

**Chairperson**  
Mark Holley  
**Vice-Chairperson**  
Rex Ferguson  
**Secretary**  
Greg Armbrustmacher  
**Members**  
Kathleen George  
Peter Psarouthakis

**Alternate**  
Robert Ladiski



**Director of Planning & Zoning**  
(Interim) Lynn Wilson

**Assistant Planner**  
Tanner White

**Planning & Zoning Secretary**  
Danelle Rose

## Clinton County Zoning Board of Appeals

**ZONING BOARD OF APPEALS AGENDA**  
**Meeting of October 21, 2025 – 6:00 P.M.**  
**Clinton County Commissioners' Chambers, 2nd floor**

1. Call to Order and Pledge of Allegiance –
2. Roll Call –
3. Approval of Agenda –
4. Approval of Zoning Board of Appeals Meeting Minutes –
  - September 16th, 2025
5. Communications – None
6. Old Business – None
7. New Business –
  - A. **(ZC-09-25) (PVR250008) Application for a Variance**  
A variance application has been submitted by Brian & Erin Theis. The applicant is requesting a Variance to 4.1.C and 4.1.F.2 Accessory buildings structures and uses to reduce the side set back from 10' to 8' and exceed to the peak height from 10' to 16'. The subject property is located at 10305 S. Dewitt Road in Section 32 of Olive Township (Parcel #110-032-100-045-60).
8. Other Business –
9. Planning & Zoning Director's Report – November 18<sup>th</sup> applications
10. Adjournment –

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Danelle Rose

**Clinton County**  
**Zoning Board of Appeals**

*Clinton County Courthouse*  
*100 East State Street, Suite 1300*  
*St. Johns, Michigan 48879-1571*  
*(989) 227-6591*

**(DRAFT) MEETING**  
**MINUTES**  
**SEPTEMBER 16, 2025**

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<b>CALL TO ORDER</b>	The Clinton County Zoning Board of Appeals (ZBA) met on Tuesday, September 16, 2025, at 6:00 p.m. with Vice-Chair Rex Ferguson calling the meeting to order.
<b>ROLL CALL</b>	Greg Armbrustmacher – Present Kathleen George – Present Mark Holley - Unexcused Peter Psarouthakis - Present Rex Ferguson – Present
<b>STAFF PRESENT</b>	Lynn Wilson, (Interim) Planning & Zoning Director Tanner White, Planning and Zoning Assistant Planner Danelle Rose, Planning & Zoning Secretary Todd Campbell, Deputy County Administrator
<b>VISITORS</b>	Jim Goble – 7061 N US 127, St. Johns, MI James Goble – 7061 N US 127, St. Johns, MI Leon Parker – 1325 E Taft Rd, St. Johns, MI Erika Parker – 5860 Alward Rd, Laingsburg, MI Taylor Parker – 5860 Alward Rd, Laingsburg, MI
<b>PLEDGE OF ALLEGIANCE</b>	The Pledge of Allegiance was given to the flag of the United States of America.
<b>AGENDA</b>	<b><u>ZONING BOARD OF APPEALS ACTION</u></b> Peter Psarouthakis moved to accept the Agenda, Supported by Kathleen George. Motion carried unanimously to approve the agenda. [Vote of 4-0, all in favor, none opposed.]

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APPROVAL OF  
ZONING BOARD OF  
APPEALS MEETING  
MINUTES

**ZONING BOARD OF APPEALS ACTION:** Kathleen George moved, supported by Greg Armbrustmacher to approve August 19, 2025, Zoning Board of Appeals Meeting Minutes as presented. Motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

COMMUNICATIONS

None

PUBLIC COMMENTS

None

OLD BUSINESS

**(ZC-02-25) (PVR250004) Application for a Variance (Tabled)**

Lynn Wilson Presented the variance request that was tabled at the August 19<sup>th</sup> meeting until the September 16<sup>th</sup> ZBA meeting to allow an additional 30 days to resolve the issue or reduce the variance needed for solar panels installed in a non-conforming location. The subject property is located at 4817 W. Lowe Road, in Section 24, of Essex Township (Parcel #080-024-300-007-00).

Greg and Rachel Joseph had solar panels installed in a location that was not where their permit had indicated.

They've identified a new location that complies with the zoning ordinance and have been issued a permit to relocate the panels on Friday.

**ZONING BOARD OF APPEALS ACTION:** Peter Psarouthakis made a motion to remove (ZC-02-25) from the table, seconded by Kathleen George. Motion carried unanimously, [Vote of 4-0, all in favor, none opposed.]

**ZONING BOARD OF APPEALS ACTION:** Kathleen George moved to deny (ZC-02-25) (PVR250004) for the reduction of required setback distance for the property located at 4817 W Lowe Rd., Sec. 24, of Essex Township, due to the basic requirements of Ordinance 7.20(F)1 not being met. For the following reasons, Subsection D is not one where the specific conditions relating to the property are as general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical. Subsection F, shall not be the result of a condition created by the applicant, supported by Greg Armbrustmacher. Motion carried unanimously, [Vote of 4-0, all in favor, none opposed.]

**ZONING BOARD OF APPEALS ACTION:** Kathleen George made a motion to remove (ZC-06-25) from the table, seconded by Greg Armbrustmacher. Motion carried unanimously, [Vote of 4-0, all in favor, none opposed.]

**(ZC-06-25) (PVR250003) Application for a Variance (Tabled)**

Lynn Wilson presented the variance request that was tabled at the August 19<sup>th</sup> meeting until the September 16<sup>th</sup> ZBA meeting to allow an additional 30 days to address the location of an existing accessory structure on the new parcel. The applicant is proposing a land division and is requesting a variance

to Section 3.1.2(D) and 7.19(B)2 of the Zoning Ordinance. The subject property is located at 1668 Mead Road, in Section 22, of Greenbush Township (Parcel # 090-022-100-010-00).

