

Village of Lake Isabella
Zoning Board of Appeals Minutes
Regular Meeting: April 22, 2014

1010 Clubhouse Drive
Lake Isabella, MI, 48893

The Meeting was called to order at 5:30 PM. by ZBA Chairman King.

Members Present: LaPointe, Prince, Dauffenbach, McGrath, and King
Members Absent: Griffin

A motion was made by McGrath, seconded by Prince, to approve the minutes of the October 29, 2013 meeting as presented. ROLL CALL VOTE: YEAS; LaPointe, Prince, Dauffenbach, McGrath, and King: NAYS; None. MOTION CARRIED 5-0-0.

Business:

1. Zoning Text Interpretation; §1212.29

At the request of the Planning Commission, the Zoning Board of Appeals has been asked to interpret two items pertaining to section 1212.29 of the zoning code.

The first question asked by the Planning Commission is do the regulations contained in this section apply to all zoning districts or only to the residential districts.

LaPointe noted that nowhere in the text for this section does it have any wording which would suggest that the regulations apply only to certain districts.

Dauffenbach agreed and stated that it was clear from other sections of the ordinance that where regulations were meant to apply only to certain districts the text makes such clear.

A motion was made by LaPointe, seconded by McGrath, to interpret the wording of section 1212.29 to apply to all districts as the wording of the ordinance makes no reference to its applicability to specific uses or districts. ROLL CALL VOTE: YEAS; LaPointe, Prince, Dauffenbach, McGrath, and King: NAYS; None. MOTION CARRIED 5-0-0.

The second question asked by the Planning Commission with respect to this section of the zoning code is does the undefined term "Storage Pod" also include similar items that are commonly known as Shipping Containers?

Wolff provided pictures of both commonly used storage pods and shipping containers. He noted differences between the two such as the style of door, length, typical method of transport, and metal type used in construction.

McGrath stated that in his feeling these items are very similar and used in the same manner.

Dauffenbach discussed that during his time in the Army the shipping containers that transported goods were commonly used as storage buildings once they reached their destination.

Prince discussed that in his experience they are used in very much the similar manner, and in general terms have the same design and features.

A motion was made by Dauffenbach, seconded by McGrath, to interpret the term “Storage Pod” to include such similar items which are commonly known as Shipping Containers. ROLL CALL VOTE: YEAS; LaPointe, Prince, Dauffenbach, McGrath, and King: NAYS; None. MOTION CARRIED 5-0-0.

2. Zoning Text Interpretation; §1214.03

At the request of the Planning Commission, the Zoning Board of Appeals has been asked to interpret whether or not a temporary structure or temporary use in a non-residential district is required to undergo Site Plan approval.

Wolff was asked to give his view on this section of the ordinance as the Zoning Administrator. Wolff stated that his view as the Zoning Administrator is that as a general rule a temporary use or structure does not mandate a site plan, but rather if any of the conditions of section 1214.03 are applicable then a site plan would be required.

LaPointe stated that he feels the same way, and noted that in the East Coldwater Business District temporary uses for “Seasonal Plant and Food Stands” are considered a permitted use and have not been required to undergo Site Plan approval in the past.

King asked if any members of the ZBA felt differently about this than how Wolff explained it. All members felt that the Zoning Administrator’s view and application of this section was correct and that no further interpretation was needed on their part.

3. Zoning Text Interpretation; §1246

At the request of the Planning Commission, the Zoning Board of Appeals has been asked to interpret two items pertaining to section 1246 of the zoning code.

The first item that the Planning Commission has requested clarification on is whether or not the prohibition of the outdoor display of merchandise is applicable to temporary uses and vendors.

Wolff was asked to share his feeling and enforcement history as the Zoning Administrator. He stated that he has never enforced this section of the ordinance against a temporary vendor as the outdoor displaying of merchandise is a common feature of that category of use.

McGrath discussed whether the term “outdoor” would apply if the merchandise were in a tent which had the sides open.

A motion was made by LaPointe, seconded by Prince, to interpret the ordinance so that the prohibition of the outdoor display of merchandise would not apply to a temporary use or temporary structure.

Dauffenbach stated that he could not support the motion as he feels it is too broad.

McGrath voiced similar concerns to the motion.

After additional discussion, Prince withdrew his second on the motion, and LaPointe withdrew his motion.

King asked if the members of the ZBA had an issue with the way the Zoning Administrator has applied this regulation in past. No members voiced concern over the past application of this regulation and feel the Zoning Administrator should continue to enforce this section as has previously been done.

The second item that the Planning Commission has asked for clarification on is whether or not the hard-surfaced parking requirements in the Coldwater Business Districts apply to temporary uses and temporary structures.

The members briefly discussed the wording of these requirements.

A motion was made by McGrath, seconded by LaPointe, to interpret the ordinance as requiring hard-surfaced parking in the Coldwater Business Districts for all new uses and structures, including temporary uses and temporary structures. ROLL CALL VOTE: YEAS; LaPointe, Prince, Dauffenbach, McGrath, and King: NAYS; None. MOTION CARRIED 5-0-0.

Public Comments: None

With no further business before the ZBA, the meeting was adjourned at 6:35 PM.

Jeffrey P. Grey
Village Clerk

Arvil King
ZBA Chairman