

Culver Board of Zoning Appeals

Minutes: November 16,2017 @ 6:30 P.M.

Dan Adams called the meeting to order and led the Pledge of Allegiance to our Flag.

The Culver Board of Zoning Appeals met in a called session with the following in attendance; Dan Adams President, Bill Harris Vice-President, John Helphrey Secretary, Margaret Dehne, Patrick Jensen, and Chuck Dewitt Building Commissioner.

Motion to approve the October 19,2017 minutes passed unanimously 5-0.

BZA Petition 2017-009B: James Easterday, Attorney on behalf of MSMM Properties, LTD. For the property located at 1954 East Shore Drive, to approve a Development Standard Variance to build a primary residence. Requested variances: North side yard setback of 7 feet at nearest point from required 10 feet, South side yard setback of 7 feet at nearest point from required 10 feet, rear yard setback of 65 feet from the road centerline at nearest point from the required 85 feet and for accessory structures in front yard setback of 250 Sq. Ft. for structures and access to the lake.

James Easterday along with James McQuiston Architect, represented Michael Sheskey property owner, who attended tonight's meeting. They provided the Board with additional detail and explained that the owner desires to provide family and friends who are handicapped, with as much access to the property and lake as possible. The residence and garage will have three levels with an elevator option. Hallways will be larger, entryways will be wider, bathrooms, living areas and bedrooms will be more accommodating and inviting. Underground access to the lake will incorporate another elevator that will provide stops to a boat house deck and pier level. Above ground walkways will have weather protection overhead.

The new residence foot print will improve the side yard setbacks considerably. The rear yard setback is decreased due to the addition of the 24 x 36 foot garage. The lot area is 11,845 Sq. Ft. The new footprint will be 2,860 Sq. Ft. with impermeable surfaces of 2,500 Sq. Ft. The new boathouse/deck will be lowered and moved back and due to underground access, the neighbor to the South will have a better field of lakeview.

The Board had many questions clarifying the details of the plan which the speakers handled deftly. Mr. Harris asked for the number of family members who are currently wheel chair bound and the response was none at this time. Mr. Sheskey, the owner, does have a couple of friends who are. The plan is to prepare for the future. The topography of the land and handicap needs are the reasons for the setback requests.

Mr. Harris was not convinced of the "Hardship" that would allow approval for the back yard setback, he was Ok with the others. It appears this structure will block the view of the neighbor to the North. He thought there could be some movement forward with the garage and or the residence. Mr. McQuiston responded that the rear windows of the residence and a large tree in the front yard would negate that idea and the residence to the North was also Mr. Sheskey's.

Mr. Helphrey was not convinced of the overall "Hardship" due to the size of the residence and garage. Apparently there will be 6 bathrooms and 5/6 bedrooms. He applauded their efforts to accommodate and improve all access and living areas, However, he thought some tweaking in the construction would eliminate the need for the side yard setbacks and the front yard tree could be removed . He asked about the age of the tree and was told it was probably over 75 years old and the owner does not want to lose the benefits of it.

There were no neighbors that attended nor were there any letters received pro or con to this plan. Barry Manaway attended as a citizen but reiterated some lake area history that was the driving force for the Planning commission to create setbacks. Mr. Dewitt provided pictures and additional clarification.

Since there were no more questions or comments, Mr. Adams requested that the Board move to finding of facts and a vote. Motion to approve all requested variance setbacks passed 3 to 2. Mr. Harris and Mr. Helphrey voted no.

Old Business: None

New Business: None

Building Commissioners Report: Mr. Dewitt provided current permit detail for the Town and County. He also brought the Board current on the following issues;

Water damage to neighboring driveways has occurred from a school building project. The issue has been discussed with the School Superintendent and expected to be resolved,

The Hopple property at 17th and Tamarack is deteriorating due to oil and sludge from heavy equipment. Owner has agreed to attend next Planning Commission meeting to discuss.

Boatsma's property on State Road 10 and the other at Jefferson and 17 are deteriorating with refuse weeds, car parts etc. Mr. Dewitt and Town Manager involved to initiate a solution.

Max Motors property needs to be cleaned up. Mr. Dewitt will contact business owner.

808 Obispo property needs to be razed. Relatives are creating delays and problems.

College Ave .property case will be heard in Court on 12-11-17 at 10:00 A.M.

G.I.S property line information not always accurate which effects the issuance of permits. Mr. Dewitt has been in touch with several agency's in an effort to correct. Will continue to push the issue.

Apparently the detention pond at the Maple Ridge project is not draining as it should. With the recent heavy rains the pond had over flowed its capacity. Upon review of the area, Mr. Dewitt discovered that the complex to the East (The Riggins) may have some responsibility for the excess water. Their downspouts and drains flow into the nearby ditch for drainage. Mr. Dewitt will follow up with appropriate parties for a solution.

In closing, Mr. Helphrey suggested that Mr. Dewitt spot check variances that were approved with covenants for conformation that they have been properly recorded with the state.