The staff missed a detail about the property, the proposed property line going straight through the middle of the building. A revised site plan shows a jog in the line and meets all criteria for creating a compliant parcel. The proposal is to create a compliant 10-acre parcel with the remainder parcel being initially non-compliant. A deed restriction will be placed on the remainder parcel, so that no additional development will be placed there until the property is combined with the adjacent 2-acre parcel.

**ZONING BOARD OF APPEALS ACTION:** Kathleen George moved to approve the Variance request (ZC-06-25) (PVR250003) to allow the land division in the (A-2) zoning district that creates one conforming ten acre parcel and leaves a remaining 24 acre non-conforming parcel that does not comply with lot width requirements and does not meet the 4 to 1 depth width ratio for the property located at 1668 E. Mead Rd, St. John's. For the following reason, one or more of the 3 conditions have been proven, Section 2.B, Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of appellant subsequent to the adoption of this Ordinance. Additional conditions, a Deed restriction will be placed on the 24-acre remainder parcel (Parcel ID: 090-022-100-010-00) so that no additional residence will be placed on the property unless and until the property is combined with a 2-acre parcel, (Parcel ID 090-022-100-015-00). The Land Division will include a jog in the property line so that the existing accessory structure is located completely on one parcel and provides for at least a minimum ten-foot side setback distance from the boundary line, supported by Peter Psarouthakis. Motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]

**VOTE BY ROLL CALL:**

Rex Ferguson – Yes  
Kathleen George – Yes  
Greg Armbrustmacher – Yes  
Peter Psarouthakis -- Yes

NEW BUSINESS  
ZC-08-25

**(ZC-08-25) (PVR250007) Application for a Variance**

Lynn Wilson presented a variance application that was submitted by Jim's Amish Properties. The applicants are requesting a variance to Section 4.1 (E) of the Zoning Ordinance to locate five (5) 12'x40' portable storage units 5' from the side property line. This request is for a 15' variance from the

required 20' setback. The subject property is located at 7061 N. US 127 in Section 08 of Greenbush Township (Parcel # 090-008-400-020-01).

**ZONING BOARD OF APPEALS ACTION:** Kathleen George made a motion to open a public hearing, seconded by Peter Psarouthakis. Motion carried unanimously, [Vote of 4-0, all in favor, none opposed.]

James Goble – 7061 N US 127, stated that had they known that the project required approval they would have requested a variance and site approval for the same spot, citing limitations of the area, such as water runoff. Mr. Goble also commented that John Morrison from the Clinton County Drain Office found no issue with the current location, provided a slight variance is granted. Mr. Goble stated that the units are located near the fence line, with the closest neighbor about a quarter mile away and that the units have been in place for about three years and are currently 80% occupied. Mr. Goble explained that the units are built like portable storage sheds and can be moved with a trailer. Mr. Goble stated that the area is maintained with gravel, lighting, and security cameras, which is why they chose that location.

Peter Psarouthakis asked if we had received any communication from the neighbors surrounding the property in question.

Lynn Wilson stated that the Planning and Zoning office has received no communication from the neighbors. And the only response that we received was from the Drain Commissioner and Greenbush Township.

Kathleen George asked Mr. Gobel if had an alternative spot in mind. For example, the area between the parking lot and the field, a grassy strip across from the building.

Mr. Gobel explained that Water is present where the gravel meets the grass. This area directs water to the property line and back into the woods. Water collects on their property and flows through tiling back to the creek; it does not go onto the neighbor's land.

Jim Gobel – 7061 N US 127, stated that he was the Co-Owner of Jims Amish Structures. He stated that he originally wanted to place the storage facilities in the vacant field. However, at that time there were no outside storage facilities allowed. Which he stated is why they are located in the area that they are currently located in.

Rex Ferguson asked why they could not move the storage units to the piece of property that is already stoned.

Mr. Gobel explained that there have been issues with storage unit tenants and shed customers interacting, leading to disputes. And that they need to keep the two separated. They would need to purchase more security cameras to keep it in that area.

**ZONING BOARD OF APPEALS ACTION:** Peter Psarouthakis made a motion to close the public hearing, seconded by Kathleen George. Motion carried unanimously, [Vote of 4-0, all in favor, none opposed.]

Kathleen George asked Lynn Wilson to clarify condition (F) Shall not be the result of a condition created by the applicant. Would you say that if the County had done their due diligence with inspecting this property for compliance, that this would not be before the ZBA at this time?

Lynn Wilson responded that the Planning & Zoning Department oversees inspections for compliance with existing Special Land Use Permits (SLUP), and unfortunately, the department has not been conducting inspections on a regular frequency. As a matter of fact, a recent inspection of the property for SLUP compliance is the reason this zoning violation was discovered. Regardless, Lynn Wilson believes there would have been the same outcome, as the applicants were familiar with the application process in 2011 because they asked for permission to place the first structure.

Rex Ferguson has serious concerns about setting a precedent. He stated that they have multiple places where they can locate these structures within their property. The ZBA has many applicants that come in and have limited acreage and nowhere else they could locate their structure.

Greg Armbrustmacher asked if the Board could assess a timeline to allow the applicants to move to the structures and bring them into compliance if the Board decides to deny the application for a Variance.

