

**Notice of an Electronically Conducted
Regular Meeting of the Charter Township of Union
Zoning Board of Appeals**

Notice is hereby given that the Charter Township of Union Zoning Board of Appeals will conduct a regular meeting electronically on Wednesday, September 1, 2021 at 7:00 p.m., consistent with the emergency declarations and direction from state and county health officials to slow the spread of the COVID-19 virus and the Open Meetings Act (Public Act 267 of 1976, as amended).

There will be no in-person public attendance in the Township Hall Board Room (2010 S. Lincoln Rd., Mt. Pleasant, MI 48858), although some Board members and Township staff may choose to participate from this location.

All interested persons may attend and participate. The public may participate in the meeting by computer and smart phone using the following link to the electronic meeting location: <https://us02web.zoom.us/j/81255094689?pwd=Vjc5OEtBcVMxSkp4bVhRb1VSY1JhQT09> (Meeting ID: "812 5509 4689" Passcode: 961408) The moderator will open public access to the electronic meeting space at 6:55 p.m.

To participate via telephone conference call, please call (312) 626-6799. Enter "812 5509 4689" and the "#" sign at the "Meeting ID" prompt. Lastly, re-enter the "#" sign again at the "Participant ID" prompt to join the meeting.

The meeting agenda, packet of materials relating to the meeting, and instructions for connecting to the meeting electronically are available on the Township's website under "Minutes and Board Packets" at <http://www.uniontownshipmi.com/>.

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please use the "Raise Your Hand" button at the bottom center of the screen. To raise your hand for telephone dial-in participants, press "star" and then the number "nine" (*9). The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

If there are a large number of participants, the Chair may choose to call on individuals by name or telephone number. Please speak clearly and provide your name and address before making your comments. Please note that the meeting moderator will control the muting and unmuting of participants during public comment.

Written comments to the Zoning Board of Appeals may also be delivered to the drop box at the Township Hall. Comments received prior to 3:00 p.m. on the day of the meeting will be read aloud to the Zoning Board of Appeals.

Persons with disabilities needing assistance to participate should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance may contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

**Instructions to Participate in an Electronically Conducted
Regular Meeting of the Charter Township of Union
Zoning Board of Appeals**

The Charter Township of Union Zoning Board of Appeals will conduct a regular meeting electronically on Wednesday, September 1, 2021 at 7:00 p.m., consistent with the emergency declarations and direction from state and county health officials to slow the spread of the COVID-19 virus and the Open Meetings Act (Public Act 267 of 1976, as amended).

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<https://us02web.zoom.us/j/81255094689?pwd=Vjc5OEtBcVMxSkp4bVhRb1VSY1JhQT09>

(Meeting ID: “812 5509 4689” Passcode: 961408).

To participate via telephone conference call, please call (312) 626-6799. Enter “812 5509 4689” and the “#” sign at the “Meeting ID” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

The moderator will open public access to the electronic meeting space at 6:55 p.m.

Raise Your Hand for Citizen Participation During the Public Comment Periods

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please **click on the “Raise Your Hand” icon** near the bottom of your screen.



Click “Lower Hand” to lower it if needed. The host will be notified that you have raised your hand. The Mute/Unmute function will be controlled by the meeting moderator.

To raise your hand for telephone dial-in participants, press “star” and then the number “nine” (*9).

The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

Do I need to download the Zoom app to access the meeting? No. Use of the Zoom app is recommended, but you will have options to “download & run Zoom” or “join from your browser” when you click on the link to join the meeting.

Can I Use Bluetooth Headset? Yes, if the Bluetooth device is compatible with the computer or mobile device that you are using.

Do I have to have a webcam to join on Zoom? While you are not required to have a webcam to join a Zoom Meeting, you will not be able to transmit video of yourself. You will continue to be able to listen and speak during public comment and view the webcam video of other participants.

Leaving the Meeting: Click the “Leave Meeting” link at the bottom right corner of the screen at any time to leave the meeting.



ZONING BOARD OF APPEALS

Regular Electronic Meeting. Instructions for access will be posted and available on website
(uniontownshipmi.com) home page

September 1, 2021

7:00p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CORRESPONDENCE / BOARD REPORTS
 - Boards and Commissions Expiration Dates
6. APPROVAL OF MINUTES
 - March 3, 2021 Regular ZBA Meeting
7. PUBLIC COMMENT: Restricted to (3) minutes regarding issues not on this agenda
8. NEW BUSINESS
 - A. **PVAR21-01** – application for a 228 square foot floor area variance and a one (1) foot maximum height variance from Section 7.5.C.3 requirements for a detached accessory building at 5633 S. Grant Road, a two (2) acre AG (Agricultural District) parcel in the SE 1/4 of Section 35.
 - a. Introduction by staff
 - b. Public hearing
 - c. Updates from staff and the applicant
 - d. Board of Appeals deliberation and action (approval, denial, approval with conditions, or postpone action)
 - B. **PZA21-01 – Administrative appeal** – application to appeal the determination made by Zoning Administrator Peter Gallinat from Sections 12.2 (General Requirements) and 12.4 (Modifications to Nonconforming Uses or Structures) related to modifications to an existing legal nonconforming second dwelling on a lot at 3813 S. Lincoln Road, an approximately 2.23-acre R1 (Rural Residential District) parcel in the SW 1/4 of Section 21.
 - a. Introduction by Staff
 - b. Public Hearing
 - c. Updates from staff and the applicant
 - d. Board of Appeals deliberation and action
9. OTHER BUSINESS
10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
11. FINAL BOARD COMMENT
12. DIRECTOR COMMENTS
12. ADJOURNMENT

Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Thering	James	11/20/2024
2-Chair	Phil	Squatrito	2/15/2023
3-Vice Chair	Ryan	Buckley	2/15/2022
4-Secretary	Doug	LaBelle II	2/15/2022
5 - Vice Secretary	Stan	Shingles	2/15/2024
6	Tera	Albrecht	2/15/2024
7	Mike	Darin	2/15/2022
8	Alex	Fuller	2/15/2023
9	Jessica	Lapp	2/15/2023
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/15/2022
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	vacant seat		12/31/2021
5 - Vice Secretary	Judy	Lannen	12/31/2022
Alt. #1	Brandon	LaBelle	12/31/2022
Alt. #2	vacant seat		2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2022
2	Sarvjit	Chowdhary	12/31/2022
3	Bryan	Neyer	12/31/2022
Alt #1	Randy	Golden	12/31/2022
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2021
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2021
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2022
2	John	Dinse	12/31/2021
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2021



Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Bryan	Mielke	11/20/2024
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Jeff	Sweet	2/13/2025
10	vacant seat		2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2022
2	vacant seat		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term -PC Appointments)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2024
2 - PC Representative	Mike	Darin	8/15/2022
3 - Township Resident	Jeff	Siler	8/15/2023
4 - Township Resident	Jeremy	MacDonald	10/17/2022
5 - Member at large	Phil	Hertzler	8/15/2023
Mid Michigan Aquatic Recreational Authority (2 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1 - City of Mt. Pleasant	John	Zang	12/31/2023
2 - City of Mt. Pleasant	Judith	Wagley	12/31/2022
1 -Union Township	Stan	Shingles	12/31/2023
2 - Union Township	Allison	Chiodini	12/31/2022
1- Mt. Pleasant Schools	Lisa	Diaz	12/31/2021

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Regular – Electronic Meeting

A regular-electronic meeting of the Charter Township of Zoning Board of Appeals was held on March 3, 2020 at 7:00 p.m. at Union Township Hall.

Meeting was called to order at 7:01 p.m.

Roll Call

Present:

Buckley (location: Union Township, Isabella County, Mt. Pleasant, MI)

Theisen (location: Union Township, Isabella County, Mt. Pleasant, MI)

Lannen (location: Union Township, Isabella County, Mt. Pleasant, MI)

Presnell (location Union Township, Isabella County, Mt. Pleasant, MI)

Others Present

Community and Economic Director, Rodney Nanney; Township Planner, Peter Gallinat; & Administrative Assistant, Jennifer Loveberry

Approval of Minutes

Lannen moved **Buckley** supported the approval of the November 4, 2020 minutes as presented.

Vote: Ayes: 4 Nays 0. Motion carried.

Approval of Agenda

Presnell moved **Lannen** supported to approve the agenda as presented. **Vote: Ayes: 4 Nays 0.**

Motion carried.

Public Comment: Restricted to (3) minutes regarding issues not on this Agenda

Open – 7:09 p.m.

No comments were offered.

Closed – 7:010 p.m.

New Business

A. Election of Officers (Chair, Vice-Chair, Secretary, and Vice-Secretary)

Lannen moved **Theisen** supported to appoint Theisen as Chair of the ZBA. Vote: Ayes: 4 Nays: 0
Motion carried.

Buckley moved **Lannen** supported to appoint Presnell as Vice-Chair of the ZBA. Vote: Ayes: 4
Nays: 0 Motion carried.

Buckley moved **Presnell** supported to appoint Lannen as Secretary of the ZBA. Vote: Ayes: 4
Nays: 0 Motion carried.

Due to the vacant seat on the ZBA, Chair Theisen held off on appointing a Vice-Secretary until the seat is filled.

B. PVAR 20-02 SOS Holding Company LLC - application for a variance of nine (9) feet from the minimum ten (10) foot setback from roads right-of-way required by Section 11.11.C. of the Zoning Ordinance for a freestanding sign in a business district at 5316 E. Pickard Road.

- 1. Introduction by Staff**
- 2. Public Hearing**
- 3. Updates from staff and the applicant**
- 4. Board of Appeals deliberation and action (approval, denial, approval with conditions, or postpone action)**

Gallinat introduced PVAR 20-02 Application for a variance of nine (9) feet from the minimum ten (10) foot setback from roads right-of-way required by Section 11.11.C. of the Zoning Ordinance for a freestanding sign in a business district at 5316 E. Pickard Road.

Public Hearing Open: 7:20 pm

No comments were offered.

No written correspondence was received.

Public Hearing Closed: 7:28 pm

Nanney commented on the criteria for consideration of variances, development history, and additional information in the staff report. Chris Christensen, the applicant's representative, commented on the sign and variance request.

Buckley moved **Lannen** supported to approve the PVAR 20-02 application from SOS Holding Company, LLC for a variance of nine (9) feet from the minimum ten (10) foot setback from roads right-of-way required by Section 11.11.C. of the Zoning Ordinance for a freestanding sign in a business district at 5316 E. Pickard Road (PID 14-071-00-011-00), after review of the variance criteria in Section 14.4.B.4. of the Zoning Ordinance and finding that:

1. The Board of Appeals determined as part of the 4/3/2019 parking setback variance approval that *"special conditions and circumstances exist (on this lot) that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same Zoning District."*
2. Approval of the requested variance to allow construction of the sign at the proposed location will not create an unsafe condition or conflict with existing utilities.
3. A lesser variance would eliminate one of the minimum required parking spaces for the development.
4. The previous variance approval action by the Zoning Board of Appeals directly contributed to creating the conflict with the Township's sign regulations that resulted in denial of the

applicant's freestanding sign permit application and their subsequent request for a sign setback variance.

Vote: Ayes: 4 Nays: 0. Motion carried.

Other Business

Extended Public Comment: Restricted to 5 minutes regarding any issue

Open: 7:28 p.m.

Barb Yacisen – comment made to staff regarding contacting her for required signatures.

Closed: 7:29 p.m.

Final Board Comment

Director Comments

Adjournment

Chair Theisen adjourned the meeting at 7:31 p.m.

APPROVED BY:

**Judy Lannen –Secretary
– Vice Secretary**

(Recorded by Jennifer Loveberry)

Charter Township of Union

APPLICATION FOR ZONING BOARD OF APPEALS REVIEW

Variance Administrative Appeal Interpretation Sign Variance Other: _____

A complete application will contain all the information required per the Zoning Ordinance, Section 14.4 (Variances and Appeals).

Name of Proposed Development/Project <u>Monfils' Residence Pole Barn (Building Height Variance Request)</u>	
Common Description of Property & Address (if issued) <u>5633 Grant Road, Mount Pleasant</u>	
Applicant's Name(s) <u>Michael and Anna Monfils</u>	
Phone/Fax numbers <u>989-330-3962</u>	Email <u>mjmonfils@gmail.com</u>
Address <u>5633 Grant Road</u>	City: <u>Mount Pleasant</u> Zip: <u>48858</u>

Legal Description: <input checked="" type="checkbox"/> Attached	Included on Plan/Survey	Tax Parcel ID Number(s): <u>14-035-40-004-14</u>
Existing Zoning: <u>AG</u>	Land Acreage: <u>2</u>	Existing Use(s): <u>Single family dwelling</u>
<input checked="" type="checkbox"/> ATTACHED: Letter summarizing the request and responding to the applicable review criteria found in Section 14.5.B.		

Firm(s) or Individuals(s) who prepared the plan or survey drawing.	1. Name: <u>Midwest Pole Barns</u> Phone: <u>888-616-9399</u> Email: <u>mark@midwest-pole-b</u> 2. Address: <u>2014 N. Saginaw Rd Suite 185 Midland, MI 48640</u> City: <u>Midland</u> State: <u>MI</u> Zip: <u>48640</u> Contact Person: <u>Mark Nilssen</u> Phone: <u>989-615-3091</u>
Legal Owner(s) of Property. All persons having legal interest in the property must sign this application. Attach a separate sheet if more space is needed.	1. Name: <u>Michael Monfils</u> Phone: <u>989-330-3965</u> Address: <u>5633 Grant Road</u> City: <u>Mount Pleasant</u> State: <u>MI</u> Zip: <u>48858</u> Signature: <u>Michael Monfils</u> <small>Digitally signed by Michael Monfils DN: cn=Michael Monfils, o, ou, email=monfilms@msu.edu, c=US Date: 2021.06.08 19:46:32 -04'00'</small> Interest in Property: <u>owner</u> 2. Name: <u>Anna Monfils</u> Phone: _____ Address: <u>5633 Grant Road</u> City: <u>Mount Pleasant</u> State: <u>MI</u> Zip: <u>48858</u> Signature: <u><i>Anna Monfils</i></u> Interest in Property: <u>owner</u>

I do hereby affirm that all the statements, signatures, descriptions, exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all the owners of the property. False or inaccurate information may be cause for rejection of the application or revocation of any action by the Board of Appeals. Approval of a variance shall not constitute the right to violate any other provisions of the Zoning Ordinance or other applicable codes and ordinances.

Michael Monfils

Digitally signed by Michael Monfils
DN: cn=Michael Monfils, o, ou,
email=monfilms@msu.edu, c=US
Date: 2021.06.08 19:46:32 -04'00'

27 July 2021

Signature of Applicant

Date

Office Use Only

Application Received By: _____ Fee Paid: \$ _____

Date Received: _____ Escrow Deposit Paid: \$ _____

Charter Township of Union

APPLICATION FOR ZONING BOARD OF APPEALS REVIEW

Variance Administrative Appeal Interpretation Sign Variance Other: _____

A complete application will contain all the information required per the Zoning Ordinance, Section 14.4 (Variances and Appeals).

