

Village of Lake Isabella

Zoning Board of Appeals

Public hearing dated January 11, 1999 @ 11:00AM

BOARD MEMBERS PRESENT: George Colby (acting chairman), Ray Colville (acting Secretary), Ken DeVergilio

BOARD MEMBERS ABSENT: Gerald Bierschbach, Howard Slasor

OTHERS PRESENT: Ed Spayd, Village Manager

The hearing was called to order by Acting Chairman, George Colby @ 11:00 AM.

Ed Spayd advised that the applicant, Ron Wing, is ill. Ed Spayd also advised that Mrs. Robert Secord, a neighbor to Ron Wing, called him on the phone and advised that she had no problem with the variance requested.

The rear property line borders a LIPOA green belt. There is no objection from LIPOA.

Mr Ron Wing has a trailer that was originally placed in accordance with set backs. The location of the trailer would not meet set backs due to changes over the years of the set back requirements. Mr. Wing is proposing to erect a roof over the trailers along with an addition.

MOTION By Ray Colville, 2nd by Ken DeVergilio that the variance be approved because a total roof would do substantial justice to adjoining property owners and others in the neighborhood and that conforming to existing zoning would render conformity unnecessarily burdensome . MOTION CARRIED UNANIMOUSLY

MOTION by Ken DeVergilio 2nd by George Colby to adjourn at 11:47 AM CARRIED

Respectfully Submitted,

Ray Colville
Acting Secretary

VILLAGE OF LAKE ISABELLA

ZONING BOARD OF APPEALS ZBA 99-1

PUBLIC HEARING DATED FEBRUARY 8, 1999 AT 11:00 A.M.

Board Members Present: George Colby (Acting Chairman), Ray Coville (Acting Secretary), Howard Slasor

Board Members Absent: Gerald Bierschbach, Ken DeVerglio

Other Present: Ed Spayd (Village Manager), Wendell Baldwin (Neighbor), Chris Moose (Builder, representing Andy Gerdes, the applicant)

The hearing was called to order at 11:00 A.M. by chairman George Colby.

PARTICULARS: On lot #154 191 Clubhouse Drive, Andy Gerdes is requesting a set back variance of approximately 6.5ft. at the NE corner of his garage, and will meet the 8ft setback requirements about 10ft back from that corner due to the pie shape of the lot. He is also requesting a rear yard setback variance of 4ft to locate the front of the garage 31ft from the property line. The minimum setback distance is normally 35ft.

He is building a new garage and addition to the house along with a new roof, siding and windows.

Wendell Baldwin (neighbor to the North) advised that he had no objection to the requested variance.

Ed Spayd (Village Manager) advised that Janice Ossowski (adjoined lot owner to the North), correspondence and phone conversation with him and has no objection to the variance.

MOTION BY: Howard Slasor, 2nd BY Ray Coville that the variance be granted based on the reasons: (1) The variance would be substantial justice to the to the property owners in the neighborhood. Relaxation would give substantial relief and would be consistent with justice given to others. (2) The plight of the property owner is due to the unique circumstances of the property.

MOTION TO ADJURN by Ray Colville, 2nd BY Howard Slasor at 11:20 A.M.:
MOTION APPROVED.

Respectfully submitted,



Raymond Colville, Acting Secretary

MINUTES

Zoning Board of Appeals
Regular Meeting
March 8, 1999

Present: Jerry Bierschbach, Ray Colville and George Colby
Absent: Ken Devergilio (vacation) and Howard Slasor
Guests: Ed Spayd - Zoning Administrator

1. Meeting called to order at 11:00 A.M. by Jerry Bierschbach.
2. Minutes of the February 8, 1999 were approved as distributed.
3. Ed Spayd reported:
 - a. A meeting will be held on April 12, 1999 at 3:00 P.M. in the village offices. The Master Plan will be presented/discussed and the consultant from ROWE will be available to answer questions on the master plan as well as planning and zoning. Please attend if at all possible.
 - b. The addition of a new chapter entitled "Rental Housing Licensing Code" has been approved by the Village Council. This still has to be approved by our legal council, published in the paper, and a public hearing held prior to enactment. Finalization is planned for June or July. Copies were distributed at today's meeting and a copy is attached for Ken and Howard. Any appeals will be handled by the ZBA as shown on page 6.
4. There was no old or new business.