**ZONING BOARD OF APPEALS ACTION:** Kathleen George made a motion to deny Variance request (ZC-08-25) (PVR250007), to allow a 15' variance to the required 20' side setback requirement to accessory structures in the C-2 zoning district. This is a variance request to Section 4.1(E) of the Zoning Ordinance based on the development standards of Section 3.1.10(D). The variance would allow the placement of five (5) 12' x 40' portable storage units, 5 feet from the south property line on the property located at 7061 North US-127, Saint Johns (Parcel ID number 090-008-400-020-01). The motion to deny is based upon the following reasoning: The following basic conditions(s) outlined in §7.20(F)(1) of the Zoning Ordinance have not been satisfied per the Zoning Board of Appeals: (G) Shall be assessed for the possible precedents or effects, which might result from the approval or denial of the appeal. And (F) Shall not be the result of a condition created by the applicant. Greg Armbrustmacher supported the motion as made. Greg Armbrustmacher moved to make a friendly amendment to the motion to allow the applicants twelve months to resolve the issue and come into compliance with the zoning ordinance. Kathleen George accepted the friendly amendment. Motion carried, [Vote of 3-1, 3 in favor, 1 opposed.]

**ROLL CALL VOTE**

Greg Armbrustmacher -- Yes

Peter Psarouthakis – No

**OTHER BUSINESS**

Kathleen George – Yes

Rex Ferguson -- Yes

**COMMUNITY  
DEVELOPMENT  
DIRECTOR'S REPORT**

The next Zoning board of Appeals meeting will be October 21,2025

**ADJOURNMENT**

**ZONING BOARD OF APPEALS ACTION:** With no further business to come before the Board, Rex Ferguson moved, supported by Kathleen George, to adjourn the meeting at 6:45 p.m. Motion carried unanimously.

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Danelle Rose, Planning and Zoning Secretary

NOTE: These minutes are subject to approval at the next regularly scheduled Zoning Board of Appeals Meeting.



## Zoning Board of Appeals Report: Variance Request

(ZC-09-25)( PVR250008)

September 25, 2025

### 1. Petition Information

**Application Number:** (ZC-09-25)( PVR250008)  
**Applicant:** Brian & Erin Theis  
**Owner/Applicant Address:** 10305 S. Dewitt Rd  
Dewitt, MI 48820

<b>Project Description:</b>	Request permission construct an accessory building in front of the house with a higher wall and peak. Also, requesting a side setback variance for the accessory building.
<b>Petition Description:</b>	A variance request from §4.1 Accessory buildings, structures, and uses Section C and F(2) Condition Set Two. These sections require a minimum of a 10' side setback to any side or rear lot lines. In addition, Condition Set Two restricts a sidewall height exceeding 10 feet or a peak height of 16 feet.

### 2. Property Information

**Property Address:** 10305 S. Dewitt Rd  
DeWitt, MI 48820  
**Property Location:** East side of S. Dewitt Rd, between W. Chadwick Rd and W Cutler Rd  
**Parcel ID:** 110-032-100-045-60  
**Section & Township:** Section 32, Olive Township  
**Existing Land Use:** Single family home  
**Area:** 2.06 acres

**3. Zoning & Future Land Use Information**

<b>Existing Zoning:</b>	<b>General Agriculture (A-2)</b>
<b>Future Land Use Map:</b>	<b>Agricultural Preservation</b>

	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Zoning</b>	General Agriculture (A-2)	General Agriculture (A-2)	General Agriculture (A-2)	General Agriculture (A-2)
<b>Surrounding Land Uses</b>	Woodland, single-family home	Farmland	Farmland, single-family home	Farmland
<b>Future Land Use Map</b>	Agricultural Preservation	Agricultural Preservation	Agricultural Preservation	Agricultural Preservation

**4. Project Narrative**

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A variance request was submitted by Brian and Erin Theis. The applicants would like to build a pole barn in front of their house with an 8-foot side yard setback, 10 feet and 9-inch side walls, and 23.5 feet peak height. The applicants represent that their desire for the location and design of the accessory structure is related to their intended use of the building and was specifically planned under the previous ordinance.

This is a three-part variance request to section §4.1 Accessory buildings, structures, and uses Section C and F(2) Condition Set Two. These sections require a minimum of a 10' side setback to any side or rear lot lines. In addition, Condition Set Two restricts a sidewall height exceeding 10 feet or a peak height of 16 feet.

The property is a legal non-conforming lot in the A-2 district because of road frontage and acreage. Due to the narrowness of the property and other contributing factors, (driveway, propane tank, drain field, and pond), this request is being made by the applicant to utilize their property in a way that is appropriate for residential use.

The property was originally laid out, and the accessory structure was designed to meet the requirements of the zoning ordinance at the time the house was built. The accessory structure location was shown on the application but was not constructed. At the time of application, the side setback requirement was 5 feet, and the structure was required to be architecturally compatible with the principal structure (peaked roof design matches the existing home).

5. Findings of Fact

Per §7.20(F), *The Board of Appeals may authorize specific variances from requirements of the Ordinance, with the exception of a use variance, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.*

1. ***Basic conditions: A variance from this Ordinance:***

a. ***Will not be contrary to the public interest or to the intent and purpose of this Ordinance.***

This variance will not be contrary to the public interest and the purpose of this Ordinance. The applicant proposes to meet standards that were in effect previously.

b. ***Shall not permit the establishment within a district of any use, which is not permitted by right within that district, or any use variance for which special land use approval is required pursuant to Section 6.2 Special Land Uses of this Ordinance.***

No, it will not permit a use which is not permitted by right.

c. ***Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.***

No. There will be no adverse effect on property values.

d. ***Is not one where the specific conditions relating to the property are as general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.***

This request is specific to this situation because the applicant planned his lot layout based on zoning requirements of a previous ordinance. We have the application that was originally submitted to support this. The house was built in its current location with the expectation that the accessory structure would be built in a compliant location.

The potential locations for the accessory structure are limited by the pond in the back of the house and the width (narrowness) of the property.

e. ***Will relate only to property that is owned or occupied, or where the applicant has equitable interest.***

The applicant owns and occupies the property.

**f. Shall not be the result of a condition created by the applicant.**

The current property configuration was created based on the zoning regulations in place at the time the site was designed. The condition was created by the zoning ordinance amendment that changed the setback, building wall and height requirements for accessory structures located in the front of the principal structure.

**g. Shall be assessed for the possible precedents or affects, which might result from the approval or denial of the appeal.**

The condition of planning an accessory building location under a previous ordinance and constructing it under a different set of conditions is not common. In this case, the lot dimensions combined with a pond and planning under the previous zoning ordinance for the site layout result in a unique situation.

The condition of a non-conforming parcel in the A-2 zone not being able to meet side setback requirements is more common. If granted, the reasoning for granting the side yard setback should be clearly stated so as not to set a precedent for similar requests.

**2. When all the foregoing basic conditions can be satisfied, a variance may be granted when one of the following special conditions can be clearly demonstrated:**

**a. Where there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not only be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.**

The configuration of the lot is narrow and deep with a pond at the back of the property that does not allow use of that space for building. If the building could be built at the back of the property, then a sidewall and peak height variance would not be needed.

**b. Where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the appellant after the adoption of this Ordinance.**

The house and pole barn were included in the site plan that was originally submitted in 2012 which would have allowed an 8-foot side yard setback at that time and would have required the compatible architectural style. The zoning ordinance change was not the result of the applicant's actions.

- c. *Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.*

This condition cannot be specifically shown.

Per §7.20(F)(3), the Board of Appeals may specify in writing such conditions regarding the character, location and other features that will in their judgment secure the objectives and purposes of this Ordinance.

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#### 6. **Public Comment Received**

No public comment has been received.

#### 7. **Other Agency, Department, & Township Comments**

The Planning & Zoning Department has requested reviews and comments from Olive Township, the Clinton County Drain Commissioner's Office, the Clinton County Road Commission, and the Mid-Michigan District Health Department. Correspondence is attached.

- 7.1. **Olive Township:** Olive Township determined that the application is acceptable and that the variance application should move forward.
- 7.2. **Clinton County Drain Commissioner (CCDC):** The Drain Commissioner's Office is not opposed to the requested zoning ordinance variance.
- 7.3. **Clinton County Road Commission (CCRC):** No response. There is no change to the existing driveway within the right of way.
- 7.4. **Mid-Michigan District Health Department (MMDHD):** No response. There is no change to the existing well and septic systems on the site.

#### 8. **Potential Conditions**

The applicants have offered the following condition(s) if the proposed variance is approved:

- None

Staff identified the following potential condition(s) for the proposed variance:

- None

#### 9. **Potential Motions**

Staff offer the following motions for the Zoning Board of Appeals to consider. There are three requests which may be addressed in one, two or three motions.

**9.1. Motion to Approve**

Move to **approve** the variance request (ZC-09-25)(PVR250008) to allow an accessory structure to be built with (choose 1, 2 or 3 of the following):

- a side setback of 8 feet which is 2 feet less than the required 10 feet
- a side wall height of 10.75 feet that exceeds the maximum 10-foot requirement by 9"; and
- a peak height of 23.6' 16 feet which exceeds the maximum

for the property located at 10305 South Dewitt Road, Dewitt (Section 32, Olive Township) Parcel ID number 110-032-100-045-60 per the following reasoning and subject to the following conditions:

- The seven (7) basic conditions outlined in §7.20(F)(1) of the Zoning Ordinance have been met.
- One (1) or more of the three (3) special conditions outlined in 7.20(F)(2) of the Zoning Ordinance has been clearly demonstrated.
- Additional Reasoning & Conditions as Determined by the Zoning Board of Appeals:

Possible condition: That the applicant address drainage in a manner that satisfies the Drain Commissioner's comments.

**9.2. Motion to Deny**

Move to **deny** the variance (ZC-09-25)(PVR250008) to allow an accessory structure to be built with (choose 1, 2 or three of the following):

- a side setback of 8 feet which is 2 feet less than the required 10 feet
- a side wall height of 10.75 feet that exceeds the maximum 10-foot requirement by 9"; and
- a peak height of 23.6' 16 feet which exceeds the maximum of 16 feet

for the property located at 10305 South Dewitt Road, Dewitt (Section 32, Olive Township) Parcel ID number 110-032-100-045-60 for the following reasoning per the following reasoning:

- Reasoning for how one (1) or more of the seven (7) basic conditions outlined in §7.20(F)(1) of the Zoning Ordinance and/or one (1) or more of the three (3) special conditions in 7.20(F)(2) of the Zoning Ordinance have not been satisfied per the Zoning Board of Appeals:

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**9.3. Motion to Postpone**

Move to postpone the decision for variance request (ZC-09-25)(PVR250008) to allow an accessory structure to be built with a side setback of less than 10 feet, a side wall height that exceeds 10 feet, and a peak height of 16 feet for the property located at 10305 South Dewitt Road, Dewitt (Section 32, Olive Township) Parcel ID number 110-032-100-045-60 per the following reasoning:

Additional Reasoning and Information needed per the Zoning Board of Appeals to determine if the variance request satisfies the seven (7) basic conditions outlined in §7.20(F)(1) of the Zoning Ordinance and/or the three (3) special conditions outlined in 7.20(F)(2) of the Zoning Ordinance.

