

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: January 14, 2008

1010 Clubhouse Drive
Lake Isabella, MI, 48893

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

Members Present: Dunham, Colby, Hiither, King and Kuhn
Members Absent: None

The minutes from the December 10, 2007 meeting were accepted and approved as presented.

Business:

1. Variance Application 2007-04

The ZBA continued its review of the application from the December meeting. The applicant was not in attendance. Wolff reported to the Board that he spoke with the applicant in the previous week and that the applicant stated that he is planning on moving on the semi-trailer and that he no longer needed the variance. Wolff further reported that the applicant had requested the Village work with him as it would take him some time to remove the trailer.

A motion was made by Kuhn, which was seconded, to deny variance application 2007-04 as the application did not demonstrate a unique characteristic of the land in question which would warrant a variance, and if a variance were granted it would bestow upon the applicant a special privilege not enjoyed by others in the zoning district. ROLL CALL VOTE: YEAS: Dunham, Colby, Hiither, King and Kuhn; NAYS: None; MOTION TO DENY CARRIED UNANIMOUSLY.

A motion was made by Kuhn, which was seconded, to request that the Village Code Enforcement Department give the applicant until the end of January to remove the trailer. VOICE VOTE: MOTION CARRIED UNANIMOUSLY.

Dunham commented that he would bring this section of the zoning ordinance to the attention of the Planning Commission and that he would recommend it be amended in the zoning update that is currently being worked on.

Public Comments:

None

With no further business before the ZBA, the meeting was adjourned at 5:36 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: June 9, 2008

1010 Clubhouse Drive
Lake Isabella, MI, 48893

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

Members Present: Dunham, Colby, Hiither, King, Kuhn and alternate-member Nurski
Members Absent: None

The minutes from the January 14, 2008 meeting were accepted and approved as presented.

Business:

1. Public Hearing for Variance Application 2008-01
Colby opened the hearing at 5:03 PM.

Public Comments:

Mike Scherba of Lincoln Drive: Commented that the tower doesn't look good and does not belong in a residential district.

David Swayze of Fairway Drive, via e-mail: Asked what the nature of the tower would be, total height, and use of the tower.

The applicant presented the grounds for his appeal. Specifically he cited the consent he received from the LIPOA last fall, and questioned the relationship between the Village and LIPOA. He also cited his need for the tower for his digital HD television reception. He also inquired as to why he was denied a height exception under section 1212.19 of the zoning code, and the zoning administrator has granted an exception once in the past to a resident on Clubhouse Drive.

ZBA & Question/Answer Period with the applicant:

Dunham: Answered the applicant's question pertaining to the difference between the Village and Association, and that they are separate organizations. Dunham asked the applicant why he would spend money on a tower/antenna like this based only on verbal approval he stated he received from the LIPOA. The applicant responded that he consider the verbal OK to be sufficient. Dunham followed this by asking the applicant if he had done anything else that required zoning approval. The applicant stated that he had only applied for things at the old building where the LIPOA is located. Wolff produced copies of a zoning permit in 2000 and a second zoning permit in 2002 where the applicant applied for zoning approval on previous projects.

Hiither: Discussed whether or not there were other means to received HD signals. The applicant responded that he did have satellite service, but needed better receptions for local broadcast channels.

King: Asked if the applicant had ever built a tower/antenna like this before. The applicant responded that he had, and that he was in that business. King followed that question and answer by asking if he had ever applied for zoning in the past for any other tower. The applicant responded that he had not.

As the case pertained to an appeal of an administrative decision by the zoning administrator, the zoning administrator did not present a staff report.

Colby closed the public hearing at 5:18 PM.

2. Variance Application 2008-01

ZBA Discussion:

Hiither: Talked about the negative comments he has received regarding the tower.

Wolff: Discussed with the ZBA his discussion with the applicant the ability to operate the tower at lower height. The applicant stated that he could only get the reception desired at the present height, and the tower is designed in a way which does not allow sections in the middle to be removed.

A motion was made by Dunham, which was seconded by Hiither, to deny granting relief of the zoning administrator's denial of a height exception under section 1212.19 of the zoning code at 1007 El Camino Grande as the applicant failed to demonstrate that there were special or unique circumstances present which would justify approval.

