

Zoning Board of Appeals

The City of the Village of Douglas

Douglas City Hall

June 25, 2013

Minutes

1. The meeting was called to order at 7:00 pm by Chairperson Schumacher
2. Roll Call: Bill Schumacher, Tarue Pullen, Kenneth Kutzel, Jeff Greenwood, also in attendance, Ryan Kilpatrick, Community Development Director

Absent: Dave Burdick

3. Approval of the Minutes of the March 27, 2012 meeting

Motion by Pullen, with support from Greenwood, to approve the minutes of the March 27, 2012 meeting as presented

Motion carries with unanimous voice vote

4. Agenda Changes/Additions/Deletions: none
5. New Business
 - A. Public Hearing to discuss an application for variance at the property located at 3063 May Avenue (pp# 59-210-048-00). The applicant requests a variance from Section 6.02 (C), side and rear yard setback requirements.
 - i. Open Public Hearing at 7:04 pm by Schumacher

Kilpatrick reviewed the application for construction of a garage at 3063 May Ave. The staff memo included a revised site plan as an alternative.

- ii. Public Comment

Marilyn Geil, 3161 Peach Ave spoke in approval of the garage as a neighbor

Louise Patrick, applicant, 3063 May Ave informed the board that following putting the stakes out she spoke with the Fire Chief who was most concerned with the distance between one structure and another (house and garage). Patrick's builder suggested another alternative which would reduce the requested variance.

- iii. Public Hearing Closed at 7:10 pm

- B. Discussion of proposed request for variance and staff memo dated June 20, 2013.
Motion to approve, approve with conditions, deny or table the request for variance at 3063 May Avenue.

Agenda Items Associated with Item 6B

- i. Application for variance submitted by Louise Patrick with attached property survey
- ii. Staff report dated June 20, 2013

Kutzel began the discussion by stating that the board was being asked to approve two separate variances and that they should be handled separately. Conversation ensued around the suggestion.

Schumacher reiterated that the board would be taking one issue at a time beginning with the rear setback, with a one or two foot variance request being a possibility.

Motion by Pullen to approve a one foot rear yard setback at 3063 May Ave for the purpose of building a garage

There was no support for the motion. Schumacher requested further discussion on the motion. Kutzel requested that discussion incorporate both variance requests because one hinges on the other. Schumacher noted the difficulties inherent to the Felkers neighborhood since so many of the structures were in place prior to ordinance adoption. The applicant's lot is quite small.

Patrick requested to speak and told the board that the bulk of the side yard set-back would not impact another homeowner because it is next to an unbuildable city owned park. Kilpatrick noted that the parkland is encumbered by wetlands. Kutzel noted that the garage size is small and asked Kilpatrick if he saw this scenario coming up again.

Kilpatrick noted that there are many legal non-conforming lots in the Felkers neighborhood, more than likely this will come up again although there aren't other lots next to a park.

Debbie Larson, 3071 May Ave noted that if Patrick's neighbors were upset about the construction, they would be at the meeting.

Schumacher clarified that the board was looking at a 1 or 2 foot rear yard set-back and a 4 foot side yard set-back variance. The lot to the south is cannot be split? Kilpatrick: correct.

Motion is removed.

Motion by Pullen, support by Greenwood, to approve a one foot variance from the rear yard set-back recognizing the minimal footprint of the proposed garage structure at 3063 May Avenue.

Motion carries with unanimous roll call vote: Pullen, Greenwood, Kutzel, Schumacher

Motion by Kutzel, support by Pullen, to grant a four foot variance to the south side yard at 3063 May Ave for the purpose of building a garage based on the following facts

- Size of the garage footprint is the minimum practical
- Most of the garage would abut an unbuildable parkland
- The remainder of the garage abuts a lot that cannot be split
- The lot size is a legal non-conforming lot with an existing principle structure

Motion carries with a unanimous roll call vote: Kutzel, Pullen, Greenwood, Schumacher

6. Public Comment

Louise Patrick thanked the board for their diligence

7. Adjournment

Motion by Greenwood, support by Kutzel, to adjourn the meeting at 7:55 pm

Motion carries with unanimous voice vote

Respectfully submitted,

Alan McPhail, Recording Secretary