

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 Courthouse
100 East State Street, Suite 1300
St. Johns, Michigan 48879-1571
(989) 224-5180*

Clinton County Zoning Board of Appeals

MEETING MINUTES SEPTEMBER 21, 2021

CALL TO ORDER The Clinton County Zoning Board of Appeals met on Tuesday, September 21, 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
Logan Byrne, Zoning Board of Appeals Alternate
Carla Wardin, Essex Township Supervisor
Jim Conklin, Victor Township Supervisor
Bonnie Hale, 5553 Findlay Road
Cheryl Loudenbeck, 9011 Round Lake Road
Cheylo Garrod, 9425 S. Hollister Road
Chris George, 5462 W. Lowe Road
Jordan Hunnicutt, 9457 Hollister Road
Joshua Loudenbeck, 9011 Round Lake Road
Kathy George, 5462 W. Lowe Road
Kelsi Allen, 9457 Hollister Road
Louise Ferguson, 5666 W. Colony Road
Michael Garrod, 9425 S. Hollister Road
Rod Hale, 5553 Findlay 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: Beth Botke 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:** Rex Ferguson moved, supported by Mark Simon to approve the August 17, 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-11-21 VR</i>	<p>Chairperson Watkins called on Doug Riley, Director for report.</p> <ul style="list-style-type: none"> • Doug Riley: <ul style="list-style-type: none"> ○ Reviewed case ZC-11-21 VR – Application for a Variance as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA). • Jordan Hunnicutt gave a prepared speech to the Zoning Board of Appeals. <ul style="list-style-type: none"> ○ Understands the intent of the ordinance is to ensure a safe and peaceful community. ○ The nature of his business brings value to Clinton County. ○ Intends to grow and operate his business within Clinton County. ○ The nature of his business requires him to perform the work off-site. ○ Any of the complaints that the County has received up to this point have been addressed and resolved. ○ He intends to continue being a good neighbor and not to disturb the character of the residential area. ○ With no objections from the Mid-Michigan District Health Department, Clinton County Road Commission or Clinton County Drain Commission, he hopes to have this variance request approved. ○ Thanked the Board of their time and consideration of this matter. • Chairperson Watkins asked Mr. Hunnicutt if he realized the lot size was too small for a home based business? • Jordan Hunnicutt responded that he was not at all aware of this regulation. • Chairperson Watkins expanded his question, asking how long he has been in business? • Jordan Hunnicutt answered that he has been in business for 3 years. • Rex Ferguson asked how long he has lived at the subject property? <ul style="list-style-type: none"> ○ Did the business start when the property was purchased? • Jordan Hunnicutt confirmed that he started the business when he purchased the property 3 years ago. • Rex Ferguson inquired about the services that Mr. Hunnicutt provides. • Jordan Hunnicutt explained that he provides landscaping (mainly lawn mowing) and snow removal services. • Rex Ferguson asked Mr. Hunnicutt to clarify what types of equipment he has. • Jordan Hunnicutt explained that he has 1 truck and 1 snowplow truck in storage off-site. • Chairperson Watkins questioned the disposal method of the debris generated from jobs? • Jordan Hunnicutt responded that he uses a landscape supply company to dispose of debris as well as obtain landscaping materials. • Rex Ferguson asked for clarification on what “other businesses” are in the area as referenced in Mr. Hunnicutt’s application. <ul style="list-style-type: none"> ○ Are they on properties similar to the subject property or are they conforming?

- Jordan Hunnicutt answered that there is a roof cleaning business and a pond digging business in the area.
- Rex Ferguson asked Doug Riley if the businesses are on 3-acre lots?
- Doug Riley replied that the parcel to the east is on a 3(+) acre lot and the other is not – he is not familiar with the specific details of either business.
- Justin Padgett asked Mr. Hunnicutt to confirm how many employees he has.
- Jordan Hunnicutt: 1
- 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: Mark Simon moved, supported by Rex Ferguson 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.]