ROLL CALL VOTE: YEAS: Dunham, Colby, Hiither, King and Kuhn; NAYS: None;
MOTION TO DENY GRANTING RELIEF CARRIED UNANIMOUSLY.

3. Public Hearing for Variance Application 2008-02

Colby opened the hearing at 5:22 PM.

Public Comments: *None*

ZBA & Question/Answer Period with the applicant & staff:

Dunham: Asked about the ability of the location to obtain a septic permit. Wolff answered that the Health Department would determine that, and the drain field would have to be located on the street side.

Hiither: Talked about future structure placement.

Kuhn: Discussed the shape of the lot, the slope, and the location of the street in terms of pavement and the edge of the right-of-way.

King: Asked about the granting of a variance and its effect if a well and septic permit were denied. Wolff reported that the variance runs with the land, regardless of development.

As the case pertained to an appeal of an administrative decision by the zoning administrator, the zoning administrator did not present a staff report.

Colby closed the public hearing at 5:39 PM.

4. Variance Application 2008-02

A motion was made by King, which was seconded by Kuhn, to grant a variance of 15' feet from the current 35' setback requirement for the front yard due to the uniqueness of the parcel in terms of shape and size of the surrounding lots, and the hardship of complying with the zoning standard due to the shape of the lot, and erosion since it was platted.

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

Public Comments:

Arvil King of Vallado Drive: Inquired about the status of reconstruction pertaining to the variance request from Pequena Drive.

Mike Scherba of Lincoln Drive: Cyclone fencing in residential areas is a concern, and needs better oversight and permitting.

With no further business before the ZBA, the meeting was adjourned at 5:42 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator

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Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: August 11, 2008

1010 Clubhouse Drive
Lake Isabella, MI, 48893

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

Members Present: Dunham, Hiither, King, Kuhn and Nurski

Members Absent: Colby

The minutes from the June 9, 2008 meeting were accepted and approved as presented without objection or modification.

Business:

1. Public Hearing for Variance Application 2008-02

King opened the hearing at 5:02 PM.

John & Linda Spiris presented their application for a variance. Also representing the Spiris was Larry Rescoe. The Spiris' discussed their relationship to MARS and Homeland Security. Presently there are only two HAM operators connected to MARS in Isabella and Clare counties. Mr. Rescoe spoke on the need to use the lake for signal bounce.

Discussion with the applicant:

Hiither asked the Spiris if there was a reason that the antenna could not be located on the large tower/antenna next to the garage. *Mr. Spiris answered by stating that due to the ground plane, he was unable to get a signal with the antenna on the tower next to the garage.*

Dunham asked where the antenna was originally located, and if it was the same antenna that Mr. Pollion complained about in 2007. *Mr. Spiris responded that the antenna from 2007 had been sold, and that this was a different antenna. He also stated that the antenna from 2007 was placed in the side yard, and did encroach on the pine trees along the Pollion's side yard.*

Public Comments:

Jane Pollion of Clubhouse Drive: Stated her opposition to the antenna. She also stated that they never consented to the large tower next to the garage. She also stated that in speaking with Village staff, she felt the Village has not enforced the zoning ordinance fully.

King asked if either antenna interfered with their television reception. *Mrs. Pollion stated that there was no interference.*

Dunham asked if she felt the flagpole was actually a flagpole. *Mrs. Pollion stated that she has never seen a flag flown on the pole and believes that it is another antenna.*

Dave Shoemaker of Isabella Vista: Spoke on behalf of Mr. Spiris. He stated he owns the other adjacent property to the Spiris and has no objection to either the tower or antenna. He feels that the relationship Mr. Spiris has with Homeland Security is an asset to the community.

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Richard Pollion of Clubhouse Drive: Spoke in opposition to the variance. He stated that he felt the tower next to the garage was in violation of the setback as well and should be removed.

Eugene Schmall of Clubhouse Drive: Spoke in favor of granting the variance. He stated that the need to have communication in an emergency situation is vital to the community.

Jan Sanderson of Clubhouse Drive: Left a voicemail message stating her opposition to granting the variance.

