

City of Milton
Zoning Board of Appeals
June 19, 2018

Call Meeting to Order

Chairperson Jim Polarski called the meeting to order at approximately 5:30 p.m.

Present: Chairperson Jim Polarski, Tom Kevern, Theron Dosch, Carl Schultz, Ken Holland, and Bruce Lippincott,

Also present: Timothy Allen Croy, Jennifer Arlene LaPorte, Frank Bua, Judy Bua, Scott Weerda, Chris Hodge, and DPW Director Howard Robinson.

Approval of Agenda

K. Holland motioned to approve the agenda. T. Dosch seconded, and the motion carried.

Approval of Meeting Minutes – Zoning Board of Appeals – October 9, 2017

K. Holland motioned to approve the minutes. B. Lippincott seconded, and the motion carried.

Public Hearing and Discussion and Possible Action to consider a request received from NEX Performance Films for a Variance to reduce the total allowable rear yard setback for the construction of an addition at 1264 E. High Street per Section 78-815(5) of the City Of Milton Code Of Ordinances

Chairperson Polarski opened the public hearing.

Chris Hodge, of Quam Engineering, explained the reason for the variance request. Discussion followed concerning the 24' request for a setback.

T. Kevern asked if this variance was for only this addition. C. Hodge confirmed it was, and stated any other requests would be a separate action or request. B. Lippincott asked what the standard setback is, and Director Robinson stated 40' is the standard. Frank Bua asked if there would be any additional noise; C. Hodge stated that the addition should not create additional noise because the addition would be primarily used for employee workspace and access to production. F. Bua was satisfied with this response.

Chairperson Polarski closed the public hearing.

Chairperson Polarski read the standards that must be taken into consideration when granting or denying a variance.

- Unnecessary Hardship - which is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity, is unnecessary burdensome. They determined that strict conformity would be unnecessarily burdensome due to the shape of the lot.

- Unique Property Limitation – a unique physical characteristic of the property, not the desires of or condition personal to the applicant, must prevent the applicant from development in compliance with the zoning ordinance. They determined this property is unique by its shape.
- Protection of the Public Interest – in granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The board’s actions should be consistent with the objectives stated in their local ordinance, which (in the case of a floodplains or shoreline ordinance) has been adopted to meet minimum state statutory requirements. There was no public opposition.
- Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

B. Lippincott motioned to approve the variance request due to the lot having an angle on the rear lot line. T. Dosch seconded, and the motion carried.

Public Hearing and Discussion and Possible Action to consider a request received from Scott Weerda for a Variance to exceed the maximum allowable curb opening width to allow a 30’ Wide curb opening for driveway access at 110 Buten Street per Section 78-1147 of the City Of Milton Code Of Ordinances

Chairperson Polarski opened the public hearing.

Scott Weerda explained the request was made to allow him to park vehicles or his boat in the front of his new house. There is a drainage/water storage ditch on the west and north sides of his proposed home that will limit access to the rear and side yards for parking. There is also drainage on the east side of this lot that travels north to the drainage ditch. S. Weerda also reported that he has a no parking area in front of his proposed home.

Director Robinson provided photos of the drainage area.

Timothy Croy and Jennifer LaPorte spoke in favor of the request to avoid parking on the grass.

Chairman Polarski closed the public hearing.

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They determined that strict conformity would be unnecessarily burdensome due to the shape of the lot.

- Unique Property Limitation – a unique physical characteristic of the property, not the desires of or condition personal to the applicant, must prevent the applicant from development in compliance with the zoning ordinance. They determined this property is unique by its shape.
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- Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

B. Lippincott motioned to approve the variance request as presented due to the uniqueness of the property (drainage areas on S. Weerda's property). C. Schultz seconded, and the motion carried.

General Items

There were no general items.

Motion to Adjourn

C. Schultz motioned to adjourn the June 19, 2018 meeting at 6:13 p.m. T. Dosch seconded, and the motion carried.

Respectfully submitted,

Howard Robinson
Director of Public Works