

**MINUTES
THE CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS
DOUGLAS CITY HALL
July 26, 2011**

1. The meeting was **called to order** at 7:00 PM by Chairperson Schumacher
2. **Roll Call:** Jeff Greenwood, Ken Kutzel, Tarue Pullen, Bill Schumacher, Alexa Urquhart

Also in attendance: Ryan Kilpatrick, Community Development Director

3. **Approval of Minutes from July 27, 2010**

Motion by Urquhart, second by Kutzel, to accept the minutes as presented

Motion carries with unanimous voice vote

4. **Agenda Changes/Additions/Deletions**

Motion by Urquhart, second by Pullen, to approve the Agenda for the July 26, 2011 meeting as presented

Motion carries with unanimous voice vote

5. **Election of Officers**

An annual organization meeting shall be held. Nominations shall be made from the floor and election of officers shall follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the Board shall be declared elected, and shall serve for the period of July 26, 2011 until the next election of officers to be held at the first Board Meeting in July 2012, or until his/her successor shall take office. Officers to be elected include: Chairperson, Vice-Chairperson, and Secretary.

According to by-laws, Schumacher turned the chair over to Kilpatrick for the election of officers.

Motion by Urquhart, second by Kutzel, to nominate Bill Schumacher as Chairperson

Motion carries with unanimous roll call vote

Motion by Urquhart, second by Kutzel, to nominate Tarue Pullen as Vice-Chairperson

Motion carries with unanimous roll call vote

Motion by Pullen, second by Urquhart, to nominate Ken Kutzel as Secretary

Motion carries with unanimous roll call vote

6. New Business

A. Public Hearing to discuss an application for variance at the property located at 6919 First Street (pp# 59-210-014-00). The applicant requests a variance from Section 6.02 (C), minimum lot frontage for a single family dwelling.

i. The Public Hearing was declared open at 7:05 PM

Kilpatrick began the discussion with a brief explanation of the application as outlined in the Staff memo of July 18, 2011

ii. Public Comment

Chuck Zolper, 242 Park Street, spoke in favor of the application

Nancy Zolper, 242 Park Street, spoke in favor of the application

Homeowner, 6915 1st Street, inquired about storm water drainage

Board member questions included:

- Drainage, existing water mains, fire hydrant needs
- Reasons for application

Mr. Zolper spoke again regarding the size and scope of the house in relation to those around it

iii. The Public Hearing was declared closed at 7:40 PM

B. Motion to approve, approve with conditions, deny, or table the request for variance at 6919 First Street.

Agenda Items Associated with Item 6.B.

i. Application for variance submitted by Andrew Zolper with attached property survey

ii. Staff Report dated July 18, 2011

iii. Written communications received as of July 22, 2011

William F. Cherwin, Beverly Sharp, Kathy Arnett, Tom and Dorothy Otto

iv. Sample motions for consideration

Board discussion points:

- The hardship is economic rather than right by use
- History of the platting of the neighborhood
- Would not be out of scale for the neighborhood
- Should the board be looking at one or two variances?
- Repeated mention of the economic hardship not being a viable reason for granting a variance
- With the wording of the zoning ordinance creation of non-conforming lots in Felkers Subdivision is prevalent
- The R-3 district requirements were established based upon typical platted lots in the downtown neighborhoods. However, those standards do not easily overlay the typical platted lot in the Felker's Lakeshore Subdivision. There is no way to divide 25' lots into 66' lots.
- The size and scope of the proposed lots would be in character with the existing structures in the neighborhood
- The hardship could be that only in Felkers Subdivision does the 25' overlay exist

- Would it be acceptable to approve a variance if there is less than a foot?

Motion by Greenwood, second by Pullen, to approve the application for variance from the minimum frontage requirements of the R-3 District so that the existing 130 x 130.17 foot lot may be split into two developable lots, each with a minimum frontage of 65 feet 1 inch, or 11 inches less than the minimum required frontage in the R-3 District.

Findings of Fact:

The requirements of Section 29.05 of the Zoning Ordinance have been satisfied in the following manner:

- 1. Felker's Subdivision presents a unique challenge in making the new requirements overlay onto the existing plat grid. The standards of the R-3 District require a minimum 66 feet of frontage, while the standard platted lot of the original Felker's Subdivision is 25 feet in frontage. The two standards are not easily compatible.***
- 2. There are eighteen lots in the Felker's neighborhood which are non-conforming lots having less than 66 feet of frontage, the majority of which have a frontage of 50 feet. The proposed lot split would create two lots with 65 feet and one inch of frontage. Each of which would surpass the minimum lot area requirements for a single family home in the R-3 District and would be larger than nearly one-third of the lots in the surrounding neighborhood.***
- 3. The intent of the R-3 District is to allow for the development of small single family homes in keeping with the traditional building pattern of the surrounding area. The existing 17,000 square foot lot could accommodate a single family home with a footprint of up to 5,915 square feet, or a duplex of equal size. The creation of two smaller lots would accommodate two single family homes with a footprint of up to 2,900 square feet. A duplex would not be permitted on either of the newly created lots. This is determined to be more appropriate for the character of the existing neighborhood.***
- 4. The requested variance is the minimum necessary and results in two lots which are each less than one foot short of the minimum frontage requirement of the R-3 District and which exceed the minimum lot area.***

Further discussion:

- Common sense, but inventing hardship
- Doesn't fit criteria for variance approval
- At some point you are rationalizing hardship

Motion carries with Greenwood, Pullen, and Schumacher voting yes/Kutzel and Urquhart voting no

- 7. Old Business**
- 8. Reports of Officers, Members Committees**
- 9. Public Comment**

Chuck and Nancy Volper both thanked the Board for their considered discussion

10. Adjournment

Motion by Urquhart, second by Pullen, to adjourn the meeting at 8:36 PM

Motion carries with unanimous voice vote

Respectfully Submitted,

Alan B. McPhail
Recording Secretary

Approved by: _____

Ryan Kilpatrick, Community Development
Director

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THE CITY OF THE VILLAGE OF DOUGLAS
ZONING BOARD OF APPEALS
DOUGLAS CITY HALL
September 27, 2011

1. The meeting was called to order at 7:01 by Chairperson Schumacher
2. **Roll Call:** Jeff Greenwood, Ken Kutzel, Tarue Pullen, Bill Schumacher
Also in attendance: Ryan Kilpatrick, Community Development Director
Absent: Alexa Urquhart

3. Hear from the Audience

4. **Approval of Minutes** of July 26, 2011 ZBA meeting

Motion by Pullen, second by Greenwood to approve the minutes of the July 26, 2011 meeting as presented

Motion carries with a unanimous roll call vote

5. Agenda Changes/Additions/Deletions

6. New Business

7. Old Business

Review of draft letter to City Council describing the action of the ZBA in relation to the requested variance for the frontage of two lots in the R-3 Neighborhood Conservation.

Secretary Kutzel read the letter as written to the Board. Revisions were suggested to clarify the decision.

In the opening paragraph following the word *grant*: "of eleven (11) inches for the creation of two new lots and recommend that the Douglas City Council approve the application for lot split"...

In #3: Following the word *cottages*: "due to the size of the home which could be constructed on the existing lot."

Motion by Greenwood, second by Kutzel, to approve the letter to City Council as revised

Motion carries by unanimous voice vote

8. Reports of Officers, Members, Committees

There were none presented

9. Adjournment

Motion by Pullen, second by Kutzel, to adjourn the meeting at 7:10 PM

Motion carries with unanimous voice vote

Respectfully submitted,

Alan McPhail, Recording Secretary

Approved by: _____
Ryan Kilpatrick, Community/Economic
Development Director