

## Request for Variance to Zoning Ordinance

Requested by: Lee and Beverlee Glazier

Request submitted to: Jonesfield Township Zoning Board of Appeals

I am requesting a variance to Section 612(p) Special Use requirements relative to "Natural Resource Extraction: Sand, gravel, and topsoil removal". The specific provision in question has to do with setbacks. The ordinance states that "no cut or excavation shall be made closer than 100 feet to any property or road right-of-way line.

My specific request is that the 100 foot setback be waived for the property lines that are common for properties 17-12-1-21-3001-000 and 17-12-1-21-3001-002. I have highlighted these property lines on the attached map.

I am requesting this variance since I own both parcels and I want to have sand removed from an area that overlaps both of these parcels. Complying with this requirement would significantly reduce the amount of area being excavated and would likely make the project unfeasible. My long range plan includes a pond which would also overlap these two properties. In effect, I am simply looking to waive the setback requirement from my own property lines.

I initially thought I could combine the parcels and make the internal setbacks a non-issue. However, I have found this is not a viable solution since the larger (53 acre) parcel is enrolled in PA116 and the smaller parcel (5 acres) is not in this program. I understand the prior owner separated them many years ago so that he could have 5 acres available for building properties for his family. I also wish to keep this 5 acre parcel out of PA116 for this same reason.

I have also learned that a combination would likely make the entire property ineligible for the PA116 program. A property that contains both farmland and woodland is eligible for PA116 if at least 51% of the parcel is farmland. If the parcels were combined into one 58 acre parcel, there would not be enough farmland to meet this 51% threshold. I suspect this is another reason the prior owner separated them.

Therefore, it appears the most workable alternative for me it to leave the parcels separate and request a variance that waives the setback requirements of the identified property lines. It is our long range plan to use the pond and surrounding area for a family recreational area. We plan to create an aesthetically pleasing area that will enhance the overall appearance and value of the area.

Thank you for considering this matter.

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## Site Plan for Sand mining and creating of pond:

This plan includes the mining of sand deposits on two parcels I own on North Meridian road. The total of the two parcels adds up to 58.5 acres which is made up of 28 acres of farm land, with the remainder wooded land some of which has been cleared recently.

The attached GIS map indicates the following: (1) The required setbacks are shown. The setbacks to the properties to the north and south are 100 feet and the setback along Meridian is 100 feet from the ROW which is 50 feet from center of road. (2) The light shaded areas labels as Site A and Site B indicate areas where sand will be extracted. Site A is the portion which runs along Meridian Rd. This area is too sandy for farming and therefore the prior owner planted it with pine trees which I recently had harvested. This is the primary area where sand would be mined and a pond (roughly indicated by the dark shading) would be dug. Site B is a smaller area (approximately 1.5 acres) which was also planted to pine trees and harvested.

I have been working with Graebner Excavating of Freeland. They have sampled the area and determined that there are adequate sand deposits to make extraction feasible. They will be doing the extracting of the sand and building the pond. Their estimation is that the project could be completed by December 2022.

The ultimate plan for the two areas is as follows:

Site B – This area is relatively high compared to the woods and field around it. My plan for this area would be to grade the topsoil back and allow it to become woodland again.

Site A – This area will be further excavated into a pond of approximately 4 to 5 acres as indicated by the darker shaded area of the map. It will definitely not exceed 5 acres. The pond and surrounding area will be used exclusively as a family recreational area, which will include a swimming area and gathering area for my family and their friends. The pond will be stocked for fishing.

In order to provide privacy and screening from the neighboring properties, I will do the following:

- A. There are already lines of trees along the north and south property lines in the excavation areas. I will maintain and if necessary enhance these tree lines.
- B. There is currently a ditch along the west side of the property along Meridian Road. I will have a berm built along this ditch which will be seeded to grass and kept mower. And I plan to plant trees atop this berm.
- C. The east side of the pond will be adjacent to my farmland, therefore no screening is necessary.

Prepared by Lee Glazier

Legal Descriptions:

Parcel 17-12-1-21-3001-000

N 1/2 OF SW FRL 1/4 EXC S 20 ACRES THEREOF ALSO EXC N 750 FT OF  
S 1080 FT OF W 300 FT 53.22 ACRES SEC 21 T12N R1E

PARCEL 17-21-1-21-3001-002

N 750 FT OF S 1080 FT OF W 330 FT OF N 1/2 OF SW FRL 1/4 5.16  
ACRES SEC 21 T12N R1E





Saginaw GIS



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**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Saginaw County expresses no warranty for the information displayed on this map document.



Section 612(p). Special Land Use Requirements, continued.

| Special Use  | Site Access Requirements   | Minimum Parcel Size           | Minimum Parcel Width | Minimum Building Setbacks   | Maximum Lot Coverage by Buildings | Other Requirements   |
|--|--|-------------------------------|----------------------|---|-----------------------------------|--|
| <p>Natural Resource Extraction: Sand, gravel, and topsoil removal.</p> | <p>Must be within ½ mile of an all-season road, as designated by the County Road Commission.</p> | <p>Ten (10) acres in area</p> | <p>500 feet</p>      | <ol style="list-style-type: none"> <li>1. All fixed equipment and machinery shall be located at least 200 feet from any property or road right-of-way line.</li> <li>2. No cut or excavation shall be made closer than 100 feet to any property or road right-of-way line.</li> </ol> | <p>Same as Zoning District</p>    | <p><b>Other Requirements</b></p> <ol style="list-style-type: none"> <li>1. Owner or agent must obtain and maintain compliance with a Michigan Soil Erosion and Sedimentation Control Act Permit (Act 347).</li> <li>2. Site plan shall include a Mining Operations Plan that shows a chronological plan for the extractive use and all other land disturbing activities, and the restoration of the site to a usable condition for agriculture or development.</li> <li>3. Excavated areas shall be restored so that no finished grade is greater than one foot of vertical rise in three feet of horizontal distance. A vegetative cover consisting of appropriate grass types shall be established on all graded areas to minimize soil erosion. All slopes shall be treated in conformance with the Michigan Soil Erosion and Sedimentation Control Act.</li> <li>4. As part of Site Plan Review, Planning Commission may require fencing, berms, landscaping, or other means to adequately screen the use from adjacent properties, and to minimize public hazards.</li> <li>5. Applicant shall provide a date for completing the mining operation, based on the volume of material to be extracted and the average annual extraction rates. The Special Use Permit shall expire upon that date. Any extension of operations beyond that date shall require the issuance of a new Special Use Permit.</li> </ol> |

*Note: Be sure to read Section 611 for important information that applies to all special use permit applications.*

