

MINUTES

Zoning Board of Appeals Special Meeting June 26, 2000

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

1. Meeting called to order at 4:00 P.M.
2. This special meeting was called to conduct a Public Hearing on the following variance request:
 - a. **Variance request #00-1 submitted by Donald Washburn of 716 Putter Drive, Lot 31 of Lake Isabella, Golf Estates #1, Section 35 of Sherman Township** to enclose a deck which is 27 feet from the rear property line in violation of Article V, Section 5.07 of the Zoning Ordinance specifying a 35 foot setback. A variance of 8 feet was requested. Additional facts presented by Mr. Washburn and Mr. Spayd were:
 - i. This is an existing deck.
 - ii. The back property line is the Pines Golf Course and they do not oppose this request.
 - b. Mr. Mike Sherba of the Architectural Control Committee explained that the house permit was issued in 1997 and it was explained to the builder (Dan Hoffman) that there would be no room for a deck due to setback requirements. However, in 1998, the builder constructed a deck without a permit. This was not discovered until Mr. Washburn applied for this variance. Mr. Washburn stated he relied on the builder to obtain the necessary paperwork and was unaware of this problem although he acknowledged he should have paid closer attention to the papers he signed.
 - c. A motion was made by Howard Slasor 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) There were no complaints from other residents. (4) We did not feel we should penalize the owner for the builders mistakes. (5) **Motion passed 5 - 0.**
3. After the Public Hearing and approval of the variance, we discussed the need for placing tighter controls on builders to make sure they obtain all the necessary permits. It was also pointed out to Mr. Washburn that his builder had not yet applied to the Architectural Control Committee and he should make sure the proper permits were obtained from the county.

Meeting adjourned at 4:30 P.M.

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| 4. Our next meeting will be on July 10, 2000 at 4:00 P.M. This will also include a public hearing for the Paul & Sharon Cueny variance request. |
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Respectfully, Jerry Bierschbach - Chairman

(Zbam626)

MINUTES

Zoning Board of Appeals Regular Meeting July 10, 2000

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

1. Meeting called to order at 4:00 P.M.
2. The minutes of the June 2, 2000 meeting were approved as mailed.
3. Under New Business we had one Public Hearing.
 - a. **Variance request #00-2 submitted by Paul & Sharon Cueny of 071 N. Clubhouse Drive, Lot 162 of Lake Isabella, Plat Golf Estates #1, Section 35 of Sherman Township to place a 10 X 10 storage shed 2 feet from the South property line between lots 162 and 163. This is in violation of Article V, Section 5.07 of the Zoning Ordinance specifying a total side yard set back of 20 feet with a minimum set-back of 8 feet on one side. Public comments consisted of two letters which are attached.**
 - b. After discussion, a motion was made by Ken Devergilio and seconded by George Colby to approve this variance request because: (1) Strict compliance to the ordinance would render conformity unnecessarily burdensome both to the applicant and the neighbor (George Pellerin) (2) The location specified hides the shed from both the neighbor and the Cuenys and still gives everyone a clear view of the lake. (3) Motion passed 3 - 0.

Meeting adjourned at 4:30 P.M.

- 14th.
4. Our next meeting will be on August 7, 2000 at 4:00 P.M.

Respectfully, Jerry Bierschbach - Chairman

(Zbam710)

MINUTES

Zoning Board of Appeals Regular Meeting November 13, 2000

Present: Jerry Bierschbach, George Colby, Ken Devergilio, Arnie Griffin, and Howard Slasor
Absent: None
Guests: Ed Spayd - Village Manager

1. Meeting called to order at 4:00 P.M.
2. The minutes of the July 10, 2000 meeting were approved as mailed.
3. Under New Business we had one Public Hearing.
 - a. **Variance request #2000-03 submitted by Debra and Allen Stanton, 526 Granada Court, Lot 113 of Lake Isabella, Plat #2, Section 34 of Sherman Township** to place a new home on the corner of Granada Court and Granada Drive with one corner 23 feet (revised to 24.5 feet) from Granada Court and the garage corner 26 feet (revised to 29 feet) from Granada Street in violation of Section 5.07 of the Zoning Ordinance which specifies a 35 foot setback for a front yard. Under Section 3.05, a front yard is any yard that abuts a street right-of-way, therefore this lot has 2 front yards. There were no public comments. Ed Spayd reported that a neighbor, Tom Henson, stated he had no problem with their request.
 - b. After discussion, a motion was made by George Colby, and seconded by Howard Slasor, to approve the variance since (1) Strict compliance to the ordinance would render conformity un-necessarily burdensome. (2) The plight of the owner is due to the unique circumstances of the property (i.e. irregular shape and corner lot). (3) **Motion passed 5-0.**

Meeting adjourned at 4:30 P.M.

4. Our next meeting will scheduled when necessary.

Respectfully, Jerry Bierschbach - Chairman

(Zbam1113)