

Mason County Planning & Zoning Department

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December 20, 2017

Minutes of the Mason County Zoning Board of Appeals meeting on December 20, 2017, 4:30 p.m. held at 102 E. Fifth St., Scottville, MI.

MEMBERS PRESENT: Jerry Jensen, Richard Anderson, Joanie Wiersma, Ralph Lundberg

MEMBERS ABSENT: Cary Shineldecker (excused)

OFFICIALS PRESENT: Mary Reilly, Cayla Christmas

Jerry Jensen called the meeting to order at 4:30 pm.

A motion was made by Ralph Lundberg with Second by Dick Anderson to approve the meeting minutes of November 1, 2017 as corrected. Motion carried, 4 yes 0 No.

Additions to Agenda: None

Public Comment: None

Correspondence: Mary Reilly stated Consumers Energy is appealing the decision of the Planning Commission regarding Lake Winds Energy Park (LWEP). The ZBA could potentially hear the appeal in February. Kent Collins, alternate, may be contacted because Ralph Lundberg and Cary Shineldecker have a conflict of interest.

Applications: None

Unfinished Business:

Mary Reilly presented a report for the 90 day performance review required by the ZBA as a condition of approval of PZ17119 at the meeting on September 6, 2017. The application was for a substitution of a nonconforming use at 929 E. US-10, Custer Township, owned by Toe Jam Rental LLC. The use is a personal demo derby auto repair garage. She notified the property owners within 300' and the owner about this meeting.

Ms. Reilly presented 5 cases of non-compliance with the conditions established by the ZBA and showed pictures to the board. The applicants had been tagged for junk during the 90 day period, and the conditions had been violated on multiple occasions. The conditions of the ZBA are more lenient than the standards of the Custer Township Junk Ordinance which has set up a conflict for enforcement. Ms. Reilly spoke with the property owner and indicated the lease is up in mid February and it didn't sound like he was looking to renew.

Joanie Wiersma passes by this property regularly and stated there were more occasions of noncompliance than compliance.

Ralph Lundberg stated the ZBA could not have been any clearer on what was and was not allowed.

55 Jerry Jensen stated the ZBA had three options: grant another 90 day period, grant another 90
56 day period and alter the conditions, or deny the application for the substitution of a use.

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58 Ralph Lundberg made a motion to accept the staff report as presented. Second by Joanie
59 Wiersma. Motion carried, 4 yes 0 no.

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61 There was no public in attendance at the meeting.

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63 Jerry Jensen stated that the applicants should at the very least be held to the standards of the
64 junk ordinance which only allows for one demo-derby vehicle in public view.

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66 Ralph Lundberg stated he was favoring revoking the conditional approval. Joanie Wiersma, Dick
67 Anderson, and Jerry Jensen agreed.

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69 Jerry Jensen stated the property owner could use the revocation as a reason to not renew his
70 lease with the current occupants.

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72 Mary Reilly stated the ZBA gave an opportunity to the applicants. The outdoor storage of derby
73 cars and junk is a more intense use than the previous building use.

74
75 Dick Anderson stated the hearing was set up to see if the applicants met the conditions. Mr.
76 Anderson stated the conditions have not been met so the substitution shall not be allowed.

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78 Joanie Wiersma made a motion to revoke the motion of Ralph Lundberg, seconded by Dick
79 Anderson, on September 6, 2017, to conditionally approve PZ17119 for the substitution of a
80 nonconforming use for a personal demo derby auto repair garage. The motion is revoked due
81 to a failure to comply with the conditions set forth in the original motion of approval resulting in a
82 more intense use of the site (excessive outdoor storage of demolished vehicles and junk).
83 Second by Ralph Lundberg. Motion carried, 4 yes 0 no.


84
85 New Business: None

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87 Zoning and Building Director Report: Mary Reilly stated the next meeting will be on January 17,
88 2018 for a variance request made by Days Inn in Pentwater for sign height.

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90 Planning Commission Report: Mary Reilly stated the Planning Commission is almost done with
91 the ordinance update. The proposed update is going to the subcommittee on December 26,
92 2017.

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94 Public comment: None.

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96 Meeting adjourned at 5:18 pm.

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Joanie Wiersma
Secretary, Zoning Board of Appeals