

Zoning Board of Appeals

Regular Meeting Agenda

Monday, March 24, 2014
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – October 28, 2013
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business – PUBLIC HEARING

Gerald Webb requests a rear yard variance for property located at 109 Brockway.
7. Other Business – Approval of 2014 Meeting Schedule
8. Member Comments
8. Adjourn

RESPECTFULLY SUBMITTED,

Linda Anderson
Zoning Administrator

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

Zoning Board of Appeals

Regular Meeting Minutes

Monday, October 28, 2013
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Vice Chair Paull at 7:00 p.m.

2. Roll Call

Present: Boyd, Bugge, Miller, Paull, Wheeler, Wittkop
Absent: Lewis

3. Approval of Agenda

Motion by Bugge, second by Wittkop to approve the agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – August 26, 2013

Wheeler noted that Lewis needs to be added to the roll call of the August 26, 2013 minutes.

Motion by Bugge, second by Wittkop to approve the August 26, 2013 regular meeting minutes.

Anderson reminded the board that the attorney for one of the applicants at last month's meeting requested some amendments to the minutes and a copy of the minutes with his revisions was emailed to the board.

Bugge requested to amend the minutes as requested and noted those amendments as:

Page 2, 4th full paragraph: change the word "to" to "for"

Page 9, 4th paragraph from the bottom of the page: – makes a clearer statement than what was originally expressed

Motion by Bugge, second by Wittkop to approve the August 26, 2013 regular meeting minutes as corrected and amended.

Yeas: Boyd, Bugge, Miller, Wheeler, Wittkop

Nays: Paull

Motion carried.

Paull expressed his dislike for approving minutes that have been amended by the plaintiff's attorney.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

NEW BUSINESS – PUBLIC HEARING

- 6. George R. Foster, 335 Pearl Street, is asking for a front yard variance in order to extend his landing and steps four (4) feet further into the required yard. The house is already nonconforming with a front setback of 20 feet where 25 feet is required. Steps are allowed to encroach into the front yard to within 16 feet of the sidewalk. This variance, if granted, will increase the nonconformity by allowing the front steps to be 13 feet away from the sidewalk.**

Motion by Wittkop, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Paull noted that the applicant is not present.

George Wondergem, 315 Pearl Street, neighbor of the applicant. Supports Dick Foster's request and had sent a letter to the Zoning Administrator expressing that support. Also brought over another neighbor's letter; Amanda and Mike Creeden are also in support of Dick Foster's proposal. Wondergem does not feel that the requested porch is too big of an encroachment into the front yard. "Many of the homes on Pearl Street were built many years before this zoning was implemented." Does not feel there will be any problem with the neighbors as homes on Pearl Street have varying setbacks. Knows that there are many nonconforming situations on this street; urges the board to give his proposal positive consideration.

Anderson noted to the board that the two letters she had received were in support and another neighbor came in and wanted some questions answered but was not against it due to the character of the neighborhood and varying front setbacks. There was no negative input received.

Motion by Bugge, second by Boyd to close the public hearing.

All in favor. Motion carried.

Paull called for commissioner questions.

Bugge said under Criteria 3 the property does not suffer from two setback variances.

Bugge questioned the applicant's statement regarding easier accessibility, noting that handicap access does not seem to be his intention. Discussion ensued regarding the applicant's age and that access can become more of an issue as the years go by.

Anderson said the existing stoop is very narrow and people have to step back and down a step to open the door. Bugge asked if the applicant is referring to the storm door, which Anderson confirmed. Bugge said this situation is not unique to this house.

Wittkop noted that a person does have to back off to open the door and once you get the door open, "bam, you are in the house. That is, if you do not fall, as I might be known to do." Wittkop says if he is going to fall, he'd like to have the porch there to land on rather than go through the storm door. Wheeler commented, "Thus, the term 'landing'."

Paull asked the board's pleasure.

Wittkop noted that there is a statement in the application pointing out several other homes that are closer to the sidewalk. Boyd enumerated the ones referenced by the applicant.

Motion by Boyd, second by Wittkop to approve the variance as it is a reasonable and practical request.

Miller noted that much of the neighborhood is nonconforming to a similar degree and it does not seem right to deny the variance when it is reasonable and similar to the neighborhood.

Paull requested that Anderson read the standards from Section 2205, with which variances need to comply.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

Paull noted that the board has already commented on this standard. No other comments received.

2. Such variance will not impair the intent and purpose of this Ordinance.

Paull noted that it does not appear as though approving this variance would; it is not causing any issues. No other comments received.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

Paull feels this doesn't apply as other properties are similar. No other comments received.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning

district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Not applicable per Paull. No other comments received.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Anderson noted that she did not notice a preponderance of this type of request in this particular neighborhood; her opinion is that it is better to deal with such requests on a case by case basis rather than amending the Zoning Ordinance. General agreement from members.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

Paull pointed out that said condition already exists and is not the result of anything the owner did. No other comments received.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The board agreed that the porch is already nonconforming; this request will not make it much worse. Boyd pointed out that the applicant is only asking for 4'. No other comments received.

9. That the variance will relate only to property under the control of the applicant.

Boyd and Paull noted that is true.

Paull called the vote.

Yeas: Boyd, Miller, Paull, Wheeler, Wittkop

Nays: Bugge

Motion carried.

7. Member Comments

Boyd – No comment

Wittkop – No comment

Bugge – Feels that the applicant should be required to be present so the board may ask questions.

Paull – We have to deal with things as they come before us.

Miller – No comment

Wheeler – No comment

8. Adjourn

Motion by Miller, second by Boyd to adjourn at 7:25 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6 Webb Rear Setback Variance

City of South Haven

Background Information: Gerald Webb, 66 Lakeshore Drive, is asking for a rear yard variance for his property located at 109 Brockway. The variance will reduce the proposed rear yard setback from 25 feet to six (6) feet, four (4) inches. This is requested so that the applicant may adjust the property line so the encroaching driveway on the neighbor's property is no longer on Mr. Webb's Brockway property. The parcel number for the subject property is 80-53-837-008-00. This application seeks a variance from zoning ordinance section 403-c.

Recommendation: Staff recommends that the ZBA members review the application, staff findings of fact and the physical property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance.

Support Material:

Completed application
Aerial photo of property
Staff Findings of Fact

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: W. Gerald Webb

Date: 2/26/14

Address: 66 Lakeshore Drive

Phone: 269.767.6125

Address of
Property in Question: 109 Brockway

Present Zoning
of Property: R1-B

Name of Property Owner(s): W. Gerald, Terri L. and Russell G. Webb

Dimensions and area of property 8,441 sq. ft. or 0.19 Acres See illustration

Dimensions of all buildings on the property (also shown on a diagram) 1,846 sq. ft.

Setback measurements of all structures on the property (also shown on diagram)
25' from front property line, 12' east side yard, 8' west side yard
and 6.4' at extreme in rear of desired to be amended lot line.

Present Zoning of Neighboring Properties to the :

North R-1B South R1-A East R-1B West R-1B

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from?
Please indicate Section and Paragraph numbers. (City staff will help determine which
variance(s) are required).

Section(s): 403 number 3

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

See attached.

2. Such variance will not impair the intent and purpose of this Ordinance.

See attached.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

See attached.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

See attached.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

See attached.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

See attached.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

See attached.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

See attached.

9. That the variance will relate only to property under the control of the applicant

See attached.

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

W. Gerald, Terri L. and Russell G. Webb

Property Owner

3/3/14

Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.



Applicant Signature

3/3/14

Date

W. Gerald and Terri L. Webb
66 Lakeshore Drive
South Haven, MI 49090
269.767.6125
webb.gerald@me.com

The request enclosed seeks to obtain a rear setback variance on a parcel for a forthcoming development of a single-family residence on a vacant parcel at 109 Brockway (number 8 and 9 of the illustration), illustrated on the attached surveyors drawing. This parcel is located on the City of South Haven's parcel location number 8 and 9, as illustrated on the attached surveyors drawing. In summary and further described in the request, the variance is being sought to correct two driveway encroachments from 508 N. Shore Drive (80-53-895-017-00 of the illustration) upon 109 Brockway (number 8 and 9 of the illustration) created by the previous owner. If granted, the modification of the boundary lines would address the aforementioned driveway encroachments. If approval is granted, the new boundary lines will then be recorded with the County Register of Deeds. Please note, both the present and proposed future boundary lines are illustrated on the attached surveyor's drawing. Proposed boundary line adjustments are noted as "Boundary Line Adjustment Parcel 1" and "Boundary Line Adjustment Parcel 2".