Name of Proposed Development/Project <u>Monfils' Residence Pole Barn (Floor Area Variance Request)</u>	
Common Description of Property & Address (if issued) <u>5633 Grant Road, Mount Pleasant</u>	
Applicant's Name(s) <u>Michael and Anna Monfils</u>	
Phone/Fax numbers <u>989-330-3962</u>	Email <u>mjmonfils@gmail.com</u>
Address <u>5633 Grant Road</u> City: <u>Mount Pleasant</u> Zip: <u>48858</u>	

Legal Description: <input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Included on Plan/Survey	Tax Parcel ID Number(s): <u>14-035-40-004-14</u>
Existing Zoning: <u>AG</u>	Land Acreage: <u>2</u>	Existing Use(s): <u>Single family dwelling</u>
<input checked="" type="checkbox"/> ATTACHED: Letter summarizing the request and responding to the applicable review criteria found in Section 14.5.B.		

Firm(s) or Individuals(s) who prepared the plan or survey drawing.	1. Name: <u>Midwest Pole Barns</u> Phone: <u>888-616-9399</u> Email: <u>mark@midwest-pole-b</u> 2. Address: <u>2014 N. Saginaw Rd Suite 185 Midland, MI 48640</u> City: <u>Midland</u> State: <u>MI</u> Zip: <u>48640</u> Contact Person: <u>Mark Nilssen</u> Phone: <u>989-615-3091</u>
Legal Owner(s) of Property. All persons having legal interest in the property must sign this application. Attach a separate sheet if more space is needed.	1. Name: <u>Michael Monfils</u> Phone: <u>989-330-3965</u> Address: <u>5633 Grant Road</u> City: <u>Mount Pleasant</u> State: <u>MI</u> Zip: <u>48858</u> Signature: <u>Michael Monfils</u> Interest in Property: <u>owner</u> <small>Digitally signed by Michael Monfils DN: cn=Michael Monfils, o, ou, email=monfilms@msu.edu, c=US Date: 2021.06.09 14:51:44 -0400</small>
	2. Name: <u>Anna Monfils</u> Phone: _____ Address: <u>5633 Grant Road</u> City: <u>Mount Pleasant</u> State: <u>MI</u> Zip: <u>48858</u> Signature: <u>Anna Monfils</u> Interest in Property: <u>owner</u>

I do hereby affirm that all the statements, signatures, descriptions, exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all the owners of the property. False or inaccurate information may be cause for rejection of the application or revocation of any action by the Board of Appeals. Approval of a variance shall not constitute the right to violate any other provisions of the Zoning Ordinance or other applicable codes and ordinances.

Michael Monfils

Digitally signed by Michael Monfils
 DN: cn=Michael Monfils, o, ou, email=monfilms@msu.edu, c=US
 Date: 2021.06.08 19:47:33 -04'00'

27 July 2021

Signature of Applicant

Date

Office Use Only

Application Received By: _____ Fee Paid: \$ _____

Date Received: _____ Escrow Deposit Paid: \$ _____

27 July 2021

Zoning Board of Appeals
Charter Township of Union
2010 S. Lincoln
Mount Pleasant, MI 48858

Re: Monfils' Residence Pole Barn Project – Application for Zoning Variances

Dear Zoning Board of Appeals Members:

In August of 2020, we reached out to Mark Nilssen, owner of Midwest Pole Barns, regarding our plans to construct an accessory building (pole barn) on our 2-acre property at 5633 Grant Road. Our plan was to construct a 36 ft x 48 ft (1,728 ft²) pole building with 12-ft side walls and 4/12 pitch roof (15-ft height at its peak). In April of 2021, we finalized plans with Mark and he applied for a building permit with Union Township for our project (see attached site plan). The permit was denied on 9 June 2021 citing two issues with our proposed design. The proposed project exceeded the 1,500-ft² maximum floor area and the 14-ft maximum height for parcels up to 2.49 acres in size, based on the Zoning Ordinance revised in September of 2020. We are requesting variances to exceed the maximum floor area and height to complete our project as planned. Enclosed you will find two review application forms, one for each variance, and a total application fee of \$700 (\$350 for each variance application). Below are several justifications as to why we feel the variances are warranted.

- Timing of project planning: Although the building permit application was submitted in June of 2021, we began planning this project in 2019, well in advance of the new Ordinance. In 2019, we downloaded the Ordinance to determine the requirements for accessory buildings and started getting quotes from builders, excavators, and electricians with the hopes of beginning construction in fall of 2020. It was our understanding was that there were no footprint or height limitations to accessory buildings in areas zoned AG. We continued under that assumption as we moved to implement the project in 2021, having no idea a new Ordinance had been passed in September 2020.
- COVID-19 pandemic: Despite our planning, the Executive Orders from Michigan's Governor made it impossible for us to initiate the project in 2020 because of slowdowns to construction and limitations to the availability of building materials.
- Neighborhood context: We live in a rural neighborhood with a mix of low-density residential development and agricultural land. Three of our four adjacent neighbors already have pole buildings of similar size and height to what we are proposing, so our project would not be out of place in our neighborhood (see attached aerial photograph).
- Additional land purchase: Our proposed building site is within a 2-acre parcel. When our permit was declined, we explored purchasing an additional 0.5 acre to meet current Ordinance requirements. We reached out to the adjacent landowner to the east of our property, which is the only direction we could possibly expand our parcel. The adjacent property was purchased recently (spring of 2021) by Kevin Freed, who per our recent communication, is an active farmer who plans to farm the land and enter the property into the Michigan Farmland Preservation

Program. We were unable to purchase additional land to reach the minimum 2.5-acre parcel area required by the Ordinance to construct a building of the size we are proposing.

- Building footprint relative to parcel size: The Ordinance allows for construction of a 2,400-ft² building on a 2.5-acre parcel, representing 2.2% of the parcel area. The 1,728-ft² building we proposed would occupy 2.0% of our 2-acre parcel.
- Inability to redesign: \$40,000 has already been spent to construct the proposed building (\$8,500 for excavation and pad prep, \$8,200 for construction deposit, and \$24,000 in building materials). Materials were custom made specifically for our project (e.g., trusses, steel panels of specific size and color, custom sized garage doors). We designed the pole barn to have the floorspace to accommodate multiple watercraft, lawn equipment, a utility trailer, and a planned travel trailer. A shorter building (smaller doors) with reduced floorspace would not accommodate the planned storage and usage of building.

We have been planning a pole barn for several years. In 2019 we started serious efforts to plan the project and read and followed the Ordinance requirements available at the time. We hired a reputable and licensed contractor to obtain the required permit and follow all applicable guidelines. We were caught in the middle of a pandemic delay during which there was a transition to a new Ordinance. We and Midwest Pole Barns have invested over \$40,000 into this project to date. In the absence of the approval of our variances, we will incur a substantial financial loss and be unable to construct a building that meets our needs.

We hope you will take our circumstances into consideration as you review our variance requests. Thank you for your time and please contact us if you need any additional information.

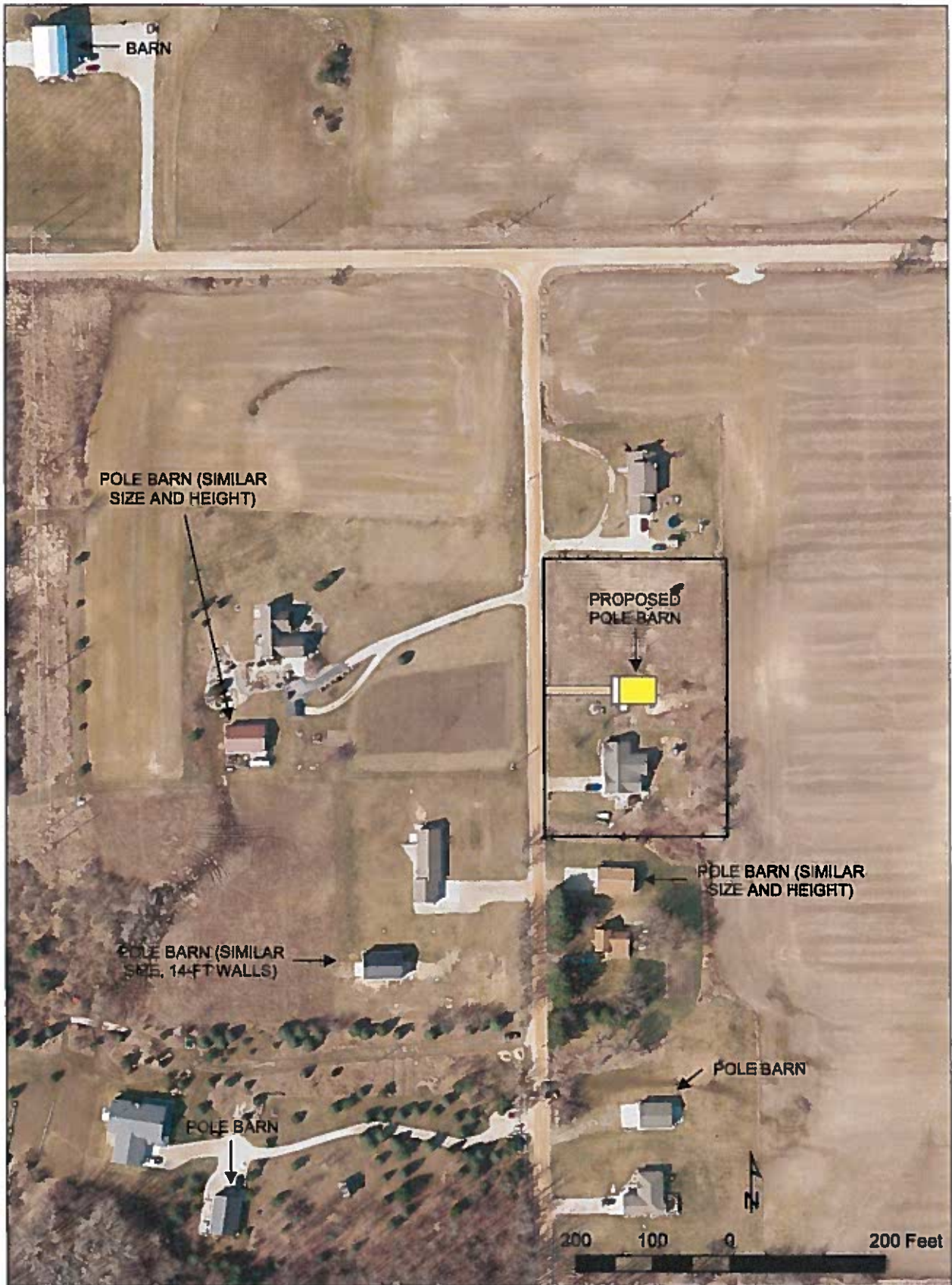
Sincerely,

The image shows two handwritten signatures in blue ink. The first signature is "Michael J. Monfils" and the second is "Anna H. Monfils".

Michael and Anna Monfils



Site plan for proposed pole barn construction at Monfils residence on 5633 Grant Road.



Aerial view of the surrounding neighborhood with existing accessory buildings indicated.



Isabella County GIS Tax Info

Parcel Report: 14-035-40-004-08

6/8/2021

3:55:37 PM



Property Address

5633 GRANT RD

MOUNT PLEASANT, MI, 48858

Owner Address

MONFILE MICHAEL J & ANNA K

Unit: 14

-

Unit Name: UNION

5633 S GRANT RD

MOUNT PLEASANT, MI 48858

General Information for 2020 Tax Year

Parcel Number: 14-035-40-004-08 **Assessed Value:** \$101,400

Prop. Class Code: 401 **Taxable Value:** \$101,400

Prop. Class Name: RESIDENTIAL **State Equalized Value:** \$101,400

School Dist Code: 37010 **Exemption Percent:** 100

School Dist Name: MT PLEASANT/GRAT-ISAB

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2019	\$99,800	\$99,800	\$98,761
2018	\$97,200	\$97,200	\$96,447

Land Information

Acreage:	1
Zoning:	
Town/Range/Sec	14N 04W 035

Legal Description

T14N R4W, SEC 35; COM AT INT 1/4 COR SEC 35; TH S 0D 41M 44S E, 571.8 FT; TH N 89D 18M 16S E, 242 FT; TH S 0D 41M 44S E, 180 FT; TH S 89D 18M 16S W, 242 FT, TO N-S 1/4 LN; TH N 0D 41M 44S W, 180 FT, ALG N-S 1/4 LN TO POB . SPLIT FOR 2005 FROM 035-40-004-04 TO 035-40-004-06 & 035-40-004-07 & 035-40-004-08

Sales Information

Sale Date: 05-06-2005

Sale Price: 199900

Instrument: WD

Grantor: LEBARON RICHARD

Grantee: MONFILS MICHAEL & ANNA

Terms of Sale: A=ARMS LENGTH

Liber/Page: 01292/00263

Tax History *Total Due as of settlement date

Tax Details 2020 Winter

School Dist. Code:	37010	Assessed Value:	\$101,400
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$101,400
Property Class:	401	State Equalized Value:	\$101,400
Class Name:	RESIDENTIAL	Exemption Percent:	100%
Last Payment Date:	December 28, 2020		
Base Tax:	\$1,792.79	Base Paid:	\$1,792.79

Admin Fees:	\$17.75	Admin Fees Paid:	\$17.75
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$1,810.54	Total Paid:	\$1,810.54

Tax Items 2020 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
Recycling Servic	0	17.00	\$17.00
Chippewa Library	1.75	177.45	\$177.45
Grat/Isab Volc	1	101.40	\$101.40
Grat/Isab SpEd	4.2	425.88	\$425.88
Grat/Isab RESD	0.264	26.76	\$26.76
MPPS Debt 2020	0.8	81.12	\$81.12
MPPS Debt 2016	2.06	208.88	\$208.88
MPPS Debt 2007	1.12	113.56	\$113.56
MPPS Oper FC	18	0.00	\$0.00
MPPS Oper	18	0.00	\$0.00
Township Fire	2.25	228.15	\$228.15
Township Oper	1	101.40	\$101.40
Parks and Rec	0.35	35.49	\$35.49
Comm on Aging	0.8776	88.98	\$88.98
Medical Care Fac	0.9795	99.32	\$99.32
ICTC	0.862	87.40	\$87.40

Tax Details 2020 Summer

School Dist. Code:	37010	Assessed Value:	\$101,400
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$101,400
Property Class:	401	State Equalized Value:	\$101,400
Class Name:	RESIDENTIAL	Exemption Percent:	100%

Last Payment Date: September 24, 2020

Base Tax:	\$1,278.65	Base Paid:	\$1,265.86
Admin Fees:	\$12.78	Admin Fees Paid:	\$12.78
Interest Fees:	\$13.81	Interest Fees Paid:	\$13
Total Tax & Fees:	\$1,305.24	Total Paid:	\$1,291.43

Tax Items 2020 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
County Operation	6.61	670.25	\$663.55

State Educ Tax	6	608.40	\$602.31
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Tax Details 2019 Winter

School Dist. Code:	37010	Assessed Value:	\$99,800
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$98,761
Property Class:	401	State Equalized Value:	\$99,800
Class Name:	RESIDENTIAL	Exemption Percent:	100%

Last Payment Date:	January 28, 2020
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Base Tax:	\$1,677.94	Base Paid:	\$1,677.94
Admin Fees:	\$16.60	Admin Fees Paid:	\$16.60
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$1,694.54	Total Paid:	\$1,694.54

