

Village of Lake Isabella  
Zoning Board of Appeals Minutes  
Special Meeting: November 19, 2009

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

The Meeting was called to order at 10:02 AM. by King.

**Members Present:** Dunham, Colby, King, and McGrath

**Members Absent:** Shannon, Hiither, and Nurski

A motion was made by King, which was seconded by Dunham, to approve the minutes of the November 13, 2009 meeting as amended.

**Business:**

1. Variance Application 2009-06: 1102 El Camino Grande

Wolff presented an updated report to the Board.

Dave Shoemaker was recognized by the Chair, and was asked to give the Board a summary of his application. Mr. Shoemaker stated that the parcel was legally created in 1981, and that it was purchased in 1995 from Jim Munzer when the Bonita Bay Land Company was formed. He discussed the encroachments onto the original parcel by the adjacent properties, and the resulting property transfers that were done. The resulting parcel still meets the requirements of the zoning code. He stated that he had reviewed the zoning ordinance and believes that an odd shaped structure resembling an "L" could be built without a variance. However, he would like to build something more harmonious with the surrounding structures. He also stated that he could not build on the eastern side of the parcel as soils would not support a drain field and the Health Department would prefer him to build on the western side of the parcel.

Wolff noted that there was nothing on file with the application from the Health Department to verify the claim of the applicant.

Dunham stated his objection to granting any variance on as there is sufficient room to build a home on the eastern side of the parcel and that by granting the two easements, Mr. Shoemaker had created this problem himself. Mr. Shoemaker responded by stating that the easements were legal as the Village did not have a funneling ordinance at the time the easements were recorded, and that since the easements were restrictive to only the parcels granted it could not result in more funneling that what is presently occurring.

Dunham also asked Wolff to clarify how many docks could be placed on the parcel. Wolff replied by stating the Waterfront Shoreland Overlay limits each parcel to 1 dock. He stated that since the easements were part of the parcel, and not separate parcels, the parcel and easements are allowed 1 dock.

King asked Wolff to define the term funneling. Wolff referenced the adopted funneling ordinance.

A motion was made by King to grant a 15 foot variance. After calling for support from other members of the board, the chair ruled that the motion died for lack of support.

A motion was made by Dunham to deny the variance as it was a self created problem. After calling for support from other members of the board, the chair ruled that the motion died for lack of support.

Colby stated that a 20 feet or 15 feet reduction was too much, and that when he visited the site, his measurements showed that only a 12 foot variance was needed.

A motion was made by Colby, seconded by McGrath, to grant a 12 foot variance to the required street yard setback, thereby reducing the setback from 35 feet to 23 feet as the applicant demonstrated that the property contained a unique physical feature resulting in a narrow building envelope, and that according to the applicant the soil conditions of the site require the home to be located on the western side of the parcel where the narrowness is extreme. ROLL CALL VOTE: YEAS: King, Colby, and McGrath: NAYS: Dunham. MOTION TO GRANT A 12 FOOT VARIANCE TO THE REQUIRED STREET YARD SETBACK CARRIED 3-1-0.

**Public Comments:**

- Dave Shoemaker of Isabella Vista: Thanked the Board, and stated that 12 feet will help, but requested that if after working on plans 12 feet would not be sufficient, could he present the Board with additional information or drawings which they would consider sufficient to possibly grant a larger variance.

A motion was made by Dunham, which was seconded by Colby, to allow the applicant to submit additional drawings to the Board, which shall include a floor plan, site plan, and elevations, that the Board may consider “new evidence or proof of changed conditions” to reconsider the request of the applicant. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 4-0-0.

With no further business before the ZBA, the meeting was adjourned at 11:20 AM.

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Jeffrey P. Grey  
Village Clerk

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Timothy R. Wolff  
Zoning Administrator