

Culver Board of Zoning Appeals

Minutes: February 15, 2018

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.

Mr. Adams requested a motion to approve the November 16, 2017 minutes, Mrs. Dehne made the motion which was approved unanimously.

Mr. Adams advised the Board that although the following topic is not on tonight's agenda, this is the first meeting of the year and reorganization of the Boards Officers is required. Mrs. Dehne made a motion that the current officers remain in place for 2018. Once again, Mr. Helphrey requested a volunteer for the Secretary's position which was met with a resounding NO. Mr. Helphrey agreed to the task for the sixth year in a row. Motion for the above current officers to remain in place for 2018 passed unanimously.

BZA Petition 2018-001B : Tom and Sue Dapp for the property located at 1100 South Shore Drive for a Developmental Standard Variance to allow a West side yard setback of 0 feet from the required 10 feet for the purpose of constructing an inground hot tub. The Contractor for this project, Mr. John Cradle, advised the Board that he will represent the owners in tonight's meeting.

Mr. Cradle provided detailed plans of the property as well as pictures. He explained that he built the house and the hot tub will follow in the same architectural design. The Dapp's desired location for the hot tub is next to their outdoor patio/porch area where they will also have a lakeview. A portion of the tub will be about 18 inches above ground level. Mr. Cradle recognized that this project was more of a want than a need and conveyed his opinion to the owners. They requested he try for the variance. Mr. Cradle also offered that the neighbor located immediately to the west, Mr. Ron McFarland, is in favor of this project. The Board acknowledged receipt of a letter from Mr. McFarland to that effect.

Mr. Adams expressed his concern for the lack of a "Hardship" reason to justify this project and asked for other Board member comments. Mr. Helphrey stated the following; the hot tub location would impede the ability of emergency vehicles to access that area of the house, the property abuts the lake and a channel therefore, it has two frontages and only one side yard, how green space will be affected is unknown due to the lack of appropriate Square Foot information, there is no "Hardship" and there is no reason to consider a 0 Ft. side yard setback. Mr. Harris related that he could not see the "Hardship". Mrs. Dehne agreed. Mr. Jensen wanted to hear comments from the audience.

Mr. Adams did not recall this property being brought before the Board in relation to the two frontages which would have required a variance due to the 25 Ft. requirement. Mr. Cradle said at that time the issue was not brought up when the construction plans were submitted in 2013. Mr. Cradle asked if there was another location on the property that could be considered. Mr. Jensen thought the northeast corner may be a possibility. At this point, Mr. Adams advised Mr. Cradle that a vote tonight would most

likely result in this variance request not being approved. He asked Mr. Cradle if he wanted to table this request until the next meeting, in order to confer with his client. Mr. Cradle agreed.

Mr. Dewitt asked audience member Kevin Berger, due to his experience in these matters, if he had come across the water abutment issue in the L1 district in the past. Mr. Berger agreed that the water issue is interpreted the same as the street corner issue. Another audience member, John Bernero, who is a lake property owner, was also concerned about "Green Space. He added that he was told by Russ Mason, previous Building Commissioner, **that a hot tub could not be installed on any lake frontage.** Mr. Helphrey confirmed that the same **holds true for Town property frontage.** In addition, the recently approved amended Town Ordinance includes the "Frontage" issue under definitions as did the prior ordinance.

Note: all these issues including, a lockable cover, fence or wall for hot tub security, are covered on pages 82, 100, and 222 in the new Zoning Ordinance Manual.

For the record, Mr. Helphrey also stated that the recent amended ordinance recommendations for the L 1 District brought quite a few lake property owners to several public meetings. During the sometime heated discussions, they clearly stated that they were not in favor of the BZA granting setback variance request.

Mr. Berger updated the Board regarding the Goods property and the intent to correct the zoning ordinance from a C1 to a C2 at the upcoming scheduled hearing.

Old Business : None

New Business : None

Building Commissioners Report: Mr. Dewitt provided a very well done comprehensive 2017 Annual Report and updated the Board on a couple of distressed properties that are going through various stages of resolution.

Meeting Adjourned: 7:20 P.M.

Submitted by John Helphrey, Secretary.

Dan Adams

Bill Harris

John Helphrey

Margaret Dehne

Patrick Jensen