

Golden Township Zoning Board of Appeals Meeting Transcript

July 17, 2018

Jake Whelpley – Chairman (JW)

Jane Beaudoin – Member (JB)

Patti Hammond – Member (PH)

Mike Henderson – Member (MH)

Mark Borst – Member (MB)

Bob Ramlow – Member (BR)

Rob Draper – Golden Township (RD)

Ed McNeely – Golden Township Attorney (EM)

Tom Denman – Property owner (TD)

Mary Simpson - Resident (MS)

Jeremy Horton – Harbor Designg (JH)

JoAnn Vanderweele – Resident (JV)

Judy Pazol – Property owner (JP)

Larry Pazol – Property owner (LP)

JW: Call to order. Please rise for the Pledge of Allegiance

ALL: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands. One nation under God, indivisible with liberty and justice for all

JW: Thank you

JW: Will you take the roll, please, Rob?

RD: I would love to.

RD: Whelpley?

JW: Here

RD: Henderson

MH: Yeah

RD: Hammond

PH: Yes

RD: Bow do in

RD: I screw it up every time

JH: Do you need to see this?

JB: Rhymes with road way

MB: Seriously?

JB: Yeah

RD: Bowed way

JB: Yes

RD: Bow dean Now you know why I don't ever say it bow dean

RD: We have enough to fill a quorum

JW: We have enough for a quorum for the first portion of this hearing, of this meeting

JW: Before we get on the agenda. I'd like to make an amendment to the agenda and move old business up to number six and move new business down to number seven

JW: I would entertain a motion to approve the agenda with that movement, with that change

PH & MH: So moved

PH: oops

JW: Support

MH & JB: Support

JW: Motion has been made and supported to make that change. All those in favor signify by saying aye

MH, JB, & PH: Aye

JW: Opposed same sign

JW: Alright. You saw the minutes from the last meeting. Any questions, comments, changes or items that need to be addressed? If not then I will entertain a motion to approved the minutes of the June 19<sup>th</sup> meeting.

MH: So moved

JW: Support

JB: Support

JW: A motion has been made and supported to approve the minutes of the June 19<sup>th</sup> meeting. All those in favor signify by saying aye

JB, MH, & PH: Aye

JW: Anyone opposed? Motion is carried

JW: With that we will move to old business which the variance for Gander Denman

TD: Thank you. I wanted to start out with saying I know ah. Ya know, in Chicago, not in the city in the suburbs we get an attorney to do these kinds of things. Umm, so I didn't want to. I didn't want to give them impression to the Board that I was intending to ya know try and play hardball or anything like that or make you work on an evening. But again this is the motion to do a variance on a couple of things. Lot size, minimum width and for the property which we purchased just recently to subdivide within the family. My wife and I want to build build a place on there and my sister wants the option to build a place too ya know. So we're trying to make to subdivide the property that she has the option to perhaps build one. It could be ten years, it could be fifteen years down the line, it could be never. Uh, but my wife and I intend to ya know move forward we're trying to move forward in the next couple of years on that. Umm. I have a couple of ya know some of the things we discussed last time. If I could hand these out to you guys.

JW: Sure

TD: Do you need any?

RD: I'm set

TD: Umm. And I know there was concern about the road access and there were 4 particular concerns. One was the private road which along with this property would come the there is a road you can see on that map which leads to the north which connects with Silver Lake Drive. Excuse me Silver Lake Road. That is not. I believe that is sixteen point one two feet wide. It's what it is. We can't really make it bigger and there's certainly not going to be the sixty six feet dedicated easement for that portion. There wouldn't be if we were building one unit on the parcel or if we were dividing it. So that's. But and the minimum lot size was a concern and that's ya know frankly what we are asking for the variance on is to make it the minimum lot size if we split it in half the lot size the two equal lots would be point four two five of an acre which is significantly larger than most of the lots within a couple hundred yards in any direction. Some of the lots far up the hill are quite large but around the Floradale or what was the Floradale Resort area, to me will always be the Floradale Resort area, ya know. All of the lots are ya know. There are some lots that are could be maybe one twentieth of an acre. I mean some of those lots are absolutely tiny. Umm. So a variance would give us the ability to split the lot in two equal portions would still make it larger than most of the parcels around and certainly not overcrowded in any way. Umm. Another concern mentioned that we need a variance for minimum lot width of two hundred twenty five feet which is a longest, the longest side of the lot which is on the south side which is two hundred ninety feet so of course if we split it there's no way to get two parcels of two hundred twenty five feet of property width. So that would be one of the things we want a variance on as well. With the setbacks, front setback of twenty five feet, the rear setback of ten feet and side setback of ten feet, that seemed fairly easy to make sure that when if the lot were split and the houses built would not have a problem meeting the setback requirements, umm, there. I know there was concern about the private

road on the property providing access to the. I guess what I would call the rear parcel, the parcel to the south. Umm. If we put the. If we put the road on the east side as it shows on the map, the east side of the property and if we got a slight variance of the sixty six foot easement to something. Let's say forty feet or forty five feet, we'd still be able to have a fully, a full width road providing access to both parcels. Again, even though the existing road there is only sixteen feet and can't really be significantly widened. We could provide close to what would be required to provide access to the back parcel. If we could get again a variance on the minimum easement portion of, let's say forty five feet. And you had sort of asked about the hardship, where is the hardship? I understand that in a variance you are asking the board to say that the zoning law doesn't really work for this parcel. Umm, ya know, you're giving specific, specific power to make variances so it's not. So it's certainly within the law and things like that but the zoning laws as they are here doesn't really fit this parcel because it's a parcel of point eight five acres surrounded by these parcels that are just tiny. Absolutely tiny. So it kind of feels like a little bit of being the last guy to join up on what turns out to be a Ponzi scheme. I'm not saying there's anything illegal or unethical about the ordinance or anything like that. It's kind of feels like the last one is getting the short end of the stick in that all of the existing parcels are much smaller and have much smaller, a lot of them most of them around, I think, probably don't fit the setback requirements. And I understand that they were grandfathered in because they were built in, in many cases many, many years ago. So what I'm asking is to, to essentially is to subdivide the parcel, build moderate houses on them. Umm. That would bring essentially bring it into conformity with what is existing there. And that's where I was saying my sister and I, we're close, we're family and all that but when it gets to our kids and her kids and things like that, ya know, just doing finances with communal ownership even with a duplex which I understand is a possibility. I've discussed with Rob the possibility of doing a duplex and things like that but it would be much cleaner all around and we wouldn't have to worry about the mixing of different familial finances, ya know. It's one thing for me to deal with my sister but it's another thing for my two kids to deal with her kids, getting bigger and bigger and bigger and broader. Is it a hardship that the property is otherwise useless? No, it's not. It's not that. The hardship is to try and combine the family finances from various different units for the property, even if it were divided would still be larger than most of the surrounding, most of the surrounding parcels. So that's what I got. I can't say it's all swamp land and can't use it unless we have something but. But it does make it similar to all the other properties around it.

JW: Ok. Thank you

MS: May I say something?

JW: Sure, if you're with him.

TD: Yes, she is

MS: I am. I live next door to him. His property's right behind mine. My name's Mary Simpson.

JW: Excuse me. If you're not related or part ownership of the property, the public hearing was at the last meeting. The public hearing was closed.

MS: I did write a letter. We're cousins. Is that close enough?

JW: I suppose

MS: It's just a little something to think about. I looked at this property myself several years ago when Ed Bower had it for sale. It was probably before the zoning law was put in. But he had it divided in two parts. One with the beach on my left and one property with beach on my right. I just wanted you to know that at that time it was considered two different separate pieces of property.

JW: But that never happened.

MS: No, nobody bought it at that time.

JW: Right

JW: Ok. So what we're looking at here is four different items that need to be looked at. And the fifth one is the hardship. Umm. This is a legal non-conforming parcel. It was there before we had zoning. It's existed all this time. There's thousands, yeah there probably is thousands of those lots out there. There's three almost four thousand parcels in this township and probably the vast majority of them are non-conforming. The idea of the zoning ordinance was to try to get things more organized and better arranged so that things became conforming. Umm. I understand where you're coming from about the size of the lots out there. I wish there was something I could do about that but there isn't. They were there and been done and not much we can do about it. The problems that I mentioned at the end of the meeting were, and some of the others did too, about the approaches and things you have listed here. Umm. What it comes down to me particularly is the non-conforming part of this parcel. It's non-conforming to begin with. The Planning Commission over the years has struggled with that non-conformity and tried to make things become more consistent and more conforming to what the area needs. When we started out they were requiring three quarters of an acre for new parcels that were created. Then they raised up to one acre and that's where we're at currently. If we get a sewer system out there, it's gonna change the whole situation.

TD: Yeah, that's a whole nother

JW: That's a whole nother kettle of fish. That may happen next year. It may happen twenty years from now. Who knows. So we can't use that as a crutch to lean on. In reviewing the ordinance, the non-conforming section. The intent of the non-conforming section says except as provided below, no person may increase the extent of a non-conforming use or a non-conforming building in poor structure. Right now we have one non-conforming use here. This lot is a non-conforming use because it doesn't meet the size requirements. If we grant this variance, we're gonna make this more non-conforming because instead of one non-conforming lot we're gonna have two. To me, that's increasing the non-conformity of that parcel. And this, the intent of the non-conforming section says we can't do that. The other thing is the hardship part of it. And this was my, you guys are gonna have your chance to speak too. Every training session I ever went to says you cannot use finances as a basis for creating hardship. And with you've told us here. The problem you have is creating financial situations between family members and this other stuff to make it so that it's more comfortable for you. The hardship is can you use the property without the variance? The answer is yes. If the hardship was that you couldn't use the property without the variance it would put a whole different light on it. But I don't see where there is a necessary hardship to this project to require us to give four different variances that go against everything or just about everything that's in the zoning ordinance. So, anyone else wanna make any comments?

PH: I would just reiterate that this property was purchased after these zoning ordinances were put in place. So that raises a concern for me that you should've checked the zoning ordinances prior to your purchase if this is what you intended at the time of purchase.

TD: Let me jump in here. Our intention to some extent was to get some of the beach that was associated with this and to make sure that this property was not used for somebody getting or putting ten units on there and selling them. So that's what I'm saying. So that was part of our concern to make sure that it didn't change things drastically. And by doing that by putting two parcels, making it two parcels and putting two single family homes on there would certainly not change the not change the character of the area at all. And in fact the hardship of it is being required to have the largest lot for hundreds of yards. There's nothin until you get pretty far up the hill. There's no. I don't know of any parcels that are that size or larger.

MH: I don't know that you would have room for two wells and two sewer systems on that property or either piece of property. You're gonna have to have two different systems. It don't look to me that you've got enough square footage to do that.

TD: I'm not extremely familiar with septic systems. I certainly know what they are. It seems like based on this map it would seem like there's room from ones that I've seen being built have the septic field go in between the properties on the south end of the north property and maybe the east end of the southern most property. It looks like there's a large area where there's not anything there. Again, I'm not that familiar with

MH: See and I don't think they look at two is they look for a sewer system for you they like to see where your neighbor's is and where his well is in relation to your property. And that all enters into it.

TD: Well certainly. That would be a portion of it. I don't know where the wells are on the properties on the north or to the south of us. To the west of this property is undeveloped land so there is no well there. Presumably that would be looked at if when we start getting the permits to build. When we build and hopefully we build relatively soon and if my sister decided to build later that would presumably looked at with the plans being submitted to the township for approval. I will say that I don't know where the wells are on the properties surrounding it.

JW: Anything else? Jane?

JB: I think that my concern is that the variance if granted or not granted is given to the piece of property. Not to the owners and that piece of property could change hands even though you say it's never going to repeatedly. So, what we do stays with the property. Regardless of the ownership.

TD: Of course. Even where we see the property whoever subsequently had it would still be required to meet the sewer requirements, well requirements, setback, anything like that. I understand the concern about potential future owners but they would have to follow the same building requirements and zoning rules that we would.

JB: I'm looking at a lot of variances here.

EM: Do we have an agreement on the variance are, the variances are that are being sought? I think that'd be good to get on the record in case its needed.

JW: OK. The first variance is to reduce the private road requirements from sixty six feet down to sixteen point one two feet. Basically.

EM: Do you agree with that?

TD: Well the existing road

EM: No no. I'm just seeing if you agree with that that variance is what you're seeking.

TD: Well, umm, I'm seeking to be able to use the existing road that is part of this parcel that cannot have the sixty six feet of designated easement in the eighteen feet. Whether the variance is granted or not its going to be the same access road to getting to the property.

EM: See? Here's the issue. That at some future time that a person has the right after seeking variances to appeal an adverse decision to the Circuit Court. Then the Circuit Court judge looks up and he says what is this appeal about and where that begins is what was requested. So that's what I'm trying to nail down.

JW: It's basically reducing the sixty six foot private road requirement down to sixteen point one two feet.

TD: Yeah for the existing road

EM: Ok. So that's one that's being requested.

JW: Ok. The second one is minimum lot size for newly created parcels in the resort residential zone is one acre. The request is to grant a variance for that one acre and allow him to create two acres, er, two lots of four point two five acres.

EM: So that's the second one. Do you agree?

TD: Point four two five. Yes

EM: So we got the second one down. What else is there?

JW: Then lot lift is. The requirement is two hundred twenty five feet across the front lot line which is the lot line that faces the street. And the plan that he shows here shows about a hundred and thirty or hundred and forty feet about a hundred fifty feet about a hundred forty feet.

EM: So the third one is a variance for the two hundred foot lot requirement down to what is shown?

TD: That's the way it is here

EM: So you agree with that?

TD: Yes

EM: Is there a fourth one yet?

JW: Yeah, the fourth one is reduce the front setback and the side and rear setbacks.

TD: If I can jump in, I put that in because that was a concern that you guys had but with these, if these three variances were approved I was trying to say that meeting these setbacks would not be problem.

JW: Ok. So it's just those three.

EM: So we have agreement on what the...ok.

TD: Yes

JW: The ordinance requires that we have conditions at we have to apply to this variance request. Section eighteen point seven of zoning ordinance states that the ZBA may grant variances when the literal enforcement of the provisions of this ordinance result in practical difficulty or cause unnecessary hardship created by the lay of the land or the location of buildings or structures existing before the effective date of this ordinance. I think the first thing we need to do is to address that requirement. Which is number five on his list of things we discussed before. I've already stated my position. I will make a motion that we don't believe there is a hardship created here that results in him not being able to use the property. It's more of a financial problem between the family members. I make that as a motion that this does not meet that requirement for variance. Is there support for that?

MH: I'll support it

JW: The motion has been made and supported that we. That there is not a practical difficulty in this variance request. I will ask for a roll call vote, please Rob.

RD: Hammond

PH: I agree

RD: Henderson

MH: Yes

RD: Beaudoin

JB: I agree

RD: Whelpley

JW: Yes

JW: Prior to granting a variance we have to go through these five conditions. So let's go through the five conditions. There are exceptional or extraordinary conditions applicable to the property that do not generally apply to other properties in the surrounding area. I don't think there's anything exceptional about this. There's a bunch of non-conforming lots out there. I would entertain a motion that it does not meet number one.

PH: So moved

JB: Supported

JW: The motion has been made and supported that the variance request does not meet number one. Roll call, please Rob

RD: Beaudoin

JB: Yes



RD: Whelpley

JW: Yes

RD: Henderson

MH: Yes

RD: Hammond

PH: Yes

JW: That such variance is necessary for the preservation and enjoyment of substantial property right possessed by other properties in the same zoning district. I think he's made a case for the fact that everybody else has got small lots and use of their property so who don't the variance it would deprive him of a property right that other people have. I would entertain a motion that he meets number 2.

MH: Puts me on the spot that he meets number 2, right?

JW: Yeah

JW: Is there support for that motion?

MH: I'll support

JW: Will you take roll, Rob?

RD: Henderson

MH: Yes

RD: Hammond

PH: Yes

RD: Whelpley

JW: Yes

RD: Beaudoin

JB: Yes

EM: Who made that last motion? Who made that? That last motion, who made that?

MH: I did

EM: and who supported it?

JW: Who was in support?

MH: I did. Unless she supported it?

PH: I think Mike supported also

EM: Yeah that's what I thought I caught

JW: We need support

PH: I'll support

JW: Call that roll again. That first one was not legal.

RD: Henderson

MH: Yes

RD: Hammond

PH: Yes

RD: Whelpley

JW: Yes

RD: Beaudoin

JB: Yes

JW: And number three. The granting of the variance will not be detrimental to public welfare nor to juris or prudence to property or neighborhood or the area in which the property is located. I would entertain a motion that it meets the requirements for number three because he made a case for the fact that there's all kinds of small lots and other structures and things out there so. I would entertain a motion that it meets number three.

PH: So moved

JB: I'll support that

JW: Roll call, please Rob

RD: Beaudoin

JB: Yes

RD: Henderson

MH: Yes

RD: Whelpley

JW: Yes

RD: Hammond

PH: Yes

JW: Number four. That granting such variance will will not adversely affect the purposes or objectives of this ordinance. I will make the motion that it does not meet number 4 because number seventeen is very explicit about not expanding non-conformingisms. I make a motion that it does not meet number four.

JB: I'll support that

JW: Roll call, please

RD: Whelpley

JW: Yes

RD: Hammond

PH: Yes

RD: Henderson

MH: Yes

RD: Beaudoin

JB: Yes

JW: Number five. The need for the variance is not the result of an action by the appellant. The property was created years ago and he would like a variance to make it smaller. So there was no action on his part when the lot was created so. I would entertain a motion that it meets number five.

MH: So moved

PH: Supported

JW: Roll call, please

RD: Hammond

PH: Yes

RD: Henderson

MH: Yes

RD: Whelpley

JW: Yes

RD: Beaudoin

JB: Yes

JW: Based on the fact that we agree that there is really not a hardship created and the fact that it does not meet all five of the requirements to grant variances. I will entertain a motion that the variance be denied.

PH: So moved

JV: I'll support

JW: Roll call, please Rob

RD: Beaudoin

JB: Yes

RD: Whelpley

JW: Yes

RD: Hammond

PH: Yes

RD: Henderson

MH: Yes

JW: Four votes in favor. No votes against. The motion is denied. The variance is denied. Excuse me.

EM: So the motion passed and the variance is denied, right?

JW: Yes

JW: Rob will submit paperwork to you stating that.

TD: Thank you for your time

JW: Thank you

JW: At this time, we will excuse Mrs. Beaudoin

JW: Ok. We'll move on to new business. New business is a variance request by Mr. Pozel. Is Mr. Pozel here?

JH: Pazol

JW: Pardon?

JH: It's Pazol with an A. But close enough. Yes, he's here

JW: There is an A. I'm sorry. They screw up my name all the time too.

JH: I'm sure he's been called worse.

JW: Alright we will now go on to our public hearing portion of the agenda. At this point, I will open the public hearing for the Pazol variance request. Rob your administrator presentation, please

RD: Yes, umm. I was approached by a Mr. Pazol builder and brought a variance in to ask for a setback reduction of seven foot for a garage on his property down in the Dutch boy landing area. He did let me know that they had already gone through the DEQ and the DEQ had ok'd them to put it in this spot and he's they've issued all the things that are asked of them to go forward with this variance.