Scott Slasor of Clubhouse Drive: Submitted his support for the variance in writing.

With no further public comments, King closed the public hearing at 5:33 PM.

2. Variance Application 2008-02

Hiither commented that he had only been able to view the property from the lake, and apologized for not visiting the site in person.

King stated that he also was unable to conduct a site visit prior to the meeting.

Dunham stated that due to his knee surgery last week, he was unable to conduct a site visit as well. He stated that the board should postpone action until they could all visit the site.

Kuhn commented on the flagpole and asked Mr. Spiris if it was really a flagpole. *Mr. Spiris stated that it was a flagpole, he just hadn't flown a flag in years. He also stated that when he put the flagpole in over 20 years ago he had permission from the LIPOA to do so.*

A motion was made by Dunham, which was seconded by Kuhn, to postpone further discussion and action on the variance application until the September meeting to allow everyone to conduct a site visit. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

Public Comments:

Dave Shoemaker of Isabella Vista: Commented that the trees at Mr. Spiris' property obstruct any vision of the tower.

Linda Spiris of Clubhouse Drive: Commented that she wanted to make sure the board understood that MARS contacted them, not the other way around.

With no further business before the ZBA, the meeting was adjourned at 5:45 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator

DRAFT

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: September 8, 2008

1010 Clubhouse Drive
Lake Isabella, MI, 48893

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

Members Present: Hiither, King, Kuhn and Shannon

Members Absent: Colby, Dunham, and Nurski

The minutes from the August 11, 2008 meeting were accepted and approved as presented without objection or modification.

Business:

1. Public Hearing for Variance Application 2008-02

King re-opened the public hearing from the August 11th meeting at 5:02 PM.

Public Comments:

Jan Sanderson of Clubhouse Drive: Stated that her views on this subject has nothing to do with the personalities involved. She then stated that Dave Shoemaker misrepresented his ownership of the adjacent lot at the August meeting. She further went on to object to the taller antenna next to the garage and also the flagpole along the waterfront. She shared several pictures with the board from her property and adjoining properties showing both the large and small antenna.

Dave Shoemaker of Isabella Vista: Stated that he owns the adjoining property via a mortgage foreclosure, and will take full possession of the property in once the redemption period is closed. He re-stated his position from the August meeting that the antenna is not offensive to him.

Richard Pollion of Clubhouse Drive: Stated that to the best of his recollection, the flagpole has never displayed a flag until after the August meeting.

With no further public comments, King closed the public hearing at 5:13 PM.

2. Variance Application 2008-02

Hiither commented that the question and request before the board involved only the small antenna next to the lake. *Wolff responded reading the variance request involved only the small antenna next to the lake.*

A motion was made by Kuhn, which was seconded by Hiither, to grant a variance to John & Linda Spiris of 1072 Clubhouse Drive (Lake Isabella Golf Estates 1 lot 172) to allow the placement of an antenna within 3 feet of the ordinary high watermark, which is a variance from section 1220.01 which prohibits accessory structures from being placed within 35 of the ordinary high water mark of Lake Isabella; as the applicant has demonstrated a physical hardship in strict application of the zoning code due to the topography of the parcel in sending and receiving radio transmission, and the applicant demonstrated unique circumstances due to the antenna's role in the civil defense network and Homeland Security.

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ROLL CALL VOTE; YEAS: Shannon, Hiither, Kuhn, and King; NAYS: None. MOTION TO GRANT A VARIANCE FROM SECTION 1220.01 APPROVED UNANIMOUSLY

Dunham arrived at 5:19 PM

Public Comments:

Jane Pollion of Clubhouse Drive: Asked what the status of the antenna next to the garage is, and what type precedence does this set for Mr. Spiris for putting up additional antennas. *Wolff responded that under the provisions of the zoning code a person may bring an appeal to the Zoning Board of Appeals within 30 days of any action. Since the antenna next to the garage was approved in 2005, that period of time has elapsed. King responded by stating Mr. Spiris can place any additional antennas in the yard without approval from the Village.*

With no further business before the ZBA, the meeting was adjourned at 5:24 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator