



**Village of
Lake Isabella**

**1010 Clubhouse Drive
Lake Isabella, MI, 48893
989-644-8654
office@lakeisabellami.org
www.lakeisabellami.org**

Zoning Board of Appeals

Tuesday, July 30, 2024

5:30 PM

AGENDA

I. Call To Order

II. Roll Call of Members:	Malcom Howe	Greg Balcom
	Angela Schofield	Jim Ervin
	Jeff Grey	

III. Approval of Minutes from the August 22, 2023, Meeting

IV. Business

1. Public Hearing & Action for Requested Variance 2024-01; 8777 River Road

V. Public Comments and/or Questions

VI. Adjournment



Village of Lake Isabella

Zoning Board of Appeals

August 22, 2023

Regular Meeting

1010 Clubhouse Drive
Lake Isabella, MI 48893

The meeting was called to order at 5:30 PM by ZBA Chair Ervin.

Members Present: Balcom, Ervin, Grey, Howe, and Schofield

Members Excused: None

Election of ZBA Chairperson:

Grey made a motion, seconded Balcom, to appoint Ervin as Chair and Schofield as Vice-Chair. VOICE VOTE: MOTION CARRIED 5-0-0.

Approval of Minutes:

Schofield made a motion, seconded by Grey, to approve the minutes of the July 26, 2022, meeting. VOICE VOTE: MOTION CARRIED 5-0-0.

Adoption of ZBA Bylaws:

The ZBA reviewed the draft bylaws. The meeting date was corrected from the 4th Monday to the 4th Tuesday.

Grey made a motion, seconded by Balcom, to adopt the Bylaws as corrected. VOICE VOTE: MOTION CARRIED 5-0-0.

Business:

1. Variance Application 2023-01; 1268 Queens Way:

Manager Wolff presented a summary of the request before the ZBA. He reported that the Zoning Board of Appeals is being asked to grant two variances relating to the required side yard setback in the LR-1 District. Both variances would be from section 1232.A of the zoning code. This section establishes various minimum dimensional standards for lots. This includes required setbacks. The Applicant's home currently sits at the following side yard setbacks of 12 feet and 8 feet. The Applicant is seeking relief that would allow for new setbacks of 12 feet and 6 feet. This reduces both the minimum required side yard and the minimum total required side yards. Relief is sought to allow the Applicant to construct an addition on the northwest corner of their home, behind the garage.

Wolff reviewed the criteria in the ordinance to determine if a hardship exists that could justify granting a variance. He reported that the ordinance requires a request to meet at least seven of ten conditions. Based on his review of the application, he feels that the request meets seven of ten conditions in the ordinance, and the ZBA has grounds to grant a variance based on the circumstances presented.

The Applicants were present and did not add any additional details to the information that Wolff presented. They did note that the lot is roughly 22 feet narrower at the

water's edge than at the street, and the need for the variance is due to the narrowing of the lot as it moves from the street to the water.

Ervin opened the public hearing at 5:43 PM.

Public Comment: None

With no additional public comments, Ervin closed the public hearing at 5:44 PM.

ZBA Discussion:

The ZBA expressed its appreciation of the amendments made to the zoning ordinance in 2022 as it grants them greater flexibility in reviewing cases.

Grey made a motion, seconded by Howe, to grant the request based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the Village, the Board adopts the following findings and decision to grant variances allowing for a reduction of two feet in the total required side yards, and a two-foot reduction to the minimum required side yard in the LR-1 District as found in Section 1232.2A of the zoning code:

1. The Board finds that granting a variance would not impair the public health, safety, or well-being; and,
2. The Board finds the request is not of so general or recurrent a nature that it would be more reasonable or practical for the Village to amend the provisions of the zoning regulation involved rather than to grant a variance for the condition or situation; and,
3. The Board finds that the request is not tied to a financial hardship of the Applicant that would otherwise prevent the Applicant from complying with the zoning code; and,
4. The Board finds that granting a variance reducing the total side yard setback by no more than two feet for a new total side yard setback of no less than eighteen feet is the minimum variance needed and is due to the unique shape of lot 612 of the recorded plat of Lake ISabella Plat #4.

VOICE VOTE: MOTION CARRIED 5-0-0.

Public Comments: None

Adjournment:

With no further business to conduct, Ervin adjourned the meeting at 5:47 PM.

Approved: _____

Carol Shannon, Village Clerk

**VILLAGE OF LAKE ISABELLA
ISABELLA COUNTY**

NOTICE OF ZONING BOARD OF APPEALS PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the Village of Lake Isabella will hold a public hearing on Tuesday, July 30, 2024, as part of a Regular Meeting at 5:30 PM local time. The meeting location will be the Village of Lake Isabella Hall, 1010 Clubhouse Drive, Lake Isabella, MI 48893.

The purpose of the public hearing is to receive comments and questions on Variance Request 2024-01. A request to place an accessory structure on a vacant waterfront parcel has been submitted by the owner of parcel 21-089-00-060-09, which is an unplatted parcel across the street from 8777 W. River Road, Wiedman, MI 48893. The parcel subject to the request is immediately adjacent to and east of 8896 W. River Road. If approved, the variance would allow the applicant to establish an accessory structure across the street from their primary structure.

Information, including a copy of the application, may be obtained at the Village Hall at the above address between 8 AM and 4:30 PM, Monday through Friday. It may also be obtained by phone at (989) 644-8654 or by email at office@lakeisabellami.org.

Comments may be submitted in advance of the public hearing at the address below or via email to the Zoning Administrator at the following email address: office@lakeisabellami.org. Anyone needing special accommodations should contact the Village Hall at least two days before the meeting at the number listed below.

Carol Shannon, Lake Isabella Village Clerk
1010 Clubhouse Drive
Lake Isabella, MI 48893
(989) 644.8654
www.lakeisabellami.org

ZBA Public Hearing Template

- 1) The Chair opens the public hearing.
- 2) The Zoning Administrator presents a staff report.
- 3) The Applicant shall be provided up to fifteen minutes to present any comments and explanation of the case. Before providing factual testimony before the ZBA, the Applicant, any witnesses, experts, or members of the public shall take an oath affirming the information that they are about to provide will be factual and accurate. If it is later determined that such information provided under oath was intentionally inaccurate, the ZBA shall have sufficient grounds to void and vacate any such ZBA decision or variance granted after a revocation hearing.
- 4) The hearing will be opened for public comment. Before public comment is received, the Chair shall announce the rules for the public comment period. Those rules shall be:
 - a) The Chair shall recognize each speaker. When an individual has been recognized by the Chair, he or she is not to be interrupted unless their allowed time has expired.
 - b) Each speaker shall state their name and address for the record.
 - c) Speakers shall address all comments to the Chair.
 - d) Comments and questions shall be limited to the specific case subject to the hearing.
 - e) Unless waived by a vote of the ZBA, individual speakers shall be limited to five (5) minutes each.
 - f) The Chair may allow an individual to speak for a second time once everyone has had an opportunity to speak.
 - g) Normal civil discourse and decorum are expected. Applause, shouting, outburst, demonstrations, name-calling, or other provocative speech or behavior shall not be permitted.
- 5) Once all public comments have been stated, the Chair shall close the public hearing.
- 6) Once the public hearing has been closed, the ZBA will discuss and deliberate on the case.
- 7) Once discussion and deliberation have concluded, the ZBA shall take action on the case.



Village of Lake Isabella

Variance Application

Please complete Sections 1, 2, 3, and the corresponding Section(s) per your request.