JW: ok. Mr. Pazol would you like to make a presentation to us or have your representative

JP: Our representative

JH: So you all have a

JW: Could you identify yourself?

JH: Yep. Jeremy Horton from Harbor Design

JH: You guys all have the site plan that was submitted? So all the way to the back. The hardship they have is related to the dune slopes on the property. You can see the north part of the property has dune slopes larger than three percent so we can't put a garage on the north side of the house. They did not build the house. They bought house. They didn't create this situation. Umm. We're asking for a pretty modest size garage to still give some setback. Only eighteen feet out. Some people could go for twenty four feet or something for a garage. Umm. I'd like to point out that this is a I don't think this is a private road. I think it's second to the last to the private road.

JV: It's a private road

JW: It's all private

JH: It's private. Ok. It's a two track. I don't know there's like three four houses past that. Along this road there's other non-conforming setbacks to garages and such. None of them are far enough that we could get a permit without asking for a variance because there is that clause in the ordinance about it. If you can find them in two hundred feet and they average about to meet that. They're not enough non-conforming to help us but there's. I want to point out I guess that it is kind of common that these garages and such are closer to the road than twenty five feet. I think that's kind of what I have to say. You kind of getting is that we can't build on the entire lot because of the DEQ requirements. I mean we can't go on the whole lake side of the house because of setbacks, the erosion hazard line. We can't build on the north side of the lot because of critical dunes. So we're kind of stuck to this spot if we want a garage. I don't have a lot more to say. I'd definitely be willing to answer any questions later.

JW: Did we receive any correspondence in favor of this?

RD: I have not received any pro or con.

JW: Pro or con? Ok. Is there any public comment in favor of this?

JV: Jo Vanderweele of 3515 North Lakeshore Drive and I have no opposition.

JW: Are you fairly close to her, Jo?

JV: Let's see. She's 3 houses from me.

JW: I knew it was pretty close down there. Ok. Any public comment opposed to this? Hearing none, you don't have to rebut anything because nobody said anything. Any summary Rob? Or did you say all you're gonna say?

RD: Umm. I did go down and look at it. The closest I saw. I didn't see any markers for property lines. There was one garage that if I were to guess and I don't wanna guess I'd say ten to eleven feet to the property line. That would be all I would have to say about that. But without markers I don't know what that would even mean. Probably not a lot.

JW: At this point I will close the public hearing. The Board will go into discussion and deliberation. I have a couple of or one or two questions for you Jeremy.

JH: Yep

JW: Umm. Do you have any idea when that house was built originally?

LP: I'd say during the sixties.

JW: Most of those house have been there forever.

JV: It's gotta be

LP: The sixties, don't you think Jo?

JV: It's gotta be forty years ago. But it's not Dutch boy's landing.

JW: It was before nineteen ninety.

LP: Oh yeah. Definitely, before nineteen ninety

JW: That road? Do they plow that road? Anyone plow that in the wintertime? Is it?

LP: Jo lives on it

JV: I have mine plowed to my house

JW: But the county doesn't go down there?

BR: Where is her house compared to hers?

JV: I'm three houses before

JW: Before you get to Dutch boy's landing

BR: So before?

JP: If you down that county road, she would be south of us and Dutch boy is north of us.

LP: Right

JW: Any other members have any questions or thoughts?

MH: Yeah

JW: Go ahead

MH: I'm looking at this aerial of this property. It's showing this road going past the corner of this property.

JH: I thinks that's just an aerial versus reality issue going on. I don't think that. There are corner stakes on his property that we've been basing this on. The road is a good eight or nine feet off the property as it appears to me.

MH: That's what the fence is? The lot line, you figure?

JH: I'm trying to remember the fence

BR: Split rail

MH: There's a split rail or a wood pile on

JH: South side?

MH: No, the road side?

JH: Oh the road side. There's a hedge. Is there a fence in that thing?