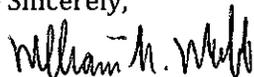
By granting the variance, the City will not deviate from the current zoning district requirements as the proposed structure currently complies with them however, the granting of the request, avoids the complication which would likely arise for future owners of the parcels at 109 Brockway and 508 N. Shore resulting from the mentioned encroachments. Without resolving the encroachments, the owner of 508 N. Shore Drive could be prohibited from accessing the garage with a motor vehicle if the owner of 109 Brockway so chose to prohibit this. By granting this request, this potential prohibition is resolved and accomplished without a deviation or impact from the intent or purpose of the current zoning within the district.

Not granting the request would simply "kick the can" and leave the encroachments to be resolved by future owners, lawmakers and officials in unknown circumstances. Therefore, the request is being sought, as a responsible action to avoid future complication for others, as the request does not impede the current development objective nor does it contradict the intent of the Ordinance.

It is also critical to mention and understand that the current variance request prohibits the need for multiple future requests for area, alternate setbacks and others in a practical and responsible effort to prevent extensive efforts by the zoning board.

Your consideration in this matter and the assistance to avoiding a future conflict of others is greatly appreciated.

Sincerely,



W. Gerald Webb

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

The adjacent property will not be otherwise affected by this rear setback variance as the structure itself complies with the current property line setback. If not for the effort to address the paving that is encroaching from one parcel to the next, the proposed structure would otherwise be compliant with the current ordinances and placed where proposed. Therefore, granting the variance is inconsequential to the adjacent properties, as the proposed structure is not being altered in its placement as a result of the variance being granted or denied, but simply resolving the encroachments for the benefit of future owners.

2. Such variance will not impair the intent and purpose of this Ordinance.

For reasons described in response to number 1 of this request, the intent and purpose of this Ordinance is in full force as the variance **does not**:

- 1) Impede the ability to promote the public health, safety and general welfare.
- 2) Impede the encouragement of the use of land in accordance with its character and adaptability and limit the improper use of land as the land is being used for its zoned and intended purpose of residential housing. The variance would not create a more intensive use than what is allowed in the zoning district, as the proposed use is a completely permitted use. It merely corrects the encroachments caused by the previous owner and provides a very minor deviation to the rear setback regulation of the Ordinance.
- 3) Impede the ability to conserve natural resources and energy, to meet the needs of the State's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land as the land is being used for its zoned and intended purpose. Clearly, the variance would create neither an environmental nor natural resources impediment, as the use is a permitted use in the zoning district.
- 4) Deviate from the intent to insure that uses of land shall be situated in appropriate locations and relationships as the land is situated in residential R1-B residential zoning and being used as such.
- 5) Contribute to the avoidance of the overcrowding of population as the land is suited and zoned for a single-family residence and that is its proposed use.
- 6) Impede the ability to provide light and air as there is no structural variance being requested and thus it clearly complies with the zoning district's building height requirements.
- 7) Attribute to the effort to lessen congestion on the public roads and streets as the variance request has no impact on roads or streets.
- 8) Impede the ability to reduce hazards to life and property as the variance does not create any hazards to life or property.

- 9) Impede the ability to facilitate the adequate provision of a system of transportation, sewage and disposal, safe and adequate water supply, education, recreation and other public requirements as the variance request does not apply to these objectives.
- 10) Impeded the ability to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. The ordinances adoption with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and the character of land, building and population development as the variance request does not deviate from the zoned or planned use of a single-family residence.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

Without the variance, the development of the property for the purpose of building a single-family home is impeded due to the shape, narrowness and the encroaching driveway which impact the ability to develop a single-family residence of reasonable size similar to those of the properties in the same zoning district without allowing the encroachment to remain existent. Additionally, the current tract boundaries impede upon the driveway of 508 North Shore Drive, as seen by the Land Survey Exhibit that is attached to the Zoning Variance Request. This impediment would be extremely detrimental to 508 North Shore Drive if Parcel 80-53-895-017-00 were ever conveyed to another party.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

As stated in number 3 of the variance request, the variance is necessary to develop a reasonably sized single-family residence consistent with the size and nature of the properties in the same zoning district while allowing the cure of the driveway encroachment on the adjacent property.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make the reasonably practicable the formulation of a general regulation for such conditions or situation.

