

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: June 9, 2008

1010 Clubhouse Drive
Lake Isabella, MI, 48893

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

Members Present: Dunham, Colby, Hiither, King, Kuhn and alternate-member Nurski

Members Absent: None

The minutes from the January 14, 2008 meeting were accepted and approved as presented.

Business:

1. Public Hearing for Variance Application 2008-01

Colby opened the hearing at 5:03 PM.

Public Comments:

Mike Scherba of Lincoln Drive: Commented that the tower doesn't look good and does not belong in a residential district.

David Swayze of Fairway Drive, via e-mail: Asked what the nature of the tower would be, total height, and use of the tower.

The applicant presented the grounds for his appeal. Specifically he cited the consent he received from the LIPOA last fall, and questioned the relationship between the Village and LIPOA. He also cited his need for the tower for his digital HD television reception. He also inquired as to why he was denied a height exception under section 1212.19 of the zoning code, and the zoning administrator has granted an exception once in the past to a resident on Clubhouse Drive.

ZBA & Question/Answer Period with the applicant:

Dunham: Answered the applicant's question pertaining to the difference between the Village and Association, and that they are separate organizations. Dunham asked the applicant why he would spend money on a tower/antenna like this based only on verbal approval he stated he received from the LIPOA. The applicant responded that he consider the verbal OK to be sufficient. Dunham followed this by asking the applicant if he had done anything else that required zoning approval. The applicant stated that he had only applied for things at the old building where the LIPOA is located. Wolff produced copies of a zoning permit in 2000 and a second zoning permit in 2002 where the applicant applied for zoning approval on previous projects.

Hiither: Discussed whether or not there were other means to received HD signals. The applicant responded that he did have satellite service, but needed better receptions for local broadcast channels.

King: Asked if the applicant had ever built a tower/antenna like this before. The applicant responded that he had, and that he was in that business. King followed that question and answer by asking if he had ever applied for zoning in the past for any other tower. The applicant responded that he had not.

As the case pertained to an appeal of an administrative decision by the zoning administrator, the zoning administrator did not present a staff report.

Colby closed the public hearing at 5:18 PM.

2. Variance Application 2008-01

ZBA Discussion:

Hiither: Talked about the negative comments he has received regarding the tower.

Wolff: Discussed with the ZBA his discussion with the applicant the ability to operate the tower at lower height. The applicant stated that he could only get the reception desired at the present height, and the tower is designed in a way which does not allow sections in the middle to be removed.

A motion was made by Dunham, which was seconded by Hiither, to deny granting relief of the zoning administrator's denial of a height exception under section 1212.19 of the zoning code at 1007 El Camino Grande.

ROLL CALL VOTE: YEAS: Dunham, Colby, Hiither, King and Kuhn; NAYS: None;
MOTION TO DENY GRANTING RELIEF CARRIED UNANIMOUSLY.

3. Public Hearing for Variance Application 2008-02

Colby opened the hearing at 5:22 PM.

Public Comments: *None*

ZBA & Question/Answer Period with the applicant & staff:

Dunham: Asked about the ability of the location to obtain a septic permit. Wolff answered that the Health Department would determine that, and the drain field would have to be located on the street side.

Hiither: Talked about future structure placement.

Kuhn: Discussed the shape of the lot, the slope, and the location of the street in terms of pavement and the edge of the right-of-way.

King: Asked about the granting of a variance and its effect if a well and septic permit were denied. Wolff reported that the variance runs with the land, regardless of development.

As the case pertained to an appeal of an administrative decision by the zoning administrator, the zoning administrator did not present a staff report.

Colby closed the public hearing at 5:39 PM.

4. Variance Application 2008-02

A motion was made by King, which was seconded by Kuhn, to grant a variance of 15' feet from the current 35' setback requirement for the front yard due to the uniqueness of the parcel in terms of shape and size of the surrounding lots, and the hardship of complying with the zoning standard due to the shape of the lot, and erosion since it was platted.

ROLL CALL VOTE: YEAS: Dunham, Colby, Hiither, King and Kuhn; NAYS: None;
MOTION TO GRANT A VARIANCE CARRIED UNANIMOUSLY.

Public Comments:

Arvil King of Vallado Drive: Inquired about the status of reconstruction pertaining to the variance request from Pequena Drive.

Mike Scherba of Lincoln Drive: Cyclone fencing in residential areas is a concern, and needs better oversight and permitting.

With no further business before the ZBA, the meeting was adjourned at 5:42 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator