

# Culver Board of Zoning Appeals Meeting Minutes

May 18, 2017

**Summary of Board Actions:**

Items	Motion Made By	Seconded	Vote (For – Against - Abstained)
Motion to approve the April 20, 2017 minutes as presented.	Ms. Dehne	Mr. Jensen	3 - 0 - 0 Approved
Motion to approve variance 2017-002B provided the structure height does not exceed 37 feet, the minimum is preferred, that the bottom of the footers will be at water level, minimize the crawl space in order to minimize the structure height, and that the playroom shall never be used as a guest house.	Mr. Jensen	Ms. Dehne	3 – 0 – 0 Approved

**1) Call to Order**

Vice President William Harris called to order a scheduled meeting of the Culver Board of Zoning Appeals at 6:30 PM on May 18, 2017 at the Culver Town Hall.

**2) Pledge of Allegiance**

Led by Vice President William Harris

**3) Roll Call**

Ms. Dehne conducted roll call and found Patrick Jensen, Bill Harris and Margaret Dehne were present, along Building Commissioner Chuck Dewitt. Dan Adams and John Helpfrey were absent.

**4) Approval of April 20, 2017 Minutes**

Ms. Dehne made a motion to approve the minutes as presented; seconded by Mr. Jensen. The minutes were approved 3 – 0 – 0

**5) Public Hearing for Petition No. 2017-002B**

After requesting a continuance in April the petitioners returned with additional information and detailed prints in support of petition 2017-002B. The petitioners have removed the highest cupola from the building. From the top of the lower cupola to the existing grade level is 37 feet 1 inch, so they are still requesting a 38 foot variance to accommodate the structure's roof peak. They also lowered the chimney a little. It was noted that the ground where the house will be sitting is actually 13 feet lower than the high point of the road. Mr. Dewitt asked what the distance would be from the lowest point of the road. The contractor and Mr. Dewitt compared notes and agreed there would be about a 10 foot drop from the highest point on the road to the lowest point. Therefore, the drop to the building grade level from the lowest point of the road would be about 3 feet.

Mr. Dewitt told the group that he shot the lake level to the building site today and found the building grade height to be 4 foot 8 inches above lake level. Mr. Dewitt also pointed out that the lake level is currently at an annual high. Mr. Dewitt's calculations put the final structure height right at 35 feet, so he doesn't believe the petitioners need a variance. There followed some discussion about the differences between the soil borings the contractor took in December 2016, which found water at 3 foot 6 inches below grade, versus Mr. Dewitt's elevation of 4 foot 8 inches from the actual lake level on May 18, 2017. The contractor stated the 3 foot 6 inch water level found in the borings is the reason they raised the house to avoid water in the crawl space, which required the variance.

Mr. Dewitt explained that contractors have found they can go all the way down to lake level along South Shore Drive. The contractor explained that when he gets ready to do the excavating they dig a test pool and let the ground water fill in for about an hour, then they use that water level to gage where they place their footings. The footing are then placed 6 inches above that water level just to provide a little cushion. Mr. Dewitt said what he would like to see is the contractor use the water level as the bottom of the footings, which is what has been done at a number of other houses along South Shore Drive. Mr. Jensen interjected here that he was very concerned about allowing any structure height to exceed the 35 foot limit. He was not so concerned with the weather vanes or cupolas.

An extended period of discussion ensued about elevations, various construction techniques, options for the footers, mud slabs based on cost, and meeting the 35 foot ordinance limit. Mr.

Dewitt then offered some additional information regarding the chimneys, stating he had researched the ordinance and found that chimneys are not included in the structure height limit.

The contractor agreed to use the building technique Mr. Dewitt was proposing as long as he would be able to put the bottom of the footers at, or above the water level that they experience when they do their excavation. The contractor stated the plan is to excavate just after Memorial Day weekend. He also asked that Mr. Dewitt be available at the site during water level testing in order to come to a mutual agreement on the water level and footer elevations, which will determine the structure height.

Again there was an extended period of discussion about where to set the variance height limit, and how to define the height limit. The contractor asked that the Board allow Mr. Dewitt to work with him to establish an absolute minimum building height, with the bottom of the footers at water level, along with using various construction techniques and wall reductions not to exceed a structure height limit set by the Board. The contractor and architect agreed they would make every effort to reduce the height of the structure. This suggestion appeared agreeable to the Board members. Additionally, Mr. Dewitt stated the decision of where to set the elevation of the bottom of the footers has to be a unanimous decision between the contractor, the architect and the Culver Building Commissioner; not a 2 to 1 decision. These items and restrictions appeared mutually agreeable to everyone.

Mr. Harris now raised the issue that Mr. Helphrey brought the Board's attention during the last meeting. That the portion of the house on the east side, that appears to be an accessory structure, referred to as the playroom, should never be allowed to become a guest house. The petitioners agreed this area would never become a guest house. At this point the Board moved to Findings of Fact.

Prior to taking the vote Mr. Harris reminded the Board members and petitioners that the vote must be unanimous in order for the variance to pass. A motion was made by Mr. Jensen to approve the variance: provided the structure height does not exceed 37 feet, the minimum is preferred, that the bottom of the footers will be at water level, minimize the crawl space in order to minimize the structure height, and that the playroom shall never be used as a guest house. Ms. Dehne seconded the motion. The vote passed unanimously.

#### **6) Building Commissioner's Report**

Mr. Dewitt provided a visual presentation of a new report for building permits generated from the online building permit system, with a monthly summary of values. He explained all of the details to the Board and asked the Board members to advise him of any additions or deletions they would like to see, and he would do his best to implement those changes. He also told the members he would email a copy of the report to everyone.

#### **7) Old Business**

There was no old business

#### **8) New Business**

There were no new business items.

Ms. Dehne made a motion to adjourn the meeting; seconded by Mr. Jensen. The vote being unanimous Vice President William Harris adjourned the meeting at 7:22 PM.

Minutes submitted by: Mr. Harris

Minutes approved by:

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Margaret Dehne

*William Harris*  
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William Harris

*Patrick Jensen*  
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Patrick Jensen

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