

## Culver Board of Zoning Appeals

Minutes: April 19, 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, and Chuck Dewitt Building Commissioner. Patrick Jensen was absent.

Mr. Adams requested a motion to approve the February 15, 2018 minutes. Mrs. Dehne made the motion to approve, Mr. Harris seconded it. Motion to approve carried 4-0.

**2018-002B:** Gary and Carolyn Craig for their property located at 344 West Shore Drive, to request Development Standard Variances for the following; to allow a front yard setback of 4 feet 6 inches from the required 25 feet, a rear yard setback of 4 feet 6 inches from the required 25 feet, a minimum lot area of 4,245 feet from the required 5,000 Square Feet and a minimum dwelling size of 950 Square Feet from the required 1,600 Square Feet, for the demolition of the existing residence and the construction of a new one.

Mr. Gary Craig addressed the Board and explained that he and his wife Carolyn, who was in attendance, have owned this property since the early sixties. They would like to relocate here permanently from Arizona in order to spend more time with their family and grandchildren. The current structure has fallen into disrepair and is no longer a viable option for family and friends to visit and stay. The foundation is over 100 years old and would have to be removed and a new foundation installed for any increase in square footage for living space. They have purchased the 100 X 130 foot lot across the street and directly behind them, for the construction of a garage and play area for their young grandchildren. They would prefer to build a new two story house on their lake front property **utilizing the same foot print** plus 10 feet to the south, rather than build on the larger lot behind them for safety reasons.

Mr. Adams explained that over the years new comprehensive ordinances have been enacted and in his opinion, the number of variances affecting these ordinances in this petition is very concerning. He requested other Board member comments. Mr. Harris deferred for the time being. Mr. Dewitt stated that this property was probably one of the most difficult Lake District lots to build on. He would like to see the lots combined and the Craig's build across the street. There was some discussion regarding Tax ID numbers versus Parcel numbers with regards to combining lots between Mr. Dewitt and Mr. Mason who was in attendance. Later, Mr. Dewitt also mentioned that there is drainage problems in the area of the current structure. Mr. Helphrey stated the following; the current ordinance requires Lake District property to be a minimum of 10,890 Sq.Ft. with sewer and 21,780 Sq.Ft. with septic. Non-conforming structures can be decreased in size, not increased and unless the Craig's two separate lots were combined into one, they can not build a garage on the lot across the street. An accessory structure requires a larger primary structure on the same lot. Mr. Helphrey would be for combining the lots into one, turning the lake front property into green space and construct a new house and garage on the 100 X 130 foot lot. They would have more room, a lake view, privacy, and less road noise. Mr. Helphrey asked Mr. Craig to clarify some points on the house plan that he provided the Board. He was advised by Mr. Craig that the subject plan was not current. He wanted to get Board approval before he spent the

money for their desired plan. At this point Mr. Helphrey stated he could not vote on a request that does not have a detailed plan

Mr. Craig stated that they will not build a house on the larger lot because they do not want their grandchildren to have to cross the street to get to the lake even though they would have to cross the street from the planned play area. He is only willing to combine the lots for a garage.

Stephani Peric who lives at 10001 South Street ask to speak. She stated that she is for this project and it would enhance the area. She asked if any Board members lived on the lake and wondered if they would think differently if they did.

At this point, Mr. Adams advised that from what he is feeling and hearing, a vote on this petition tonight would probably result in being denied and a new hearing could not take place for a year. Mr. Harris confirmed that his opinion mirrored Mr. Helphrey's and Mr. Adams agreed. Mrs. Dehne was for the project as requested. Mr. Adams suggested this petition could be tabled until the next meeting in May so the Craig's could reconsider their request and come back with a detailed plan for what they expect to do. Also the full compliment of the Board will most likely be in attendance. The Craig's agreed to come back in May.

**2018-0038:** a petition filed by James Easterday, Attorney on behalf of James and Peggy Kemmler of 1394 East Shore Drive, to approve a Variance of Development Standards to demolish and rebuild a primary residence on the **present footprint** with a North side yard setback of 2.1 feet from the required 10 feet and a South side yard setback of 1.2 feet from the required 10 feet.

Mr. Easterday provided the Board with a detailed engineering summary from Keller Engineering, Inc. regarding the condition of the crawl space and foundation of this petitioners house that was built in 1919. He also provided a Subsurface and Geotechnical report and Recommendations prepared for the project Architect David Kizer, who is in attendance along with the property owner Peggy Kemmler. The results of these reports reflect that the current foundation and soil condition will not support a planned second floor addition and renovation, so the Kemmler's will have to rebuild from the bottom up. They would like to build a two story residence with an attached two car garage. There is currently a two car garage at the rear of this 14,453 Sq. Ft. property that they will keep for storage. Mr. Kizer provided the Board with a little more detail and stated that green space would be at 71 % with the new structure. Density would increase from 24% to 29%.

Mr. Adams stated that this request is very similar to the previous one and he found it troubling that a new house on this property would not accommodate the required setbacks. Mr. Easterday stated that after further investigation he found that the North side yard set back should be 5.2 feet rather than the stated 2.1 feet. Mr. Kizer explained that the current plans call for three rooms facing the lake. In order to accommodate the 10 foot side yard setbacks, a room in that area would have to be eliminated. Mr. Harris questioned the clarity of two parcels versus 4 which Mr. Easterday explained and suggested that the property could be legally combined into one.

In general the Board was indicating some reluctance for this request so Mr. Easterday conferenced with the Architect, David Kizer and suggested that they would like to table the petition until the next meeting. They want to rework their building plan to allow for 5 foot side yard set backs on both sides of the new structure for further consideration by the Board. Mr. Adams agreed to table this petition.

Mr. Harris asked about two dissenting letters that were sent in by neighbors to the petitioners. Mr. DeWitt provided copies to the Board and Mr. Adams stated that they would be read into the record at the next hearing of this petition in May.

**2018-004B:** Filed by Lois Curtis for the property located at 17078 18 B Road to request a Development Standard Variance to allow an East side yard setback of 2 feet from the required 15 feet for the construction of a new 16 x 30 foot garage in the same area as the current 12 x21 foot garage.

Since this petition was not represented by anyone tonight, it was not heard.

Old Business: None

New Business : None

Building Commissioner Report. Mr. DeWitt provided the Board with his offices First Quarter Report reflecting County and Town collected fees for permits.

Meeting Adjourned: 8:15 P.M.

Submitted by John Helphrey, Secretary

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Dan Adams

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Bill Harris

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John Helphrey

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Margaret Dehne