

MINUTES
ZONING BOARD OF APPEALS MEETING
APRIL 8, 2009

Call to order: 7:00 pm

Roll call: Fitzgerald, Haight, Volkening, Jackowski, present. McDonald, absent.

New Business: Election of Officers

Motion made by Fitzgerald and seconded by Volkening to nominate Gerry Jackowski as Chairman

Motion made by Jackowski and seconded by Fitzgerald to nominate Roy Volkening as Vice Chair

Motion made by Volkening and seconded by Haight to nominate Roy Fitzgerald as Secretary

Motion made by Fitzgerald and seconded by Volkening to close nominations, Motion carried 4 yes.

Motion to elect Jackowski as Chair, Volkening as Vice Chair, and Fitzgerald as Secretary carried, 4 yes.

Approval of agenda:

Motion made by Fitzgerald and seconded by Volkening to approve the agenda as presented. Motion carried 4 yes.

Chairman Jackowski asked the Board members if anyone had a conflict with the public hearing on the agenda. The response from all was no.

Public Hearings:

PV09-01 Jan Peterson, representing Rob Finch, of 4960 Lakeview, requests a 14 foot front yard setback variance and a 29 foot waterfront front variance, to build a home at the same address. The home would be 21 feet from the front property line and 31 feet from the water's edge. Parcel # 28-07-500-012-50

Chairman Jackowski read the pertinent section of the zoning ordinance in regard to this request.

It was confirmed that overhangs were included in the request and that no side yard setback variances would be required.

Mr. Peterson said that his customer, Rob Finch wants to build his retirement home on this property. He said the existing home is very old and needs to be replaced. He said that they have already received their well and septic permits. Because the lot is so small, the location of the well and septic had to be determined in order to choose a site for the home. He said they are proposing a two story home on a footprint of approximately 1400 square feet.

The Chairman asked the Board members if they all had the opportunity to visit the site. The response from all was yes.

Mr. Peterson said that because the lot is so shallow, it was difficult to site the home on the property and could not be done without variances.

Chairman Jackowski asked if the well as proposed would be accessible for service after the home was built.

Mr. Peterson said that the Health Department had allowed for a 10 foot setback to provide future access to the well location.

Board member Volkening asked if they planned on having a basement.

The response was no, the home would be built on a slab with floor heating.

Board member Volkening asked if the water front setback was measured from the break wall.

The response was yes, they considered that to be the high water mark.

Board member Volkening commented that right now the water is at least 10 to 15 feet away from the break wall.

Board member Haight asked why the break wall did go from property line to property line.

Rob Finch responded that he and a friend had built the break wall while he was in college in the 60's. They did not know the exact location of the property lines at the time.

Board member Fitzgerald said the water level used to be a lot higher. It used to go to the break wall, but it hasn't in years.

Chairman Jackowski commented that during his site visit he noticed that the proposed location of the new home would not affect the views of the water for any neighboring homes.

Mr. Peterson said that the homes on either side of this home were closer to the lake than this one would be.

Mr. Peterson said that if the variance was approved, they would have a surveyor place pins at the approved setbacks to ensure that home was placed properly. He said he thought this was necessary due to the shallowness of this lot.

Mr. Finch said that this lot is located at the narrowest part of the peninsula.

Mr. Peterson said that the Health Department approved a shorter and wider drain field instead of the typical shape due to the shallow lot.

Chairman Jackowski confirmed that the foot print of the proposed home was about 1400 square feet.

Mr. Peterson responded that this was correct.

Board member Haight asked if there was room for cars to park in the driveway.

The response was yes.

Mr. Peterson said the house would be parallel with the lake instead of the road.

Public Comment

Pat Blake of 4911 Lakeview asked what type of materials they were proposing to use to build the home.

Mr. Peterson said that the home would actually be one and a half story not two, and would be cement board siding. He had some sample plans that he showed the persons in attendance and the Board.

Chairman Jackowski read one letter in opposition to this request from Cathy MacCombie who owns the home at 4970 Lakeview. (Letter in file of record)

Krysti Baker, the zoning administrator, said that she was asked by the neighbor to the north, Fred Bareis, of 4958 Lakeview, to tell the Board that he supported this request for a variance.

Close Public Hearing 7:30 pm.

Action of Public Hearing:

PV09-01 Jan Peterson, representing Rob Finch, of 4960 Lakeview, requests a 14 foot front yard setback variance and a 29 foot water front variance, to build a home at the same address. The home would be 21 feet from the front property line and 31 feet from the water's edge. Parcel # 28-07-500-012-50

Motion made by Fitzgerald and seconded by Volkening to approve the request as presented. The reasons given are that this is a small lot of record, a home could not be built without variances, and the homes on either side of this one are closer to the lake than the applicant was requesting.

Board member Volkening said that at first he thought that there could be safety issues being as close to the road as they were requesting, however, he drove around the neighborhood and discovered that a lot of driveways were closer to the road than what was proposed.

The Chair called the vote on the motion made by Fitzgerald and seconded by Volkening, motion carried 4 yes.

Public Comment:

Barb Fitzgerald informed the Board that one of the alternate members of the Board of Appeals, Mary Kubesh, was being cared for, possibly at the Pavilions, for a broken hip.

Adjournment:

Motion made by Volkening and seconded by Fitzgerald to adjourn. Motion carried 4 yes.
7:40 pm.

Minutes respectfully submitted by Krysti Baker