5. Our next meeting will be held on April 12, 1999 at 11:00 A.M.

6. Meeting adjourned at 11:30 A.M.

Respectfully, Jerry Bierschbach - Chairman

(Zbam38)

MINUTES

Zoning Board of Appeals
Regular Meeting
April 12, 1999

Present: Jerry Bierschbach, Ken Devergilio, and George Colby
Absent: Ray Colville and Howard Slasor
Guests: None

1. Meeting called to order at 11:10 A.M. by Jerry Bierschbach.
2. Minutes of the March 8, 1999 were approved as distributed.
3. No public comments.
4. The Chairman reported on the following:
 - a. Planning Commission meeting today at 3:00 P.M. Would like all commission members present to ask questions and put forth ideas.
 - b. Items "picked up" at Village Council Meeting on April 6th included:
 - i. The Village Council will now be meeting two times a month - 1st and 3rd Tuesdays at 7:00 P.M.
 - ii. Public Hearings for Ordinances (animal control, rental, Zoning, and Noise) will be held on 4/20.
 - iii. The Village now has a blacktop patching machine.
 - iv. Road survey response has been good - ROWE is evaluating.
 - v. Airport Grant received - bids have been let.
 - vi. Ed will be working on an appointment only basis until further notice.
 - vii. Consumers is interested in supplying gas. Proposals are pending.
5. There was no old or new business.

6. Our next meeting will be held on May 10, 1999 at 11:00 A.M.

7. Meeting adjourned at 11:30 A.M.

Respectfully, Jerry Bierschbach - Chairman

VILLAGE OF LAKE ISABELLA

ZONING BOARD OF APPEALS

PUBLIC HEARING #99-2 DATED MAY 10, 1999

Board Members Present: Gerald Bierschbach, George Colby, Ray Colville, Howard Slasor.

Board Members Absent: Ken Devergilio

Others Present: Jack Adkins (Acting Zoning Administrator), Danny and Linda Tinker
(Applicants)

The hearing was called to order at 11:20 A.M. by chairman Jerry Bierschbach.

PARTICULARS: The property is located in the village of Lake Isabella, on lot 173, 0592 Carmen Drive, Plat Forest No. 1. Danny and Linda Tinker are requesting a variance of nine (9) feet to the rear setback line to allow them to replace their mobile home with a 32 x 40 double wide and use the plumbing, electrical, and water connections of the existing slab plus save a large maple tree. The current mobile home is twenty six (26) feet from the rear property line and the new home will also be twenty six (26) feet. The rear property line borders a park area.

There were no public or mail-in comments.

MOTION by George Colby, 2nd by Howard Slasor to approve the variance because it was demonstrated that compliance with the rear setback ordinance of thirty five (35) feet would unreasonably render conformity unnecessarily burdensome; a variance would do substantial justice to the applicant; and there are unique circumstances (i.e. slab, tree, septic, borders park area) of the lot which favor granting the variance.

Motion by Ray Colville, 2nd by Howard Slasor to adjourn at 11:41 A.M.

Respectfully Submitted

Gerald Bierschbach
Chairman - Zoning Board of Appeals.

MINUTES

Zoning Board of Appeals
Regular Meeting/Public Hearing
June 14, 1999

Present: Jerry Bierschbach and Ken Devergilio
Absent: Ray Colville, George Colby, and Howard Slasor
Guests: Jack Adkins

1. Meeting called to order at 11:00 A.M. by Jerry Bierschbach.
2. Minutes of the May 10, 1999 were reviewed.
3. We briefly discussed the dog ordinance which became effective June 2; the Village update meeting planned for June 23; the variance request withdrawn by George Olsen; and some agenda items scheduled for the Village Council meeting on June 15.
4. Jack updated us on pending zoning issues. Possibly one variance request is in the works.
5. **Ken suggested we hold our meetings at 4:00 PM rather than 11:00 AM so as not to "break up" the day. I also like this idea. So, if you have any objections to the change, give me a call at 644-5566. Otherwise we will change our meeting time to 4:00 PM starting with the next meeting on July 12.**

6. Our next meeting will be held on July 12, 1999 at 4:00 P.M.

7. Meeting adjourned at 11:15 A.M.

Respectfully, Jerry Bierschbach - Chairman

(Zbam614)

7/8 Geo w/ handle mtg
I m APP.

