

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: November 9, 2009

1010 Clubhouse Drive
Lake Isabella, MI, 48893

The Meeting was called to order at 5:00 PM by King.

Members Present: Hiither, Dunham, McGrath, Colby, Nurski, and King

Members Excused: Shannon

A motion was made by Colby, which was seconded by Dunham to approve the minutes from the second meeting of April 13, 2009 as presented without modification. ROLL CALL VOTE: Hiither, Dunham, Colby, and King MOTION CARRIED UNANIMOUSLY (4-0-0)

Business:

1. Public Hearing for Variance Application 2009-04; 1012 Pueblo Pass

In the absence of Shannon, Nurski was seated as the alternate member for this case.

A staff report was given by Wolff. He reviewed the application and the criteria established in the zoning ordinance for granting a variance.

The applicant was not present.

King opened the public hearing at 5:06 PM.

Public Comments: NONE

With no public comments, King closed the public hearing at 5:07 PM.

2. Variance Application 2009-01; 3003 Castle Lane South

Colby stated that in his opinion there was no hardship shown by the applicant, and that during his time on the ZBA he cannot recall a variance being granted on the waterfront side of a parcel.

Nurski stated that he felt the proposed accessory structure was too close to the lake and is not harmonious with surrounding properties.

Hiither agreed with Nurski.

A motion was made by Nurski, seconded by Colby, to deny the variance request of application 2009-04 as granting the variance would bestow a right not commonly enjoyed by other parcels and the request is the result of a self-created problem. ROLL CALL VOTE: Hiither, Dunham, Colby, Nurski, and King MOTION CARRIED UNANIMOUSLY (5-0-0)

3. Public Hearing for Variance Application 2009-05; 1052 Isabella Vista

In the absence of Shannon, McGrath was seated as the alternate member for this case.

A staff report was given by Wolff. He reviewed the application and the criteria established in the zoning ordinance for granting a variance. He also showed photographs of the neighborhood to the ZBA.

The applicant was not present.

King opened the public hearing at 5:16 PM.

Public Comments: Mike Scherba of Lincoln Drive: Stated that the home he built on Isabella Vista was done so prior to the code requirements which prohibited garages being built nearer the street than the dwelling.

A letter of support from Ed Woods (not in attendance) was presented to the ZBA.

With no further public comments, King closed the public hearing at 5:18 PM.

4. Variance Application 2009-05; 1052 Isabella Vista

Hiither questioned whether or not lots 63 and 64 would need to be combined if a variance were granted. *Wolff replied that even with a variance, the Village would still require the lots to be permanently combined.*

Dunham questioned where the location of the septic field was. *Wolff stated that he did not know, but believed that it was located on the north side of the house.*

Colby questioned why the lot and proposed garage was not staked and strung. He stated that it is a requirement of the application. *Wolff replied that while the Village does request that of applicants, the Michigan Zoning Enabling Act does not require it. As such, if an applicant elects not to stake and string their property, they do so to their own detriment.*

King asked if the ZBA should table action until the applicant was present.

A motion was made by Dunham, seconded by Hiither, to deny the variance request of application 2009-05 as granting the variance would not be in harmony with surrounding parcels within 300 feet, and that in light of the applicant owning lots 63 and 64 the parcels combined can be reasonably developed without the granting of a variance. ROLL CALL VOTE: Hiither, Dunham, Colby, McGrath, and King MOTION CARRIED UNANIMOUSLY (5-0-0)

5. Public Hearing for Variance Application 2009-06; 1102 El Camino Grande

In the absence of Shannon, Nurski was seated as the alternate member for this case.

A staff report was given by Wolff. He reviewed the application and the criteria established in the zoning ordinance for granting a variance. He also showed a series of photographs of the location.

The applicant was not present.

King opened the public hearing at 5:36 PM.

Public Comments:

Bill Juran of El Camino Grande: Stated he was opposed to the request, and that he was told by the previous owner the parcel was unbuildable.

Robert Grewette of Weidman: Stated his objection to granting a variance.

Bernie Baldwin of El Camino Grande: Stated his objection to the request.

A letter of support was received by Larry Rescoe (not in attendance).

A letter of objection was received by Bernie Baldwin.

A letter of objection was received by William Zehnder.

The applicant arrived at 5:38 PM. He stated that his request was based on the odd shape of the lot, and having about 20 feet of lot depth to a build a home. He also stated that he felt the request was in line with other homes on adjacent properties and that his request was similar to the request granted by the ZBA to lot 101 in Lake Isabella North.

With no public comments, King closed the public hearing at 5:42 PM.

6. Variance Application 2009-06; 1102 El Camino Grande

King stated that he visited the site, but it was not strung.

Dunham asked the applicant to clarify the size of the parcel. He also stated that he believes the two easements sold from the east side of the property comprise the area where a home could be built.

Nurski stated that he would like to view the property with it staked.

Hiither asked if there were plans filed for the proposed home. *Wolff stated that none were on file. The applicant stated that he had met with the Village Manager several times to discuss the home but had not submitted plans. He is considering 30' x 60' with an attached garage.*

A motion was made by Dunham, seconded by Hiither, to table action Variance Application 2009-06 until the applicant has strung the lot. ROLL CALL VOTE: Hiither, Dunham, Colby, Nurski, and King MOTION CARRIED UNANIMOUSLY (5-0-0)

Wolff asked that the applicant inform the Village when the property was staked and he would inform the ZBA to set the next meeting.

Public Comments:

None

With no further business before the ZBA, the meeting was adjourned at 5:55 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator