

Village of Lake Isabella
Zoning Board of Appeals
October 30, 2018 Minutes

1010 Clubhouse Drive
Lake Isabella, MI, 48893
989.644.8654

The Meeting was called to order at 5:30 PM by Dauffenbach.

Members Present: King, McGrath, Prince, and Dauffenbach

Members Absent: Griffin

A motion was made by McGrath, seconded by Prince, to thank Arvil King for his years of service as Chairman of the Zoning Board of Appeals, and to appoint Dauffenbach as Chairman per the request of Mr. King to step down from serving as the Chair. VOICE VOTE: MOTION CARRIED 4-0-0.

A motion was made by Prince, seconded by King, to approve the minutes of June 2017 meeting as presented. ROLL CALL VOTE; YEAS: King, McGrath, Prince, and Dauffenbach; NAYS: None. MOTION CARRIED 4-0-0.

Business:

1. Public Hearing: Variance Request 2018-01; 1025 Siesta Lane

Dauffenbach opened the Public Hearing at 5:32 PM.

Wolff presented his staff report to the ZBA, detailing the areas of the zoning which would need to have variances granted in order for the Accessory Structure at 1025 Siesta Lane to be converted into a single-family dwelling. Those sections of the zoning code are; 1212.13(1), 1212.13(2), 1212.13(6), 1232.17.

Wolff stated that notice of the meeting and Public Hearing were provided in advance as required under the Michigan Zoning Enabling Act, and that there were no calls, emails, letters, or comments submitted to the Village Hall before the meeting.

The Applicant, John Huffman, was present and spoke to the ZBA about his request. He stated that when he purchased the property, the only structure on the lot was the Accessory Structure, and his intention was to use the building for storage. He stated that his long-term goal for the structure was to convert it into a weekend cabin for his family to use and enjoy.

McGrath asked about the purchase of the property. Mr. Huffman stated that he had purchases through a Craigslist ad.

King asked if his intention was to rent the property out. Mr. Huffman stated that he has no intentions of renting the property. He stated that if a variance is granted the use of the property would be only for his family.

Dauffenbach asked about camping on the property. Mr. Huffman stated that once over the summer his brother-in-law did stay overnight on the property in a pop-up camper.

Dauffenbach asked if Mr. Huffman was aware that there would be more to converting the structure into a dwelling than simply getting a variance. He specifically listed items such as smoke detectors, egress windows, and an approved well and septic system. Mr. Huffman stated that he was aware, and that there is a well and septic on-site from the previous single-wide mobile home which he believes are still functioning.

Wolff was asked by Prince if a variance could be granted to allow the structure to remain as a garage. Wolff stated that the zoning code does not allow for "use variances" and that the permitted uses in this zoning district do not have a storage type use listed in the zoning code. He stated the garage on the property was accessory and subordinate to the former Primary Structure and use of a single-wide mobile home used as a single-family dwelling.

Public Comments: None

Dauffenbach closed the Public Hearing at 6:35 PM. The Applicant and ZBA Member King left the meeting at this time due to other commitments.

2. Variance Request 2018-01; 1025 Siesta Lane

Dauffenbach stated that he cannot see how a variance can be granted to establish a dwelling without the required garage, when a garage is all that is currently on the property.

McGrath stated that based on all of the training that he has attended on what conditions should be considered by a ZBA in making a decision, he cannot get around the issue that this is a self-created problem by the previous owner of the property.

Prince stated that he could support a variance to convert the Accessory Structure into a dwelling without also having to build a new garage if the dwelling had the minimum square footage required by the zoning code.

The members present discussed whether it would be appropriate to grant a variance to allow the Applicant the ability to move forward with attempting to convert the Accessory Structure into a dwelling the meets the minimum square footage in the LR-2 District, knowing that the zoning code stipulates that variances expire after 1 year if no work has begun; or, request the Applicant return with an approved well and septic and plans to add square footage to the structure.

A motion was made by Dauffenbach to grant a variance from only the required garage clause of section 1212.13(1), from the average length requirement of section 1212.13(2), the require for a rear window in section 1212.13(6), and the rear yard setback requirement of section 1232.17. There was no second to this motion, and it died for lack of support.

Wolff discussed that redevelopment of lots in the LR-2 District is proving to be very difficult as there are numerous vacant lots elsewhere in the Village which are priced in the same range that are proving to be more marketable.

A motion was made by Dauffenbach, seconded by Prince, to postpone action on Variance Request 2018-01 until no later than March, 2019 and request that the applicant provide

documentation of a proposed addition to the structure to meet the minimum size requirement of the zoning code of 800 square feet, and an approved well and septic system for the dwelling. VOICE VOTE: MOTION CARRIED 3-0-0

Public Comments: None

The meeting was adjourned at 6:56 PM.

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Jeffrey P. Grey, Village Clerk