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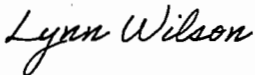
**10. Statement of Facts**

<b>Variance Application Submitted:</b>	<b>September 11, 2025</b>
<b>Application sent to Township:</b>	<b>September 11, 2025</b>
<b>Public Hearing Scheduled for:</b>	<b>October 21, 2025</b>
<b>Site Visit(s) Conducted by Staff:</b>	<b>September 25, 2025</b>
<b>Previous Public Meeting(s):</b>	<b>None</b>

**11. Legal Notification**

<b>Legal Ad Submitted to the Lansing State Journal:</b>	<b>September 10, 2025</b>
<b>Legal Ad Published in the Lansing State Journal:</b>	<b>September 14, 2025</b>
<b>Letters to Adjacent Properties Sent:</b>	<b>September 11, 2025</b>
<b>Email to Agencies and Township(s) sent:</b>	<b>September 9, 2025</b>

Respectfully Submitted,



Lynn Wilson  
Interim Director of Planning & Zoning, AICP

**12. Supporting Materials**

**12.1. Attached**

- i) Application Form**
- ii) Aerial Images**
- iii) Property Photos**
- iv) Survey Markup**
- v) Agency Comments**
- vi) Future Land Use Map**
- vii) Zoning Map**

12.1 i) Application Form



PAYMENT:	
Amount: \$	_____
<input type="checkbox"/> Check #:	_____
<input type="checkbox"/> Cash	
<input type="checkbox"/> Credit/Debit Card (+ 3%)	

APPLICATION FOR A VARIANCE

**Site Information:**

Site Address: 10305 S. DeWitt Rd City: DeWitt Zoning District: A-2  
 Parcel ID: 110-032-100-045-60 Township: Olive

**Landowner Information:**

Name(s): Brian + Erin Theis  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: 10305 S. DeWitt Rd City: DeWitt State: MI Zip: 48820

**Applicant Information:**

Landowner  Representative Name: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Type of Variance Application:**

- Existing Single-Family Residential Variance..... \$500
- New Single-Family Residential Variance..... \$600
- Non-Residential Variance..... \$600

**Variance Request Information:**

Have any previous variances requests been made for this property?  
 Yes  No  
 If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Clinton County Office of Planning & Zoning  
 100 East State Street, Suite 1300  
 St. Johns, Michigan 48879  
 (989) 227-6591 • PlanningAndZoning@clinton-county.org

Variance(s) Requested:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Front Yard Setback           | <input checked="" type="checkbox"/> Height / Width | <input type="checkbox"/> Width-to-Depth Ratio |
| <input checked="" type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Non-Conformity Expansion  | <input type="checkbox"/> Off-Street Parking   |
| <input type="checkbox"/> Rear Yard Setback            | <input type="checkbox"/> Lot Coverage              | <input type="checkbox"/> Signage              |
| <input type="checkbox"/> Other: _____                 |  |   |

What is intended to be done on/or with the property causing the need for the variance?

Response: Construct a 56x28 outbuilding, as originally planned in the site plan submitted in 2012 w/ building permit application for house.

Property characteristics preventing conformance with the Zoning Ordinance and necessitating a variance:

- |  |                                     |   |
|--|-------------------------------------|---|
| <input type="checkbox"/> Elevation   | <input type="checkbox"/> Slope      | <input checked="" type="checkbox"/> Too Narrow <u>Driveway location</u> |
| <input checked="" type="checkbox"/> Physical Features (i.e., septic, well, etc.) <u>Pond</u> | <input type="checkbox"/> Soil       | <input type="checkbox"/> Too Shallow <u>Drainfield</u>                  |
| <input type="checkbox"/> Shape   | <input type="checkbox"/> Subsurface | <input type="checkbox"/> Too Small                                      |
| <input type="checkbox"/> Other: _____  |                                     |   |

The following are Ordinance Section 7.20.F findings of fact. Review and respond in the space provided.

1. Can the petitioned property be used for the intended purpose in conformance with the Zoning Ordinance without the requested variance?

Yes  No

Explain: The proposed outbuilding cannot be architecturally compatible to the residence and there will not be room to park a vehicle between the outbuilding + driveway without blocking the driveway.

2. Is the petitioned variance due to a self-created action by the applicant?

Yes  No

Explain: The petitioned variance is due to a change in zoning requirements.

3. Are the conditions on your property the result of other manmade changes (e.g., road relocation, etc.) regulatory changes (e.g., right-of-way increase, change in zoning dimensional requirements, etc.), or other regulatory controls (e.g., separation distances from septic, drain, etc.)?

Yes  No

Explain: This outbuilding would have been allowed prior to the zoning requirement change. This building was planned when the location of the house, driveway + drainfield were originally laid out.

Clinton County Office of Planning & Zoning  
100 East State Street, Suite 1300  
St. Johns, Michigan 48870  
(989) 227-6591 • PlanningAndZoning@clinton-county.org

4. Will strict application of the terms of the Zoning Ordinance deny use of the property for any purpose to which it is reasonably adapted?

Yes  No

Explain: This building cannot go behind the house due to the pond.

5. Is the variance requested a result of circumstance unique to this particular parcel and not in common with other parcels in the immediate area?

Yes  No

Explain: The request is a result of a zoning requirement change.

6. Would granting the variance alter the essential character of the area?

Yes  No

Explain: Granting the variance would improve the character, as an architecturally compatible outbuilding looks better than one with opposing materials, roof pitch, and features. Please see included architectural drawing.

7. If your request is granted, what are the likely positive and/or negative impacts of this decision on surrounding land and neighbors?

Response: None. The height and location has no impact. please see included aerial photo.

8. How do you propose to minimize any potential negative impacts in which your proposed activity may cause (e.g., landscaping, buffer, etc.)?

Response: I don't see any potential negative impacts, but I do however plan to landscape and plant trees to have it visually fit in w/ the curb appeal of the existing property.

9. Use the space below to provide any additional comments you may have in support of this application.

Response: Attached is Article 5 of the 2005 zoning ~~code~~ ordinance. Part C shows accessory structures not closer than 5' to the side lot line. Part F #2 shows the conditions that this building would meet. Part I shows the sidewall height.