- Jim Conklin, Victor Township Supervisor spoke on behalf of the Victor Township Board, stating the township is not opposed to this variance request and commented that Mr. Hunnicutt does keep a nice lawn.
- Kelsi Allen announced herself as Mr. Hunnicutt's girlfriend and spoke in support of his business and character.
- Cheylo Garrod explained that she is not in opposition but is concerned about Mr. Hunnicutt having more than 2 employees.
 - Commented that he has a good work ethic.
- Cheryl Loudenbeck explained that she is not in opposition either, speaking highly of his work ethic, but also has concerns about the number of employees he could/would have as well as concerns regarding burning debris and potential drainage issues.
 - The fires were out of control in the beginning but have gotten much better over the last year.
 - There was an incident where a firework hit another neighbor's house at what appeared to be a large gathering of his multiple employees.
 - Has concerns about increased drainage issues on her property if his business were to continue to grow.
 - Is also concerned about the business increasing traffic levels – citing there are multiple accidents a year on Hollister Road.
- Chairperson Watkins clarified that the current case is review of a requested variance to lot size; the number of employees Mr. Hunnicutt can or can't have is not part of this review.
- Doug Riley offered information regarding home based businesses, stating he would only be allowed 2 non-family employees that do not reside in the home.
- Michael Garrod addressed the Board with compliments of Mr. Hunnicutt's work ethic and then spoke about his concerns:
 - At the beginning of Mr. Hunnicutt's business, he was so concerned that he wanted to move.
 - While things have changed recently, he is still concerned about potential issues coming back such as fires and fireworks.
 - If the Board is inclined to approve this variance, he would like these issues (i.e. fires, noise, etc.) to be addressed.
 - He feared his house may burn down.
 - Cannot and will not tolerate things going back to the way they were before.
- Joshua Loudenbeck inquired if this variance would stay with the property if it is approved?

- Chairperson Watkins confirmed that it would as all variances stay with the individual properties.
- Joshua Loudenbeck stated that he would be opposed in that case.
- Doug Riley commented that if this variance is approved and a Special Land Use Permit is granted, that permit could be transferred to a new owner as well.
- Chairperson Watkins asked Mr. Hunnicutt if he would like to refute?
- Jordan Hunnicutt thanked everyone, including the adjacent property owners, for attending the meeting.
 - Apologized to the adjacent property owners.
 - Commented that he is not the same 21-year-old that he was when he first purchased the property.
- 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.]

ZONING BOARD OF APPEALS ACTION: Justin Padgett moved, supported by Rex Ferguson to deny *Variance Request – ZC-11-21 VR, Hunnicutt* for the requested two (2) acre variance for a home based business at 9457 S. Hollister Road in Section 25 of Victor Township based the following reasoning:

- Reasoning: (1) The proposal does not satisfy the basic conditions as set forth in Section 1506A of the Zoning Ordinance as referenced in the staff report. Specifically, basic condition numbers 1 and 3. (2) The proposal does not satisfy at least one of the special conditions as set forth in Section 1506B on the Zoning Ordinance.
- Rex Ferguson offered a friendly amendment to the reasoning: to add basic condition numbers 6 and 7 in addition to 1 and 3.
- Justin Padgett accepted the friendly amendment.
- Mark Simon commented that he was most worried about setting a precedence with this case.
- Chairperson Watkins expressed that he feels these types of cases become difficult when a rural area begins to urbanize.

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.]

ZC-12-21 VR

- Chairperson Watkins announced that Rex Ferguson is recusing himself as a member of the church.
 - Logan Byrne, first alternate, will be a voting member in his place.
- *Rex Ferguson excused himself from the room for this case.*
- Doug Riley:
 - Reviewed case **ZC-12-21 VR – Application for a Variance** as detailed in the Staff Report (which includes the variance criteria to be reviewed by the ZBA).
- Justin Padgett asked if the parking lot is gravel?
- Doug Riley confirmed that it is.
- Justin Padgett pointed to an area on the site plan and asked what the structure on the west side is?
- Beth Botke answered that it is a generator.
- Doug Riley thanked Beth and concluded his Staff Report.