Section 1 - Property Information:			
Property Address: W. RIVER RD., LAKE ISABELLA		Zoning District: LP-4	
Parcel Number: 21-089-00-060-09		Parcel Size: 5.68 ACRE	
Plat*:		Lot(s): 5.68 ACRE, 1	
Owner Name: CLAUDIA ROTH			
Owner Mailing Address: 8777 W. RIVER RD.		City: WEIDMAN	State: MI Zip: 48893
Phone Number: 989-330-6599		Email: cgwkrath@gmail.com	

Section 2 - Property Owner Acknowledgements:
<p><i>*The property owner does hereby acknowledge that their property is located in a plat or other development that may have restrictive covenants which are outside of the Village's zoning regulations, and may require a separate and additional approval from a private association. When seeking a land-use approval from the Village, the Applicant is responsible for any conflicts between the property-specific information (deed restrictions, restrictive covenants, building & use restrictions) and the proposed project. The Village of Lake Isabella does not enforce the various recorded private building & use restrictions that are associated with individual plats and developments in the community.</i></p> <p>It is strongly suggested that for any type of heavy equipment entering or exiting your location that you use plywood sheets to protect the edges of the surface of the roadway. Any damage done to the surface or edges of the roadway will be the responsibility of the Applicant to repair as directed by the Village of Lake Isabella Street Administrator.</p> <p>By execution of this application, the property owner represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the undersigned represents that he/she is authorized and does hereby grant a right to entry to officials from the Village of Lake Isabella for the purpose of gathering information related to this application and to verify compliance with the terms and conditions which may be imposed if approved.</p>
Signature: <u><i>Claudia M Roth</i></u> Date: <u>5/28/24</u>

Section 3 - Nature of Request(s):	
<input checked="" type="checkbox"/> Dimensional Variance (Please complete Sections 4a & 4b)	
<input type="checkbox"/> Appeal Zoning Official Decision (Please complete Section 5)	
<input type="checkbox"/> Ordinance or Zoning Map Interpretation (Please complete Section 6)	
Applicable Ordinance Section(s):	1234 4B AND 4D

Section 4a - Dimensional Variance Review Standards:

It is not intended that variances be granted merely to remove inconveniences in complying with the zoning regulations or to alleviate financial burdens. The possibility that compliance with the zoning regulations may prove to be more costly, time-consuming, or result in development that does not meet the desires of the applicant shall not be part of the consideration of the ZBA. Any variance granted shall be consistent with, and not materially impair, the purpose and intent of the Village's Master Plan and the zoning code.

The following standards and conditions shall apply to the review of completed applications for dimensional (non-use) variances. No dimensional (non-use) variance shall be granted or approved by the ZBA unless at least seven of the following standards are met and documented in the finding of fact in the meeting minutes. The Applicant is requested to answer or provide documentation that they meet at least seven of the following ten conditions. Space has been provided after each standard for the Applicant's response, answers may also be attached to this application.

1. Does strict application of the zoning requirements prohibit the use and/or development of land in a manner otherwise allowed in the zoning district? ☐ YES ☐ NO

If "Yes," please explain: N/A

2. Is the request driven by a financial hardship or economic condition which prevents the Applicant from fully complying with the requirements of the zoning code? ☐ YES ☒ NO

If "Yes," please explain: _____

3. Can the parcel or structure be reasonably be developed or utilized in a manner allowed by the zoning district without a variance? ☐ YES ☒ NO

If "No," please explain: _____

4. Describe how the situation is not "self-created," in that the immediate practical difficulty causing the need for a variance was not created by the applicant or the applicant's immediate predecessor in title unless such occurred before the Village's incorporation.

5. Would granting the variance impair the public's health, safety, or well-being? ☐ YES ☒ NO

If "Yes," please explain: _____

6. Is granting a variance based on a practical difficulty or extraordinary circumstances or conditions such as, but not limited to, topographical or physical features of the land, narrowness or shallowness of a specific piece of property that was legally existing on the effective date of the zoning code, or a situation of the parcel size or shape or structure related to its development from before the Village's incorporation? ☐ YES ☒ NO

If "Yes," please explain: _____

7. Does the variance bestow upon the applicant a privilege not enjoyed by other properties in the same zoning district. ☐ YES ☒ NO

If "Yes," please explain: _____

8. Will the variance request, if granted, will be the minimum variance necessary (*i.e.*, the least variation or change from the particular requirement of the zoning regulation involved) that will make possible the reasonable use of the land, structure, or building involved? ☒ YES ☐ NO

If "No," please explain: _____

9. Will granting the variance be injurious or detrimental to any properties adjoining the property that is the subject of the variance or the residents thereof? ☐ YES ☒ NO

If "Yes," please explain: _____

10. Is the condition or situation involved so general or recurrent a nature that it would be more reasonable or practical for the Village to amend the provisions of the zoning regulation involved rather than to grant a variance for the condition or situation? ☐ YES ☒ NO

If "Yes," please explain: _____

Section 4b - Plot Plan:

SEE
ATTACHED

TO...
WATER EDGE - 75'
NORTH LINE - 300'
SOUTH LINE - 400'
WEST LINE - 300'
DRIVE - GRAVEL
BUILDING - 14' x 20'

Items to Include

- North Arrow
- All Property Lines & platted easements (Distances in Feet)
- Existing and Proposed Driveways & driveway surface material
- Setbacks from edges of the proposed structure to the nearest property lines.
- Distances as measured at the closest point between existing and proposed structures.
- Distances as measured at the closest point between the proposed structure and the well & septic systems.
- Square footage of all existing and proposed buildings on site

Section 5 - Appeal Zoning Official Decision:

The following standards and conditions shall apply to the review of appeals relating to the action or decision of any official or board as permitted in this code and by statute. **Please submit a letter explaining your request and the factors surrounding the decision that is being appealed.**

- A. In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done using the proper requirements and standards of the zoning code.
- B. The decision of the ZBA is limited to the information that was available to the official or board that made the decision being appealed, unless he or she otherwise consents. Additional information such as verbal statements, written information, plans, pictures, and audio/visual recordings shall not be considered.

Section 6 - Ordinance or Zoning Map Interpretation:

Please submit a letter describing your request and what specific aspects of the zoning map or ordinance need interpretation.

The following standards and conditions shall apply to the interpretation of the application of the zoning code or the interpretation of the official zoning map of the Village of Lake Isabella:

- A. Prior to submitting an application or appeal to the ZBA from a third party, the Zoning Administrator shall review the section of the code or map in question and issue a written opinion on how the code or map is to be administered.
- B. Text interpretations of the ZBA shall be narrow and address only the situation being interpreted. The interpretation of the ZBA shall be based on a thorough reading of the zoning code, and shall not have the effect of amending the code.
- C. Zoning map interpretations by the ZBA shall be limited to determining where the boundary line of a particular zoning district lies with respect to a specific parcel.
- D. Where the intent of the zoning code or zoning map is unclear, or can be read to support equally more than one interpretation, the benefit of the doubt shall go to the property owner.

Section 7 – Conditions & Performance Bonds:

In making any decision or granting an application or variance, the ZBA may attach conditions in furtherance of the zoning code's intent and spirit as it may deem reasonable. The ZBA shall also have the authority to impose conditions to ensure that affected public services and facilities can accommodate the increased service demands of the development. The ZBA shall further have the authority to impose conditions to protect the environment, conserve natural resources, and ensure compatibility with adjacent land uses.

The ZBA shall have the authority to require such monetary security, irrevocable letter of credit, or performance bond in the form, manner, and amount as in its discretion may be required to compel compliance with and performance of all conditions incident to appeals and requests granted.



Village of Lake Isabella

July 30, 2024
Zoning Board of Appeals

Variance 2024-01 Staff Report

Location:	The parcel is unplatted and located in the southwest corner of the village near the intersection of Rolland Road and River Road
Zoning District:	Lake Residential 4
Parcel Size & Shape:	Triangle-shaped, roughly 5.68 acres
Current Use:	Vacant
Variances Requested:	The Applicant is seeking approval to allow an accessory structure to be placed across the street from their primary structure. Due to the accessory structure's size and the vacant lot being the waterfront parcel of the two parcels, variances are necessary from clauses B and D of Section 1234.4 of the ordinance.