Legal Property Description: ATTACH A COPY

**Site Plan / Survey:** ATTACH A COPY – Containing the following (as applicable).

- North Indicator
- Property dimensions (i.e., lot/boundary lines)
- All streets/roads, centerline, and right-of-way (provide dimensions)
- Dimensions of all existing structures (including height)
- Dimensions of proposed construction (including height) – label clearly as “proposed”
- Distances from all sides of existing and proposed structures to property lines
- Lakes, streams, and wetlands
- Topography of property (including slope and direction)
- Location(s) of structures on adjacent properties if within 100 feet of petitioned property line
- Location of existing and/or proposed septic and well facilities
- Location of any other impediments preventing use of the property in compliance with the Ordinance

**Statement of Understanding and Agreement:**

To the best of my knowledge, all information provided herein is accurate and in compliance with all applicable rules, regulations, and governing ordinances.

Landowner Signature: *(if other than the applicant)* \_\_\_\_\_ Date: \_\_\_\_\_  
 Applicant Signature: *Blaine M. Smith* \_\_\_\_\_ Date: 8/13/25

**For Administrative Use Only**

Received application 30 days prior to the scheduled Zoning Board of Appeals meeting.

Case Number: \_\_\_\_\_

Noticing Deadline: \_\_\_\_\_

Agency/Township Response Request Date: \_\_\_\_\_

Zoning Board of Appeals Hearing Date: \_\_\_\_\_

Clinton County Office of Planning & Zoning  
100 East State Street, Suite 1300  
St. Johns, Michigan 48879  
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Question 9 Attachment from 2005 Zoning Ordinance

ARTICLE 5

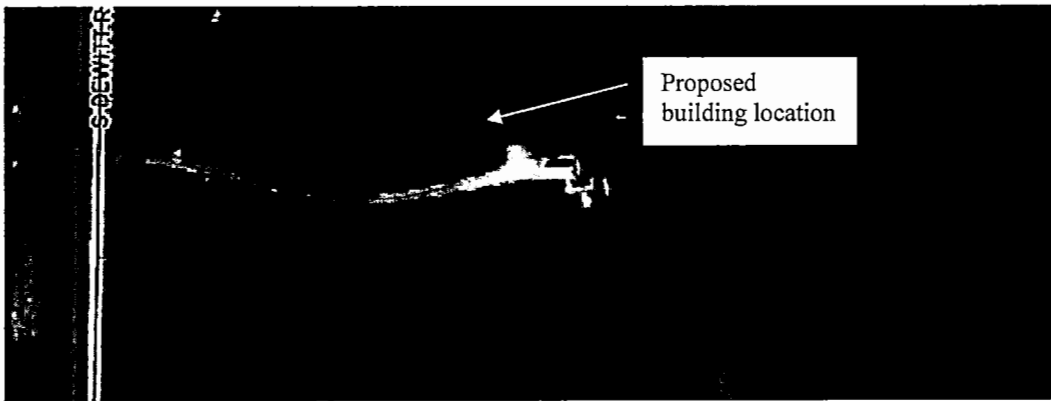
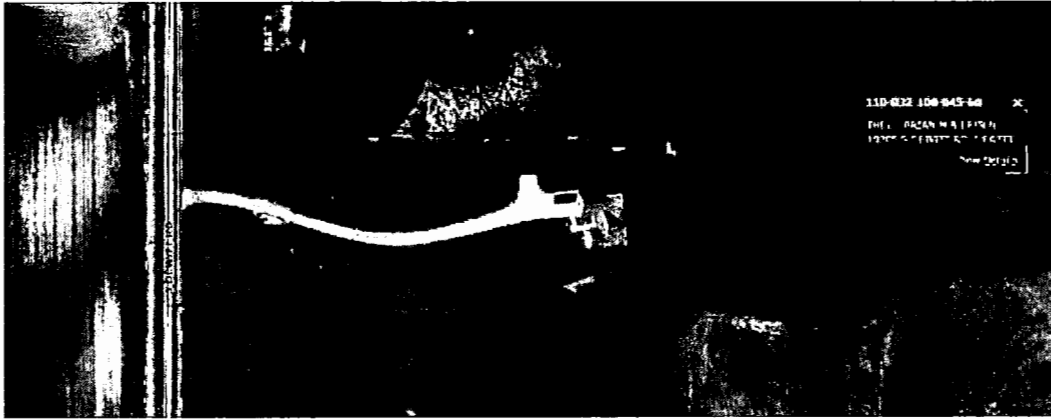
GENERAL PROVISIONS

Section 501 Accessory Buildings, Structures and Uses.

Except as otherwise permitted in this Ordinance, accessory buildings, structures and uses shall be subject to the following regulations.

- A. Where the accessory building is attached to a main building, it shall be subject to, and must conform to, all area, height, and setback regulations of this Ordinance that apply to principal structures.
- B. An accessory structure is by its very nature and definition accessory and subject to the principal use of the property and structure. Therefore, the construction of an accessory structure prior to the commencement of a principal structure or use is prohibited.
- C. A detached accessory structure serving a single-family residential use shall not be located closer than five (5) feet to any side or rear lot line. If the detached accessory structure is more than fourteen (14) feet in height, then one (1) foot additional setback must be provided per each foot above fourteen feet.
- D. A detached accessory structure serving a non-residential use must meet setbacks and dimensional requirements of the principal structure in which the principal use is primarily located.
- E. A detached accessory structure shall be located no closer than ten (10) feet to any main building or other accessory building on the same property, or no less than ten (10) feet from any off-site building or structure.
- F. No detached residential accessory structure shall be located closer than the principal residential structure to any road right-of-way, unless one (1) of the following two (2) sets of conditions are met:
  1. Condition Set One:
    - a. The parcel exceeds five (5) acres in lot area; and
    - b. All setback requirements of the district in which the accessory structure is to be located shall be complied with; and
    - c. The accessory structure shall be located not less than two-hundred and twenty-five (225) feet from the road right-of-way; and

12.1 ii) Aerial Images



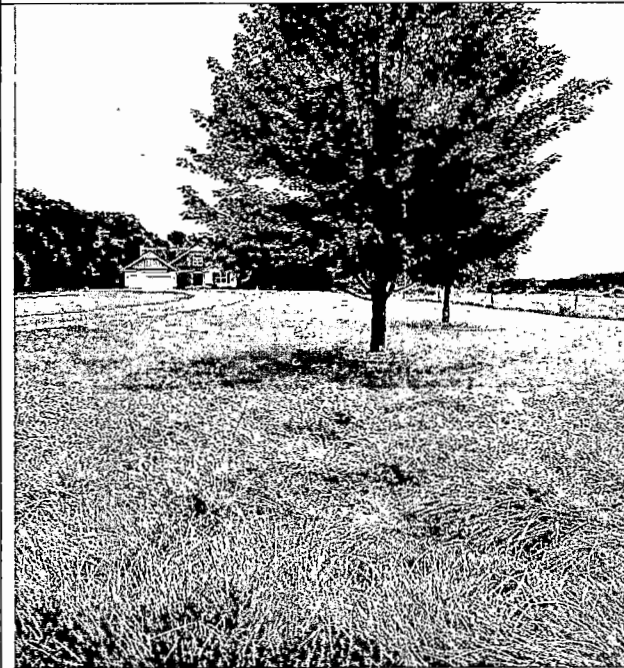
12.1 iii) Property Photos



North Property line with staked barn proposal



Northern View of property from ROW



Southern view of property from ROW



View of proposed pole barn location



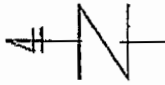
North side of Subject Property leading to pond



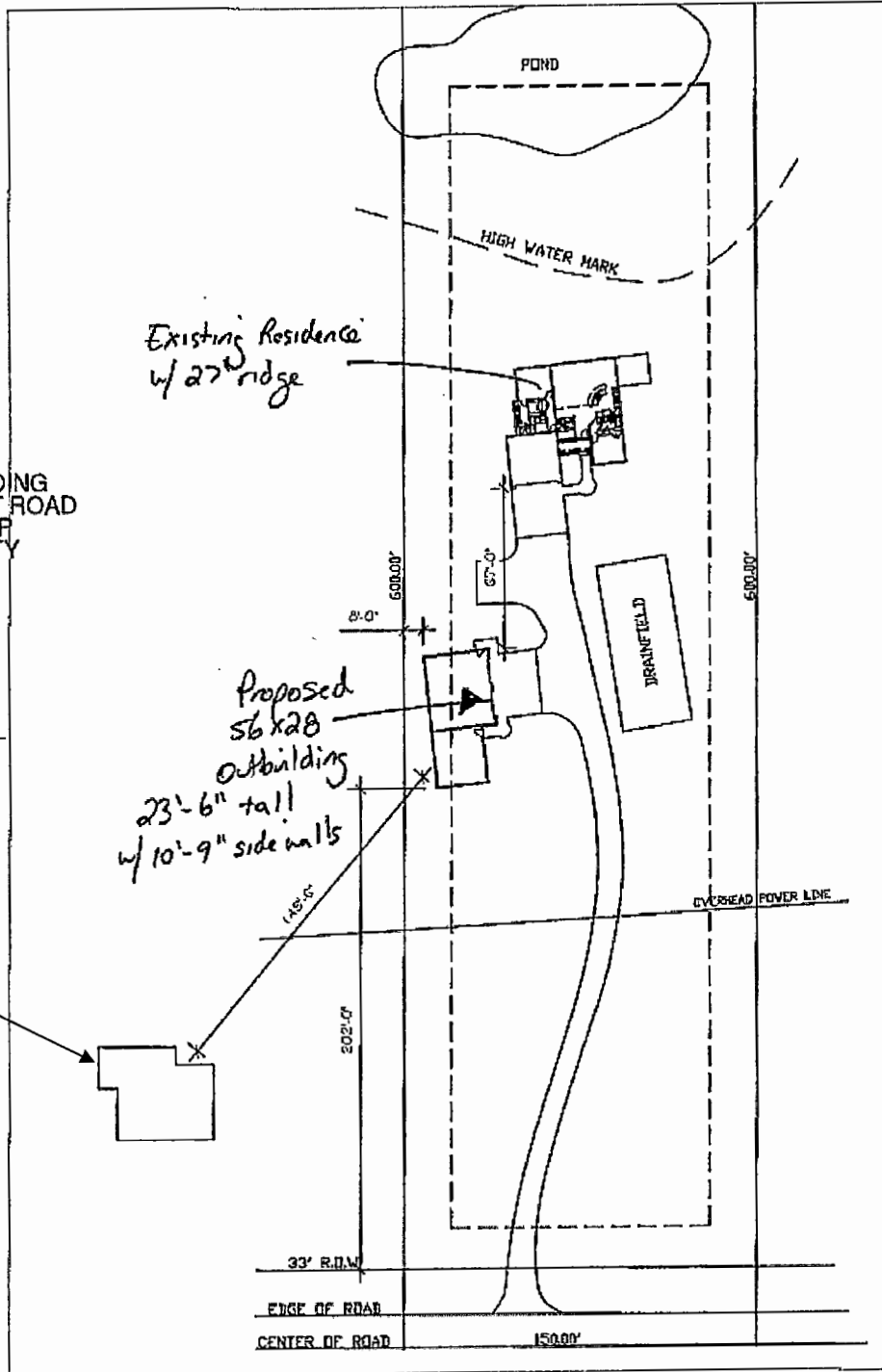
South side of property leading to pond

12.1 iv) Survey/Plot Plan

THIS OUTBUILDING  
 10305 S. DEWITT ROAD  
 OLIVE TOWNSHIP  
 CLINTON COUNTY  
 SCALE: 1" = 60'



House on adjacent property



**12.1 v) Agency Comments**

**Olive Township Response**



Clinton County Planning & Zoning  
100 E. State St.  
Suite 1300  
St. Johns, MI 48879

RE: Brian Theis VR (ZC-9-25) (PVR250008)

During the September 8, 2025 regularly scheduled meeting, the Board reviewed the Application for a Variance, VR (ZC-9-25) (PVR250008), and has no issue with the plan presented by Brian Theis. The Board is in favor of the building due to being aesthetically pleasing, not blocking the road view, and with the neighbor to the north not having an issue.

Sincerely,

A handwritten signature in black ink, appearing to read "E. June", written in a cursive style.

Elizabeth June  
Olive Township Clerk

---

**Mid-Michigan District Health Department**  
No response needed

**Clinton County Drain Commissioner**

**Phil Hanses**  
Drain Commissioner

Jon Morrison, P.E.  
Deputy

drain@clinton-county.org  
www.clinton-county.org

**CLINTON COUNTY**  
OFFICE OF  
DRAIN COMMISSIONER

Courthouse, 100 E. State St.  
Suite 2300  
St. Johns, Michigan 48879

Phone (989) 224-5160  
Fax (989) 227-6449

9/17/2025

Danelle Rose  
Clinton County Planning & Zoning  
100 E. State Street, Suite 1300  
St. Johns, MI 48879

RE: Review of proposed Variance at 10305 S. DeWitt Road in section 32 of Olive Township.

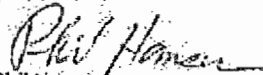
Ms. Rose:

The Drain Commissioner's Office is not opposed to the requested Variance at 10305 S. DeWitt Road. This property is located within the Blizzard, Baldwin & Muskrat, and Stony Creek Drainage Districts.

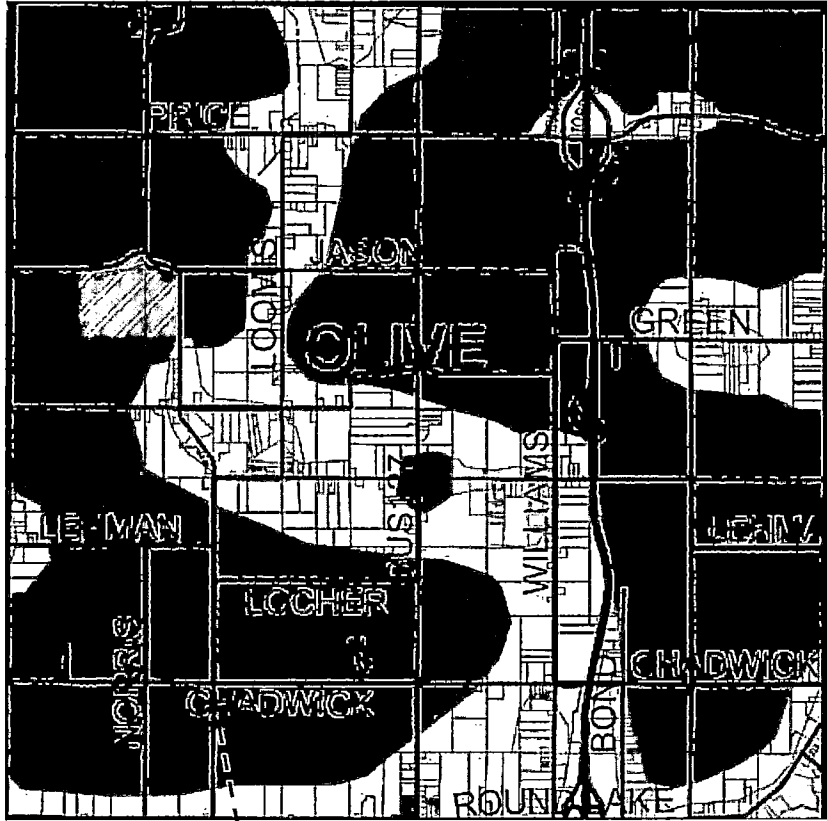
The proposed structure is remotely located from the above referenced county drains with the closest drain being the Blizzard to the northwest across DeWitt Road such that no direct impacts to any county drain is expected.

The size of the proposed structure and proximity of it to the north property line may impact adjacent properties either by increased runoff being diverted to the adjacent properties and/or grade modifications for the proposed structure blocking drainage from adjacent properties onto the applicant's property. It is recommended that the County Building Official be mindful of this and consider a combination of eve trough with downspouts and modest surface grading along the north side of the proposed structure to encourage drainage around the new structure. The Drain Office can offer further detailed suggestions upon request, once more details of the specific structure's installation are understood.

Respectfully,

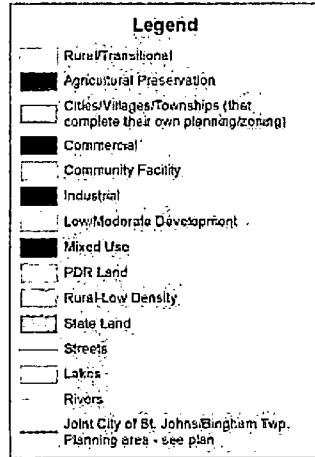
  
Phil Hanses  
Clinton County Drain Commissioner

12.1 vi) Future Land Use Map



Subject Parcel

Future Land Use Map  
Amendment



12.1 vii) Zoning Map – A2 Zoning District