- Chairperson Watkins inquired about other cases where an electronic sign was approved on a county road?
- Doug Riley responded that he is not aware of any such cases.
- Beth Botke asked Doug Riley if the number of parking spaces would be impacted if the sign were moved to the parking lot?
- Doug Riley replied that it may interfere with maneuverability or number of spaces if it were moved to the parking lot – although he is unsure how many parking spaces it would eliminate.
- Logan Byrne inquired about the timing that the drive was installed.
 - Was it created when the addition was put on?
- Doug Riley confirmed that the drive was installed when the addition was done.
- Logan Byrne asked if the drive was installed prior to the adoption of the current Ordinance?
- Doug Riley answered that the drive was installed after the current Ordinance was adopted.
 - The 15-foot setback requirement has been in place for many years.
- Mark Simon stated that he physically visited the site and believes they could put the sign closer to the building, on the edge of the paved drive.
 - Suggested that maybe the sign doesn't have to be as large as it is being proposed.
 - Based off the character of the area, perhaps it does not have to be electronic?
- Chairperson Watkins commented that it may block the view from Findlay Road if it were moved there.
 - Called for the applicant.
- *There was no response.*
- Doug Riley confirmed with the Board that Staff did notice and provide materials to the applicant regarding the meeting.
- Chairperson Watkins asked the Board how they would like to proceed without the applicant or a representative present?
- Logan Byrne commented that he felt the Board should proceed if the applicant was informed.
- *The Zoning Board of Appeals elected to proceed with the hearing.*
- 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: Mark Simon 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 asked for any comments from the public.
- Carla Wardin, Essex Township Supervisor spoke on behalf of the Essex Township Board and provided a prepared speech regarding:
 - An electronic sign would affect the character of the area.
 - There are other alternatives for signage.
 - There will likely be large impacts to the area.
 - As an adjacent landowner, has personal concerns regarding maneuverability of farm equipment.
 - As a Township Supervisor, she is mostly interested in keeping peace and this proposal has caused an uproar in the community.
- Chris George stated that he has been okay with everything the church has done up to this point; however, he is not in support of the proposed electric sign as he already has issues with the lighting in their parking lot.

- Kathy George indicated that she had sent an email to Staff that was not received.
 - Reviewed her points of opposition to the basic conditions and special conditions.
 - Has major concerns regarding safety and character preservation.
 - Presented the Board with a petition in which 30 people signed in opposition of the proposed electric sign.
 - Some of the petitioners even belong to the church and were not even aware of this proposed improvement.
 - Discussed the safety concerns related to the nature of electric signs and the proposed placement.
 - Asked the Board not to approve this variance request.
- Doug Riley asked Ms. George if he could have a copy of the letter for the official file?
- *Kathy George gave Doug Riley the letter.*
- 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: Logan Byrne moved, supported by Justin Padgett 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 commented that this case is a self-created hardship.
- Beth Botke asked for confirmation that this case is only regarding the height and position of the sign, asking if the electronic style would be allowed if it were proposed in-conformity?
- Doug Riley confirmed, noting that electronic signs are not prohibited.
- Logan Byrne stated that he believes this case doesn't meet the basic conditions.
- Chairperson Watkins advised Staff that this type of case, regarding electronic signage on County roads, may be better suited for the Planning Commission as an Ordinance amendment.
- Doug Riley agreed, noting that his office is currently evaluating updates to the Zoning Ordinance, this matter could be added to the list of items to recommend change to the Planning Commission/Board of County Commissioners.
- Chairperson Watkins explained that there is a level differentiation between local and primary roads, etc. and may be better suited being reviewed by the Planning Commission.
- Mark Simon explained, having been to the site, he could see justification for a larger sign but is unsure about a 10-foot tall, lighted sign.
- Chairperson Watkins commented, in terms of the nature of the institution, he does not see the sign attracting drivers-by to stop in.

ZONING BOARD OF APPEALS ACTION: Justin Padgett moved, supported by Beth Botke to deny *Variance Request – ZC-12-21 VR, Lowe United Methodist Church*, for the two (2) requested variances to Article 10 (Signs) on the property located at 5485 W. Lowe Road in Section 23 of Essex Township, based upon the following reasoning:

- Reasoning: (1) The proposal does not satisfy the basic conditions as set forth in Section 1506A of the Zoning Ordinance as referenced in the staff report. Specifically, basic condition numbers 1, 3 and 6. (2) The proposal does not satisfy at least one of the special conditions as set forth in Section 1506B on the Zoning Ordinance.

- Chairperson Watkins commented that it would have been beneficial to have a representative of the church present for the hearing.

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 addressed the public, stated that the church can have an electronic sign if it conforms to the Ordinance requirements.

OTHER BUSINESS
BY-LAWS

Doug Riley Director:

- Reviewed the current Zoning Board of Appeals By-Laws.
 - Recommended language revision of Section 6.A from 25% to 2 unexcused absences or more than 3 absences within a 12-meeting period.
- Mark Simon asked Doug Riley to clarify Section 3.E.
 - Doug Riley explained that the Planning Commission liaison member could not be a voting member for the ZBA if an applicant was appealing a Planning Commission decision.
- Rex Ferguson asked if the language should read “2 consecutive” or just “2 unexcused absences out of a 12-meeting period”?
- Chairperson Watkins asked Doug Riley for his thoughts.
- Doug Riley left the ultimate discretion to the Board but offered that leaving “consecutive” out of the language may be better.
- Chairperson Watkins agreed.
 - If someone has 2 or more unexcused absences, it will be dealt with immediately anyhow.
- Doug Riley informed the Board that Staff keeps a running attendance record.
 - Asked the Board how often they would like to see an attendance report?
- Chairperson Watkins answered, every 6 months.

ZONING BOARD OF APPEALS ACTION: Rex Ferguson moved, supported by Mark Simon to amend By-Law 6.A as follows:

“To be excused, members of the Board of Appeals shall notify the Board of Appeals Chairperson or Community Development Staff of their intention to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence. Two (2) unexcused absences or more than three (3) absences in any 12 meeting period shall be considered nonperformance of duty and cause of removal of the member by the Board of County Commissioners.”

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

TRAINING - MOTIONS

Doug Riley, Director:

- Reviewed and discussed training materials with the Zoning Board of Appeals.
- The Board specifically discussed how they make/structure motions and reference the Staff Report.

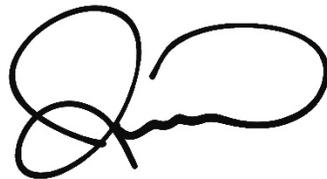
COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

- Chairperson Watkins called for the Community Development Director’s Report.
- Doug Riley:
 - Recommended the Board to read through the Zoning Board of Appeals Handbook and encouraged them to request to add any additional training that they would like to receive at a regular meeting.

- So far, there is 1 case for October and 1 case for November.
- Chairperson Watkins complimented Doug Riley on the enhanced Staff Reports he has been presenting.
 - Commented that he is happy with the motions that were made tonight.
- *The Board discussed amending the meeting schedule for November.*
ZONING BOARD OF APPEALS ACTION: Mark Simon moved, supported by Justin Padgett to amend the Zoning Board of Appeals meeting (date) schedule from November 16, 2021 to November 9, 2021. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

ADJOURNMENT

ZONING BOARD OF APPEALS ACTION: With no further business to come before the Board, Beth Botke moved, supported by Justin Padgett to adjourn the meeting at 7:43 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]



Jessica Plesko, Planning & Permit Technician

NOTE: These minutes were approved by the Zoning Board of Appeals on October 19, 2021.