The situation on the property necessitating the need for a variance is not of such a recurrent nature that revisions to the Ordinance would be justified to correct the encroachment created for unknown reasons created upon the driveway area of the adjoining property of 508 North Shore Drive. It is very likely that this does not happen on a frequent enough basis to justify revisions to the Ordinance for that purpose.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The effort to obtain the variance to cure the encroachment of the paved area was not the result of the owner, but that of a prior owner in the late 1970s. The variance is thus requested to fix the problem now so that it does not need to be addressed in the future by a subsequent owner.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

In order to use the property for its intended purpose and develop a reasonably sized home that conforms with the residences adjacent and within the zoning district, the applicant must obtain the variance and avoid a remedy that could only be obtained by a coordinated agreement to a cure the encroachments with the adjacent parcel.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

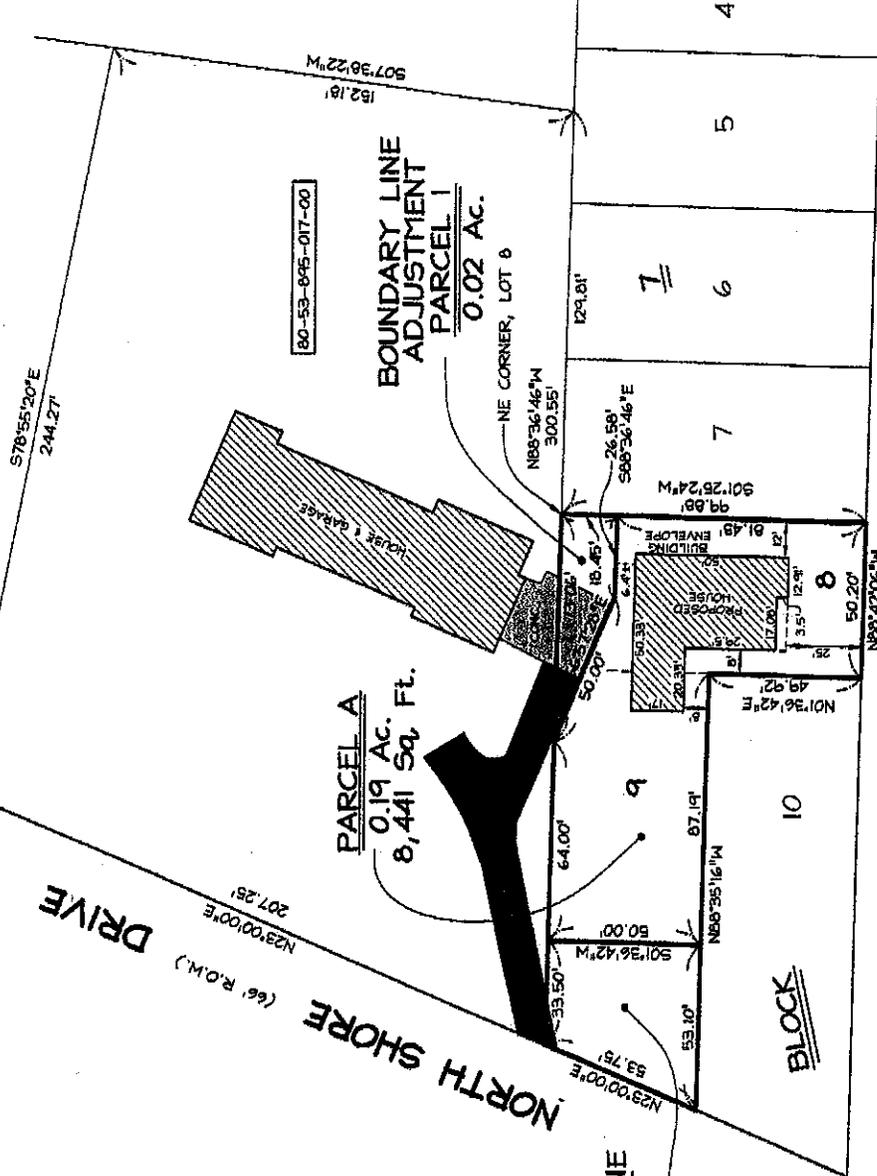
The variance request has been made and the request of the new property lines have been made to avoid other variance requests to be made in the absence of the single variance request made in the request. This includes, but is not limited to, designing the proposed building structure and amending boundary lines to comply with the front yard and side yard setbacks, lot area and width, as well as the maximum lot area.

9. That the variance will relate only to property under the control of the applicant.

The variance relates only to the property located at 109 Brockway and identified in the attached illustration according to the city's plot and numbers 8 and 9.

**PROPOSED BOUNDARY LINE ADJUSTMENT &
PROPOSED HOUSE LOCATION**

SEE SHEET 2 FOR DESCRIPTIONS



REVISION: 2-25-14

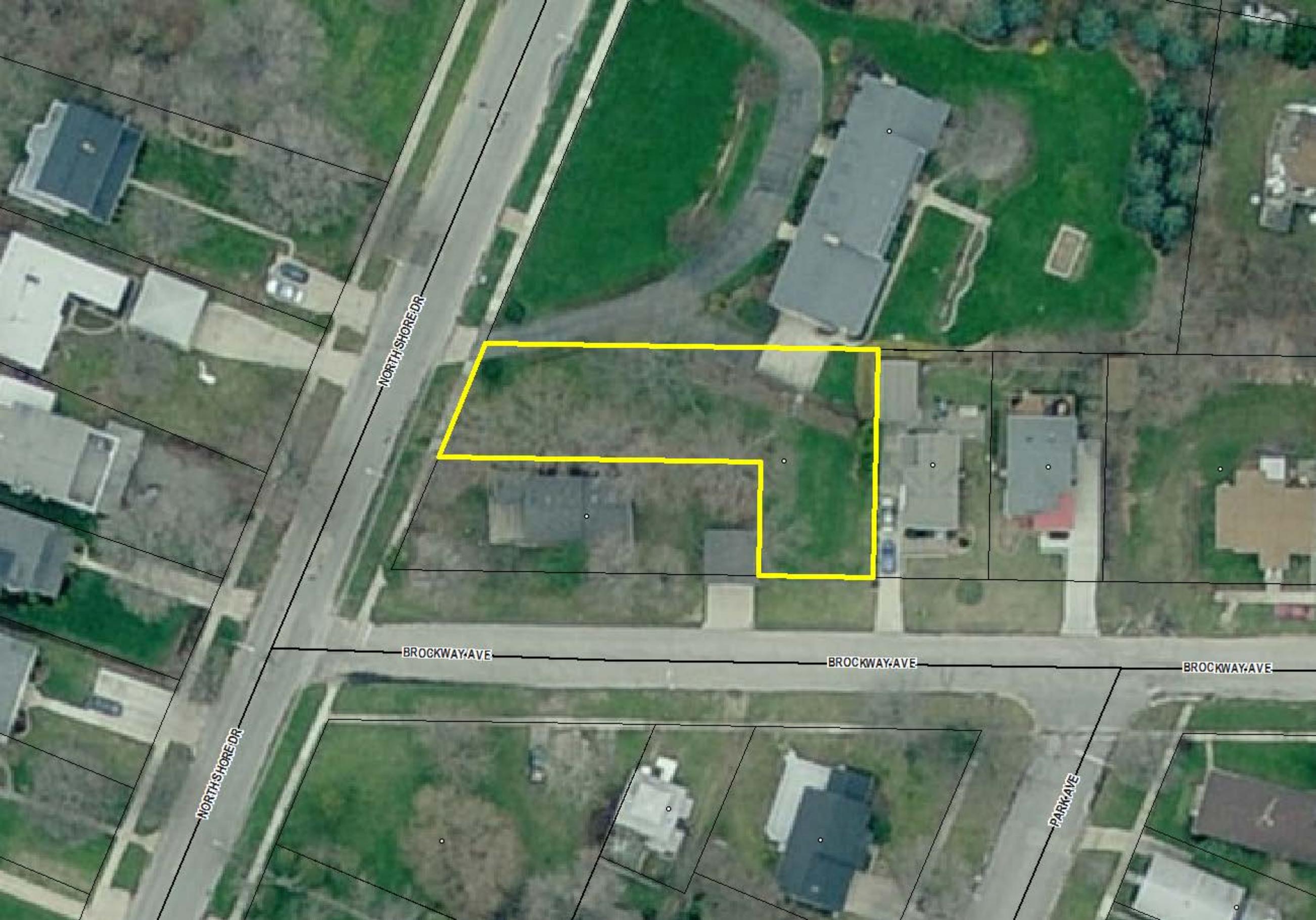
MITCHELL & MORSE LAND SURVEYING
A DIVISION OF MITCHELL SURVEYS, INC.
234 VETERANS BLVD.
SOUTH HAVEN, MICHIGAN 49090
PHONE (269) 637-1107
FAX (269) 637-1907

CLIENT: **TERRI WEBB**
DATE: 1-22-14 JOB NO. 13-928-B SHEET 1 OF 2
DWG. BY: J. MITCHELL DWG. CK: _____ DESC. BY: _____
BEING IN THE NE 1/4 SECTION 3, T 1 S, R 17 W,
SOUTH HAVEN (CITY) TWP., VAN BUREN Co., MICHIGAN

BROCKWAY AVE.
(66' R.O.W.)

NORTH SHORE DRIVE
(66' R.O.W.)

BLOCK 10



NORTH SHORE DR

BROCKWAY AVE

BROCKWAY AVE

BROCKWAY AVE

NORTH SHORE DR

PARKWAY

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: March 24, 2014

ADDRESS: 109 Brockway

ZONING DISTRICT: R-1B Single Family Residential

LOT DIMENSIONS: Irregular, see survey

LOT AREA: 2165 sq. ft.

LOT COVERAGE: Allowed – 40%, Existing – Vacant

REQUIRED SETBACKS: Front – 25'; Rear – 25'; Side – 8'/20'

EXISTING SETBACKS: Vacant

PROPOSED SETBACKS: Front – 25'; Rear – 6'4"; Side – 12'/8'

VARIANCE REQUEST: Gerald Webb, 66 Lakeshore Drive, is asking for a rear yard variance for his property located at 109 Brockway. The variance will reduce the proposed rear yard setback from 25 feet to six (6) feet, four (4) inches. This is requested so that the applicant may adjust the property line so the encroaching driveway on the neighbor's property is no longer on Mr. Webb's Brockway property. The parcel number for the subject property is 80-53-837-008-00. This application seeks a variance from zoning ordinance section 403-c.

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

The encroaching driveway and concrete pad already exist. The proposed variance only allows the subject parcel to be developed while accommodating the encroachment. Staff does not find a detriment to the neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

It is the intent of the R1B zoning district to preserve the character of the single-family neighborhoods. The proposed addition will not impair the intent of the residential zoning district.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

This lot is larger than the minimum lot size required in the R1-B zone by 2956 square feet. The street frontage is less than required at 50 feet where 66 feet is required. The lot is buildable and all setbacks could be met. The problem is the existing encroachment of the neighboring driveway. City records do not show when the driveway was constructed but it appears the property was under different ownership at that time.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district

and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The owner wants to construct a single family home on the subject property. Single family homes are permitted and expected in the R1-B zone. The owner could build a residence on this property without a variance and meet all setback requirements. It is the applicant's desire that the encroachment be removed by adjusting the lot line. The same could be accomplished with an access easement but the owner prefers a more permanent arrangement.

There is not a financial motive for the variance. The property is buildable as it stands.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

This is an unusual situation. Staff does not recommend amending the zoning ordinance to accommodate this situation.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The problem is not self-created except in terms that the applicant purchased the residence with the encroachment and now would like to construct a residence.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Strict compliance would not prevent a residence from being constructed. The applicant requests the variance so the encroachment will no longer apply. Whether that is unnecessarily burdensome is a decision for the ZBA.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The applicant is asking for the minimum lot line adjustment and variance necessary to cover the encroached area.

9. That the variance will relate only to property under the control of the applicant.

The variance request only involves the property owned by the applicant.

Zoning Board of Appeals



Calendar for 2014 Agenda Item #7

At the first meeting in each calendar year, the ZBA is required to set a meeting schedule for the upcoming year. (Generally, the Zoning Board of Appeals meets on the fourth Monday of the month.) The following is the proposed schedule for 2014. Please review before the March meeting.

January	27
February	24
March	24
April	28
May	26
June	30
July	28
August	25
September	22
October	27
November	24
December	22

Recommendation

Please review the dates provided and make any corrections deemed necessary. This calendar needs to be adopted by the ZBA prior to posting.