

Chair
Gail Watkins
Vice-Chair
Roger Lerg
Secretary
Mark Simon
Members
Rex Ferguson
Justin Padgett


CLINTON COUNTY
ZONING BOARD OF APPEALS
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Community Development Director
Doug Riley
Planning & Zoning Secretary
Wendy Ward
Building & Zoning Administrator
Joel Haviland
Community Development Department

ZONING BOARD OF APPEALS MEETING MINUTES
Tuesday, January 21, 2020 - 6:00 p.m.
Clinton County Commissioners Chambers

1. Call to Order and Roll Call –

The Clinton County Zoning Board of Appeals met on Tuesday, January 21, 2020 at 6:00 p.m. in the Clinton County Commissioners’ chambers, Clinton County Courthouse, St. Johns, Michigan, with Chair Watkins presiding. A were present and a quorum was reported.

Members present – Gail Watkins/Chair, Roger Lerg/Vice Chair, Mark Simon/Secretary, Rex Ferguson, Justin Padgett

Staff present – Doug Riley, Community Development Director, Wendy Ward, Planning & Zoning Secretary, Joel Haviland, Building & Zoning Administrator, Community Development Department

Visitors present – Clint Schaefer, Gerald and Suzanne Mizger

2. Pledge of Allegiance

The pledge of allegiance was given to the flag of the United States of America.

3. Approval of Agenda –

ZONING BOARD OF APPEALS ACTION/MOTION

Motion by Ferguson, support by Vice-Chair Lerg to approve the January 21, 2020 ZBA agenda, as presented. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

4. Election of Officers for 2020 –

Current officers (2019) – Chair Watkins, Vice-Chair Lerg, Secretary Simon

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Ferguson, support by Padgett to retain the current officers for another year. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

5. Approval of Zoning Board of Appeals Meeting Minutes – November 12, 2019

ZONING BOARD OF APPEALS ACTION/MOTION

Motion by Vice Chair Lerg, support by Secretary Simon to approve the November 12, 2019 meeting minutes, as presented. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

6. Communications

Planning/Zoning/Development Applications Report AND Zoning Violation and Code Enforcement Report – 2015-2019

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Secretary Simon, support by Ferguson to accept and place on file. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

7. Public Comments -

There were no public comments presented.

8. Old Business –

There was no old business presented.

9. New Business

A. ZC-17-19 VR – Application for a Variance Request

An application for a variance has been submitted by L.T. Schaefer (Clint Schaefer) on behalf of Gerald & Suzanne Mizger. Applicants are requesting variance approval to Section 432 – Schedule of Area, Height and Placement Regulations; specifically a 14’3” variance to allow a covered front porch/addition 35’7” from the W. Price Road right-of-way where 50’ is the standard front yard setback requirement. The property is located at 1754 W. Price Road, Parcel ID#19-110-004-300-030-00, Section 4, Olive Township.

Doug Riley, Community Development Director, provided a brief review of the staff report. This variance, if approved, would allow the front porch to be placed 68’7” from the centerline of W. Price Road (as opposed to the standard 83’).

Township Board and Agency Comments –

Olive Township- The Olive Township Board submitted correspondence dated January 13, 2020 indicating that they have no objection to the variance.

Clinton County Road Commission (CCRC)- The CCRC submitted correspondence dated December 26, 2019 indicating that they have no objections to the porch addition extending into the setback.

Clinton County Drain Commission (CCDC)- The CCDC submitted correspondence dated December 26, 2019 indicating that they have no objections to the requested variance for relocation/construction of a new front porch. The Holden Drain is located in the vicinity of the site but well to the north, such that no significant impacts from this activity are anticipated to the drain.

If the ZBA is inclined to approve the variance, Director Riley recommends one condition of approval (listed on page 8 of the staff report).

All property owners within 300’ of said property were noticed as well as the standard noticing in the paper for the variance and no comments were received.

Clint Schafer, applicant, was present on behalf of the Mizger’s and approached the Board. They are proposing to take the old porch out and make it bigger but it will not be any closer to the road than it is now. Gerald & Suzanne Mizger were also present.

Chair Watkins opened the public hearing.

There being no comments, Chair Watkins closed the public hearing.

Discussion followed. There was talk about the porch being built in the 90's without permits. Chair Watkins thought there should have been a variance before. He also shared his concern that this may be self-created. It was suggested to tie the concern of satisfying a special condition to the topography (special condition #2).

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Vice-Chair Lerg to approve the variance based on the rationale that it meets the seven (7) basic conditions with the exception of #6 (*shall not be the result of a condition created by the applicant*)- it has its own curve to it and we have to absorb this, regarding special condition #2, it will be based on that the porch won't be any closer to the road than the existing porch and because of the topography. Also to include the condition for approval as listed in the staff report – *the applicant shall obtain a building permit from the Community Development Department for the construction of the covered porch*. He would like to see that the porch will not appear as close to the road as it seems to and the construction of the porch must remain open. Support by Secretary Simon, with a friendly amendment, to include that due to the original structure, special condition #6 has been met, building permits will be obtained, some additional shrubbery will be planted near the front porch and that it remains open construction.

Chair Watkins questioned Mr. Schaefer how soon he would apply for the building permits and he responded that he will apply tomorrow. The 5 day waiting period to pull permits was waived.

10. Other Business-

A. 2020 Zoning Board of Appeals Meeting Schedule (Approval)

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Secretary Simon, support by Ferguson to approve the 2020 meeting schedule, as presented. There being no further discussion, motion carried [Vote of 5-0, all in favor, none opposed].

11. Community Development Report-

Director Riley presented the Zoning Board of Appeals Attendance Report. The consensus of the Zoning Board is that they would like to receive this report every six (6) months.

Director Riley indicated that we have not received any new Zoning Board agenda items for review for the month of February at this time. The deadline for applications is this next Tuesday, January 28th. If there are no items presented for review and/or discussion by that date, the consensus of the Zoning Board is to cancel the February meeting.

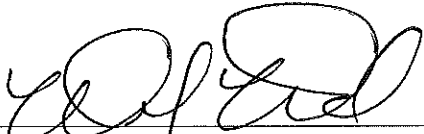
A brief discussion followed on the proposed solar farm, Bingham Solar Farm, on Walker Road. Soil testing is being done now. This project will be going strong in a month or two; 130 acres.

11. Adjournment –

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Vice-Chair Lerg, support by Secretary Simon to adjourn the January 21, 2020 ZBA meeting. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

With no further business to come before the Zoning Board of Appeals, Chair Watkins declared the meeting adjourned at 6:30 p.m.



Wendy Ward, Planning & Zoning Secretary

NOTE: The January 21, 2020 meeting minutes were approved, as printed, at the May 19, 2020 Zoning Board of Appeals (via telephonic conference) meeting.