

MINUTES OF ZBA MEETING ON SEPTEMBER 17, 2018

First Session

The meeting was convened at 10:00am.

Present: Jim Thorburn, Thomas Kizer, John Klein, Walt Mikula, Barb Stauffer

Excused Absence: Mike Briggs due to his DQ on this matter due to potential conflict

Chairperson Jim Thorburn called the meeting to order.

Persons present included the above board members; applicant and her architect; members of the public; and the building official Jason Jansen.

The Pledge of Allegiance was recited.

The Minutes of the August 27, 2018 were moved for approval by Klein and seconded by Stauffer to approve. Passed unanimously.

The Chairperson then convened the rehearing on the appeal 18-08.

The appeal was read into the record by Thorburn.

The members of the Board affirmed they each had no conflict in considering this appeal.

Four communications were received and read into the record. Three were from representatives of the neighbor property on the Southwest side and opposed the grant of a variance and one from the neighbor at 106 Grand Blvd.

No one from the audience contributed remarks.

The Board reviewed the 7 factors and the applicant's written responses and discussed them. Applicant and her architect responded by answering questions and clarifying their requested variance and its purpose.

Following the discussion a motion was made by Kizer, seconded by Stauffer as follows:

Motion to approve the variance request in No. 18-08 of: a) increasing lot coverage by 7%; b) allow the front yard variance deficiency of 14 feet; c) allow the side lot variance deficiency of 6 ft.; d) allow the roadside variance encroachment of 2'8", for the following reasons:

- 1). the new home will not encroach further toward Higgins Lake.
- 2). the road commission has given an easement of 10' on Grand Blvd. in order to give the additional footage on the NE lot line to avoid the side lot setback issue.
- 3). the 2'8" encroachment on Robbins Ave. is insignificant and not a danger to the safety of those traveling the road.
- 4). the 7% coverage is not significant in consideration of the lot location itself in that only a neighbor to the SW and a public right of way to the NE.

5). the construction of the home is intended by the applicant to provide as necessary updated year round living space and the Health Department has indicated no health issue related to the new construction.

6). the lake front set back will be no closer than the existing structure to the lake.

7). there is no encroachment of any side lot setback requirement on the S/W and there is no encroachment on the N/E side lot as it abuts Grand Blvd due to the easement given by the Road Commission.

There was considerable discussion and following the discussion the vote by roll call was taken: Mikula, Klein, Stauffer, Kizer—vote to approve motion. Thorburn voted no on motion.
Motion Carried: 4-1.

The First session was thereby adjourned at approximately 11:30 am.

Dated: September 17, 2018

Thomas Kizer, Secretary