

MINUTES

Zoning Board of Appeals Regular Meeting January 14, 2002

Present: Arnie Griffin, George Colby, Howard Kuhn, Howard Slasor
Absent: Jerry Bierschbach
Guests: Ed Spayd - Village Manager

1. Meeting called to order at 4:00 P.M by acting chairman Arnie Griffin
2. The minutes of the May 14, 2001 meeting were approved as mailed.
3. Under New Business we had one Public Hearing.
 - a. **Variance request #2001-03 submitted by Paul & Sharon Cueny of 071 N. Clubhouse Drive, Lot 162 of Lake Isabella, Plat Golf Estates #1, Section 35 of Sherman Township as detailed in the attached "Appeal Hearing Notice"**
 - b. Mr. Griffin read the "Appeal Hearing Notice" to those in attendance; verified that everyone had copies of all the correspondence relating to this appeal; and then asked if Mr. Cueny would like to add anything.
 - c. Mr. Cueny questioned why only three (3) ZBA members were present and asked if everyone understood the ordinance and if they had served for twelve months on the ZBA board. Mr. Griffin stated that three (3) members constituted a quorum; that Mr. Colby had recused himself; and that Mr. Bierschbach was on vacation.
 - d. Mr. Slasor stated he did not feel Mr. Colby should have to recuse himself simply because he issued the citation and that Mr. Cueny was entitled to a full board. Mr. Griffin reiterated that three (3) members did constitute a quorum. Mr. Cueny also stated he would have no problem with Mr. Colby voting even though he issued the citation.
 - e. Mr. Cueny referred the board to the "old" 3.22 section of the ordinance and section 2.84 noting that neither one refers to boats and therefore he is "grand fathered in" since he was storing his pontoon on this lot prior to the amendment.
 - f. Mr. Griffin opened the Public Hearing. There were two (2) summarized as follows:
 - i. Dave Hardenburg, 906 S. Briton stated that this ordinance was adopted for the betterment of the community to keep lots from becoming unsightly, and if the appeal was approved it would set a precedent for many other uses. He also read ZA 2001-02, section 3.22(4) which he felt clearly denied Mr. Cueny's appeal.
 - ii. Becky Thornhill, 515 N. Sequoia said she felt the standard should be the zoning ordinance; that it clearly differentiates a lot from a yard; that the taxing authority has no bearing on zoning ; and feels that the 'answer' is in the ordinance if one takes setback rules into consideration.
 - g. Mr. Slasor feels the ordinance is unclear on vacant lots and must be very specific and crystal clear that vacant lots can't have anything on them no matter where located, even if contiguous to ones residence, unless the contiguous lots were combined into one.
 - h. After a lot of discussion on lots, yards, vacant yards, community wants, what is being done with existing violations, and other examples, it was decided that this decision should be postponed until further information is obtained from the Planning Commission. This

was agreeable with Mr. Cueny.

- i. It was agreed Ed Spayd would schedule a joint meeting with the Planning Commission and the decision on this appeal would be adjourned until the second Monday in May. (May 13, 2002 @ 4:00 P.M.)
- j. Mr. Spayd also suggested that Mr. Cueny should attend the Planning Commission meeting to give public input. He will notify everyone of the schedule.

4. There was no Old Business, New Business, or Zoning Administrator comments.

5. The meeting was adjourned at 5:10 P.M.

Respectively,

Ed Spayd, acting secretary.

(Zbam114)

MINUTES

Zoning Board of Appeals Regular Meeting May 13, 2002

Present: Jerry Bierschbach, Arnie Griffin, George Colby, Howard Kuhn, Howard Slasor
Absent: None
Guests: None

1. Meeting called to order at 4:02 P.M by chairman Jerry Bierschbach
2. The minutes of the January 14, 2002 meeting were approved as mailed.
3. Under New Business we had one Public Hearing.
 - a. **Variance request #2002-01 submitted by William Rolston , 8006 Granada Drive, Lot 94 of Lake Isabella, Plat #2, Section 35 of Sherman Township.** Mr. Rolston would like to add an addition to the rear of his house within 22 feet of the back property line instead of the 35 feet required. An existing addition to the house built 22 feet from the back property line was approved by Sherman Township prior to the Village Zoning Ordinance. This new addition would match the first addition.
 - b. There were no public comments. After discussion, a motion was made by George Colby and seconded by Howard Slasor to approve the variance since, (1) Strict compliance with the ordinance would render conformity unnecessarily burdensome (2) The back property line is a LIPOA park (3) The granting of this variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood. **Motion passed 5 - 0**
4. Under Old Business we had one item.
 - a. Finalization of Paul Cueny's variance request #2001-03 which was adjourned per section 18.08 (2) at the January 14, 2002 public hearing.
 - b. It was noted that the joint meeting with the Planning Commission, Zoning Board of Appeals, and Doug from Rowe Engineering was held on April 29, 2002 to discuss variance zoning issues. It was reaffirmed at this meeting that in accordance with our current zoning ordinance, vacant lots cannot be used for storage.
 - c. We had a long discussion on the need to change the ordinance to better define the use of vacant lots be they separate lots or adjacent to the principal building. There has to be a better way of accommodating all the people with vacant lots. We do not understand why a lot beside your principal residence is different that one in another location unless you legally combine them into one lot. However, in the final analysis, it was determined that the Zoning Board of Appeals must act in accordance with the current ordinance and therefore Mr. Cueny's request for a variance was denied based on section 3.22 (4). The motion was made by George Colby and seconded by Arnie Griffin. **Motion passed 5 - 0**
5. Other Business:
 - a. We discussed briefly the pending appeal from Ray & Patti VanderVelde. Everyone felt a chainlink fence with slats would be okay, but we must also prescribe proper maintenance as a condition of approval.
 - b. Further discussions followed regarding the use of vacant lots. For example, can you leave a disassembled dock on your vacant waterfront lot? You cannot according to current zoning. We feel this should be looked into. Two members of the Planning Commission attended the meeting and will take this information back to their committee for review.

Meeting adjourned at 4:35 P.M.

Respectively , Jerry Bierschbach, Chairman ZBA
(Zbam513)

MINUTES

Zoning Board of Appeals Regular Meeting July 8, 2002 at 4:00 p.m.


Present: George Colby, Howard Slasor, Harry Kuhn.
Absent: Arnie Griffin
Guest: Sherry L. Chalker, Village Manager/Zoning Administrator

1. The Meeting was called to order at 4:00 p.m. by Vice-Chair George Colby.
2. The Minutes of the May 13, 2002.
Motion by Slasor, seconded by Kuhn to approve the May 13, 2002 ZBA Meeting Minutes. – Carried Unanimously.
3. Election of Chairperson.
Motion by Kuhn, seconded by Colby to nominate Howard Slasor as ZBA Chair.
– Carried Unanimously
4. Old Business:
The ZBA discussed several issues that needed an interpretation from the Planning Commission. They were 1) an interpretation of outside storage area 2) fencing requirements for commercial buildings 3) an abandoned trailer ordinance 4) swimming pools that are not in a fenced area.

The ZBA also discussed tall weeds and grass in vacant lots. They also stated that they would like more documentation before zoning permits are approved.

The ZBA asked the Zoning Administrator if she had been approached by the L.I.P.O.A. regarding a new storage facility. She replied that she had not.
5. New Business:
There was no new business brought forth to the ZBA.
6. Public Comments:
There were no public comments at this time.
7. Adjournment:
Motion by Slasor, seconded by Colby to adjourn at 4:43 p.m. – Carried Unanimously

Respectfully Submitted,


Sherry L. Chalker
Village Manager/Zoning Administrator

**Village of Lake Isabella
1096 Queens Way Drive
Lake Isabella, MI 48893**

**Zoning Board of Appeals
Minutes
Wednesday, August 14, 2002**

The Zoning Board of Appeals Meeting was called to order at 7:00 p.m. by ZBA Chair Howard Slasor.

Members Present: Howard Slasor, Chair; George Colby, Vice-Chair; ZBA Members Arnold Griffin, Harry Kuhn, and Doug Sutton.

Members Absent: None

Others Present: Sherry L. Chalker, Village Manager; Jessica Bundy and other guests.

Motion to approve the July 8, 2002 Meeting Minutes.

Motion by Griffin, seconded by Kuhn to approve the July 8, 2002 Meeting Minutes.
Carried Unanimously

Public Hearing – Ronald E. Peterson, 1006 Tee Dr. Lots 280 & 281.

The Public Meeting was opened at 7:05 p.m.

The notice requirements were placed in the Wednesday, August 7, 2002 edition of the *Morning Sun* and notices were mailed to the property owners that live within 300 feet of the property.

Presentation from Ronald Peterson

Peterson stated that the encroachment on the front yard setback occurred when the excavation started. He stated that the required setbacks were within the thirty-five feet (35) feet requirement.

Schaffer stated that the stakes were knocked down when the excavation started. He stated that the lot was never re-measured until the footings were in place. Both Peterson and himself noticed the encroachment at that point.

Peterson stated that at that point he approached the Village on a request for a variance.

Comments from the Public.

Charles Swartz and Ron Thompson both stated that they had no problems with the variance.

Howard Slasor read a letter from Chester Koop. Koop expressed his concern over granting the variance.

The Public Hearing was closed at 7:15 p.m.

Discussion among ZBA Members.

Colby read Article 18, #10 (d). He stated that the variance is a self-created problem and that the ZBA could not grant the variance.

Motion by Griffin, seconded by Kuhn to grant the four (4) foot dimensional variance.
Slasor – no, Colby – no, Griffin – no, Kuhn – no, Sutton – no
Motion Died

Public Comments: Public Comments will be limited to 3 Minutes per person and ZBA Members will not respond at this time.

Peterson asked if there was any recourse on the decision made by the ZBA board.

Thompson asked why the ZBA denied the variance.

Rebuttal to Public Comments

The ZBA stated that the lot was staked out and correct then moved when excavated.

Adjournment

Motion by Griffin, seconded by Kuhn to adjourn at 8:10 p.m.

Carried Unanimously

Respectfully Submitted,

Sherry L. Chalker
Village Manager/Zoning Administrator

Village of Lake Isabella
1096 Queens Way Drive
Lake Isabella, MI 48893
(989) 644-8654

Minutes
Zoning Board of Appeals
September 9, 2002 at 7:00 p.m.

The Zoning Board of Appeals meeting was called to order at 4:09 p.m. by Chairman Howard Slasor.

Members Present: Howard Slasor, George Colby, Harry Kuhn

Members Absent: Arnold Griffin, Doug Sutton

Others Present: Jessica Bundy.

Motion to approve the August 14, 2002 Zoning Board of Appeals Meeting Minutes.

Motion by Colby, 2nd by Slasor to approve the August 14, 2002 Zoning Board of Appeals meeting minutes.

Carried Unanimously

Motion to change the time of the monthly ZBA Meeting.

Motion by Kuhn, 2nd by Colby to change the time of the ZBA meetings to 7:00 pm on the second Monday of the month.

Public Comment:

There was no public comment, however the ZBA members discussed the zoning manuals.

Harry Kuhn asked when they would be getting updated manuals. Chairman Slasor will be making five complete books.

A motion was made by Colby and 2nd by Slasor to mandate the turning in of a ZBA manual when an appeals member leaves the board.

Carried Unanimously

Motion by Slasor, 2nd by Colby to adjourn.

Carried Unanimously

The Zoning Board of Appeals adjourned at 4:24 p.m.

Respectfully Submitted,

Howard Slasor, Chairman

Prepared by Jessica Bundy

**Village of Lake Isabella
Zoning Board of Appeals
November 11, 2002 at 7:00 p.m.
Minutes**

The Zoning Board of Appeals meeting was called to order at 7:02 p.m. by Vice-Chair George Colby.

Members Present: George Colby, ZBA Vice-Chair; ZBA Members Arnold Griffin, Harry Kuhn, and Doug Sutton.

Members Absent: ZBA Chair Howard Slasor.

Others Present: Sherry L. Chalker, Village Manager

Motion to approve the September 9, 2002 Meeting Minutes.

Motion by Kuhn, seconded by Sutton to approve the minutes of the September 9, 2002 Meeting.
Carried Unanimously

Discuss zoning issues. Review Zoning Ordinance Book.

Manager Chalker presented the ZBA members with a completed and updated zoning ordinance book.

The manager discussed the need to hold monthly meetings to refresh themselves and the new members with the zoning ordinance book. Chalker asked the ZBA members to review the first three (3) chapters for the next meeting. The ZBA members discussed ZA 2000-01 regarding decks. Mistakes were noticed and noted.

Public Comments: Public Comments will be limited to 3 Minutes per person and ZBA Members will not respond at this time.

There were no public comments.

Rebuttal to Public Comments.

Adjournment

Motion by Kuhn, seconded by Griffin to adjourn at 8:02 p.m.
Carried Unanimously

Respectfully Submitted,



Sherry L. Chalker
Village Manager