concerned about the proposed location of the structure with the drain field, etc.
  - However, he has transitioned to feeling comfortable with the request not being a self-created hardship.
- Mark Simon agreed, with additional reasoning being the slope in the topography and the drain field location to the east.

**ZONING BOARD OF APPEALS ACTION:** Mark Simon moved, supported by Beth Botke to approve *Variance Request – ZC-13-21 VR, Becker*, for the requested accessory structure height variance in Section 20 of Essex Township based the following reasoning and subject to the following conditions:

- 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 conditions #1 and #2 as set forth in Section 1506B on the Zoning Ordinance as referenced in the staff report.
- Beth Botke offered a friendly amendment to include recommended condition numbers 1 and 2 as follows:
  - Conditions: **(1)** The applicant shall obtain a building permit from the Community Development Department prior to commencing construction of the accessory structure. **(2)** As proposed by the applicant, there shall be no overhead doors on the accessory building facing Wacousta Road and a minimum of five (5) evergreen trees shall be planted between the accessory building and roadway.
  - And with the addition of a third condition: **(3)** The applicants must finish the west side of the lean-to to match the rest of the building.

- Mark Simon accepted the friendly amendment.
- Chairperson Watkins commented that he will likely vote against this request without a formal easement in place.
  - He offered the following solutions –
    - To move the building and/or lean-to.
    - Or to make the building smaller to being in compliance.
- Beth Botke inquired if the lean-to is part of this variance request?
- Doug Riley responded that the lean-to is part of the building proposal, in other words, located entirely on the subject property.
- Beth Botke, understanding that the proposal attaches the lean-to to the pole barn, asked for clarification as to how each part of this building request is being treated – as 1 or 2 parts?
- Doug Riley explained that it is being viewed as 1 complete structure.
  - If any part of the building does not meet the Ordinance standards it is considered not in compliance and would require a variance to be approved.
- Chairperson Watkins commented that the Board would be creating a variance for a building that has no legal access (to the lean-to) if supported.
- Mark Simon inquired if the Board has the power to condition an easement?
- Chairperson Watkins answered – no.
- Doug Riley called on the applicants to address the issue of access.
- Trent Becker offered that anything being stored within the lean-to could be accessed through the lawn (and not by the property/access to the south).
- Rex Ferguson countered – could the contents of the lean-to be accessed from within the pole barn?
- Trent Becker answered that he could do that and has no problem with that configuration.
- Rex Ferguson referred to the site plan and pointed out where there could be an interior door (in place of an exterior door) to the lean-to.
- Chairperson Watkins stated that, for him to vote in favor, the conditions would need to be clear that access to the structure has nothing to do with the adjacent property owner's drive.
- Trent Becker asked to approach the Board to address the Board's discussion.

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

- Rex Ferguson addressed Mr. and Ms. Becker, offering the following:
  - The Board can table the decision tonight and allow time to obtain the easement from the adjacent property owners (for access).
  - Or change the site plan to reflect an interior door to the lean-to without outside access to the neighboring property.
- Trent Becker indicated that he would like to proceed tonight and amend the site plan to reflect the only access to the lean-to being an interior door.
- Doug Riley confirmed that the Board could make this a fourth condition.
- Chairperson Watkins clarified that any, and all, access must be germane to the property with the variance.
- Trent Becker accepted.
- Chairperson Watkins commented that this would save the applicants from grief in the future.

- Doug Riley agreed that access from others' properties can cause issues when properties change ownership, etc.
- Chairperson Watkins stated that variances stay with the properties forever; whereas easements can have time limits and therefore, can cause issues due to compatibility.
- Beth Botke asked the Board if they should address the proposed overhead door?
- Rex Ferguson called on Doug Riley for his recommendation.
- Doug Riley recommended the Board to leave flexibility to the applicants on that matter.
- Chairperson Watkins asked for any additional comments from the public.
  - Hearing none, Chairperson Watkins called for a motion to re-close the public hearing.

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

- Rex Ferguson offered a friendly amendment to the conditions of Mark Simon's motion previously: to add a fourth condition: **(4)** All access to the accessory structure will be taken from the subject property.
- Mark Simon accepted the friendly amendment.

**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.]

- Chairperson Watkins asked Mr. and Ms. Becker when they wanted to start the project?
- Trent Becker responded as soon as possible.
- Chairperson Watkins called for a motion to waive the 5-day waiting period.

**ZONING BOARD OF APPEALS ACTION:** Rex Ferguson moved, supported by Beth Botke to waive the 5-day waiting period. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

OTHER BUSINESS

None

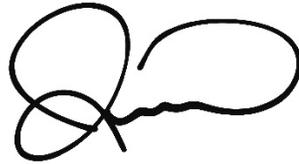
COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- Chairperson Watkins called for the Community Development Director's Report.
- Doug Riley:
  - The ZBA will have a November meeting.
    - Noted the changed date of November 9<sup>th</sup>.
  - Regarding the reformatting of the Zoning Ordinance:
    - The reformatted Zoning Ordinance will require a public hearing to adopt as section numbers and the overall format is changing.
    - The consultant (Giffels Webster) is also doing a "health audit" regarding best management practices, law, etc.
    - One additional task will be to prioritize potential Ordinance Amendments to be presented to the Planning Commission.
  - Noted that he spoke to the Planning Commission at their October 14<sup>th</sup> meeting regarding regulations to minimize variances and criteria for review regarding the issue of electronic signs that arose at the ZBA meeting in September.
- Chairperson Watkins discussed requiring narrow strips of land (future splits) to be 66 feet (to accommodate future drives).

- Explained that the Board needs to think for the long-range future, not for today.
- Doug Riley commended Chairperson Watkins for this point, commenting that he sees requests for people to “stub in roads” for subdivisions quite frequently.
- Chairperson Watkins stated that the Clinton County Road Commission (CCRC) requires 66 feet for public Right-of-Way (ROW).
  - Commented that the rural way of life only lasts so long until development starts to encroach on those rural areas.

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 6:43 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 November 9, 2021.