SUMMARY:

The Zoning Board of Appeals is being asked to consider approving the placement of an accessory structure on a vacant waterfront lot. This request is unique because the primary structure is located across the street but outside the village. The accessory structure was placed late last year and was documented by our Code Enforcement staff in early 2024. A notice was sent at that time. The applicant was out of the area during the winter months and completed the variance application in late spring once in the area.

The Village allows accessory structures across the street from a primary dwelling, with several conditions. Those conditions are:

- The two parcels must have parallel overlapping frontage along a right-of-way or road.
- The accessory structure cannot be located on a vacant waterfront parcel.
- The accessory structure must be at least 896 square feet in size.
- The accessory structure must be approved as a Special Land Use.

LOCATION:

The Applicant's property is located in and out of the Village's jurisdictional border. The primary structure is located on a large parcel (240 acres) located outside of the village on the south side of River Road. The second parcel, where the accessory structure is located, is located inside the village, in an area that at one time was planned as Phase II of the Whispering Pines Site Condo. Phase II was never developed, and the unplatted land was later divided under the Land Division Act into several large parcels with frontage on either Rolland Road or River Road. The top of the next page shows the location of both parcels.

In late 2022, the Village adopted a comprehensive update to the Village's zoning code and map. Among the changes made in this update was a modification of the criteria for the ZBA to consider when reviewing a variance request. These changes were prompted by feedback from the ZBA in 2022 regarding a request that was denied due to the required conditions in the ordinance.

1. *Strict application of the zoning requirements would prohibit the use and/or development of land in a manner otherwise allowed in the zoning district involved.*
2. *That the request is not related to a financial or economic hardship of the applicant.*
3. *That the parcel or structure cannot reasonably be developed or utilized in a manner allowed by the zoning district where the land is located.*

4. *That the situation is not “self-created,” in that the immediate practical difficulty causing the need for a variance was not created by the applicant or the applicant’s immediate predecessor in title unless such occurred before the Village’s incorporation.*
5. *Granting the variance would not impair the public’s health, safety, or well-being.*
6. *That granting the variance is based on a practical difficulty or extraordinary circumstances or conditions such as, but not limited to, topographical or physical features of the land, narrowness or shallowness of a specific piece of property that was legally existing on the effective date of the zoning code, or a situation of the parcel size or shape or structure related to its development from before the Village’s incorporation*
7. *A variance shall not bestow upon the applicant a privilege not enjoyed by other properties in the same zoning district.*
8. *The variance request, if granted, will be the minimum variance necessary (i.e., the least variation or change from the particular requirement of the zoning regulation involved) that will make possible the reasonable use of the land, structure, or building involved.*
9. *The granting of the variance will not be injurious or detrimental to any properties adjoining the property that is the subject of the variance or the residents thereof.*
10. *The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Village to amend the provisions of the zoning regulation involved rather than to grant a variance for the condition or situation.*

DISCUSSION:

In reviewing the conditions laid out in the Village’s ordinance and the request, it is my opinion as the Zoning Administrator that the application does or does not meet the required conditions in the following manner:

(A) Strict application of the zoning requirements would prohibit the use and/or development of land in a manner otherwise allowed in the zoning district involved.

When the zoning ordinance was amended in 2018 to allow garages to be constructed across the street from their primary structure, the Planning Commission discussed allowing smaller structures and ultimately decided against allowing shed-size structures. One reason for requiring a larger structure was that the development would blend in better with adjacent homes. It also ensured that development would occur in a manner that would require a more significant financial investment and not jeopardize the property values of adjacent homes.

There was also a discussion focused on allowing accessory structures to be placed on waterfront lots. The Planning Commission among the reasons the Planning Commission did not allow for this type of arrangement was a concern over storage structures negatively impacting the property value of adjacent homes. This was largely viewed from the perspective of development on traditional platted lots.

(B) That the request is not related to a financial or economic hardship of the applicant.

No financial considerations or hardships have prompted the request.

(C) That the parcel or structure cannot reasonably be developed or utilized in a manner allowed by the zoning district where the land is located.

There is ample room and options for the development of the parcel in a manner that is allowed by the zoning code. Presently we have approved new home permits for two of the nearby unplatted parcels along River Road. What should be noted is that the Applicant's family owned the remainder of the parent parcel from Whispering Pines, and created all of the nearby parcels along River Road. I think this is important as it is my understanding that it has been their intention to retain a portion of that parent parcel for their lake access.

(D) That the situation is not "self-created," in that the immediate practical difficulty causing the need for a variance was not created by the applicant or the applicant's immediate predecessor in title unless such occurred before the Village's incorporation.

There is an element of this being self-created as the structure was placed on the parcel without seeking a permit or approval.

(E) Granting the variance would not impair the public's health, safety, or well-being.

With appropriate conditions, a variance could be granted that would not impair the public's health, safety, or well-being.

(F) That granting the variance is based on a practical difficulty or extraordinary circumstances or conditions such as, but not limited to, topographical or physical features of the land, narrowness or shallowness of a specific piece of property that was legally existing on the effective date of the zoning code, or a situation of the parcel size or shape or structure related to its development from before the Village's incorporation.

The Applicant's family has owned the large parcel on the south side of River Road for over 20 years. Phase II of the Whispering Pines development was abandoned in 2010. The parcel was eventually sold in 2011 and then divided under the Land Division Act. With respect to any unique features of the parcel, the most notable uniqueness is the dynamic of the primary structure being outside of the Village.

(G) A variance shall not bestow upon the applicant a privilege not enjoyed by other properties in the same zoning district.

Having a shed on a vacant waterfront lot, which is subordinate to a primary structure across the street, would be a special privilege. Sheds are allowed on waterfront parcels, but they must be located on the same parcel/lot as the primary structure. It should be noted as well that the size of the proposed shed is listed as 14 x 20, but I believe that includes the porch. The actual enclosed space is more like 10 x 20. The placement meets the ordinance requirements for setbacks if it is placed on a parcel with a primary structure.

(H) The variance request, if granted, will be the minimum variance necessary (i.e., the least variation or change from the particular requirement of the zoning regulation involved) that will make possible the reasonable use of the land, structure, or building involved.

If a variance is granted, it will be the least necessary one to allow the development, in my opinion.

(I) The granting of the variance will not be injurious or detrimental to any properties adjoining the property subject to the variance.

Barring any comments from nearby property owners, I do not see granting a request as injurious to any adjoining parties.

(J) The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Village to amend the provisions of the zoning regulation involved rather than to grant a variance for the condition or situation.

I do not believe that an ordinance amendment is necessary. The arrangement of these two parcels is unique, and I do not foresee any similar requests being made. In reviewing the parcels around the Village, presently, I see similar arrangements with a primary structure on a non-waterfront lot and a vacant waterfront lot with the same owner in three other locations (Pueblo Pass, El Camino Grande, and Lincoln Drive).

In reviewing the above conditions, I believe that the request satisfies four conditions (in green), does not satisfy three conditions (in red), and three (in blue) are debatable. The ZBA must find that the request meets at least seven conditions to grant a variance.

Under MCL 125.3604(7), the ZBA can impose conditions on any approval it grants. While the zoning ordinance clearly states the conditions necessary to establish an accessory structure across the street from a dwelling, it is fair to consider that those regulations were crafted with traditional platted lots in mind.