MINUTES

Zoning Board of Appeals
Regular Meeting ~~of the Board~~
July 12, 1999

Present: George Colby and Ken Devergilio
Absent: Jerry Bierschbach, Ray Colville, and Howard Slasor
Guests: None

1. Meeting called to order at 11:00 A.M. by George Colby
2. Minutes of the June 14, 1999 meeting were approved.
3. There was no old or new business nor were there any public comments.
4. Meeting adjourned at 11:15 A.M.
5. Our next meeting will be held on August 9, 1999 at 4:00 P.M.

Respectfully, Jerry Bierschbach - Chairman

(Zbam712)

NOTE: Enclosed for your information is a fax from Elmer Ledbetter which is self explanatory. I informed Jamie that this is not a Zoning Board of Appeals matter. Copies have also been given to the Zoning Administrator, Village Council, and Planning Commission.

MINUTES

Zoning Board of Appeals
Regular Meeting
August 9, 1999

Present: Jerry Bierschbach, Ray Colville, George Colby and Ken Devergilio
Absent: Howard Slasor
Guests: Ed Spayd - Zoning Administrator

1. Meeting called to order at 4:00 P.M.
2. Minutes of the July 12, 1999 meeting were approved.
3. There were no public comments.
4. We discussed the variance request submitted by Robert Jolet at 7215 Birdie Drive. A public hearing is scheduled for 9/13/99 at 4:00 P.M. Notices have been sent.
5. Ed Spayd updated us on two pending variance. requests.....one for Emery Bebow and another on Barcelona. If all the paperwork is completed on time, we will try to hold the public hearings along with Jolet's on the 13th. ZBA members will receive copies in the mail if they are scheduled.
6. Meeting adjourned at 4:40 P.M.
7. Our next meeting will be held on September 13, 1999 at 4:00 P.M. Be sure to attend so we have a quorum.

Respectfully, Jerry Bierschbach - Chairman

(Zbam89)

MINUTES

Zoning Board of Appeals
Regular Meeting
September 13, 1999

Present: Jerry Bierschbach, Ray Colville, George Colby, Ken Devergilio and Howard Slasor
Absent: None
Guests: Ed Spayd - Zoning Administrator

1. Meeting called to order at 4:00 P.M.
2. Minutes of the August 9, 1999 meeting were approved as distributed.
3. There were no public comments on non-agenda items.
4. There was no old business.
5. Under New Business we had five (5) public hearings. Details (i.e. applications, letters, and supporting materials may be found in the zoning files) The results were as follows:
 - a. **Variance request #99-3 submitted by Robert Jolet of 7215 Birdie Drive** to add a 12 x 20 deck on to the back of an existing home which would be 23 feet from the rear property line....a variance of 12 feet. Mr. Jolet was represented by his builder Larry Sommer and there were no public comments. A motion was made by Howard Slasor and seconded by Ken Devergilio to approve this variance request because: (1) It is an irregular shaped lot so the plight of the property owner is due to the unique circumstances of the property. (2) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (3) Approval would give substantial relief and be more consistent with justice to others. (4) The rear lot line is the golf course and they did not disapprove. **Motion passed 5 - 0.**
 - b. **Variance request #99-4 submitted by Emery & Kimberly BeBow of 325 Sequoia Lane** to replace an existing mobile home with a new manufactured home which would be 10.5 feet from the rear lot line.....a variance of 24.5 feet. The BeBows' were represented by his father, Jerry BeBow and there were no public comments. A motion was made by George Colby and seconded by Howard Slasor to approve this variance request because: (1) It is an irregular shaped lot so the plight of the property owner is due to the unique circumstances of the property. (2) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (3) Approval would give substantial relief and be more consistent with justice to others. (4) The variance is only for one corner of the house and the rear lot line is a LIPOA park. (5) This allows them to live in

the existing home while the new one is built. **Motion passed 5 - 0**

- c. **Variance request #99-5 submitted by Carl & Cheryl Vogel of 624 Barcelona Drive** to replace an existing mobile home with a new manufactured home which would be approximately 30 feet on one corner and 32.5 feet on the other corner from the rear lot line.....a variance of 5 feet and 2.5 feet respectively. The Vogels' represented themselves. Neighbors Carl Walter and Ed Miller both advised they had no objections to the variance and felt the new home would be an asset to the neighborhood. A motion was made by Ray Colville and seconded by Howard Slasor to approve this variance request because: (1) They are placing the home as close as they can to the septic tank and two large trees. (2) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (3) Approval would give substantial relief and be more consistent with justice to others. (4) The rear lot line is all trees and the neighbors in back have a shed about 6 feet from the line. **Motion passed 5 - 0**
- d. **Variance request #99-6 submitted by George Olsen of 8327 Barcelona Drive** to place an attached garage to his home which would be 20 feet from the front property line.....a variance of 15 feet. George stated his wife is disabled and this location allows her best access to the garage. The Olsens' represented themselves. Neighbors, Steve Fron, Gil Schafer, Terri Ott, plus Don & Linda Cobraggen were present and all advised they had no objections to placing the garage 20 feet from the front lot line. In addition, eleven (11) other neighbors signed a statement stating they had no objections to this variance. Letters were presented from Doctors Szelag and O'Grady confirming Mrs. Olsen's disability. A letter was also presented from the Olsen's attorney, Annette Skinner, stating in part she felt this variance constituted a "reasonable accommodation" request under the American with Disabilities Act (ADA) and the Michigan Persons with Disabilities Civil Rights Act. A portion of ADA, Title II-3.3000 was read which states public entities may offer benefits to individuals with disabilities beyond those required by the ADA, without incurring additional obligations to any other persons. A motion was made by Ray Colville and seconded by George Colby to approve the variance because: (1) A variance would do substantial justice to the applicant in view of the disability of his wife. (2) We are allowed to grant such a variance under the disabilities' laws and regulations. (3) There was no opposition and in fact overwhelming approval from the neighbors. **Motion passed 5 - 0**
- e. **Variance request #99-7 submitted by George Dunn of 505 Queensway Drive** to place a 10 x 10 x 12 foot storage building 25 feet from the waters edge....a variance of 10 feet. George Dunn represented himself and a neighbor, Marilyn

Dewey voiced concerns about the location since she felt it would obstruct their view from the rear of their home, which is the road side. Ed Spayd reported that another neighbor, Jack Walker, was not opposed to the variance. Mr. Dunn stated he felt the location selected was ideal since it would be placed in a clump of trees; would be professionally built and not be any eyesore in any manner, plus his lot is

- f. irregular in shape and this is the only location suitable without spoiling his view from the front (lake side) of his home. He could place it closer to the road and meet the setback requirement, but then it would be entirely visible from the road. New information was introduced regarding pine trees and a berm to be placed on the road side. In view of this new information, a motion was made by Ken Devergilio and seconded by George Colby to **table this request** so the board members could once again review the property. Motion passed 5 - 0. Board members will meet at the site at 10:30 A.M on Wednesday September 15, 1999.

Meeting adjourned at 5:10 P.M.

6. Our next meeting will be held on November 8, 1999 at 4:00 P.M. unless otherwise notified. No meeting is scheduled for October since Ken & I will be out of town.

Respectfully, Jerry Bierschbach - Chairman

(Zbam913)

MINUTES

Zoning Board of Appeals
Special Meeting
September 15, 1999

Present: Jerry Bierschbach, Ray Colville, George Colby, Ken Devergilio and Howard Slasor
Absent: None

A special meeting was held at 10:30 A.M. on 9/15/99 at the building site of George Dunn , 505 Queensway Drive to review the new information presented 9/13/99 at the Public Hearing for his variance request. At the 9/13/99 Public Hearing, the following was presented:

Variance request #99-7 submitted by George Dunn of 505 Queensway Drive to place a 10 x 10 x 12 foot storage building 25 feet from the waters edge....a variance of 10 feet. George Dunn represented himself and a neighbor, Marilyn Dewey voiced concerns about the location since she felt it would obstruct their view from the rear of their home, which is the road side. Ed Spayd reported that another neighbor, Jack Walker, was not opposed to the variance. Mr. Dunn stated he felt the location selected was ideal since it would be placed in a clump of trees; would be professionally built and not be any eyesore in any manner, plus his lot is irregular in shape and this is the only location suitable without spoiling his view from the front (lake side) of his home. He could place it closer to the road and meet the setback requirement, but then it would be entirely visible from the road. *New information was introduced regarding pine trees and a berm to be placed on the road side.* In view of this new information, a motion was made by Ken Devergilio and seconded by George Colby to **table this request** so the board members could once again review the property. Motion passed 5 - 0. Board members will meet at the site at 10:30 A.M on Wednesday September 15, 1999.

September 15, 1999

It was noted that the berm will be placed very near the road and will have three (3) fifteen foot (15) pine trees planted on it. It was also noted that the building site selected would sit 28 feet from the water's edge and if moved towards the road, they could easily meet the 35 foot setback. However, this location, closer to the road, would be less aesthetically pleasing than the original site. George Colby pointed out that Article XII, 12.02 (2) of the zoning regulations states: "On waterfront lots a setback of 25 feet from the ordinary high water mark of the lake to the nearest part of any principal structure or building shall be required." This appears to contradict Article V, section 5.07. A motion was made by Howard Slasor and seconded by George Colby to grant this variance request because: (1) The plight of the property owner is somewhat due to the unique shape of the lot. (2) Article XII, 12.02 (2) of the zoning regulations states the requirement is only 25 feet. (3) With the berm and pine trees the building will not be seen by the neighbors. (4) That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **Motion carried 3 - 2** (Slasor, Colby, Bierschbach voted "Yes" and Devergilio and Colville vote "No")

Respectfully, Jerry Bierschbach - Chairman (Zbam915)

MINUTES

Zoning Board of Appeals Regular Meeting November 8, 1999

Present: Jerry Bierschbach, Ray Colville, Ken Devergilio
Absent: George Colby, Howard Slasor
Guests: Ed Spayd - Zoning Administrator

1. Meeting called to order at 4:00 P.M.
2. Minutes of the September 13, 1999 meeting were approved as distributed.
3. There were no public comments on non-agenda items.
4. There was no old business.
5. Under New Business we had one public hearing. The details (i.e. applications, letters, and supporting materials) may be found in the zoning files. The result was as follows:
 - a. **Variance request #99-8 submitted by Ronald C. Barnes of 876 Pueblo Pass, Lot 135**, to place a 10 x 12 storage shed within 3 feet of the side property line (current minimum is 8 feet) and which along with his detached garage would exceed 60% of the square footage of the principal residence by approximately 144 square feet. Mr. Barnes and his wife represented themselves and there were no public comments. Additional facts presented by Mr. Barnes and Mr. Spayd were:
 - i. The Planning Commission is currently holding meetings to amend both the "back lot" setback and percentage ordinances. It is fairly certain these will be amended and, if so, Mr. Barnes will be in compliance.
 - ii. The 10 X 12 shed was an existing non-conforming building and is being moved to serve as a pump house.
 - iii. Mr. Barnes has obtained purchase orders to buy the lots 136 and 134 which are on either side of his property.
 - iv. The back property line is a LIPOA park and they do not oppose this request. A fence is also being placed on the property line.
 - b. A motion was made by Ray Colville and seconded by Ken Devergilio to approve this variance request because: (1) Strict compliance to the ordinance would prevent the owner from using the property for the permitted purpose. (2) Approval would give substantial relief and be more consistent with justice to others. (3) It is almost certain Sections 3.02 and 5.07 will be amended by the Planning Commission.. **Motion passed 3 - 0.**

Meeting adjourned at 4:30 P.M.

6. Our next meeting will be on January, 10, 2000 at 4:00 P.M. unless otherwise notified.

Respectfully, Jerry Bierschbach - Chairman

(Zbam118)