Tax Items 2019 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
Recycling Servic	0	17.00	\$17.00
Chippewa Library	1.75	172.83	\$172.83
Grat/Isab Volc	1	98.76	\$98.76
Grat/Isab SpEd	4.0345	398.45	\$398.45
Grat/Isab RESD	0.264	26.07	\$26.07
MPPS Debt 2016	2.7	266.65	\$266.65
MPPS Debt 2007	1.28	126.41	\$126.41
MPPS Debt 1997	0	0.00	\$0.00
MPPS Oper FC	18	0.00	\$0.00
MPPS Oper	18	0.00	\$0.00
Township Fire	2	197.52	\$197.52
Township Oper	1	98.76	\$98.76
Parks and Rec	0.35	34.56	\$34.56
Comm on Aging	0.8776	86.67	\$86.67
Medical Care Fac	0.7	69.13	\$69.13
ICTC	0.862	85.13	\$85.13

Tax Details 2019 Summer

School Dist. Code:	37010	Assessed Value:	\$99,800
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$98,761
Property Class:	401	State Equalized Value:	\$99,800
Class Name:	RESIDENTIAL	Exemption Percent:	100%

Last Payment Date: September 6, 2019

Base Tax:	\$1,245.37	Base Paid:	\$1,245.37
Admin Fees:	\$12.45	Admin Fees Paid:	\$12.45
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$1,257.82	Total Paid:	\$1,257.82

Tax Items 2019 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
County Operation	6.61	652.81	\$652.81
State Educ Tax	6	592.56	\$592.56

Tax Details 2018 Winter

School Dist. Code:	37010	Assessed Value:	\$97,200
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$96,447
Property Class:	401	State Equalized Value:	\$97,200
Class Name:	RESIDENTIAL	Exemption Percent:	100%

Last Payment Date: December 27, 2018

Base Tax:	\$1,704.58	Base Paid:	\$1,704.58
Admin Fees:	\$16.87	Admin Fees Paid:	\$16.87
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$1,721.45	Total Paid:	\$1,721.45

Tax Items 2018 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
Recycling Servic	0	17.00	\$17.00
Chippewa Library	1.75	168.78	\$168.78
Grat/Isab Volc	1	96.44	\$96.44
Grat/Isab SpEd	4.0345	389.11	\$389.11
Grat/Isab RESD	0.264	25.46	\$25.46
MPPS Debt 2016	3.22	310.55	\$310.55
MPPS Debt 2007	1.44	138.88	\$138.88
MPPS Debt 1997	0	0.00	\$0.00
MPPS Oper FC	18	0.00	\$0.00
MPPS Oper	18	0.00	\$0.00
Township Fire	2	192.89	\$192.89

Township Oper	1	96.44	\$96.44
Parks and Rec	0.35	33.75	\$33.75
Comm on Aging	0.8776	84.64	\$84.64
Medical Care Fac	0.7	67.51	\$67.51
ICTC	0.862	83.13	\$83.13

Tax Details 2018 Summer

School Dist. Code:	37010	Assessed Value:	\$97,200
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$96,447
Property Class:	401	State Equalized Value:	\$97,200
Class Name:	RESIDENTIAL	Exemption Percent:	100%

Last Payment Date:	August 27, 2018
--------------------	-----------------

Base Tax:	\$1,216.19	Base Paid:	\$1,216.19
Admin Fees:	\$12.16	Admin Fees Paid:	\$12.16
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$1,228.35	Total Paid:	\$1,228.35

Tax Items 2018 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
County Operation	6.61	637.51	\$637.51
State Educ Tax	6	578.68	\$578.68

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This application is intended for use by the general public as an aid for searching available land records. Any use of automated processes (program scripts, 'bots', ect.) to search records or mine data is strictly prohibited and may result in the suspension or termination of the violator's access privileges. Any high-volume automated access attempts will be regarded as Denial of Service (DoS) attacks and may be reported to the proper authorities.

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Isabella County GIS Tax Info

Parcel Report: 14-035-40-004-07

6/8/2021

3:56:54 PM



Property Address

5525 GRANT RD
MOUNT PLEASANT, MI, 48858

Owner Address

MONFILS MICHAEL J

Unit: 14

-

Unit Name: UNION

5633 S GRANT RD
MOUNT PLEASANT, MI 48858

General Information for 2020 Tax Year

Parcel Number:	14-035-40-004-07	Assessed Value:	\$6,700
Prop. Class Code:	402	Taxable Value:	\$6,700
Prop. Class Name:	RESIDENTIAL-VACANT	State Equalized Value:	\$6,700
School Dist Code:	37010	Exemption Percent:	100
School Dist Name:	MT PLEASANT/GRAT-ISAB		

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2019	\$11,500	\$11,500	\$11,500
2018	\$11,500	\$11,500	\$11,500

Land Information

Acreage:	1
Zoning:	
Town/Range/Sec	14N 04W 035

Legal Description

T14N R4W, SEC 35; COM AT INT 1/4 COR SEC 35; TH S 0D 41M 44S E, 391.8 FT; TH N 89D 18M 16S E, 242 FT; TH S 0D 41M 44S E, 180 FT; TH S 89D 18M 16S W, 242 FT, TO N-S 1/4 LN; TH N 0D 41M 44S W, 180 FT, ALG N-S 1/4 LN TO POB . SPLIT FOR 2005 FROM 035-40-004-04 TO 035-40-004-06 & 40-004-07 & 40-004-08

Sales Information

Sale Date: 05-01-2006
Sale Price: 16500
Instrument: WD
Grantor: NEYER EDNA TRUST
Grantee: MONFILS MICHAEL J & ANNA
Terms of Sale: A=ARMS LENGTH
Liber/Page: 01345/00206

Tax History *Total Due as of settlement date

Tax Details 2020 Winter

School Dist. Code:	37010	Assessed Value:	\$6,700
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$6,700
Property Class:	402	State Equalized Value:	\$6,700
Class Name:	RESIDENTIAL-VACANT	Exemption Percent:	100%

Last Payment Date:			
Base Tax:	\$117.29	Base Paid:	\$0.00

Admin Fees:	\$1.17	Admin Fees Paid:	\$0.00
Interest Fees:	\$3.52	Interest Fees Paid:	\$0
Total Tax & Fees:	\$121.98	Total Paid:	\$0.00

Tax Items 2020 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
ICTC	0.862	5.77	\$0.00
Medical Care Fac	0.9795	6.56	\$0.00
Comm on Aging	0.8776	5.87	\$0.00
Parks and Rec	0.35	2.34	\$0.00
Township Oper	1	6.70	\$0.00
Township Fire	2.25	15.07	\$0.00
MPPS Oper	18	0.00	\$0.00
MPPS Oper FC	18	0.00	\$0.00
MPPS Debt 2007	1.12	7.50	\$0.00
MPPS Debt 2016	2.06	13.80	\$0.00
MPPS Debt 2020	0.8	5.36	\$0.00
Grat/Isab RESD	0.264	1.76	\$0.00
Grat/Isab SpEd	4.2	28.14	\$0.00
Grat/Isab Volc	1	6.70	\$0.00
Chippewa Library	1.75	11.72	\$0.00

Tax Details 2020 Summer

School Dist. Code:	37010	Assessed Value:	\$6,700
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$6,700
Property Class:	402	State Equalized Value:	\$6,700
Class Name:	RESIDENTIAL-VACANT	Exemption Percent:	100%

Last Payment Date: September 17, 2020

Base Tax:	\$84.48	Base Paid:	\$84.48
Admin Fees:	\$0.84	Admin Fees Paid:	\$0.84
Interest Fees:	\$0.84	Interest Fees Paid:	\$1
Total Tax & Fees:	\$86.16	Total Paid:	\$86.16

Tax Items 2020 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
County Operation	6.61	44.28	\$44.28
State Educ Tax	6	40.20	\$40.20

Tax Details 2019 Winter

School Dist. Code:	37010	Assessed Value:	\$11,500
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$11,500
Property Class:	402	State Equalized Value:	\$11,500
Class Name:	RESIDENTIAL-VACANT	Exemption Percent:	100%

Last Payment Date: January 28, 2020

Base Tax:	\$193.38	Base Paid:	\$193.38
Admin Fees:	\$1.93	Admin Fees Paid:	\$1.93
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$195.31	Total Paid:	\$195.31

Tax Items 2019 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
ICTC	0.862	9.91	\$9.91
Medical Care Fac	0.7	8.05	\$8.05
Comm on Aging	0.8776	10.09	\$10.09
Parks and Rec	0.35	4.02	\$4.02
Township Oper	1	11.50	\$11.50
Township Fire	2	23.00	\$23.00
MPPS Oper	18	0.00	\$0.00
MPPS Oper FC	18	0.00	\$0.00
MPPS Debt 1997	0	0.00	\$0.00
MPPS Debt 2007	1.28	14.72	\$14.72
MPPS Debt 2016	2.7	31.05	\$31.05
Grat/Isab RESD	0.264	3.03	\$3.03
Grat/Isab SpEd	4.0345	46.39	\$46.39
Grat/Isab Volc	1	11.50	\$11.50
Chippewa Library	1.75	20.12	\$20.12

Tax Details 2019 Summer

School Dist. Code:	37010	Assessed Value:	\$11,500
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$11,500
Property Class:	402	State Equalized Value:	\$11,500
Class Name:	RESIDENTIAL-VACANT	Exemption Percent:	100%

Last Payment Date: September 6, 2019

Base Tax:	\$145.01	Base Paid:	\$145.01
Admin Fees:	\$1.45	Admin Fees Paid:	\$1.45
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$146.46	Total Paid:	\$146.46

Tax Items 2019 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
County Operation	6.61	76.01	\$76.01
State Educ Tax	6	69.00	\$69.00

Tax Details 2018 Winter

School Dist. Code:	37010	Assessed Value:	\$11,500
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$11,500
Property Class:	402	State Equalized Value:	\$11,500
Class Name:	RESIDENTIAL-VACANT	Exemption Percent:	100%

Last Payment Date: February 20, 2019

Base Tax:	\$201.20	Base Paid:	\$201.20
Admin Fees:	\$2.01	Admin Fees Paid:	\$2.01
Interest Fees:	\$6.04	Interest Fees Paid:	\$6
Total Tax & Fees:	\$209.25	Total Paid:	\$209.25

Tax Items 2018 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
ICTC	0.862	9.91	\$9.91
Medical Care Fac	0.7	8.05	\$8.05
Comm on Aging	0.8776	10.09	\$10.09
Parks and Rec	0.35	4.02	\$4.02
Township Oper	1	11.50	\$11.50
Township Fire	2	23.00	\$23.00
MPPS Oper	18	0.00	\$0.00
MPPS Oper FC	18	0.00	\$0.00
MPPS Debt 1997	0	0.00	\$0.00
MPPS Debt 2007	1.44	16.56	\$16.56
MPPS Debt 2016	3.22	37.03	\$37.03
Grat/Isab RESD	0.264	3.03	\$3.03
Grat/Isab SpEd	4.0345	46.39	\$46.39
Grat/Isab Volc	1	11.50	\$11.50

Chippewa Library	1.75	20.12	\$20.12
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Tax Details 2018 Summer

School Dist. Code:	37010	Assessed Value:	\$11,500
School Dist. Name:	MT PLEASANT/GRAT-ISAB	Taxable Value:	\$11,500
Property Class:	402	State Equalized Value:	\$11,500
Class Name:	RESIDENTIAL-VACANT	Exemption Percent:	100%

Last Payment Date:	October 26, 2018
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Base Tax:	\$145.01	Base Paid:	\$145.01
Admin Fees:	\$1.45	Admin Fees Paid:	\$1.45
Interest Fees:	\$2.90	Interest Fees Paid:	\$3
Total Tax & Fees:	\$149.36	Total Paid:	\$149.36

Tax Items 2018 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
County Operation	6.61	76.01	\$76.01
State Educ Tax	6	69.00	\$69.00

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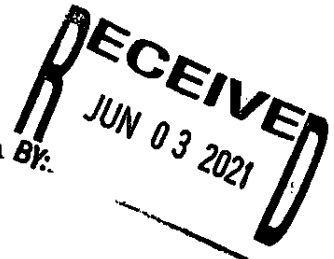
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Charter Township of Union
 2010 S. Lincoln
 Mt. Pleasant MI 48858
 Phone: (989) 772-4600 x 227
 Fax: (989) 773-1988
 www.uniontownshipmi.com



BUILDING PERMIT APPLICATION

ALL PLUMBING, ELECTRICAL & MECHANICAL PERMITS ARE PULLED WITH ISABELLA COUNTY

IDENTIFICATION			
OWNER OR LESSEE			
NAME: Michael J. Monfils		PROPERTY ADDRESS: 5633 Grant Road, Mt. Pleasant, MI 48858	
PROPERTY TAX ID# 14 Parcel numbers: 14-035-40-004-14 (home); 14-035-40-004-14 combined by assessor on 3/29/2021.			
Owner's Signature: <i>Michael J. Monfils</i>		Date: 2 April 2021	
ARCHITECT OR ENGINEER			
NAME: n/a		ADDRESS:	
CITY:	STATE:	ZIP:	TELEPHONE:
EMAIL ADDRESS:			
LICENSE NUMBER:		EXPIRATION DATE:	
CONTRACTOR			
BUSINESS NAME: My West Pole Barns		ADDRESS: 2014 N Saginaw Rd	
CITY: Midland	STATE: MI	ZIP: 48840	TELEPHONE: (989) 615-3091
CONTACT NAME: Mark Musser		CONTACT TELEPHONE: Same as above	
EMAIL ADDRESS: Mark @ My West - Pole - Barns . com			
LICENSE NUMBER: 2102215143 2102215143		EXPIRATION DATE: 5-31-2023	
FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION 362 214922			
WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION THE HUNTSMAN		EXPIRATION DATE: 10-31-21	
TYPE OF IMPROVEMENT AND PLAN REVIEW			
TYPE OF IMPROVEMENT			
<input checked="" type="checkbox"/> New Building	<input type="checkbox"/> Alteration	<input type="checkbox"/> Demolition	<input type="checkbox"/> Foundation
<input type="checkbox"/> Addition	<input type="checkbox"/> Repair	<input type="checkbox"/> Mobile Home Set Up	<input type="checkbox"/> Pre-manufactured
			<input type="checkbox"/> Grading
			<input type="checkbox"/> Reroof
Plans must be submitted with an Application for a Plan Review and the appropriate fee before permits can be issued. EXCEPTION: Plans are not required for alterations and repair work determined by the building official to be of a minor nature. Plans and specifications are required for all other building types and shall be prepared by or under the direct supervision of an architect or engineer licensed pursuant to 1980 PA 299 and shall bear that architect's or engineer's seal and signature. Plan Review Submitted: _____ Plan Review Completed: _____			

PROPOSED USE OF BUILDING

RESIDENTIAL

- | | | |
|---|---|---|
| <input type="checkbox"/> One Family | <input type="checkbox"/> Hotel, Motel
No. of Units _____ | <input checked="" type="checkbox"/> Detached Garage |
| <input type="checkbox"/> Two or more Family
No. of Units _____ | <input type="checkbox"/> Attached Garage | <input type="checkbox"/> Other |

DESCRIPTION: Describe in full detail proposed use of building including exact sizes of all construction to be completed:

36x46 x 12 POVE RAMP WITH 10x12 PANELS
\$50,000

NON RESIDENTIAL

- | | | |
|---|--|---|
| <input type="checkbox"/> Amusement | <input type="checkbox"/> Service Station | <input type="checkbox"/> School, Library, Educational |
| <input type="checkbox"/> Church, Religion | <input type="checkbox"/> Hospital, Institutional | <input type="checkbox"/> Store, Mercantile |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Office, Ban, Professional | <input type="checkbox"/> Tanks, Towers |
| <input type="checkbox"/> Parking Garage | <input type="checkbox"/> Public Utility | <input type="checkbox"/> Other |

DESCRIPTION: Describe in full detail proposed use of building including exact sizes of all construction to be completed:

SELECTED CHARACTERISTICS OF BUILDING

PRINCIPAL TYPE OF FRAME

- Masonry, Wall Bearing Wood Frame Structural Steel Reinforced Concrete Other

Principal Type of Heating Fuel

- Gas Oil Electricity Coal Other

Type of Sewage Disposal

- Public or Private Company Septic System

Type of Water Supply

- Public or Private Company Private Well or Cistern

Will there be an irrigation system? Yes No

Type of Mechanical

Will there be air conditioning? Yes No

Dimensions/ Data

Number of Stories _____ 1 _____	Floor Area: Existing	Alterations	New
Use Group _____	Basement	_____	_____
Construction Type _____	1 st & and Flr	_____	_____
Construction Type _____	3 rd and Above	_____	_____
No. of Occupants _____			

Number of Off Street Parking Spaces

Enclosed _____ Outdoors _____ Handicap _____

APPLICATION INFORMATION

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION:

NAME: <u>MURRAY PUE BARRAS</u>		ADDRESS: <u>2014 N WALNUT MI</u>	
CITY: <u>MUDLAW</u>	STATE: <u>MI</u>	ZIP: <u>48640</u>	TELEPHONE: <u>(989) 615-3091</u>

I HEARBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS TO THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A prohibits a person from conspiring to circumvent the licensing requirements of this state related to person who are to perform work on a residential building or a residential structure. Violators of section 23a are subject to civil fines.

Signature of Applicant	DATE
	<u>6-1-21</u>

I. LOCAL GOVERNMENT AGENCY TO COMPLETE THIS SECTION

DESCRIPTION	REQUIRED	APPROVED	DATE	BY
Fire District	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Pollution Control	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Energy Code	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Soil Erosion	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Flood Zone	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No			

II. VALIDATION - FOR DEPARTMENT USE ONLY

Use Group _____	Type of Construction _____
Square Feet _____	Construction Costs _____
Building Fee Due _____	

APPROVAL SIGNATURE	DATE

*****NOTICE: Projects requiring Electrical, Plumbing, & Mechanical Plan Review shall be submitted to the Community Development Department (Isabella County) located at 200 N Main St., Mt. Pleasant, MI 48858. Submittal shall include a complete application along with three (3) sets of construction documents. For additional information contact (989) 772-0911 x227.**

Client#: 93995

MIDWPOL

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/22/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: Huntington Insurance, Inc. 37 Broad Street Columbus, OH 43215 888 576-7900
CONTACT NAME: Shanna Grizzle
PHONE (A/C, No, Ext): 800 284-6687 FAX (A/C, No): 877 205-2538
E-MAIL ADDRESS: shanna.grizzle@huntington.com
INSURER(S) AFFORDING COVERAGE: INSURER A: Cincinnati Insurance Company NAIC #: 10677
INSURER B: Hartford Fire Insurance Co NAIC #: 19682

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

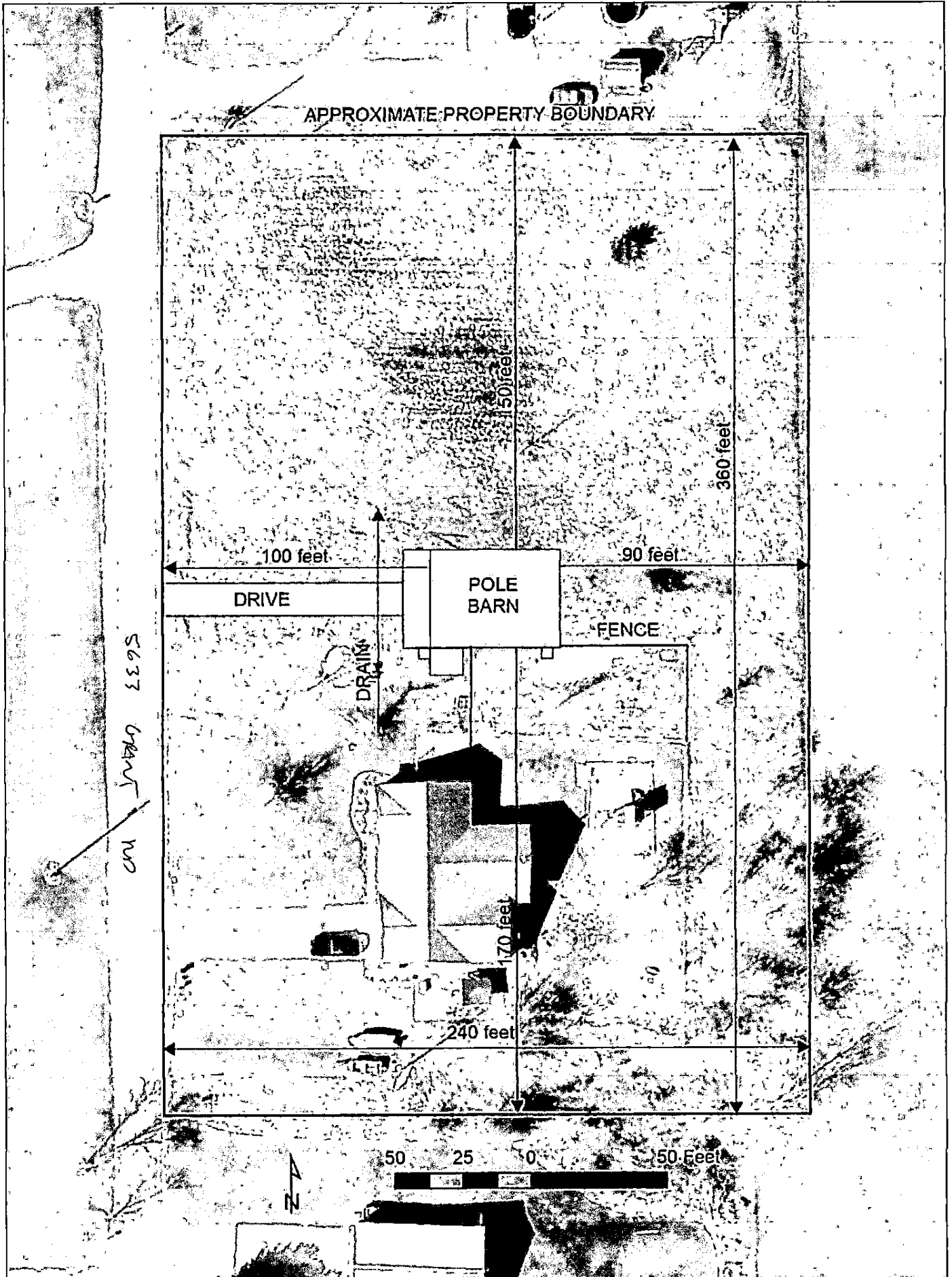
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSR, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Includes Commercial General Liability (ENP0109782) and Workers Compensation (33WECEBR5310).

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER CANCELLATION

Informational Purposes SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Randy Gradd



Anna - Mike Mac 3/15

Mount Pleasant

36'

X X X X X

X

X

X

X

48'

X

X

X

X

X

X

X

12'

X X

X X

X X

X

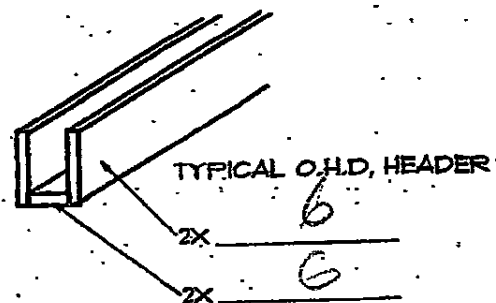
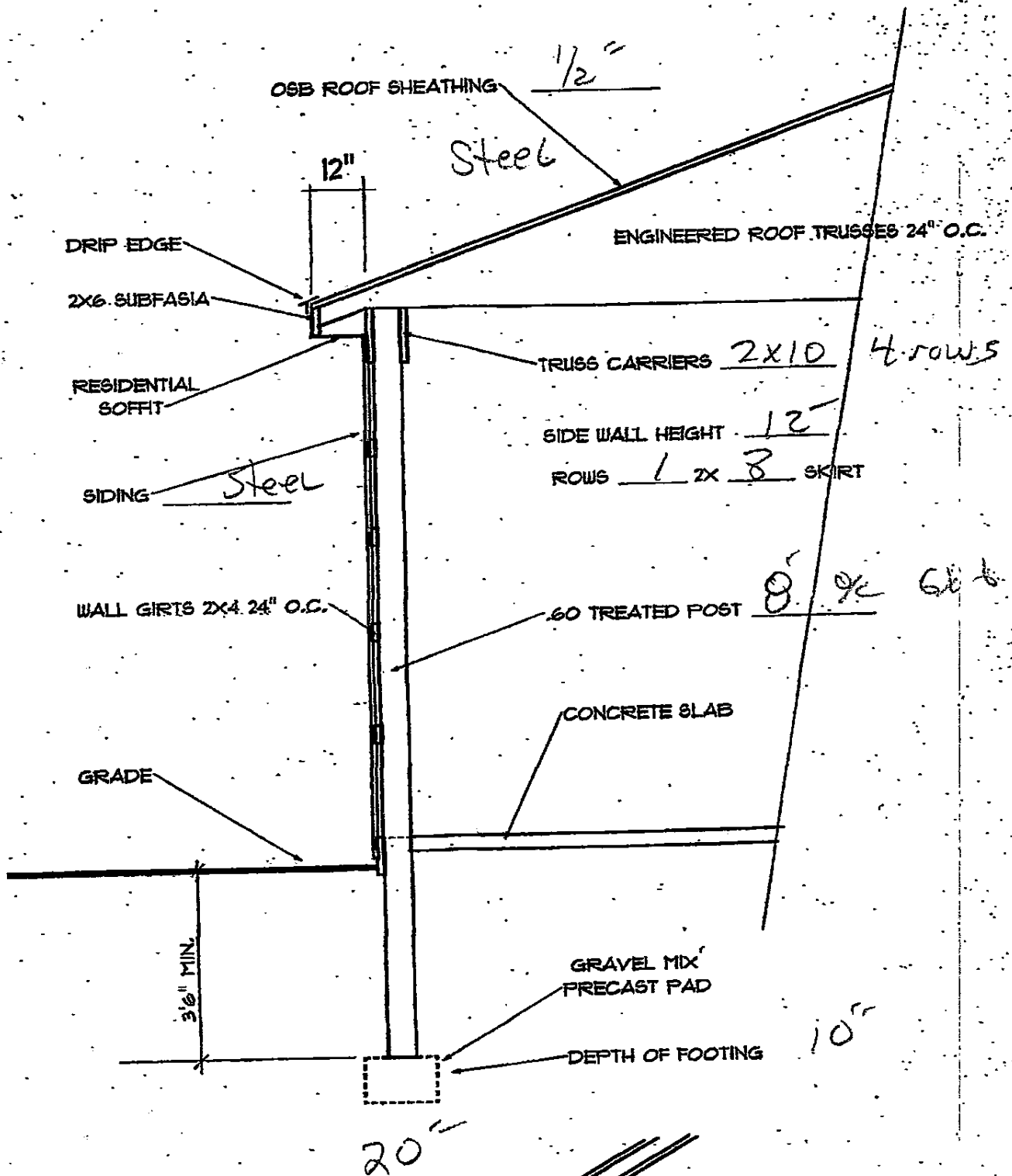
10 x 12
O # Door

10 x 12
O # Door

19'

Mike Mon Sols

POST FRAME BUILDINGS



Job: (JCL16) / -Pll in later // 36' 4/12 COMMON

This dwg. prepared by the ITW job designer program from truss mfr's layout.

Top chord 2x4 SPF #1/#2
Bot chord 2x4 SPF 1B50J-1.5E
Webs 2x4 SPF Stud

(**) 2 plate(s) require special positioning. Refer to scaled plate plot details for special positioning requirements.

115 mph wind, 15.00 ft mean hgt, ASCE 7-10, CLOSED bldg, Located anywhere in roof, RISK CAT II, EXP B, wind TC DL=4.2 psf, wind BC DL=0.0 psf.

(a) Continuous lateral restraint equally spaced on member.

Wind loads and reactions based on MWFRS with additional C&C member design.

In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:

Bottom chord checked for 10.00 psf non-concurrent bottom chord live load applied per IBC-16 section 1607.

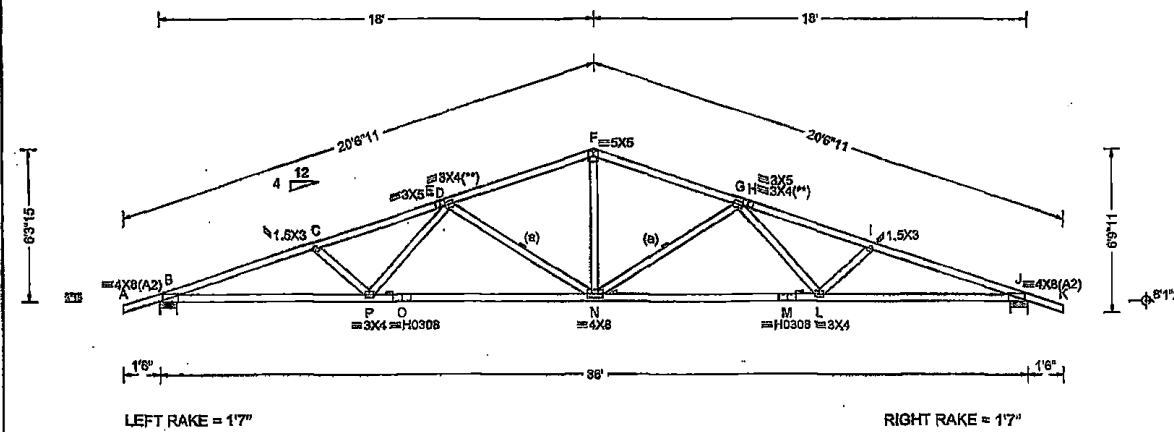
Deflection meets L/360 live and L/240 total load. Creep increase factor for dead load is 2.00.

CHORD	SPACING(IN OC)	START(FT)	END(FT)
BC	120	0.15	35.85

Truss designed for unbalanced snow load based on Pg=40.00 psf, Ct=1.10, Ce=1.00, CAT II & Pf=30.80 psf.

Apply purlins to any chords above or below filters at 24" OC unless shown otherwise above.

Mon P.L.S.



Maximum Reactions (lbs)						
Loc	R / U	/ R w	/ R h	/ R L	/ W	
B	1898	-	1733	-	192	18.5
J	1998	-	1733	-	-	18.5

Wind reactions based on MWFRS
 B Min Brg Width Req = 3.0
 J Min Brg Width Req = 3.0
 Bearings B & J Fcperp = 565psf.

Maximum Top Chord Forces Per Ply (lbs)					
Chords	Tens.	Comp.	Chords	Tens.	Comp.
A - B	39	0	F - G	530	-2868
B - C	695	-4481	G - H	638	-4012
C - D	637	-4138	H - I	637	-4138
D - E	638	-4012	I - J	685	-4481
E - F	630	-2868	J - K	99	0

Maximum Bot Chord Forces Per Ply (lbs)					
Chords	Tens.	Comp.	Chords	Tens.	Comp.
B - P	4182	-584	N - M	3487	-483
P - O	3487	-479	M - L	3487	-483
O - N	3487	-478	L - J	4182	-688

Maximum Web Forces Per Ply (lbs)					
Webs	Tens.	Comp.	Webs	Tens.	Comp.
C - P	162	-450	N - G	231	-1170
P - E	629	-5	G - L	629	-5
E - N	231	-1170	L - I	182	-450
F - N	1283	-123			

DESC = 36' 4/12 COMMON
 PLT TYP. WAVE
 DESIGN CRIT=IBC 2015 / TPI-2014 FT/RT=924(0%) / Q(0)
 PLY= 1 QTY= 25
 REV. 16.02.01A.0117.20

<p>Lethers Truss and Wall Systems, Inc. 854 Industrial Blvd • Chino, California 91710 • www.lwtsystems.com 951-988-4888 • 951-988-5685 • Fax: (951) 359-4075</p>	<p>**WARNING** READ AND FOLLOW ALL NOTES ON THIS DRAWING!</p> <p>**IMPORTANT** FURNISH THIS DRAWING TO ALL CONTRACTORS INCLUDING THE INSTALLERS</p> <p>Trusses require extreme care in fabrication, handling, shipping, hoisting and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety Information, by TPI and SBCA) for safety practices prior to performing these functions. Installers shall provide temporary bracing per BCSI. Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached solid ceiling. Locations shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B7, or B10, as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 1000-Z for standard plate positions.</p>	<p>TC LL 32.00 PSF</p> <p>TC DL 7.00 PSF</p> <p>BC DL 10.00 PSF</p> <p>BC LL 0.00 PSF</p> <p>TOT. LD 49.00 PSF</p> <p>DUR. FAC 1.15</p> <p>SPACING 24.0"</p>	<p>JOB #: JCL16</p> <p>DATE - 04/07/21</p> <p>36' 4/12 COMMON</p> <p>WEIGHT = 159.4</p> <p>SEQ = 148170.</p> <p>TYPE COMN</p>
	<p>ITW Building Components Group Inc. shall not be responsible for any deviation from this drawing or any failure to build the truss in conformance with ANSIP/TPI 1, or for handling, shipping, installation and bracing of trusses.</p> <p>A seal on this drawing or cover page listing this drawing, indicates acceptance of professional engineering responsibility solely for the design shown.</p> <p>The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSIP/TPI 1 Sec.2.</p>		

P268980

GRETCHEN WHITMER
Governor

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Company Builder License

MIDWEST POLE BARNs LLC
2014 N SAGINAW RD STE 185
MIDLAND, MI 48640

Qualifying Officer:
Mark Andrew Nilssen
Qualifying Officer #
2101191663

MUST BE DISPLAYED IN A CONSPICUOUS PLACE



License No.
2102215148

Expiration Date:
05/31/2023

This document is duly issued
under the laws of the State of
Michigan

MICHIGAN USA

DRIVER LICENSE

N 925 585 067 133 ISS 02-21-2018
DOB 02-20-1987 EXP 02-20-2022 022087

MARK ANDREW NILSSEN

MIDLAND, MI 48640

Sex M Hgt 504 Eyes BRO

Lic Type O End NONE

Restrictions none

DD: 6075666158254

VARIANCE REPORT

TO:	Zoning Board of Appeals	DATE:	August 24, 2021
FROM:	Rodney C. Nanney, AICP Community and Economic Development Director	ZONING:	AG, Agricultural District
PROJECT:	PVAR21-01 Application for a variance of two-hundred-twenty-eight (228) square feet and one (1) foot variance of height from section 7.5.C.3 for an accessory building on an AG parcel up to 2.49 acres.		
PARCEL(S):	14-035-40-004-14		
OWNER(S):	Michael and Anna Monfils		
LOCATION:	Approximately 2 acres located at 5633 S. Grant Road in the SE 1/4 of Section 35.		
EXISTING USE:	One-family dwelling	ADJACENT ZONING:	AG
FUTURE LAND USE DESIGNATION: <i>Rural Buffer:</i> Rural Buffer areas generally do not have sewer and water, but are appropriate for agricultural, low density residential, and other uses allowed by zoning. Typically this buffer is located on the fringe between rural and more urbanized areas. Rezoning requests for more intensive uses should be limited, especially those requiring extended utility service.			
ACTION REQUESTED: To hold a public hearing, review, and take action on the height and area variance request per Section 14.4.B.4 (Variances)			

Review Comments

Section 4.4.B.4 of the Zoning Ordinance establishes the standards for consideration of variance request by the Zoning Board of Appeals. Upon finding that “*practical difficulties*” exist based on the factors noted below, the Board of Appeals may choose to authorize a variance from the dimensional (i.e., height, bulk, setback) requirements of the Zoning Ordinance by varying or modifying the provision in a limited manner so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

The Board of Appeals may grant a requested variance upon finding that “practical difficulties” exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

In determining whether practical difficulties exist, the Board of Appeals is required to consider each of the four (4) variance factors from Section 14.4.B.4., which are listed in the following table in bold printed text. Staff review comments follow under each factor:

Section 14.4.B.4.a. (Variances)

Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

i. Section 7.5.C.3 does not prohibit the applicant from having a detached accessory building to use for accessory residential storage. The applicant has not indicated any reason related to the land that would prevent the construction or use of an accessory building that fully conforms to the standards of this Section.

A complaint of the previous Zoning Ordinance No. 1991-5 was that it was too liberal with height and area of accessory buildings on AG parcels and too restrictive in height permitted for residential zoned parcels. The current regulations found in Section 7.5.C.3 were developed by the Planning Commission as part of the overall Zoning Ordinance update project to address these issues.

This is the first variance request from Section 7.5.C.3 since the current Zoning Ordinance No. 20-06 became effective on 9/21/2020.

The variance will do substantial justice to the applicant, as well as to other property owners.

ii. The applicant has cited other detached accessory buildings within reasonable distance from their property as having similar size and height as the one they have applied to build. However, all of these buildings were constructed before the Zoning Ordinance No. 20-06 took effect. In addition, not all of the parcels these previously built accessory buildings sit on are two-acres like the applicant's property. These parcels range from one-acre to ten-acres.

This was precisely one of the motivating factors for the development of the current regulations in Section 7.5.C.3., which is that 1-, 2-, 6-, or 10-acre AG parcels should be given the same requirements with respect to accessory buildings. Any changes to existing accessory buildings would be regulated under Section 7.5.C.3. Any new accessory buildings in the future on AG parcels would be limited under Section 7.5.C.3.

It is the opinion of staff that the requested variance would not be consistent with providing justice to both the applicant and the other property owners of AG District parcels.

A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

iii. For the applicant a lesser variance would not work since the trusses for the accessory building have already been made. A modified accessory building for the applicant would only incur more cost.

A lesser variance would also not be consistent with justice to other property owners. Previously built accessory buildings were regulated under the old Zoning Ordinance. Any changes to these or newly built accessory buildings by other property owners on AG District lots in the area would be required to follow the requirements of Section 7.5.C.3.

If the ZBA believes that Section 7.5.C.3 needs to be reviewed by the Planning Commission for possible amendment it would be within the right of the ZBA to make such a request.

Section 14.4.B.4.a. (Variances)

The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

iv.

The applicant contacted the Zoning Administrator to ask about applicable zoning regulations in 2019, and was provided the requested information about Zoning Ordinance No. 1991-5 standards in effect at that time. No action related to a building permit was taken in 2019.

The applicant did not check back with the Zoning Administrator the following year (2020) to ask about any changes to the zoning requirements, and did not submit a building permit application for the project.

The applicant also chose not to contact the Township in 2021 until the building permit application was applied for on June 3, 2021.

The work on a new Zoning Ordinance formally began in December of 2018 with a diagnostic report presented to the Township from the project consultant (McKenna Associates). The new Zoning Ordinance would not be finished and take effect until September of 2020.

During the years of 2019 and 2020 it was a common practice of the Zoning Administrator to inform residents and developers that the Township was working on a new Zoning Ordinance. The Zoning Administrator would inform them that the rules at that time may or may not change in the near future. Notice of development of the new Zoning Ordinance was posted on the Township website during the years of 2019 and 2020, and the proposed Ordinance was posted on the website and available at the Township Hall beginning in early March of 2020.

Contacting the Township in 2020, particularly prior to August of 2020 when the applicant contacted the builder, would have prevented the need for this variance as requested.

It is unfortunate that the applicant made the decision to have the building trusses constructed without first confirming that the building could be lawfully built as designed. It is also unfortunate that the applicant chose not to apply for a building permit in August of 2020 while the former Zoning Ordinance No. 1991-5 was still in effect. If issued at the time, that permit would have been valid for six months.

It is the opinion of staff that the problem and resulting need for a variance are directly the result of the applicant's actions and choices, and are not connected to any physical condition or limitation associated with the land, lot configuration or related factors.

Before applying for a variance, the applicant looked into the options of either modifying the building to come into conformance or purchasing more land to the east to come into conformance.

Objective

Following the hearing, the Zoning Board of Appeals shall review the application materials, together with any reports and recommendations, and any public comments. The Board of Appeals shall identify and evaluate all relevant factors and shall then take action by motion to approve, deny or approve with conditions the variance application, or to postpone further consideration of the application to a date certain with any request for additional information or answers to questions needed for an informed decision.

Key Findings

1. The applicant has not indicated any reason related to the land that would prevent the construction or use of an accessory building that fully conforms to the standards of this Section .
2. The applicant has cited other detached accessory buildings within reasonable distance from their property as having similar size and height as the one they have applied to build. However, all of these buildings were constructed before the Zoning Ordinance No. 20-06 took effect.
3. For the applicant a lesser variance would not work since the trusses for the accessory building have already been made.
4. The applicant contacted the Township about zoning standards in 2019, but waited to submit a building permit application until 2021.
5. It was a common practice in 2019 and 2020 to inform residents and developers that the Township was working on a new Zoning Ordinance. Notice of development of the new Zoning Ordinance was posted on the Township website during the years of 2019 and 2020.
6. Before applying for a variance, the applicant looked into the options of either modifying the building to come into conformance or purchasing more land to the east to come into conformance.
7. Granting the variance would only give justice to the applicant and not to the owners of other AG District parcels in the area.

Recommendations

The application is ready for Zoning Board of Appeals review and action. Any action on this variance application should be in the form of a motion to approve or deny the requested variance. As part of its review and deliberation, the Board of Appeals should identify specific findings of fact regarding the application's consistency with the applicable criteria for variance approval as noted in our report, which should be incorporated into the motion.

Per Section 14.4.B.5. (Conditions), the Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act, and the specific limiting factors noted in this Section.

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

Draft Motions: Variance Application

MOTION TO APPROVE THE VARIANCE:

Motion by _____, supported by _____, to approve the PVAR 21-01 application from Michael and Anna Monfils for a variance of 228 square feet and one (1) foot variance of height from Section 7.5.C.3 of the Zoning Ordinance for an accessory building on an Agricultural (AG) zoning district parcel up to 2.49 acres at 5633 S. Grant Road in the southeast quarter of Section 35 (PID 14-035-40-004-14), after review of the variance criteria in Section 14.4.B.4. of the Zoning Ordinance and finding that:

Approval of this variance is subject to the following conditions:

MOTION TO POSTPONE ACTION:

Motion by _____, supported by _____, to postpone action on the PVAR 21-01 application from Michael and Anna Monfils for a variance at 5633 S. Grant Road (PID 14-035-40-004-14) to the _____, 2021 regular meeting, with a request that:

The applicant provide the following items of additional information necessary for a decision: _____

The Township Attorney be asked to provide counsel and direction on the following legal questions:

Township staff take action to _____

Draft Motions: Variance Application

MOTION TO DENY THE VARIANCE:

Motion by _____, supported by _____, to deny the PVAR 21-01 application from Michael and Anna Monfils for a variance of 228 square feet and one (1) foot variance of height from Section 7.5.C.3 of the Zoning Ordinance for an accessory building on an Agricultural (AG) zoning district parcel up to 2.49 acres at 5633 S. Grant Road in the southeast quarter of Section 35 (PID 14-035-40-004-14), after review of the variance criteria in Section 14.4.B.4. of the Zoning Ordinance and finding that:

1. Granting the variance would only give justice to the applicant and not to the owners of other AG District parcels in the area.
2. The applicant has not indicated any reason related to the land that would prevent the construction or use of an accessory building that fully conforms to the standards of this Section.
3. The applicant contacted the Township about zoning standards in 2019, but waited to submit a building permit application until 2021.
4. The problem and resulting need for a variance are directly the result of the applicant’s actions and choices, and are not connected to any physical condition or limitation associated with the land.

Charter Township of Union

APPLICATION FOR ZONING BOARD OF APPEALS REVIEW

Variance Administrative Appeal Interpretation Sign Variance Other: _____

A complete application will contain all the information required per the Zoning Ordinance, Section 14.4 (Variances and Appeals).

Name of Proposed Development/Project	<u>Alterations to existing legal nonconforming one-family dwelling structure</u>		
Common Description of Property & Address (if issued)	<u>3813 S. Lincoln Rd</u>		
Applicant's Name(s)	<u>Joshua and Rachael Nelson</u>		
Phone/Fax numbers	<u>(989) 430-1778</u>	Email	<u>josh@nelsonbuilt.com</u>
Address	<u>5215 S. Nottawa Rd</u>	City:	<u>Mt. Pleasant</u> Zip: <u>48858</u>

Legal Description:	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Included on Plan/Survey	Tax Parcel ID Number(s):	<u>14-021-30-010-00</u>	
Existing Zoning:	<u>R-1</u>	Land Acreage:	<u>2.23</u>	Existing Use(s):	<u>One-family dwelling</u>
<input checked="" type="checkbox"/> ATTACHED: Letter summarizing the request and responding to the applicable review criteria found in Section 14.5.B.					

Firm(s) or Individuals(s) who prepared the plan or survey drawing.	1. Name: _____ Phone: _____ Email _____
	2. Address: _____ City: _____ State: _____ Zip: _____ Contact Person: _____ Phone _____
Legal Owner(s) of Property. All persons having legal interest in the property must sign this application. Attach a separate sheet if more space is needed.	1. Name: <u>Joshua Nelson</u> Phone: <u>(989) 430-1778</u>
	Address: <u>5215 S Nottawa Rd</u> City: <u>Mt. Pleasant</u> State: <u>MI</u> Zip: <u>48858</u>
	Signature: <u>Joshua Nelson</u> Interest in Property: <u>100%</u>
	2. Name: <u>Rachael Nelson</u> Phone: <u>(734) 904-1221</u>
Address: <u>5215 S. Nottawa Rd</u> City: <u>Mt. Pleasant</u> State: <u>MI</u> Zip: <u>48858</u>	
Signature: <u>Rachael Nelson</u> Interest in Property: <u>100%</u>	

I do hereby affirm that all the statements, signatures, descriptions, exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all the owners of the property. False or inaccurate information may be cause for rejection of the application or revocation of any action by the Board of Appeals. Approval of a variance shall not constitute the right to violate any other provisions of the Zoning Ordinance or other applicable codes and ordinances.

Joshua Nelson
Signature of Applicant

July 29, 2021
Date

Office Use Only

Application Received By: _____ Fee Paid: \$ _____

Date Received: _____ Escrow Deposit Paid: \$ _____

July 29, 2021

Members of the Board:

I assert that the determination of the Zoning Administrator for the building permit application submitted for 3813 S. Lincoln Road is both based upon an erroneous finding of material fact, and an erroneous interpretation of the Zoning Ordinance.

I understand that this property is a unique case, and I make no dispute that the structure in question is nonconforming by the language of the current Zoning Ordinance. I was clear on this fact before we purchased the property.

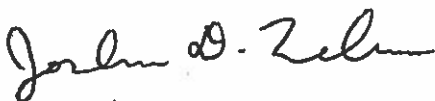
The erroneous material fact in the determination is the classification of this structure as an accessory dwelling unit. I was verbally advised on multiple occasions by Mr. Nanney that this second structure could legally be leased independently of 3811 S. Lincoln Rd. The structure also contained a kitchen. Those two facts alone do not meet the definition of Accessory Dwelling Unit given in Section 2.2. In addition, the building has its own address, electric service, natural gas service, and septic system. The Township records list 3813 S. Lincoln as an address. The information for the listing of 3811/3813 S. Lincoln on BS&A Online characterizes the occupancy of the 612 sq ft residential building as "Single Family." It also shows a rental certificate for 3811 and 3813 S. Lincoln in 2012 that categorizes the two addresses as a duplex. My claim is that the correct classification of this dwelling is a legal, nonconforming, single-family dwelling.

The erroneous interpretation of the Zoning Ordinance is based upon this mischaracterization of the dwelling. Section 12.2 J states that any structure used for single family residential purposes may be enlarged or replaced with a similar structure of a larger size, with specific caveats regarding setback and parking requirements. I concur that increasing the pitch of the roof over the north portion of the structure does increase the cubic content of the structure, but Section 12.4.C.2 specifically states that it applies to all structures "except as otherwise provided in this Section for single-family residential uses..."

I would like the Board to know that the north portion of the structure sits on the same foundation, occupies the same area, and has a lower roof line than the rest of the dwelling, as it did in its original condition. The original roof condition was approximately a 2:12 roof pitch, constructed with 2x4 rafters spanning 10 feet horizontally. The corrections I have made increased the rafter member size to 2x8, which are properly rated to span this horizontal distance under this site's load conditions. I also increased the roof pitch to approximately 4:12 to prevent a recurrence of the water infiltration that caused the roof assembly to deteriorate. These alterations were made to increase the safety, structural integrity, and longevity of the structure, while keeping as true to the original structure as possible.

If the Board agrees that the structure at 3813 S. Lincoln Rd. is a nonconforming, single-family dwelling used for residential purposes, I would like the building permit approved, and to resume the work of making this dwelling safe and habitable. I thank the Board Members for your deliberation in this matter.

Sincerely,



Joshua D. Nelson

Zoning Determinations

TO:	Joshua Nelson	DATE:	July 27, 2021
FROM:	Peter Gallinat, Zoning Administrator	ZONING:	R-1 Rural Residential District
PROJECT:	Alterations to existing legal nonconforming one-family dwelling structure.		
PARCEL(S):	PID 14-021-30-010-00		
OWNER(S):	Nelson Joshua D & Rachael K.		
LOCATION:	3813 S. Lincoln Road. Approximately 2.23 acres located in the SW 1/4 of Section 21.		
EXISTING USE:	One-Family Dwelling	ADJ. ZONING:	R-2A, R-1

FUTURE LAND USE DESIGNATION: *Rural Buffer:* Rural Buffer areas generally do not have sewer and water, but are appropriate for agricultural, low density residential, and other uses allowed by zoning. Typically this buffer is located on the fringe between rural and more urbanized areas. Rezoning requests for more intensive uses should be limited, especially those requiring extended utility service.

12.4.B.1 Increase in Nonconformity Prohibited. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
- b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

I have determined the change in the pitch of the roof and increase in the height of the addition to be a physical alteration of the nonconforming structure that would result in an increase in the total amount of occupiable living space for the nonconforming residential use.

12.2.J Nonconforming Single-Family Uses. Notwithstanding the limitations outlined in Section 12, any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

The existing building at the front of the lot is a single-family dwelling as allowed in the zoning district. I have determined that the rear structure is not a single-family dwelling as described in this subsection; the use of this rear building is not a legal nonconforming accessory dwelling unit. The property is zoned R-1 which permits single-family or one family dwelling as a use by right. It is the rear structure that is nonconforming. Two dwellings on one parcel is not permitted in the zoning district.

12.4.C.2 Additional Permitted Improvements. Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Section for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

I have determined that the raising of the pitch of the roof enlarges the cubic content of the nonconforming structure.

Conclusion

It is my determination as Zoning Administrator that the change in the pitch of the roof and increase in the height of the addition are unlawful alterations that, if not promptly corrected to restore the original conditions, remove the legal nonconforming status of this accessory dwelling. Under this circumstance, all future use of this structure would be required to conform to the applicable requirements of Zoning Ordinance No. 20-06, including Section 7.05 (Accessory Buildings, Uses, and Structures).

The alterations were made without an approved building permit in violation of the Township's Construction Codes Ordinances No. 20-05. Please be aware that the necessary corrective actions to restore the original conditions for this addition will require building permit approval.

Respectfully submitted,

Peter Gallinat, Zoning Administrator
Community and Economic Development Department

Re: 3813 S. Lincoln zoning concerns

Joshua Nelson <josh@nelsonbuilthomes.com>

Tue 7/27/2021 10:24 AM

To: Peter Gallinat <pgallinat@uniontownshipmi.com>

Mr. Gallinat,

Thank you for your response. I still disagree with the determination regarding 12.2 J. I fully understand that the second structure on one parcel is not allowed by current zoning. That is the reason we're delving into the nonconforming use section of the ordinance. If the building could legally be used as a single-family dwelling in the condition it was purchased, then it would follow that 12.2 J is relevant. 12.4.C.2, as cited in your determination, also specifically mentions the exception for single family residential uses in the last sentence. If this is your final determination, then I will be following the appropriate course of action to appeal this decision.

-Josh Nelson

From: Peter Gallinat <pgallinat@uniontownshipmi.com>

Sent: Tuesday, July 27, 2021 10:02 AM

To: Joshua Nelson <josh@nelsonbuilthomes.com>

Cc: Rodney Nanney <RNanney@uniontownshipmi.com>

Subject: RE: 3813 S. Lincoln zoning concerns

Mr. Nelson,

Please see my determinations attached.

Thank you,

Peter Gallinat

Zoning Administrator

Charter Twp of Union

2010 S. Lincoln Rd.

Mt Pleasant, MI 48858

989-772-4600 x 241

pgallinat@uniontownshipmi.com

From: Joshua Nelson <josh@nelsonbuilthomes.com>

Sent: Thursday, July 22, 2021 11:51 AM

To: Peter Gallinat <pgallinat@uniontownshipmi.com>

Subject: Re: 3813 S. Lincoln zoning concerns

Mr. Gallinat,

I prefer to keep all communication about this in writing, so there is no confusion or misinterpretation in the future. The words underlined in section 12.4.B.1 do not say the structure cannot be physically altered. The sentence goes on to say that physical alterations cannot increase the nonconformity of the structure by the definitions given in a. and b. The structure occupies exactly the same area that it always

has, and I do not believe I have created or increased any nonconformity as defined in b. Please reconsider this, or advise me if I am missing something about it.

Also, could you please address my inquiries regarding 12.2 J, and 12.4.C.2? Thank you.

-Josh Nelson

From: Peter Gallinat <pgallinat@uniontownshipmi.com>
Sent: Thursday, July 22, 2021 11:18 AM
To: Joshua Nelson <josh@nelsonbuilthomes.com>
Subject: RE: 3813 S. Lincoln zoning concerns

Mr. Nelson,

12.4.B.1 Increase in Nonconformity Prohibited. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- An increase in the total amount of space devoted to a nonconforming use, or
- Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

As underlined above I determined the change of the roof pitch to be a physical alteration of the nonconforming structure. If you would like to talk further we can set up a time to talk via ZOOM.

Thank you,

Peter Gallinat
Zoning Administrator
Charter Twp of Union
2010 S. Lincoln Rd.
Mt Pleasant, MI 48858
989-772-4600 x 241
pgallinat@uniontownshipmi.com

From: Joshua Nelson <josh@nelsonbuilthomes.com>
Sent: Wednesday, July 21, 2021 2:37 PM
To: Peter Gallinat <pgallinat@uniontownshipmi.com>
Subject: 3813 S. Lincoln zoning concerns

Good afternoon Mr. Gallinat,

This is Josh Nelson, and I'm writing to follow up on the zoning concerns raised during the building permit application for 3813 S. Lincoln Rd. First, please understand that I am in no way trying to game the system, or bend the rules, but rather I would like to understand the rules for this unique situation. I also believed that I submitted the building permit application weeks ago, and only recently found it in a stack of papers. That was definitely my mistake.

It is true that I raised the pitch of the roof over the north portion of the structure, but I find it to be in keeping with the spirit of "keeping the nonconforming building structurally safe and sound", from section 12.4, C-1. The shingles and roof sheathing appeared to be relatively new (15 years-ish), and yet parts of the roof deck and rafters had already rotted. I believe the flatness played a large role in that. I have worked up drawings to return the roof to its previous condition, if that is the route required.

My first question is, is that what is required? Does 12.2 J apply to this structure? If it does, I believe I have stayed within those requirements. I also don't interpret the roof change as an increase in nonconformity by the wording of 12.4, B-1.

On a separate, but related note, would the remainder of the work be weighed in accordance with 12.4, C-2? If that is the constraint I'm working with, I suppose I would need to know what the assessed value of the structure is.

Thank you for your consideration on this. I look forward to arriving at a path forward that meets township requirements.

-Josh Nelson
Owner, Nelson General Contracting
(989) 430-1778

3811 S LINCOLN RD MOUNT PLEASANT, MI 48858 (Property Address)

Parcel Number: 14-021-30-010-00



Item 1 of 19 17 Images / 2 Sketches

Property Owner: NELSON JOSHUA & RACHAEL**Summary Information**

- > Residential Building Summary
 - Year Built: 1930
 - Full Baths: 2
 - Sq. Feet: 1,772
 - Bedrooms: 5
 - Half Baths: 1
 - Acres: 2.227
- > Assessed Value: \$36,900 | Taxable Value: \$36,900
- > Property Tax information found
- > 5 Building Department records found

Owner and Taxpayer Information

Owner	NELSON JOSHUA & RACHAEL	Taxpayer	SEE OWNER INFORMATION
	5215 S NOTTAWA RD		
	MOUNT PLEASANT, MI 48858		

General Information for Tax Year 2021

Property Class	RESIDENTIAL-IMPROVED	Unit	14 UNION TOWNSHIP
School District	MT PLEASANT CITY SCHOOL DIST	Assessed Value	\$36,900
MAP #	No Data to Display	Taxable Value	\$36,900
RENTAL UNITS	0	State Equalized Value	\$36,900
USER ALPHA 1	No Data to Display	Date of Last Name Change	04/27/2021
USER ALPHA 3	No Data to Display	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
PARTIAL CONST	No Data to Display	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date 07/26/2013

Principal Residence Exemption	June 1st	Final
2021	75.0000 %	75.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2020	\$40,000	\$40,000	\$40,000
2019	\$40,200	\$40,200	\$40,200
2018	\$44,500	\$44,500	\$42,575

Land Information

Zoning Code	R1	Total Acres	2.227
Land Value	\$20,200	Land Improvements	\$1,980
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	4030 R SOUTHWEST OF CITY	Mortgage Code	No Data to Display
Lot Dimensions/Comments	33' RAW NOT INCLUDED	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	220.00 ft	407.00 ft
Total Frontage: 220.00 ft		Average Depth: 407.00 ft

Legal Description

T14N R4W, SEC 21, COM 220 FT S OF NW COR OF W 1/2 OF SW 1/4 OF SW 1/4; TH S, 220 FT; TH E, 440 FT; TH N, 220 FT; TH W, 440 FT TO POB.

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	Not Available
Date Form Filed	No Data to Display	Unallocated Div.s of Parent	0
Date Created	No Data to Display	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	Yes
Split Number	0	Courtesy Split	No
Parent Parcel	No Data to Display		

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page	Comments
04/16/2021	\$62,000.00	CD	HSBC BANK USA NA	NELSON JOSHUA & RACHAEL	03-ARM'S LENGTH	1886/4836	
07/10/2019	\$150,124.00	SD	FISH KARI ANN	HSBC BANK USA NA	03-ARM'S LENGTH	1835/932	
06/24/2008	\$0.00	QC	MAZURE KARI ANN	GREEN JASON MICHAEL & KARI ANN	03-ARM'S LENGTH	1443/0966	
01/23/2007	\$0.00	QC	MAZURE KARI ANN & HORGAN, THOMAS &	MAZURE KARI ANN	03-ARM'S LENGTH	1384/0013	
05/20/2005	\$134,400.00	WD	DOHERTY MICHELLE T	MAZURE KARI ANN ET AL	03-ARM'S LENGTH	1294/0006	ALSO: HORGAN THOMAS & DOROTHY
05/22/2002	\$0.00	WD	GREENWALD EVELYN LVG TRUST	MONROE PATSY A	16-LC PAYOFF	1083/0684	MARK GREENWALD TRUSTEE
05/22/2002	\$85,000.00	WD	MONROE PATSY A	DOHERTY MICHELLE T	21-NOT USED	1083/0686	REMODELED AFTER SALE
06/01/1998	\$0.00	QC	GREENWALD EVELYN	MARK GREENWALD TRSTEE LIV TRST	14-INTO/OUT OF TRUST	0915/0523	LIV TRST DATED 5- 23-91
06/10/1991	\$51,000.00	LC	GREENWALD EVELYN & OTTO	MONROE PATSY A	03-ARM'S LENGTH	0716/0029	

Building Information - 1160 sq ft CAPE COD/BUNGLW (Residential)

General

Floor Area	1,160 sq ft	Estimated TCV	\$66,443
Garage Area	0 sq ft	Basement Area	672 sq ft
Foundation Size	824 sq ft	Year Remodeled	2002
Year Built	1930	Class	C
Occupancy	Single Family	Tri-Level	No
Effective Age	28 yrs	Heat	Forced Air w/ Ducts
Percent Complete	0%	Wood Stove Add-on	No
AC w/Separate Ducts	No	Water	Water Well
Basement Rooms	1	Sewer	Septic
1st Floor Rooms	4	Style	CAPE COD/BUNGLW
2nd Floor Rooms	2		
Bedrooms	3		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1.5 Story	Basement	Siding	672 sq ft	1.5 Story
1 Story	Crawl Space	Siding	152 sq ft	1 Story

Exterior Information

Brick Veneer	0 sq ft	Stone Veneer	0 sq ft
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Basement Finish

Recreation	0 sq ft	Recreation % Good	0%
Living Area	0 sq ft	Living Area % Good	0%
Walk Out Doors	0	No Concrete Floor Area	0 sq ft

Plumbing Information

3 Fixture Bath	1	2 Fixture Bath	1
Vent Fan	2		

Built-In Information

Unvented Hood	1	Standard Range	1
Porch Information			
CPP	40 sq ft	Foundation	Standard
WGEP (1 Story)	36 sq ft	Foundation	Standard

Building Information - 612 sq ft 1 STORY (Residential)

General

Floor Area	612 sq ft	Estimated TCV	\$34,011
Garage Area	0 sq ft	Basement Area	432 sq ft
Foundation Size	612 sq ft		
Year Built	1930	Year Remodeled	2002
Occupancy	Single Family	Class	D + 10
Effective Age	28 yrs	Tri-Level	No
Percent Complete	0%	Heat	Forced Air w/ Ducts
AC w/Separate Ducts	No	Wood Stove Add-on	No
Basement Rooms	0	Water	No Data to Display
1st Floor Rooms	4	Sewer	No Data to Display
2nd Floor Rooms	0	Style	1 STORY
Bedrooms	2		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1 Story	Basement	Siding	432 sq ft	1 Story
1 Story	Crawl Space	Siding	180 sq ft	1 Story

Exterior Information

Brick Veneer	0 sq ft	Stone Veneer	0 sq ft
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Basement Finish

Recreation	0 sq ft	Recreation % Good	0%
Living Area	0 sq ft	Living Area % Good	0%
Walk Out Doors	0	No Concrete Floor Area	0 sq ft

Plumbing Information

3 Fixture Bath	1	Vent Fan	1
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Built-In Information

Unvented Hood	1	Standard Range	1
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Porch Information

CPP	28 sq ft	Foundation	Standard
CPP	40 sq ft	Foundation	Standard

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Charter Township Of Union

Building Department
2010 S. Lincoln
Mt. Pleasant MI 48858
Phone: (989) 772-4600 ext 227242
www.uniontownshipmi.com

RECEIVED
JUL 15 2021
Ap

BUILDING PERMIT APPLICATION

ALL PLUMBING, ELECTRICAL & MECHANICAL PERMITS ARE PULLED WITH ISABELLA COUNTY

IDENTIFICATION			
Owner or Lessee			
Name: Joshua and Rachael Nelson		Property Address: 3813 S. Lincoln Rd.	
Property Tax ID#: 14-021-30-010-00			
Owner's Signature (req'd): <i>Joshua Nelson</i>		Date: 6/10/2021	
Architect or Engineer			
Name:		Address:	
City:	State:	Zip:	Phone:
Email Address:			
License number:		Expiration Date:	
Contractor			
Business Name: Nelson General Contracting		Address: 5215 S. Nettawa Rd.	
City: Mt. Pleasant	State: MI	Zip: 48858	Phone: 989 430 1778
Contact Name: Joshua Nelson		Contact Phone: 989 430 1778	
Email Address: josh@nelsonbuildhomes.com			
License Number: 2101212788		Expiration Date: 5/31/2022	
Federal Employer ID# or reason for exemption: 82-3410225			
Liability Insurance Carrier (req'd):		Expiration Date:	
TYPE OF IMPROVEMENT AND PLAN REVIEW			
Type of Improvement			
<input type="checkbox"/> New Building	<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Demolition	<input type="checkbox"/> Foundation
<input type="checkbox"/> Addition	<input checked="" type="checkbox"/> Repair	<input type="checkbox"/> Mobile Home Set-up	<input type="checkbox"/> Pre-Manufactured
<input type="checkbox"/> On - Site Construction Trailer		<input type="checkbox"/> Reroof	<input type="checkbox"/> Siding
<input type="checkbox"/> Grading	<input checked="" type="checkbox"/> Windows	<input type="checkbox"/> Flatwork	
Plans must be submitted with an Application for a Plan Review and the appropriate fee before permits can be issued. Exception: Plans are not required for alterations and repair work determined by the building official to be of a minor nature. Plans and specifications are required for all other building types and shall be prepared by or under the direct supervision of an architect or engineer licensed pursuant to 1980 PA 299 and shall bear that architect's or engineer's seal and signature.			
Plan Review Submitted:		Plan Review Completed:	

PROPOSED USE OF BUILDING

Residential

- Single Family Hotel, Motel Detached Garage
- # of Units _____
- Multifamily
- # of Units _____ Attached Garage Other

Description of work to be completed:

Repair north addition walls and roof. New kitchen and bathroom. New insulation, drywall, paint, and trim throughout. Update/relocate plumbing, electrical, mechanical. Bedroom window replacement.

Construction Costs:

\$ 28,000

Non-Residential

- Amusement Service Station School, Library, Educational
- Church, Religion Hospital, Institutional Store, Mercantile
- Industrial Office, Ban Professional Tanks, Towers
- Parking Garage Public Utility Other

Description of work to be completed:

Construction Costs:

SELECTED CHARACTERISTICS OF BUILDING

Principal Type of Frame

- Masonry, wall bearing Wood frame Structural steel Reinforced concrete Other

Principal Type of Heating

- Gas Oil Electricity Coal Other

Type of Sewage Disposal

- Public or Private Company Septic System

Type of Water Supply

- Public or Private Company Private Well or Cistern Will there be an irrigation system? Yes No

Type of Mechanical

- Will there be air conditioning? Yes No

Dimensions / Data

# of Stories <u>1</u>	Floor Area:	Existing	Alterations	New
Use Group _____	Basement	<u>612</u>	_____	_____
Construction Type _____	1 st & 2 nd flr	<u>612</u>	_____	_____
Construction Type _____	3 rd & above	_____	_____	_____
# of Occupants <u>1-2</u>				

of Off-Street Parking Spaces

- Enclosed _____ Outdoors 4 Handicap _____

APPLICANT INFORMATION

Applicant is responsible for the payment of ALL fees and charges applicable to this application and must provide the following information:

Name: <i>Joshua Nelson</i>		Address: <i>5215 S. Wottawa Rd</i>	
City: <i>Mt. Pleasant</i>	State: <i>MI</i>	Zip: <i>48858</i>	Phone #: <i>989 430 1778</i>
Email Address: <i>Josh @ nelsonbuilt homes.com</i>			

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his / her authorized agent and we agree to conform to ALL applicable laws to the state of Michigan. All information submitted on this application is accurate to the best of my knowledge.

Section 23a of the state construction code act of 1972, PA 230, MCL 125.1523A prohibits a person from conspiring to circumvent the licensing requirements of this state related to person who are to perform work on a residential building or a residential structure. Violators of section 23s are subject to civil fines.

Signature of Applicant (Req'd) <i>Joshua D. Nelson</i>	Date: <i>6/10/2021</i>
---	---------------------------

I. LOCAL GOVERNMENT AGENCY TO COMPLETE THIS SECTION

Description	Required	Approved	Date	By
Fire District	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Pollution Control	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Energy Code	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Soil Erosion	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Flood Zone	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No			

II. VALIDATION - FOR DEPARTMENTAL USE ONLY

Type of Construction _____	Construction Costs _____
Use Group _____	Building Permit Fee _____
Square Feet _____	

BUILDING OFFICIAL

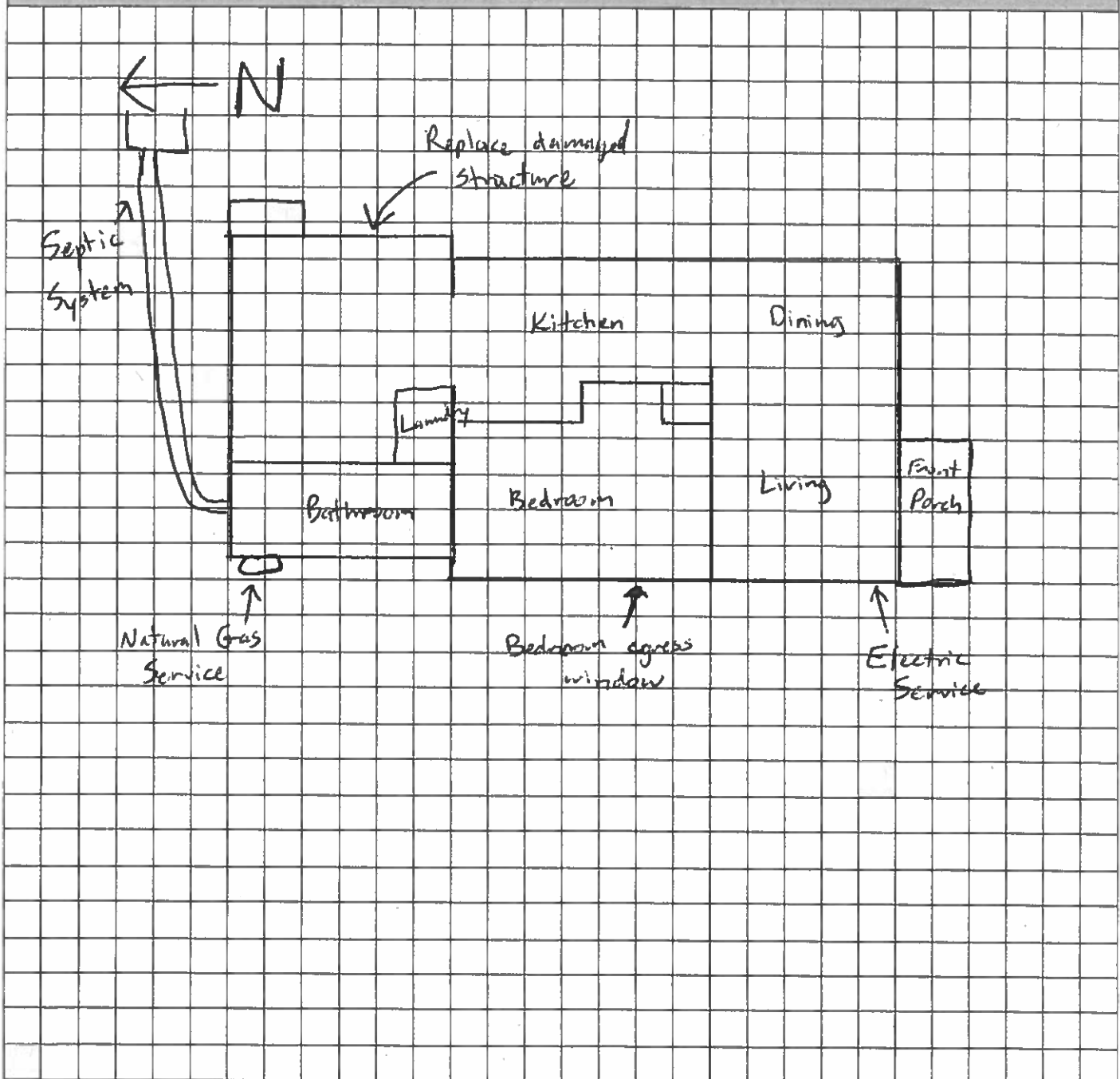
Approval Signature:	Date:

*****NOTICE: Projects requiring electrical, plumbing, or mechanical plan review shall be submitted to the Isabella County Community Development Department located at 200 N Main St., Mt. Pleasant, MI 48858. Submittal shall include a complete application along with three (3) sets of construction documents. For additional information call (989) 317-4061.**

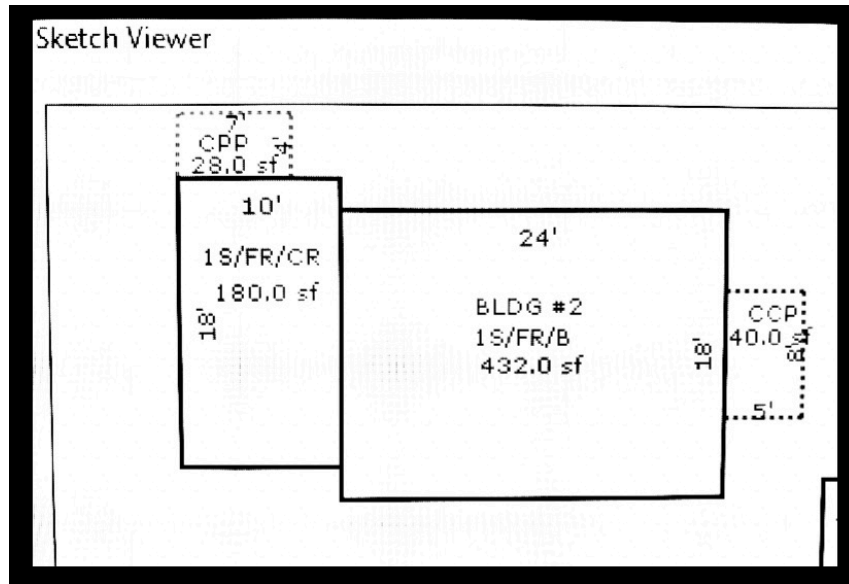
OFFICE USE ONLY

Start Step
<input checked="" type="checkbox"/> Building
<input type="checkbox"/> Zoning
<input checked="" type="checkbox"/> Assessing
<input type="checkbox"/> Utilities

III. SITE or PLOT PLAN - FOR APPLICANT USE



Charter Township of Union does not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the American Disabilities Act, you may make your needs known to this agency.



A sketch of the second dwelling from the Township Assessor's database



West side of the second dwelling showing the original lean-to roofline.



This is another view of the original character of the second dwelling from the Twp. Assessor's database. Note the low height of the rear wall in relation to the side entry door, and the low pitch of the original roofline.



Building Official photo documentation of the unlawful construction activity. Note the steeper pitched roofline



Second view of the lean-to addition as altered and enlarged in interior volume.



Detail of the altered lean-to addition and roofline. This picture was cited by the Building Official when he made the observation that it appeared that the exterior walls of the addition had also been raised in height.

**CHARTER TOWNSHIP OF UNION
JOB DESCRIPTION**

PLANNING AND ZONING ADMINISTRATOR

Supervised By: Community and Economic Development Director

Supervises: No supervisory responsibility

Position Status: Regular, Full-Time

FLSA Status: Exempt

Position Summary:

Under the supervision of the Community and Economic Development Director, performs professional and administrative duties related to planning and zoning administration. Assists the Planning Commission, Zoning Board of Appeals, residents, commercial property owners and developers with planning and zoning issues. Interprets and enforces the zoning ordinance and performs code enforcement services.

Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Interprets, administers and enforces the zoning ordinances. Performs on-site inspections and documents review to determine compliance with state and local codes and ordinances and related criteria.
2. Coordinates building, zoning, and engineering functions with contractors, property owners, architects and other parties, and otherwise facilitates the process. Approves construction plans under established procedures and in accordance with professional standards.
3. Explains, interprets and provides guidance regarding applicable planning and zoning issues to architects, engineers, contractors, developers, property owners, the public and municipal officials. Provides assistance, responds to requests and resolves complaints.
4. Reviews topographical and site location plans, zoning amendments, conditional use permits and subdivision plats to ensure compliance with Township requirements.
5. Assists in preparing and implementing the master plan, zoning changes, citizens' petitions and related land use issues and proposals.
6. Coordinates site plan reviews with the Building Official and monitors the contractor's performance and service provision. Conducts final certificate of occupancy inspections.

7. Performs property maintenance and zoning ordinance enforcement. Prepares notices of violations, letters and reports, and otherwise assembles background materials related to enforcement activities. Maintains files and records of code and zoning violations, tracks the violation process, and coordinates activities with all involved parties.
8. If so directed, provides technical and administrative support to the Zoning Board of Appeals, the Planning Commission and other boards, commissions, and committees as required. Conducts research, ensures meeting agendas and packets, attends meetings and enforces rulings.
9. Assists the Director in grant writing and grant administration. Completes requisite paperwork and monitors service provision and financial status.
10. Assists the Director in economic development activities related to business attraction and retention. Works with the Economic Development Authority to foster development.
11. Maintains cooperative relationships with peer agencies and other governmental units to coordinate the planning and zoning functions. Keeps abreast of professional developments in the field and attends conferences, workshops, and seminars as appropriate.
12. Performs related tasks as required.

Desirable Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- Bachelor's Degree in urban planning, geography, or a related field.
- Three or more years experience in land use planning and zoning administration.
- The Township, at its discretion, may consider an alternative combination of formal education and work experience.
- Michigan Vehicle Operator's License.
- Thorough knowledge of the principles, practices and techniques of modern land use planning.
- Considerable knowledge of the public management principles and techniques utilized in managing operations and personnel.

- Thorough knowledge of local, state and federal laws and other regulations governing land use.
- Thorough knowledge of the principles and practices of municipal planning and land use issues.
- Thorough knowledge of the practices of plan review and site inspection.
- Ability to interactive positively with the public on code issues and gain compliance.
- Skill in compiling and evaluating complex planning, land use, and zoning code guidelines and formulating policy, standards, and service recommendations.
- Skill in the use of office equipment and technology, including Microsoft Suite applications, GIS software and other software specific to the department; and the ability to master new technologies.
- Skill in reviewing and interpreting site plans, blueprints, specifications and complex construction drawings.
- Ability to effectively communicate and present ideas and concepts orally and in writing.
- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with builders, architects, planners, property owners, the public, other professional contacts, and Township officials.
- Ability to attend evening meetings with regularity in serving boards and commissions.

Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate with others and visually inspect written documents. The employee frequently is required to stand, walk; use hands to finger handle or feel and reach with hands and arms. The employee must occasionally lift and/or move items of moderate weight.

While performing the duties of this job, the employee regularly works in a business office setting but is required to visit various indoor and outdoor locations throughout the Township. As a result, the employee may be exposed to adverse weather conditions and exposed to loud noises, dust or airborne particles and potentially unsanitary conditions. The noise level in the work environment is usually quiet, but may become loud in field work.

* * * * *

The Charter Township of Union provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Section 12 Nonconformities

Section 12.1 Intent

Nonconformities are uses, structures, buildings, or lots that do not conform to one or more requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Nonconformities are generally not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of Section 12 is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Section 12.2 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

- A. **Continuation of Nonconforming Uses and Structures.** Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in Section 12) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in Section 12) the building and land involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

- B. **Buildings Under Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

- C. **Discontinuation of Nonconforming Uses.**

1. **Nonconforming Uses of a Structure.** When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.
2. **Nonconforming Uses of Open Land.** If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.
3. **Seasonal Uses.** In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

- D. **Purchase or Condemnation.** In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Union Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

- E. **Recording of Nonconforming Uses and Structures.** The Zoning Administrator shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal nonconforming status may result in denial of required or requested permits.
- F. **Establishment of a Conforming Use or Structure.** In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed from the site.
- G. **Change of Tenancy or Ownership.** In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.
- H. **Variations.** Any building, structure, lot or site for which a variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.
- I. **Unlawful Nonconformities.** No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- J. **Nonconforming Single-Family Uses.** Notwithstanding the limitations outlined in Section 12, any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.
- K. **Substitution.** A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.
- L. **Change of Location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 12.4 Modifications to Nonconforming Uses or Structures

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

- A. **Applicability.** The following regulations shall apply to any nonconforming use or structure, including:
 - 1. Nonconforming uses of open land.
 - 2. Nonconforming use of buildings designed for a conforming use.
 - 3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
 - 4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
 - 5. Nonconforming structures, such as fences and signs.

B. Enlargement, Extension, or Alteration.

1. Increase in Nonconformity Prohibited. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - a. An increase in the total amount of space devoted to a nonconforming use, or
 - b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.
2. Permitted Extension. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.
3. Alterations that Decrease Nonconformity. Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.
4. Variance to Area and Bulk Requirements. If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Repairs, Improvements, and Modernization.

1. Required Repairs. Repairs or maintenance deemed necessary by the Zoning Administrator to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Zoning Administrator, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
2. Additional Permitted Improvements. Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Section for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

- D. Damage by Fire or Other Catastrophe.** Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of seventy-five percent (75%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance. Single-family residences may be restored according to the provisions of Section 12.2, sub-section J.

In the event that the damage is less than seventy-five percent (75%) of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Board of Appeals and in full compliance with applicable provisions of this Ordinance.

ADMINISTRATIVE APPEAL REPORT

TO:	Zoning Board of Appeals	DATE:	August 23, 2021
FROM:	Rodney C. Nanney, AICP Community and Economic Development Director	ZONING:	R-1 One-Family Residential
PROJECT:	PZA 21-01 Application for an administrative appeal of the determination made by Zoning Administrator Peter Gallinat from Sections 12.2 (General Requirements) and 12.4 (Modifications to Nonconforming Uses or Structures) related to modifications to an existing legal nonconforming second dwelling on a lot at 3813 S. Lincoln Rd.		
PARCEL(S):	PID 14-021-30-010-00		
OWNER(S):	Joshua and Rachel Nelson		
LOCATION:	Approximately 2.23 acres on the east side of S. Lincoln R north of E. Bloomfield Rd. in the SW 1/4 of Section 21 and in the R-1 (One-Family Residential) zoning district.		
ACTION REQUESTED:	To hold a public hearing, review, and take action on the administrative appeal per Section 14.4.B.2. (Administrative Review).		

Background Information on 3813 S. Lincoln Rd.

The 2.23-acre parcel of land at 3811 – 3813 S. Lincoln Rd. is occupied by a principal single-family dwelling at the front of the lot. This building is a conforming structure and a conforming use in the R-1 District, and is not the subject of this administrative appeal request. To the east (rear) of this principal dwelling is a second, smaller dwelling, which consists of an 18-foot by 24-foot (432 square-foot) original building and a 10-foot by 18-foot (180 square-foot) “lean-to” rear addition.

Staff has determined through historical research and available Health Department records that both buildings were moved to the site from the City at the same time in 1967. This was apparently done as part of a major expansion of Central Michigan University that resulted in a significant number of existing dwellings in affected City neighborhoods being purchased and relocated to sites in the Township and surrounding areas.

The installation of these two dwellings on the same lot predates the first Township Zoning Ordinance by several years. As such, the second dwelling is protected by the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) and Section 12.0 (Nonconformities) of the Township’s Zoning Ordinance No. 20-06 as a legal nonconforming structure and a legal nonconforming use. Repair, alteration, and enlargement of the building or extension of the residential use is strictly governed by the provisions and limitations set by Section 12 of the Zoning Ordinance.

The owner purchased this property out of a foreclosure auction. During the period that the auction was advertised, the Zoning Administrator received multiple enquiries from various

prospective buyers. Questions were asked about the legality and potential allowable uses of the second dwelling, which led staff to research the history of the property.

Each of the prospective buyers, including Mr. Nelson, were informed of the Zoning Administrator's initial findings that the second dwelling was a legal nonconforming structure and a legal nonconforming use. They all were also informed of the limitations set by Section 12 of the Zoning Ordinance, including that this second dwelling could be repaired but could not be altered or expanded in any manner without jeopardizing its legal nonconforming status (see Section 12.4.B.1. (Increase in Nonconformity Prohibited)).

After purchasing the property, Mr. Nelson again contacted the Township and was again reminded of these requirements and of the need for building permits for any renovations to the building subject to the State Construction Code enforced by the Township. At some point during this period, the Township's Building Official (John Lipchik) was given the opportunity to inspect the interior. He determined that the original (432 square-foot) section of the building met the height and other code requirements for residential occupancy, but that the lean-to addition's ceiling height (about six feet) was too low for any use other than as accessory storage space.

Unfortunately, Mr. Nelson chose to undertake extensive renovations to the second dwelling without an approved building permit. The scope of this unlawful work included:

- interior modernization,
- new siding,
- new and replacement windows,
- complete removal of the existing ceiling and roof structure over the lean-to addition, and
- construction of a new roof structure that raised the interior ceiling height of this lean-to and increased the area within the structure that can be occupied as a residence under the Michigan Residential Code.

After visiting the site, the Building Official observed that the scope of work may also have included an unlawful increase in the overall height of the lean-to addition's exterior walls.

The unlawful work was discovered by the Township just after the new roof structure was completed. A stop-work order was issued by the Building Official (Larry Sommer), which remains in effect. Mr. Nelson subsequently submitted an after-the-fact building permit application. It was during the Zoning Administrator's review of the permit application for zoning compliance that the 7/27/2021 administrative determination was prepared, which is the basis for denial of the necessary zoning approval for this permit.

Background Information on Administrative Appeals

Section 14.4.B.2. of the Zoning Ordinance establishes the standards for consideration of administrative appeal requests by the Zoning Board of Appeals. This will be the first time that the Board of Appeals has acted on an administrative appeal application under the new Zoning Ordinance. It is important to note that this is not a variance request and follows a separate set of standards based on established Michigan case law and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended). In general, the Board of Appeals will need to follow the following steps for this request, following the introduction and public hearing:

1. Determine whether or not the Zoning Administrator abused his discretion (exceeded his authority), acted in an arbitrary or capricious manner, made his determination based upon an erroneous finding of a material fact, or made his determination based upon an erroneous interpretation of the Zoning Ordinance.
 - a. If the answer is “no” to all of these, then the process stops here and a motion to uphold the Zoning Administrator’s determination would be appropriate.
 - b. If the answer to any of the elements is “yes,” only then does the Board of Appeals step into the role of Zoning Administrator. The original documentation for the matter that led to the determination would be evaluated and the Board of Appeals would make a new determination by motion.

Part One – Initial Determinations

As noted in Section 14.4.B.2.a., “ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the (Zoning Administrator). Please note that staff has confirmed that the request was filed within 30 days of the 7/27/2021 determination letter as required by Section 14.4.B.2. Each of the applicable criteria for consideration from Section 14.4.B.2. are summarized below in bold printed text. Additional information to assist the Board of Appeals follows under each item:

Section 14.4.B.2.c. (Administrative Review)	
(1)	<p>(T)he order, requirement, decision or determination constituted an abuse of discretion....</p> <p>Written job descriptions have been established for each of the professional positions in the Township’s Community and Economic Development Department. Peter Gallinat’s work as Zoning Administrator is governed by the attached “<i>Planning and Zoning Administrator</i>” job description, which outlines in detail his scope of professional responsibilities. To find that Mr. Gallinat committed “an abuse of discretion” in making his 7/27/2021 determination, the Board of Appeals will need to make a determination that:</p> <p>Peter Gallinat acted outside the scope of his responsibilities as described in the Planning and Zoning Administrator job description in making his 7/27/2021 determination.</p> <p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>
(2)	<p>(T)he order, requirement, decision or determination...was <u>arbitrary</u> or <u>capricious</u>....</p> <p>The following definitions are adapted from the Merriam-Webster dictionary online application:</p> <p>Arbitrary: Existing or coming about seemingly at random or by chance; based on or determined by individual preference or convenience; and not fixed by law.</p> <p>Capricious: Governed or characterized by a sudden, impulsive, and seemingly unmotivated notion or action, a sudden usually unpredictable condition, or a disposition to do things impulsively.</p> <p>Peter Gallinat’s action in making his 7/27/2021 determination was arbitrary or capricious.</p> <p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>

Section 14.4.B.2.c. (Administrative Review)

(T)he order, requirement, decision or determination...was based upon an erroneous finding of a material fact...

(3) Staff has confirmed that the documentation included in the agenda packet for this meeting is the same as what the Zoning Administrator reviewed before making his determination.

Peter Gallinat's 7/27/2021 determination was based upon an erroneous finding of a material fact.

YES

NO

(T)he order, requirement, decision or determination...was based upon an erroneous interpretation of the Zoning Ordinance.

(4) Each Board of Appeals member should have a copy of the adopted Zoning Ordinance No. 20-06. For reference, sections 12.2 and 12.4 from the Ordinance are also included in the agenda packet.

Peter Gallinat's 7/27/2021 determination was based upon an erroneous interpretation of the Zoning Ordinance.

YES

NO

Part Two – Follow Up Action?

Only if the Board of Appeals' answer to any of the four criteria above was "yes," then the Board steps into the role of Zoning Administrator. As noted in Section 14.4.B.2.c.i.:

"After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirements, decision, or determination as ought to be made, and may issue or direct the issuance of a permit."

In making any new determination, the Board of Appeals must act only within the scope of the Zoning Administrator's authority and areas of responsibility as described in his job description.

Recommendations

The application is ready for Zoning Board of Appeals review and action. Any action on this administrative appeal should be in the form of a motion or motions in accordance with the provisions of Section 14.4.B.2. (Administrative Review).

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP

Community and Economic Development Director

Draft Motions: Administrative Appeal Application

MOTION TO UPHOLD THE ZONING ADMINISTRATOR’S ACTION:

Motion by _____, supported by _____, to uphold in full the Zoning Administrator’s July 27, 2021 determination that is the subject of this PZA 21-01 administrative appeal request from Joshua and Rachel Nelson for the second dwelling at 3813 S. Lincoln Road (PID 14-021-30-010-00), finding that Mr. Gallinat’s action did not constitute an abuse of discretion, was not arbitrary or capricious, was not based upon an erroneous finding of a material fact, and was not based upon an erroneous interpretation of the Zoning Ordinance.

MOTION TO NOT UPHOLD THE ZONING ADMINISTRATOR’S ACTION:

Motion by _____, supported by _____, to find the Zoning Administrator’s July 27, 2021 determination that is the subject of this PZA 21-01 administrative appeal request from Joshua and Rachel Nelson for the second dwelling at 3813 S. Lincoln Road (PID 14-021-30-010-00):

- constituted an abuse of discretion,
- was arbitrary or capricious,
- was based upon an erroneous finding of a material fact,
- was not based upon an erroneous interpretation of the Zoning Ordinance,

FOR THE FOLLOWING REASONS:

MOTION TO MAKE A NEW DETERMINATION:

Motion by _____, supported by _____, to reverse the Zoning Administrator’s July 27, 2021 determination that is the subject of this PZA 21-01 administrative appeal request from Joshua and Rachel Nelson for the second dwelling at 3813 S. Lincoln Road (PID 14-021-30-010-00), and to make the following new determinations in accordance with Section 14.4.B.2.c.:
