

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
April 14, 2010

A Meeting of the Zoning Board of Appeals, was held on Wednesday, April 14, 2010, opening at 6:36 p.m. at the Sylvan Lake Community Center, 2456 Pontiac Drive, with Chairman Storrie presiding.

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

Also Present: City Manager Martin and Clerk Clippert

APPROVAL OF AGENDA

Moved by MacGillis, seconded Menuck, to approve the Zoning Board of Appeals Agenda for April 14, 2010, as presented.

Yes: All
No: None

MOTION CARRIED

VARIANCE REQUEST

Z-00-08

Property: 2650 Island Court
Petitioner: Howard Fingerroot
Zoning Ordinance Sections: Sec 78-296 p.CD78:55; Sec. 78-610(a)(2) p.CD78:81

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 two variances from the zoning ordinance, one for each proposed lot, to allow a lot split at 2650 Island Court.

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 on file.

Howard Fingerroot, petitioner, stated there are two and one-half (2 ½) lots making up this one parcel. He would like to split it into two parcels. He reviewed the history of the property stating the end of the road was vacated by the City several years ago. Fingerroot continued that this exact variance he is requesting was approved by the Zoning Board two other times. Both variances were contingent upon tearing down the house and going through with the lot split process. In both cases this was not done so the variance lapsed. His practical difficulty is living on the end of a dead end road so there is the required road frontage for each lot.

Storrie asked Fingerroot if he owned the property. Mr. Fingerroot stated he closes on the property in 14 days.

Chairman Storrie opened the meeting to the public.

Richard Eriksen provided the board with a packet. He reviewed the deed restrictions for the subdivision and what he thought was the original intention for the land. He feels splitting the lot will devalue everyone's property. He stated the split violates the covenants. He doesn't understand such a great variance and feels it is a radical request.

Pat spoke on behalf of Jean Clemens. He asked how this benefits the City or residents.

Mark Landau stated he has no major objections to the split. He feels Eriksen made a good argument. Landau is concerned with the character of the area. The dead end street sign is covered by trees and he has cars turning around and driving across his lawn. He can't put out boulders or anything because it violates the ordinance. He is concerned with the construction traffic making this worse.

George Leikin agreed and added deliveries are an issue on this narrow road, also special events with any homeowner. There is no place to park. Adding another house/parcel will only add to the problem. He doesn't feel this will help in adding value to the community; it will only take away.

Fingerroot stated he plans to build houses that are 5000 square foot. One lot is 65' wide and the other is 93' wide. Only the entryway from the road requires the variance. He would be willing to put up an orange construction fence during the construction process so neighbors' yards are not ruined. He would be willing to relocate the dead end sign. He is concerned with values and wants to invest in this community and help increase values.

MacGillis reviewed lot coverage percentages and how Planning Commission changed the ordinance. He is concerned with percentage these two parcels will be able to cover.

Storrie explained Planning Commission and City Council control the lot split. The Zoning Board has to focus on what the practical difficulty is with the road frontage.

Galacz asked Martin how the road was originally. Martin explained the street ended into the driveway of 2650 Island Court and about 15 years ago City Council vacated the end of the road.

Storrie asked Martin if there have been any physical changes to the property since the last application in 2008. Martin stated it is identical to what it was last time.

Menuck questioned how lot 21 acquired the road. Martin replied, the owner petitioned City Council to have the road vacated because it didn't serve any purpose. City Council did

vacate it, which means the road went to the adjacent property owners. Menuck asked if it would change anything if the road went to the end and the road wasn't vacated. Martin stated it would not change any of the issues which they have heard today.

Storrie commented on Eriksen's materials and stated they pertain to a use variance case and is not applicable to what is before them. The Zoning Board does not have the authority to act on deed restrictions.

The board discussed each element for a practical difficulty.

Storrie proposed a motion to approve the applicant's request for a variance at the property located at 2650 Island Court. The board finds that the applicant has shown a practical difficulty for the following reasons:

1. There are exceptional or peculiar circumstances that are applicable to this property that does not apply generally to other properties in the city, namely it is surrounded on three sides by water.
2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other property owners in the same district and it is not a condition or situation which is of a recurrent nature.
3. The alleged practical difficulty does not include substantially more than a mere inconvenience or inability to obtain a higher financial return.
4. The granting of the variance will not be materially detrimental to the public welfare or adversely affect surrounding properties in the district.
5. The granting of the variance will not adversely affect the purpose or objectives of the City's Master Plan.
6. The practical difficulty is not self created.

The granting of the variance is contingent upon the house being removed within one year; otherwise, the variance will lapse.

Moved by Menuck, seconded Galacz, to approve the proposed motion as stated by Chairman Storrie.

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

MOTION CARRIED

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 7:33 p.m.

Nicole Menuck, Secretary

Dennise Clippert, City Clerk