

## Culver Board of Zoning Appeals

Minutes: June 21, 2018

Dan Adams called the meeting to order and led in 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. Harris asked the Boards permission to require that the petitioners state their "Hardship" while presenting their plan to the Board rather than the Board having to ask for it, as was done in the past. Mr. Harris's request was granted.

**2018-995B:** A petition filed by A. Scott Holiday for the property located at 894 West Shore Drive. To request a Development Variance to allow a South side yard setback of 4ft.7in. from the required 10 feet and a North side yard setback of 1 ft. from the required 10 ft. to allow for construction of a new second floor addition on a non-conforming residence. The building's footprint will not change. Mr. Holiday addressed the Board and explained that this request was approved two years ago and he mistakenly allowed the approval to expire. Nothing has changed from the first plan other than altering a stoop for a side entry door that will have to be constructed according to code. Their "Hardship" is the lack of space available in the current old dated structure to provide for storage, furniture and company.

For the record, Mr. Helphrey read from the June 21, 2016 minutes of the approval as well as the requirement that Mr. Holiday discontinue any Leasing activity that he had conducted for the living space in his garage residence. Mr. Holiday confirmed that that practice has ceased and in fact he and his wife are in that space now while the construction work will be taking place.

The Board had no further concerns or questions, nor was there any comments from the citizens, so the Board moved to finding of facts and a motion to approve which passed unanimously 4-0.

**20018-006B:** A petition filed by William Lambert for the property located at 234 South Shore Drive, to request a Development Standard Variance to allow a West side yard setback of 4 ft. from the required 10 ft. to allow for the construction of a new elevator to the existing second story on a non-conforming residence. Mr. Lambert presented some very well thought out plans regarding this project, although he has not contracted for the job yet which was a concern for the Board. Mr. Adams thought the projects dimensions might increase. Mr. Dewitt and Mr. Lambert stated that if anything the dimensions will decrease because they allowed for a larger capacity car then what they will need. Mr. Lambert explained the "Hardship" need is due to medical. His wife can not walk up the stairs to their bedrooms, they are both in their 80's and he slowing down quickly. There were more questions regarding the West side lot line. His daughter's house is immediately to the West and for sale. Mr. Lambert assured the Board that he will receive a copy of the recently requested Certified Land Survey of that property which will define the Lot Lines. He will make sure this projects stated dimensions will remain the same or less. Mr. Dewitt confirmed that a permit will not be issued without reviewing the survey.

The Board moved to finding of facts and a motion to approve this request which was unanimously approved 4-0.

**2018-007B:** A petition filed by Mr. Robert Pereira of 324 West Shore Drive, to request a Development Standard Variance to allow a North side yard setback of 8ft.9in. and a South side yard setback of 8 ft. from the required 15ft and a West rear yard setback of 13ft. from the required 25 ft. to allow for the construction of a new home on a non-conforming lot. Mr. Pereira presented his plan to the Board and explained that his "Hardship" is his current lack of storage for all his boats, boating equipment cars etc. His new home which is on a separate lot across the road from his lake house property will contain a three car garage and living quarters upstairs, similar to what some other property owners have done in that area. Mr. Dewitt advised the Board that the setback requirements are due to the new house being in the "Suburban District". Mr. Helphrey requested the lot dimensions and house dimensions which were 8,049 Sq. Ft. and 2,500 Sq. Ft. respectively. Mr. Adams stated that in his opinion, Mr. Pereira's "Hardship" explanation did not meet the definition and he questioned why new construction could not be designed to comply with the setbacks. Also the ordinances and Board members have changed over the years and to refer to other property owners previously obtaining approvals is not a valid point. He requested Board members comments. They all agreed with Mr. Adams who explained that this request would most likely be denied if voted on tonight. He gave Mr. Pereira the opportunity to withdraw his request or take a continuance to amend his plan and come back to the next meeting in July. Mr. Pereira decided to come back next month. At this point, audience member John Christ from the Culver Conservatory Commission asked Mr. Pereira if he was planning on installing an additional grinder pump in the new residence. Mr. Pereira confirmed, stating there would be one for each residence on the two separate lots.

**2018-008B:** A petition filed by Lauritz C. Olson for the property located at 450 Forest Place, to request a Development Standard Variance to allow a South side yard setback of 0 Ft. from the required 10 feet. An East rear yard setback of 4 FT. from the required 10 Ft. and impervious surface standard variance of 63% from the required maximum of 50 % for the purpose of constructing a 22 Ft X 24 Ft. garage. Mr. Olson presented his plan to the Board and stated the "Hardship" related to lack of storage space and parking for his car. The addition of rentals across from his residence has reduced his ability to park legally on the street during the week and non-existent on the weekends. The Board acknowledged the parking problem in this area. However, they were not in favor of a zero side yard setback and suggested the Olson's consider building a one and half car garage which would reduce the garage width from 22 feet to 16 feet and increase the green space. The south side yard setback would be amended to 6 feet from zero. Mr. Olson agreed to consider the suggestion and requested a continuance, which he was granted.

**2018-009B:** A petition filed by Bonnie Mevis for the property located at 419 W. Madison to request a development standard variance to allow a North front yard setback of 9 Ft. from the required 25 Ft. to allow for construction of a new home. Mr. Kyle Elliot, Head of Culver Building Trades spoke for the petitioner who was in attendance. Mr. Elliot provided a site plan and explained that the previous house has been razed and the existing garage will also be demolished. The "Hardship" will be to lose the line of sight to the intersection and be nine feet behind the existing residences on the street. The new home will have an attached garage, front porch and will match the front yard setback of the previous structure. Mrs. Mevis added that her new home will also be completely ADA compliant to prepare for the future. Mr. Elliot stated that the structure with the garage and porch will be 3,232 Sq. Ft. Green space complies at 43 %.

The Board moved to finding of facts and a motion to approve which was granted 4-0.

Old Business: Mr. Helphrey advised the Board of the 06-19-18 Planning Commission meeting where Mr. Harris, relative to the May 17<sup>th</sup> BZA meeting, which the Board heard petition 20018-002B, presented several similar examples relating to non-conforming structures and lots that initiated questions, interpretations and concerns during that meeting. Planning Commission members had the same reactions. After much discussion, the Commission formed a committee with the intent on improving the current language in Chapter 8. The goal is for more clarity and direction relating to this issue.

In addition, Mr. Helphrey thought there was a green space issue between that subject petition and Mr. Harris's examples which was not the case. Their new project will comply with Green Space so there is no need to have the Craig's come back before the Board.

New Business: Two possible continuations. Fence On Lake Shore Drive appears to be too close to the frontage, Mr. Dewitt will look in to.

Building Commissioner Report: None

Meeting Adjourned 7: 57 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