JP: Yeah, there's a fence in there

JH: I think that is pretty close to the property line, yes.

MH: And the well is in there too. I seen that.

JH: Yeah, we're talking behind the well there too. We got that up against this well.

PH: Did you ever consider building to the south? Instead of between the home and the road?

JH: Yeah, well, there's only

PH: Looks like there's room there

JH: Yeah but not very much. Probably could only. As you can see we're coming out eight feet and as you get closer to the lake and as you go back a little bit you might only get about ten or twelve feet. That's a pretty small garage.

MB: Has there ever been a survey done?

JH: Oh yeah.

MB: No I mean since you've purchased it? For any of this? So you know for sure those stakes are the lines? Lots of properties have stake but when they come to survey it that's not where the lines are.

LP: We had a survey done because the DEQ required it. When we bought the house 22 years ago, we had to put an addition on then to the house.

JP: But there is also a survey that was done by Randy Hepworth that goes on the south property line and the stake is still there.

LP: It is there.

JP: And I don't know if it went as far as the north property line.

JH: To my eyes those survey stakes look pretty legit. Have we had it re-surveyed since this concession has come up? No.

MB: So this. So they are about in line with that hedge row or that split rail fence that we're talking about?

JH: Exactly

MB: And not out to the edge of the road?

JH: No. No.

MB: ok

MH: Seven feet going back from that hedge row

JH: Exactly. Exactly. That's the narrowest point too I'd like to point out. That's the corner. The angle of things kind of helps us a little bit as well.

MH: And then are you going up too?

JH: I'm not out this far. I can sh. I don't know if you have the elevation drawing or I betcha that's sight plan only. I can show you on a bigger drawing.

MH: I mean, uh

JH: How tall? It's only one story out to this point and a ways back it goes up as well.

MH: I mean, uh

JH: Cuz that house has got like two and a half stories

MH: Three stories

JH: So in the. I can show you here on the site plan. So as you go. So this would be that corner so as you go further towards the lake I think this is coming out eight feet so this is ten feet in and goes up to the second story. So only the garage comes out to the seven and then every thing else back would be about seventeen. Does that make sense?

MB: How big is the door? Twelve o? Twelve by seven?

JH: Yeah

MB: So you are basically trying to get a car?

JH: Yeah

MB: That's about a car

LP: One car

JH: The Pazols really wanted two cars but I had to convince them otherwise.

LP: You see what we're up against?

MH: Eighteen feet you could get two little cars

JH: Two European cars

JP: Two little smart cars

MB: There ya go. Get two of them



MB: Those were my questions.

BR: I don't really have any questions. I looked at it. I did surveying right out of high school for a few years so I saw where things were marked. It looked pretty legit to me so I didn't really question that part of it.

JW: Ok, so the variance that we are looking at is reducing the twenty five yard front yard set back

MB: foot

JW: Twenty five foot front yard setback. Twenty five foot setback from the front yard to the seven feet in the front yard.

MB: Now that is to the eve or to the wall?

JW: That should be to the eve to the drip line?

MB: Is that to your drip line?

JH: No. That is to the wall so. We're showing a one foot over hang so that would be six feet, Good catch

JW: So that would be six feet then

JH: Yes

JW: My brain don't work even though my mouth does.

BR: Cuz you need a vacation

JW: Ok. Section eighteen point seven. I think we are ready to, to ah, go over the steps. The variance. Section eighteen point seven of zoning ordinance states that the ZBA may grant variances when the literal enforcement of the provisions of this ordinance result in practical difficulty or unnecessary hardship created by the lay of the land or the location of buildings or structures existing before the effective date of this ordinance. I would entertain because this house was built way before we had zoning. I would entertain a motion that it meets that requirement to go further.

BR: I support

MB: Second. I supported your thinking or is he making the motion?

BR: He made it

JW: I'll make it

MB: Oh ok

JW: I'm making the motion

MB: I didn't know that. I thought he wanted somebody to entertain him.

JW: I did want someone to.

BR: I did it right

JW: I made the motion and its being supported. Rob will you take roll call, please?

RD: Sure. Ramlow

BR: Yes

RD: Borst

MB: Yes

RD: Whelpley

JW: Yes

RD: Henderson

MH: Yes

RD: Hammond

PH: Yes

JW: Now to the five conditions. Number one. There are exceptional or extraordinary circumstances or conditions applicable to this property involved that do not generally apply to other properties surrounding in the neighborhood area. The smoke pier prohibits it being built in an area other than this front yard. Setbacks by the water by the state requirement do not allow it to be built any place else. So that's basically the only place on there. So that's an extraordinary circumstance to this lot is that slope. So would someone make the motion that it meets number one.

MH: So moved

BR: Support

JW: The motion has been made and supported that it meets step one. Take a roll call please Rob

RD: Hammond

PH: Yes

RD: Henderson

MH: Yes

RD: Whelpley

JW: Yes

RD: Borst

MB: Yes

RD: Ramlow

BR: Yes

JW: Number two is that this variance is for the preservation and substantial enjoyment of the property right possessed by other properties in the same zone and vicinity. There are many garages and

outbuildings and things of that nature in the neighborhood that are probably closer than that cause there's a lot of old stuff out there so. So would somebody like to make a motion that it meets number two?

MB: I'll make that motion

BR: Support

JW: The motion has been made and supported that it meets number two. Rob Roll call

RD: Whelpley

JW: Yes

RD: Henderson

MH: Yes

RD: Borst

MB: Yes

RD: Hammond

PH: Yes

RD: Ramlow

BR: Yes

JW: Number three. Granting the variance will not be detrimental to public welfare or injurious of improvements to the neighborhood or area in which the property is located. That's why I asked if they plowed snow in the winter time because the snow. One of the main reasons for a twenty five yard setback is, er, twenty five foot setback is because the snow flies along ways from the snow plow. I will make a motion that it meets number three.

BR: Support

JW: The motion has been made and supported

RD: Ramlow

BR: Yes

RD: Borst

MB: Yes

RD: Whelpley

JW: Yes

RD: Henderson

MH: Yes

RD: Hammond

PH: Yes

JW: Number four. Granting of such variance will not adversely affect the purposes or objectives of this ordinance. I don't see where. Because of, because of these circumstances and the other things we talked about. I would like to make a motion that

MH: So moved

RB: Second or third whatever

JW: The motion has been made and supported. Roll call please

RD: Hammond

PH: Yes

RD: Henderson

MH: Yes

RD: Whelpley

JW: Yes

RD: Borst

MB: Yes

RD: Ramlow

BR: Yes

JW: And number five. The need for the variance is not the result of an action by the appellant. Since the house was built by somebody else we can't blame them for not planning.

MB: Right

JW: So somebody make a motion

MH: I make a motion we support five

MB: Second it

JW: Number five. The motion has been made and supported. Roll call

RD: Henderson

JW: Yes

RD: Borst

MB: Yes

RD: Hammond

PH: Yes

RD: Ramlow

BR: Yes

RD: Whelpley

JW: Yes

JW: It meets the requirements in the first paragraph. It meets all five of the requirements for a variance. Would someone like to make a motion that the variance be approved?

PH: So moved

MB: Support

JW: The motion has been made and supported that the variance be granted. Roll call

RD: Ramlow

BR: Yes

RD: Borst

MB: Yes

RD: Whelpley

JW: Yes

RD: Henderson

MH: Yes

RD: Hammond

PH: Yes

RD: That was the motion for?

JW: That variance is for a reduction to six feet from twenty five to six

MH: From twenty five to six

JW: Yeah

MH: So that's that

JW: Feet not yards

MH: I forgot the drip edge

JP: It's good to have a sense of humor

JH: Thank you all

LP: Thank you

JW: No Problem. Are there any more public comments? If not, I'll adjourn the meeting

JW: