

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
SEPTEMBER 16, 2009

A Meeting of the Zoning Board of Appeals, was held on Wednesday, September 16, 2009, opening at 6:30 p.m. at the Sylvan Lake Community Center, 2456 Pontiac Drive, with Chairman Storrie presiding.

Present: Menuck, Storrie, Galacz, Harrop, MacGillis
Absent: None

Also Present: Clerk Clippert

APPROVAL OF AGENDA

Moved by MacGillis, seconded Storrie, to approve the Zoning Board of Appeals Agenda for September 16, 2009, as presented.

Yes: All
No: None

MOTION CARRIED

VARIANCE REQUEST

Z-003-09

Property: 2024 Garland
Petitioner: Norman Koza
Zoning Ordinance Sections: 78-297(a)(j) Maximum Lot Coverage

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 an addition and extend the existing terrace at 2024 Garland.

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.

Norm Koza, petitioner, explained they want to control the vibrations and sounds they are getting from Telegraph Road. They want to put footings in the ground, insulate it and have a block wall.

MacGillis asked Koza if he has looked at making changes with 5% less coverage. Koza explained they could take off the corner, but that would probably only be a 1% reduction. MacGillis reminded Koza it can't be a self imposed difficulty.

Koza's Architect explained different ways to control noise and vibration sounds.

MacGillis noted in the petitioner's application he requested a variance for 34% lot coverage, but after City Manager Martin's review he found the property is actually larger than shown on the plan. He verified this with the plat and sidwell maps, so it is only a 30% coverage would be needed.

Storrie questioned the second wall on the plans and asked if it is separate from the house. Bernie explained it would be absorbed in one wall. They will make the addition to the house then add this second wall against it; it will have footings and then they will insulate in between the two walls with foam to help absorb the noise. Storrie asked if both walls would be within the setback. Bernie agreed they would be.

Koza added Telegraph has widen since he first built there, which has made the noise and vibration problem.

Storrie asked if they really need the large terrace and without it would it be within the allowable lot coverage. Koza's Architect replied, it may be. Koza would like to do this right.

MacGillis explained the Planning Commission worked on lot coverage for a long time and he doesn't feel they need to go beyond the 25%.

Menuck asked what the current lot coverage is. No one knew.

Chairman Storrie opened the meeting to the public.

Herb Larson, neighbor, stated 5% is not a lot. He feels it meets the criteria for a practical difficulty with the expanded highway which created the noise and vibrations. It is a nominal request that won't affect neighbors. He suggested they approve it to not exceed 5%.

There were no other public comments.

Storrie shared he spoke with Martin regarding the purpose of the statue. Martin informed him it primarily is to preserve open spaces. Storrie feels this is an esthetics issue and doesn't see how anyone is going to see this.

Menuck doesn't know if adding volume/square footage is a cure for a sound problem. She understands and agrees with the practical difficulty.

Galacz questioned the portion of land by the water and who's property this is. He asked if it was included in the calculation. Menuck thought it could be where Martin came up with a lesser percentage.

Storrie lead the board in discussion to determine whether the four elements for a practical difficulty are met.

Storrie recommended approving the application for the variance at 2024 Garland on the basis that the applicant has shown a practical difficulty for the following reasons:

1. That strict conformity with the restriction in question, the lot coverage restriction, would be unnecessarily burdensome.
2. That the granting of a variance would do substantial justice to the applicant and surrounding property owners in the are and that a lesser relaxation of the rules would not be more consistent with justice to others.
3. The property owner's plight is due to the unique circumstances of the property, specifically the close proximity to Telegraph Road
4. The applicants problem is not self created.

The granting of the variance will be conditioned upon the following:

1. The addition to the home and terrace would be specifically as depicted on the site plans prepared by Land Engineering Services, Inc. with an original issued date of 09/17/99, last revised 7/09/09, and doesn't not exceed the 30% total lot coverage.

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

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

MOTION CARRIED

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting adjourned at 7:34 p.m.

Nicole Menuck, Secretary

Dennise Clippert, City Clerk