When the ordinance was amended in 2018 to allow for garages across the street, it was part of an effort to lessen regulations and give our residents additional options for their storage needs. This type of scenario was not considered in that discussion. When a garage across the street is approved, the ordinance treats it as a Special Land Use, and the two parcels are required to have a deed restriction that prohibits the two from being decoupled as long as the accessory structure is in place. The notification process for a Special Land Use approval is the same as for a variance. A copy of the mailing list and notice is included in this packet.

FINDING OF FACT CONSIDERATIONS:

After conducting a Public Hearing and receiving public comments, as well as discussing the request with the Applicant, the ZBA will need to issue a finding of fact as part of a motion to either approve or deny the request.

Below are two appropriate examples of a finding of fact that the Board could use to either approve or deny the request at the close of the public hearing. A finding of fact is necessary and should be included in the meeting minutes as it establishes the criteria used by the ZBA to base its decision on.

Finding of Fact if Denied:

Motion to deny the request based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the Village, the Board adopts the following findings and decision concerning the request for a variance to place a 280 square foot accessory structure on a vacant waterfront parcel across the street from 8777 W. River Road. The Board finds that a variance is not necessary for the reasonable development of the property as allowed in the zoning district and that the Applicant is not being denied a substantial property right for development otherwise allowed in the zoning district. Further, the Board finds that granting the request would bestow upon the Applicant a special privilege not enjoyed by other properties in the district. The applicant is hereby given [REDACTED] days to remove the accessory structure from the parcel.

Finding of Fact if Approved:

Motion to grant the request based upon the documentation and other information submitted to the Board, public comment received by the Board during its meeting, visits to the site by individual Board Members, and knowledge and experience of the Board Members with land use within the Village, the Board adopts the following findings and decision to grant variances allowing the development of a 280 square foot accessory structure on a vacant waterfront parcel across the street from 8777 W. River Road:

1. The Board finds that granting a variance would not impair the public health, safety, or well-being; and,
2. The Board finds the request is not of so general or recurrent a nature that it would be more reasonable or practical for the Village to amend the provisions of the zoning regulation involved rather than to grant a variance for the condition or situation; and,
3. The Board finds that the request is not tied to a financial hardship of the Applicant that would otherwise prevent the Applicant from complying with the zoning code; and,
4. The Board finds that the request is the minimum variance needed; and,
5. [Additional Finding of Fact from the ZBA]; and,
6. The approval is granted with the following conditions:
 - A. The two parcels must be combined via a deed restriction, which prevents decoupling as long as the accessory structure is on the lot, giving the Village the authority to enforce; and,
 - B. The accessory structure shall be used only for the storage of recreation items for the personal enjoyment of the owner, occupant, and guests of 8777 W, River Road; and,
 - C. Overnight camping or lodging shall not occur on the parcel with the accessory structure; and,
 - D. If the two parcels are decoupled, the accessory structure must be removed within [REDACTED] days of the transfer of ownership.

Photos





Variance Request 2024-01 Mailing List

Parcel ID	Address	Owner	Mailing Address	City & State
21-089-00-060-09	W. River Road	Claudia Roth Trust	P.O. Box 399	Shepherd, MI 48883
01-010-10-001-09	8777 W. River Road			
21-089-00-060-08	8896 W. River Road	Dominic & Stacy Finnerty	2100 W. Vernon Rd.	Farwell, MI 48622
21-089-00-060-07	8946 W. River Road	Patrick & Kristin Woodhull	15856 Wolf Run	Findlay, OH 45840
21-003-30-001-05	1052 Pueblo Pass	Bradley & Amanda Sims	1052 Pueblo Pass	Lake Isabella, MI 48893
21-003-30-001-04	1054 Pueblo Pass	Thomas & Wendy Devine	2203 Cricklewood Ct	Valparaiso, IN 46385
21-003-30-001-03	1056 Pueblo Pass			
21-003-30-001-02	1058 Pueblo Pass			
21-003-30-001-01	1060 Pueblo Pass	Jeffrey & Amie Calhoun	1060 Pueblo Pass	Lake Isabella, MI 48893