

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: February 8, 2010

1010 Clubhouse Drive
Lake Isabella, MI, 48893

The Meeting was called to order at 5:35 PM. by Colby.

Members Present: Hiither, Shannon, Colby, Nurski, and McGrath

Members Excused: Dunham and King

A motion was made by Hiither, which was seconded by Shannon, to approve the minutes of the December 14, 2009 meeting as presented.

Business:

1. Meeting Date & Time

The Board discussed changing the meeting time to accommodate work schedules. Wolff suggested that the Board consider a different Monday. He cited the off-chance that a project would need Planning Commission approval such as a Site Plan, and having the ZBA meet on the second Monday, and the Planning Commission on the second Tuesday would not provide the applicant with time to make the changes in advance of the Planning Commission meeting.

After further discussion, the members set 5:30 PM on the fourth Monday of the month as the regular meeting date and time.

2. ZBA Procedures

The Board reviewed several procedural questions which could be altered in an upcoming ordinance. The members reviewed the questions and options presented, which were the same as the ones covered by the Planning Commission at their meeting in January.

In summary, the Board members agreed that having people take an oath before providing factual testimony was a good practice to begin, 15 minutes is sufficient for a presentation provided that the Board could extend time by a majority vote, the agenda order is ideal as is, and the time proposed for a “drop-dead” date is good.

Public Comments:

- None

With no further business before the ZBA, the meeting was adjourned at 5:59 PM.

Jeffrey P. Grey
Village Clerk

Timothy R. Wolff
Zoning Administrator

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: March 29, 2010

1010 Clubhouse Drive
Lake Isabella, MI, 48893

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

Members Present: King, Colby, Hiither, Nurski, and McGrath

Members Absent: Shannon and Dunham

A motion was made by King, seconded by Hiither, to approve the minutes of the February 8, 2010 minutes. ROLL CALL VOTE: YEAS: King, Colby, Hiither, Nurski, and McGrath: NAYS: None. MOTION CARRIED UNANIMOUSLY 5-0-0

Business:

1. Variance Application 2010-01: 1102 El Camino Grande

Wolff presented a staff report to the board. He detailed that the applicant is seeking to split a conforming parcel into two parcels. One of the splits would be conforming to the zoning code, the other would be non-conforming. The applicant has offered to connect the non-conforming parcel to a parcel on the opposite side of El Camino Grande to create a non-traditional t-lot.

David Shoemaker, president of Lake Isabella Enterprises, LLC was present and made a presentation to the board about his application. He stated that he acquired the parcel in 1995, that it is not part of a plat, but one of four splits from the 1970s. The other three parcels from that split are where Lucky Robison, Bernie Baldwin, and Bruce Torgerson live. He stated that he had originally sold lake access via an easement to Larry Rescoe and Bill Juran prior to the Village's funneling ordinance. After the ordinance was recorded he received notice from the Village's attorney that the easements created a multi-family violation of the single-family zoning of the parcel.

He stated that for years everyone thought the parcel was unbuildable. In 2008 the CMDHD reviewed soils and determined that a non-traditional system could be placed on the parcel. He also stated that he and Larry Rescoe, whom the non-conforming parcel would be sold to, have been long time supporters of the Village and contributors to the fireworks.

Hiither stated that he does not doubt that Larry Rescoe or Mr. Shoemaker have been supporters of the Village, and that should not factor into whether or not there is a hardsip which warrants a variance.

Colby opened the public hearing at 6:05 PM.

Public Comments:

- Submitted via USPS: Larry Rescoe submitted a letter requesting the variance be granted, and noted his family owned this parcel and numerous other aces in the 1960s and then sold it to the original developers.
- Submitted via email: David Witte sent an email in support of the application.

- Submitted via email: William Zehnder sent an email objecting to the application.
- Submitted via fax: Eric and Kelly Borodychuk sent a letter in support of the application.
- Submitted via email: Sissy Drake sent an email in support of the application.

With no further public comments, Colby closed the public hearing at 6:12 PM.

2. Variance Application 2010-01: 1102 El Camino Grande

McGrath stated that he simply does not see a hardship with the application. The parcel, as it legally exists, can be used as allowed in the zoning district. He stated that he feels that with El Camino Grande separating the two parcels that would be combined, the zoning code is clear that parcels across the street from one another are not to be considered one.

Colby stated that he did not see any hardship with the application.

Hiither again stated that he did not see a hardship demonstrated by the applicant in conforming to the zoning of the parcel. He stated that he appreciated and values the support of the applicant and other interested party to the application for the support of the community and fireworks, but that does not change the fact there is no hardship in complying with the zoning code.

A motion was made by Hiither, seconded by McGrath to deny the variance application as there was no hardship demonstrated with conforming to the zoning code for the zoning district that the parcel is located in. ROLL CALL VOTE: YEAS: King, Colby, Hiither, Nurski, and McGrath: NAYS: None. MOTION CARRIED UNANIMOUSLY 5-0-0

Public Comments:

- None

With no further business before the ZBA, the meeting was adjourned at 6:26 PM.

Jeffrey P. Grey
Village Clerk

Tim Wolff
Zoning Administrator