

**APPROVED MINUTES  
THE CITY OF THE VILLAGE OF DOUGLAS  
ZONING BOARD OF APPEALS (ZBA)  
DOUGLAS CITY HALL  
May 26, 2009**

**1.** The meeting was called to order at 7:00PM by **Chairperson Schumacher**.

**2. Roll Call:** Jeff Greenwood, Ken Kutzel, Tarue Pullen, Bill Schumacher, Alexa Urquhart

Also in attendance: Ryan Kilpatrick, Community/Economic Development Director

**3. Approval of Minutes**

*Motion by Pullen, second by Urquhart, to approve the minutes of the October 28, 2008 ZBA as presented*

**Discussion:** **Kutzel** wished to have clarification on line 42 as being correct; he finds it oddly written. **Kilpatrick and Schumacher** reviewed information regarding the variance request. **Kilpatrick** suggested that the minutes reflect that the interpretation of the variance request was based exactly on the site plan as submitted.

*Pullen modified the motion by adding the phrase "...by interpreting the variance request based on the site plan as submitted." to the sentence ending on line 42 of page 1. Urquhart agreed to the modification.*

*Motion, as modified, carries by unanimous voice vote*

**4. Agenda Changes/Additions/Deletions**

There were no changes presented, the agenda stands.

**5. New Business**

**A. Public Hearing to discuss an application for variance at the property located at 212 Riverview (pp# 59-016-011-00). The applicant requests a variance from section 16.3 (7) Front Yard Prohibition relating to accessory structures, and Section 4.06 required front yard setback in the R-1 District.**

**Chairperson Schumacher** opened the Public Hearing at 7:07 PM.

**i. Written Correspondence:** **Greenwood** read into the record a letter from Ed Sisk, Riverview Dr, with reasons for his opposition to the variance request

**ii. Petitioner Presentation:** **Patrick Murphy**, builder, 186 Hamilton made a presentation on behalf of the homeowners. He said that the Wellmans are asking

for two variances; first to build a garage in the front of the property and second to reduce the front yard setback requirement in order to leave as many trees as possible. The building is within the required height requirements and will not interfere with anyone's view. He also noted that the Wellmans do not own the property referenced in Mr. Sisk's letter, it is owned by their sons.

**iii. Audience Comments: Tim Glinski**, 284 Riverview Dr, read a letter into the record in favor of the variance request.

**iv. Wayne Wellman**, 212 Riverview, the homeowner spoke of conversations with neighbors in favor of the variance request

**v. Zoning Board questions/comments: Pullen** questioned any changes in the new ordinance that would address this situation. **Kilpatrick** responded that the new ordinance speaks to the rear yard of waterfront property specifically as the rear yard. **Schumacher** added that part of the problem is that you need a wider lot on waterfront property because you don't have additional space in the rear. **Urquhart** questioned how it was possible to get a three car garage with a loft above inside the 17 foot height. **Kilpatrick** said that in the submitted memo the state statute requires that when dealing with a request for variance the Board is asked to look at hardship on the lot or practical difficulty; something that would prevent the owner from following the ordinance. **Pullen** interjected that she is uncomfortable with the variance because there is room on the west side of the property. **Tim Glinski** said that he had heard that people thought there was going to be an apartment above the garage; some people have misinterpreted that.

The **Public Hearing** was closed at **7:27 PM**.

**Schumacher** suggested that Kilpatrick and Urquhart take the issue of waterfront setback differences back to the Planning Commission. The Board concurred that was a good idea.

**Urquhart** noted that generally speaking, on waterfront property the backyard takes on the setback as a front yard; building setback from the waterfront is different from property not on the waterfront.

**Greenwood** explained that decisions need to be made based upon the rules as they are written (which isn't always easy); he couldn't question any of the findings in the staff memo based on his observations and research.

**B. Motion to approve, approve with conditions, deny, or table the requests for variance at 212 Riverview.**

**Agenda Items Associated with Item 5B**

**i.** Application for Variance submitted by Patrick Murphy with attached narrative document, aerial photographs, and property survey

ii. Staff Report dated May 21, 2009

*Motion by Urquhart, second by Pullen, to approve the application for variance submitted by Patrick Murphy for the home located at 212 Riverview (pp# 59-016-111-00) as presented, based upon the findings of fact referenced in the staff memo dated May 21, 2009 citing non-compliance with requirements in the Zoning Ordinance found in Section 29.05 and 16.13.*

*Motion is denied by unanimous roll call vote*

**Murphy** asked for assistance on how to obtain relief from the decision. There was discussion among Board Members. He was encouraged to make an appointment with Kilpatrick.

## 6. Old Business

**A. Urquhart** questioned Kilpatrick about the new software. **Kilpatrick** responded that the office has covered the past two years in data entry and the Board should be able to access the information soon.

## 7. Reports of Officers/Members/Committees

There was none.

## 8. Public comment

There was none.

## 9. Adjournment

*Motion by Urquhart, second by Kutzel, to adjourn the meeting at 7:47 PM*

*Motion carries by unanimous voice vote*

Respectfully submitted,

Alan McPhail  
Recording Secretary

Approved by: \_\_\_\_\_

Ryan Kilpatrick, Economic/Community  
Development Director

**MINUTES**  
**THE CITY OF THE VILLAGE OF DOUGLAS**  
**ZONING BOARD OF APPEALS (ZBA)**  
**DOUGLAS CITY HALL**  
**July 28, 2009**

**1. The Meeting was called to order at 6:06 PM by Chairperson Schumacher.**

**2. Roll Call:** Bill Schumacher, Jeff Greenwood, Ken Kutzel, Tarue Pullen  
Also in attendance: Ryan Kilpatrick, Economic/Community Development Director  
Absent: Alexa Urquhart

**3. Approval of Minutes** ZBA Meeting of May 26, 2009

*Motion by Pullen, second by Kutzel, to approve the Minutes of the May 26, 2009 Meeting of the ZBA as presented*

*Motion carries by unanimous roll call vote*

**4. Agenda Changes/Additions/Deletions**

*Motion by Pullen, second by Kutzel, to approve the Agenda for the July 28, 2009 Meeting as presented*

*Motion carries by unanimous voice vote*

**5. Election of Officers**

An annual organizational meeting shall be held. Nominations shall be made from the floor and election of the officers shall follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the Board shall be declared elected, and shall serve for the period of July 28, 2009 until the next election of officers to be held at the first Board Meeting in July, 2010, or until his/her successor shall take office. Officers to be elected shall include: Chairperson, Vice Chairperson, and Secretary.

*Motion by Pullen, second by Greenwood, to nominate Bill Schumacher, Chairperson; Tarue Pullen, Vice-Chairperson; and Ken Kutzel, Secretary; of the Douglas Zoning Board of Appeals for a term beginning July 28, 2009*

*Motion carries by unanimous roll call vote*

**6. New Business**

There were no New Business Items

**7. Old Business**

There were no Old Business Items

**8. Reports of Officers, Members, Committees**

**Schumacher** asked the Board if everyone had received their copy of the new Zoning Ordinance.

**Kutzel** noted that in the past there were tabs in the ordinance document for organization. Kilpatrick said that those would be available. **Kutzel** also wondered if the beginning time change had been due to a double-booking. It was noted that the Harbor Committee does not have a staff person assigned and they had not looked at the calendar.

**9. Public Comment**

No community members were in attendance

**10. Adjournment**

*Motion by Greenwood, second by Kutzel, to adjourn the meeting at 6:14 PM*

*Motion carries by unanimous voice vote*

Respectfully submitted,

Alan McPhail  
Recording Secretary

Approved by: \_\_\_\_\_

Ryan Kilpatrick, Community/Economic  
Development Director