



12 N. Charles, White Cloud, MI 49349  
Zoning Board of Appeals  
November 18, 2021

**1. Meeting Called to Order & Pledge**

Zoning Administrator Williams called the meeting to order and 6:00 p.m.

**Members Present:** Leroy Stratton, Jamie Steffes, Marva Shears and Candice Dault

**Absent:** None      **Staff present:** Kelli Arnold, Clerk and Claudine Williams, Zoning Administrator

**Public in Attendance:** Colleen and Forrest Nelson, Allen Franks, Tim Brockway

**2. Roll Call**

**Members Present:** Leroy Stratton, Jamie Steffes, Marva Shears and Candice Dault

**Absent:** None      **Staff present:** Kelli Arnold, Clerk and Claudine Williams, Zoning Administrator

**Public in Attendance:** Colleen and Forrest Nelson, Allen Franks, Tim Brockway

**3. Election of Officers – Each are 1 year term**

**a. Chair**

**Motion** by Dault to nominate Jamie Steffes as Chair of Zoning Board of Appeals, **Support** by Shears.

**Vote:** Ayes- All      Nays- None      **Motion Carried**

**b. Vice-chair**

**Motion** by Dault to nominate Leroy Stratton as Vice-Chair of Zoning Board of Appeals, **Support** by Shears.

**Vote:** Ayes- All      Nays- None      **Motion Carried**

**c. Secretary**

**Motion** by Dault to nominate Marva Shears as Secretary of Zoning Board of Appeals, **Support** by Stratton.

**Vote:** Ayes- All      Nays- None      **Motion Carried**

**Motion** by Dault, **Support** by Stratton to close nomination of Officers.

**Vote:** Ayes- All      Nays- None      **Motion Carried**

**4. Adopt Agenda**

**Motion** by Dault, **Support** by Shears to adopt the Zoning Board of Appeals agenda as presented.

**Vote:** Ayes- All      Nays- None      **Motion Carried**

**5. Approval of the minutes of the Regular Meeting of June 16, 2020.**

**Motion** by Dault, **Support** by Stratton to approve the Zoning Board of Appeals minutes of June 16, 2020, as presented.

**Vote:** Ayes- All      Nays- None      **Motion Carried**

**6. Public Hearing**

Petitioner Allen and Kathy Franks, owners, request a variance from Ordinance Section 12.03 Minimum Lot Requirements, to vary from the 2-acre minimum at Parcel Number 62-11-32-402-001, address 1228 Washington Street (specifically lots 23, 24, & 25 from the legal description fronting Levine Street).

**Motion** by Dault, **Support** by Stratton to open the Public Hearing.

Vote: Ayes- All Nays- None

Motion Carried

No public comment.

Motion by Dault, Support by Shears to close the Public Hearing.

Vote: Ayes- All Nays- None

Motion Carried

7. Public Comment

None

8. Board Deliberation & Decision

The property is 1.38 acres, it is zoned I-1 Light Industrial. Surrounding area is zoned C-2 Commercial, I-1 Light Industrial and Public Use. The Board of Appeals discussed the alley running through the property and items 1 thru 7 from Section 17.07 of the Ordinance.

Motion by Dault, Support by Stratton to approve a non-use dimensional variance for Parcel Number 62-11-32-402-001 based upon the practical difficulties of:

1. Exceptional or extraordinary circumstances or conditions apply to the property that do not apply generally to other properties in the same Zoning District. There is no possible way to make it a 2-acre parcel.
2. The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. The alley divides the property and creates an obstruction to its use.
3. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The presence of the alley on this property creates limitations for its use.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood
5. The variance will not impair the intent and purpose of the Ordinance.
6. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant or the applicant's predecessors in title. Applicant did not create the alley.
7. The reasons set forth in the application justifies the granting of the variance and that the variance is the minimum variance necessary.

Roll Call Vote: Ayes- Dault, Stratton, Shears and Steffes Nays- None

Motion Carried

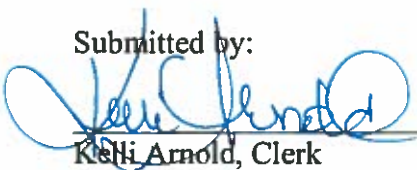
9. Adjournment

Motion by Dault, Support by Stratton to adjourn the meeting.

Vote: Ayes- All Nays- None

Motion Carried

Submitted by:

  
Kelli Arnold, Clerk

Approved on: 2/8/2022



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## **FINDINGS OF FACT**

**Appellant(s):** Allen and Kathy Franks

**Hearing Date:** November 18, 2021

**Property Location:** 1228 Washington Street (lots 23, 24, & 25 from the legal description fronting Levine Street)  
Property Tax ID Number: 62-11-32-402-001

**Provision Appealed:** Request by Allen and Kathy Franks for a variance from Ordinance Section 12.03 Minimum Lot Requirements, to vary from the 2 acre minimum lot size in the Light Industrial zoning district at the property location above.

### **Finding of Facts:**

1. The applicant requests a variance from Section 12.03 Minimum Lot Requirements, to vary from the Light Industrial 2 acre minimum lot size specifically for lots 23, 24 & 25, to use and/or build on the property for permitted industrial uses.
2. Lots 23, 24, & 25 are zoned Light Industrial and total 0.747 acres in size. Lots 14, 15, & 16 (fronting M-37 and M-20) are zoned C-2 Commercial. The surrounding zoning is C-2 Commercial, I-1 Light Industrial and Public Use District; Surrounding uses are an airport, industrial, commercial and vacant property.
3. The Board of Appeals reviewed the application materials and held a public hearing on November 18, 2021.
4. Mr. and Mrs. Franks state in their application there is an alley going thru the middle of the property creating the practical difficulty. They additionally state there are other industrial properties, with industrial uses under 2 acres throughout the city.
5. The Board of Appeals specifically discussed the alley and items 1 thru 7 from Section 17.07 of the Ordinance.
6. No responses/comments were received from notified surrounding property owners.

### **CONCLUSIONS:**

The Board has based their decision on the original application submitted and discussion held at the public hearing on November 18, 2021. They find that:

1. Exceptional or extraordinary circumstances or conditions apply to the property that do not apply generally to other properties in the same Zoning District. There is no possible way to make it a 2-acre parcel.
2. The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the

formulation of a general regulation for such conditions or situations. The alley divides the property and creates an obstruction to its use.

3. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The presence of the alley on this property creates limitations for its use.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. It will not, the City Industrial Park is in the immediate vicinity.
5. The variance will not impair the intent and purpose of the Ordinance.
6. The immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant or the applicant's predecessors in title. Applicant did not create the alley.
7. The reasons set forth in the application justifies the granting of the variance and that the variance is the minimum variance necessary.

**DECISION:**

The City of White Cloud Board of Appeals has **APPROVED** a variance from Section 12.03 Minimum Lot Requirements, to vary from the Light Industrial 2 acre minimum lot size specifically for lots 23, 24 & 25 of the City of White Cloud Zoning Ordinance to use and/or build on the property for permitted industrial uses. This variance applies to a parcel of land identified as 1228 Washington Street, parcel 62-11-32-402-001 (specifically lots 23, 24, & 25 from the legal description fronting Levine Street). Variance approval now establishes lots 23, 24 & 25 as legal non-conforming property provided that the following conditions are met:

1. The project must comply with all other local, state, and federal agency regulations.
2. The granting of this variance remains valid **only as long as the applicants begin the proposed land use, building, or structure within six (6) months (May 18, 2021)** of this decision.

**RIGHT TO APPEAL TO CIRCUIT COURT:**

Per Public Act 110 of 2006, Sec. 605 and Sec. 606, the decision of the board of appeals is final; however, any party aggrieved by a decision of the board of appeals may appeal to the circuit court for the county in which the property is located. Appeals to the circuit court shall be filed within 30 days after the board of appeals certifies its decision in writing or approves the minutes of its decision.

  
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Jamie Steffes, Board of Appeals Chair

12-28-21  
\_\_\_\_\_  
Date