

Zoning Board of Appeals
Special Meeting
May 11, 2015

Minutes approved 7/13/2015

Chairperson, Lucy Gerlach, called the meeting to order at 7:02 p.m. with the Pledge of Allegiance, and explained the procedure for the meeting.

Roll call of board members present: Tina Fields, Pat Hubble, Dave Lawicki, Mike Gaylord and Lucy Gerlach. Also present: Guy Molby, Zoning Administrator and Pat Gray, recording secretary. Two guests present were Jeff Bergman and John Keranen.

The minutes from the regular zoning board meeting of April 13, 2015 were accepted with no objections.

Declaration of Conflict of Interest: Gaylord-none; Lawicki-none; Hubble-none; Fields-none; Gerlach-none.

Purpose of the meeting: A variance request from Jeff Bergman for a waterfront setback of 10'. Bergman presented the facts for his request, stating he purchased the home for his in-laws for their retirement. The home has an existing 10'x 28' deck which extends 10' into the waterfront setback. He wants to build a sunroom addition onto the back of the garage which would extend 8' into the waterfront setback. This wouldn't obstruct the view for neighbors on either side of the dwelling. The sunroom would primarily be windows with one doorway. A gas heater in the garage would be able to provide heat for the sunroom with a sliding glass door between. It would be built on a concrete slab as opposed to trying to renovate the existing deck. The option of enclosing the existing deck would block the view from inside the house, and would also be more noticeable to the neighbors. The main purpose is to improve the view and give a sitting room for the occupants.

Gerlach questioned whether they had obtained a soil erosion permit. Bergman didn't think it was necessary unless the variance was approved. Fields stated that if the variance were approved it would have to be contingent upon a soil erosion permit. Gaylord questioned what steps would be necessary to convert the existing deck to a sunroom. Bergman felt it would be much more costly and would require new foundation, etc.

Molby commented that he didn't feel there would be a problem with a soil erosion permit since the addition would be encroaching less on the waterfront setback than the current deck.

The chair closed the public portion of the hearing at 7:20 p.m.

Gerlach reviewed Section 26.11 of the Zoning Ordinance as it relates to a Non-Use Dimensional Variance. She read each of the standards and took a roll call vote as follows:

Standard A. The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district (e.g., unique dimensional, topographical, and/or structural conditions) thus presenting the possibility of a practical difficulty for this particular property.

Gaylord – No; did not feel there were exceptional circumstances with the property.

Lawicki – No; did not find any unique feature with the property.

Fields – No; commented on the size of the lot being long and narrow, but stated the property does not appear to offer any unique characteristic since the dwelling that is on it is already at the setback

Hubble – No; does not feel the property is unique.

Gerlach – No; does not feel there is a practical difficulty with this property.

This board finds that Standard A has not been met.

Standard B: The requested variance is necessary to alleviate a situation which qualifies as a practical difficulty; i.e., without the variance the owner is deprived of a minimum practical legal use of his/her property such as is possessed by residents of other properties in the same zoning district. (The possibility of increased financial return is of itself not sufficient to warrant a variance).

Fields – No; the property owner is not being deprived of any legitimate right if the request is not granted.

Hubble – No; he is not being deprived legally of his rights.

Gaylord – No; he is not being deprived of any rights.

Lawicki – No; agrees he is not being deprived of any rights.

Gerlach – No; agrees he is not being deprived of his rights.

This board finds that Standard B has not been met.

Standard C: The requested variance is the minimum variance necessary to mitigate the practical difficulty.

Since no practical difficulty was established in Standard A, this standard is not applicable.

Standard D: The practical difficulty resulting in the need for the requested variance was not created by any action of the current property owner.

The conditions were in existence when the present owner purchased the property. Therefore this standard is not applicable.

Standard E: The requested variance will not be detrimental to adjacent property and the surrounding neighborhood.

Fields – Yes; standard E is met.

Hubble – Yes; standard E is met

Lawicki – Yes; standard E met

Gaylord – Yes; standard E is met

Gerlach – Yes; standard E is met

This Board finds that Standard E has been met.

The board has found that all standards have not been met and the variance is denied.

Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Pat Gray, Recording Secretary