

CITY OF SYLVAN LAKE  
ZONING BOARD OF APPEALS  
JULY 8, 2009

A Meeting of the Zoning Board of Appeals, was held on Wednesday, July 8, 2009, opening at 6:41 p.m. at the Sylvan Lake Community Center, 2456 Pontiac Drive, with Chairman Storrie presiding.

Present: Harrop, MacGillis, Storrie, Galacz  
Absent: Menuck

Also Present: City Manager Martin and Clerk Clippert

APPROVAL OF AGENDA

Moved by MacGillis, seconded Galacz, to approve the Zoning Board of Appeals Agenda for July 8, 2009, as presented.

Yes: All  
No: None

MOTION CARRIED

VARIANCE REQUEST

**Z-002-09**

Property: 1770 Beverly  
Petitioner: Eric Webb  
Zoning Ordinance Sections: 78-296 Schedule of Regulations

In accordance with the provisions of the Zoning Ordinance, a Public Hearing was held by the Zoning Board of Appeals at the request of the petitioners, to grant a variance from the zoning ordinance to allow the construction of a roof over front porch and ramp at 1770 Beverly.

All property owners within 300 feet of the parcel in question having been duly notified of the hearing and the hearing published as required by PA 110 of 2006; Chairman Storrie opened the hearing. Proof of mailings and required proof of application are in the file.

City Manager Martin explained the zoning ordinance requires a residence to be at least 30 feet from the front property line. The petitioner is seeking approval to construct a roof over their front porch and handicap ramp. The proposed roof will be 26.5 feet from the front property line. Requiring a variance of 3.5 feet. The lot and house are typical of the area. Martin feels this is a safety issue.

Eric Webb, petitioner, explained their 9 year-old daughter is required to use a wheelchair. The ramp needs to be covered because of winter/ice problems. He is asking the zoning board for a variance of three and half feet to help get their daughter safely get in and out of the house.

Storrie questioned the two front facades. He asked which one they are using. Mr. Webb explained he did two because he wanted a backup plan. He would like to cover the total ramp and porch. Storrie stated the width is not a problem because the ramp isn't coming out any further. Storrie marked the plans to show the front elevation showing the ramp is what they are approving.

Chairman Storrie opened the meeting to the public. There were no public comments.

Storrie recommended approving the application for 1770 Beverly Drive for a 3.5 feet front yard setback variance because the applicant has shown a practical difficulty for the following reasons:

1. There are not exceptional or peculiar circumstances that are applicable to this property. The strict compliance would be with the zoning ordinance and the restrictions governing setbacks would unreasonably prevent the property owner use of the property for its permitted purpose and would render conformity unnecessarily burdensome.
2. The variance is necessary for the preservation and enjoyment of a substantial property right that is limited access to their home and ability to meet their daughter's special needs and it is not a condition or situation which is of a recurrent nature in the area.
3. The alleged practical difficulty is more than substantially a mere inconvenience or inability to obtain a higher financial return.
4. The granted variance will not be materially detrimental to the public welfare or adversely affect surrounding properties rather instead seems it will bring the property more into conformity with surrounding properties.
5. The granting of the variance will not adversely affect the purpose or objectives of the City's Master Plan. It increases the value of property and is predominately driven by a safety reason.
6. The practical difficulty is not self created.
7. The granting of the variance is pursuant to city regulations and the porch is not allowed to be enclosed.

Moved by Galacz, seconded Harrop, to approve Chairman Storrie's recommended motion as stated by Chairman Storrie.

Yes: Storrie, Macgillis, Galacz, Harrop  
No: None

MOTION CARRIED

ADJOURNMENT

Moved by MacGillis, seconded Galacz, to adjourn the meeting.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 6:55 p.m.

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Nicole Menuck, Secretary

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Dennise Clippert, City Clerk