

Village of Lake Isabella  
Zoning Board of Appeals Minutes  
Regular Meeting: April 13, 2009

1010 Clubhouse Drive  
Lake Isabella, MI, 48893

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

**Members Present:** Hiither, Dunham, Kuhn, Colby, Nurski, Shannon and King

**Members Absent:** None

A motion was made by Hiither, which was seconded by Kuhn to approve the minutes from the September 8, 2008 meeting as presented without modification. ROLL CALL VOTE: MOTION CARRIED UNANIMOUSLY

**Business:**

1. Public Hearing for Variance Application 2009-01; 3003 Castle Lane

King opened the public hearing at 5:02 PM.

The applicant presented his request for a 20' reduction in the 35' required front yard setback. Due to the odd shape of their property, the slope of the terrain, and the distance to the paved area of the right-of-way the applicant feels a hardship and unique situation exist.

Hiither asked if the area staked off on the property marked the area proposed for the home. The applicant responded by stating "yes."

**Public Comments:**

Michael & Ann Early of Lansing (3006 Castle Lane South): Submitted a letter in objection to the request. The nature of their objection was that by granting a variance their view of the lake would be reduced and thereby decrease their property value.

Michael Early of Lansing (3006 Castle Lane South): Was present and stated that he does not feel there is a unique circumstance as his home on the opposite side of the cul-de-sac has the same issue with the slope of the terrain and required front yard setback. He also stated that he built a similar size home on his property which he feels is the same size. He also stated that his view of the lake would be greatly reduced, thereby decreasing his property value. He stated he doesn't understand why a home cannot be suited on the lots without a variance.

Kuhn asked Mr. Early if he feels that by making the applicant build at the required setback line would have less of an effect on obstructing the view of the lake. The applicant responded by stating "yes."

With no further public comments, King closed the public hearing at 5:19 PM.

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

Dunham requested to be excused from voting on this matter as he sold the lot to the applicant. The request was granted without objection. Alternate member Shannon was selected to replace Dunham as the voting member.

King asked about the drain field location. *Wolff responded by stating the health department determines that.*

King requested that Mitch Panchula discuss the septic system requirements as he has built several homes at Lake Isabella. Mr. Panchula talked about the need for a reserve field from the health department, and the location they require for drain fields in relation to wells.

A motion was made by Colby as the odd dimensions of the property and the slope of the property create a hardship to the applicant if required to build at the required setback, which was seconded by Shannon, to grant a 20' reduction in the front yard setback.

Hiither asked if the full 20 feet is needed? *Wolff responded that based on his measurements, a reduction of only 15' is needed to build the proposed home of the applicant.*

A friendly amendment to the motion was made by Shannon, which was seconded by Colby, to reduce the variance granted from 20' to 15'. VOICE VOTE: MOTION CARRIED UNANIMOUSLY.

With the motion amended, the Board voted on the original motion, as amended, ROLL CALL VOTE: YEAS; Shannon, Colby, Kuhn, Hiither, and King. NAYS: None. MOTION TO GRANT A 15' VARIANCE CARRIED UNANIMOUSLY

3. Public Hearing for Variance Application 2009-02; 1238 Queens Way

King opened the public hearing at 5:32 PM.

The applicant's representative (Mitch Panchula) presented his a request for a 35' reduction in the rear yard setback due to the large white oak tree on the property.

**Public Comments:**

John Berry of Queens Way: Stated his objection to the request as it does not fit with the neighborhood. He also questioned with no rear yard where would the well and septic field be located.

Tom & Marie Kelly of Queens Way: Mrs. Kelly stated her objection to the request as she feels there is ample room on the lots to build without a variance. She also stated that by granting the variance the use of the property would encroach into the park.

Al Apsitis, LIPOA Manager: Stated the objection of the LIPOA (which is the owner of the abutting park in the rear yard). He voiced concerns over liability with the development being on the property line. He also voiced concern that just because the park is underutilized today, that doesn't mean it will be in the future.

Dan Grisdale of Castle Drive (LIPOA Parks Committee Chairman): Stated his objection to the request as by placing the home right on the park is not fair to the rest of the LIPOA members who use the park.

Alain Shannon of Lincoln Drive: Stated his objection to the request as the health of the tree is suspect in his opinion. He believes that the tree is actually two trees that have grown together. He also stated that as a member of the LIPOA Parks Committee he is opposed to any development on the park line. He also questioned whether or not since the property is still owned by two parties, if this house were not built could a home be built on each lot one the rear lot line with the 35' variance. *Wolff responded by stating that if the ZBA granted a variance, they could require as a condition of approval that*

*the properties be permanently combined with the Village as a party of interest to such deed restriction.*

Tim McGee of Grand Rapids (1242 Queens Way): Submitted a letter in objection to the request. Mr. McGee stated his objection as strong zoning control is an asset to the community, and was one of the factors which led to the purchase of their property.

Andrew Asselin of Queens Way: Submitted a letter in objection to the request. He stated his objection to the request, if granted, would lower the value of his property, diminish the sight line enjoyed and protected by the required setback, and hinder the ability to sell his property in the future.

John Berry of Queens Way: Submitted a letter in objection to the request. He stated his objection by noting that the request is not in harmony with the neighborhood as it would situate the home in a different manner than the rest of the homes in the area.

King requested Mr. Panchula address the concerns raised in objection to the request. Mr. Panchula stated that the purpose of the request is to save the tree, and that if a ~~smaller~~ lesser reduction request could be granted, they would work to try and save the tree.

Dunham asked Mr. Panchula and Mr. Berry to show on the map where the well for Mr. Berry's property.

Keith Meadows, the applicant discussed his desire to live at Lake Isabella. He further discussed that he does not see many trees like this around Lake Isabella.

King closed the public hearing at 6:02 PM.

4. Variance Application 2009-02; 1238 Queens Way

Hiither requested that he be allowed to abstain from voting on the issue as he is the President of the LIPOA and thereby represents an abutting owner. The request was granted without objection. Nurski was selected to take the place of Hiither in voting on the application.

Dunham requested that he be allowed to abstain from voting as he represented one of the sellers in the transaction. The request was granted without objection. Shannon was selected to replace Dunham in voting on the application.

Hiither stated that the parks are for the members of the LIPOA, and by allowing people to build on any park property line gives the impression that the park is not for the full membership, but rather their property.

Shannon stated that one of the neighbors is the park, not just the residents. She talked about the park near her home and how it has changed over the years.

Colby stated that he feels a zero setback is not warranted, and should not be granted. He feels a 15' variance can be justified if the tree is considered a hardship.

A motion was made by Nurski, which was seconded by Kuhn, to deny the request as the applicant did not demonstrate hardship. ROLL CALL VOTE: YEAS; Shannon, Colby, Kuhn, Nurski, and King. NAYS: None. MOTION TO DENY THE REQUEST CARRIED UNANIMOUSLY

5. Public Hearing for Variance Application 2009-03; 50 N. Coldwater Road

King opened the public hearing at 6:15 PM.

Scott Slasor (the applicant) presented his request to allow a single side yard with a zero setback. He discussed how Sunset Plaza has developed and his desire to separate the gas tanks and station from the rest of the Plaza.

**Public Comments:**

Al Apsitis, LIPOA General Manager: Asked if there were issues with the underground fuel storage tanks to any of the businesses located in the plaza. *No*

With no further public comments, King closed the public hearing at 6:26 PM.

6. Variance Application 2009-03; 50 N. Coldwater Road

Dunham discussed the future split possibly being down the middle of the reserve drain field. There was discussion with the applicant regarding the reserve drain field and the access drive.

A motion was made by Kuhn to grant a zero foot side yard setback as strict compliance with the zoning code would be unreasonably burdensome with the following conditions, which was seconded by Hiither:

1. Each future parcel retain at least 10 feet in total side yards.
2. For purposes of the sign code of the Village, the code shall apply to all future parcels as if it were still the original property size.
3. All previously granted variances shall only apply to the parcel with the gas station at the corner of Baseline and Coldwater Roads, and none of the previously granted variances be conveyed to the new parcel.
4. If the parcel is re-divided, or otherwise partitioned, only the existing development be grandfathered, and all new development and changes to the parcel(s) be fully conforming to the ordinances of the Village of Lake Isabella.
5. If the structure(s) are ever destroyed or damaged per the non-conforming provisions of the zoning code, all redevelopment conform fully to the adopted standards at that time.

ROLL CALL VOTE: YEAS; Dunham, Colby, Kuhn, Hiither, and King. NAYS: None.  
MOTION TO GRANT A 15' VARIANCE CARRIED UNANIMOUSLY

**Public Comments:**

None

With no further business before the ZBA, the meeting was adjourned at 6:31 PM.

---

Jeffrey P. Grey  
Village Clerk

---

Timothy R. Wolff  
Zoning Administrator