

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
MAY 13, 2015

A Meeting of the Zoning Board of Appeals was held on Wednesday, May 13, 2015, opening at 6:05 p.m. at the Sylvan Lake Community Center, 2456 Pontiac Drive, with Chairman Galacz presiding over the Pledge of Allegiance.

Present: Galacz, MacGillis, Menuck, Ash
Absent: Kirsbaum
Also Present: Clerk Dryden

APPROVAL OF AGENDA

Moved by MacGillis, seconded Ash, to approve the Zoning Board of Appeals Agenda for May 13, 2015, as submitted.

Yes: All
No: None

MOTION CARRIED

VARIANCE REQUEST

Z-001-15

Property: 1569 Lakeview Parcel: 18-01-203-009
Petitioner: Matthew & Megan Clark
Zoning Ordinance Sections: 78-297(a) Side Yard Setback, 78-297(a) Front Yard Setback, 78-610(b)(1) Canopy of Front Door, and 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 four variances from the zoning to allow the construction of a patio at the front of the house, including a canopy over the front door, at 1569 Lakeview.

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 Galacz opened the hearing. Proof of mailings and required proof of application are in the file.

Chairman Galacz asked the petitioner to explain what they changed based upon the conversation from the last meeting.

Petitioner Matt Clark explained they reduced the lot coverage down from 45.5% to 37.9% and reduced the square footage from 361 square feet to 188 square feet. The practical

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difficulty is the elevation to get into the door is 6' up. They have already lost 5' because the house is 5' into the front yard setback. He shared they couldn't get occupancy without stairs to the front of the house so they now have added the minimal required and they will have to be removed after their variance is approved. By allowing these variances they will be improving the front porch area allowing a safer more accessible point of entry. The variances would also allow to improve and beautify the front porch area in compliance with what has been established around the surrounding neighbors. All their porches run along the entire width of their house and they want to be consistent with that. They do need some kind of railing or wall per code, on each side. They have talked with both neighbors and neither has a problem with what they are proposing.

MacGillis asked if they had a letter from either of those neighbors. Matt Clark stated they did not. Megan Clark added they did have a letter in favor from Cheryl Labes that was given to Martin. Dryden stated that letter was included in the board's packet for the last meeting.

Walter Pytiak, contractor doing the inside work for the Clark's, brought perspective on the drawings. He explained the landing is 5'3" and code requires 3'3", which is very tight. The stair runs have been tightened to 9" wide which are usually 12" wide. The deck is 14x14 for comfort and easy access, it will get tight with table, chairs and people on it. The front part is an 8' 2" landing [portion of the patio in front in front of the landing and stairs to the front door] that you walk into which is typically not usable. He feels this proposal is worth consideration and approval. He feels the Clark's want to be good neighbors and residents in the community.

Chair Galacz opened the meeting to the public.

MaryAnn Smith shared that her husband Jim, and Rick Vanker went over to the Clark's property and looked at the plan they were proposing and found it was not as big as what the drawing looked. Smith understands the board has issue with the retaining walls and they can deal with them how they like, but she and her husband don't have an objection to the look of the deck.

MacGillis stated he saw the new plan and feels they are still asking for a lot of variances. He asked the Clark's if they understood him at the last meeting regarding the lot coverage. Ash agreed, she thought they would reduce this a lot more. MacGillis explained the area that is not parking for the garage is adding a lot to the total lot coverage, which they don't need. Matt Clark felt they shrunk the lot coverage by a healthy amount. They reduced the stairs and eliminated the front walk.

Megan Clark stated they need 9' just to get into the front door. Menuck stated she spoke with Martin on this plan and clearly ask him if they would need any of the variances if they

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put exactly what was there prior to the Clark's tearing it off and he said they wouldn't need variances then. So there is something they can do without a variance. She further explained what the plan looks like and the neighbor's approving the plan isn't really what they need to go by legally. They have to follow what is allowed by code and is there a reason this can't be accomplished. Matt Clark stated thought he recalled that John Martin said they would need a variance for anything they do.

Galacz reviewed what they changed, by taking out 5' of walk way in front of the porch steps. Matt Clark added they also reduced the stairs and got more green space. They tried to do something by reducing the 3' retaining wall but it would have been hard to maintain and it looked funny and this plan is consistent with what other neighbors have. MacGillis stated it is not consistent with the ordinances. He explained his own home and how he can't a lot of things he would like because the code doesn't allow it. Matt Clark stated the consistency is with what other houses on Lakeview have.

Menuck asked the Clark's what happened to the canopy over the front door. Matt stated he spoke to Martin and he would allow 5'X5' and they were fine with that and they didn't need to be on the plan for the variance. Menuck confirmed Martin told him that. Clark stated he did. MacGillis disagreed and stated that was for canopies prior to 1991. Dryden agreed she recalled whatever size the canopy it would require a variance. Galacz confirmed the canopy wasn't included on this plan. Clark stated it was not.

MacGillis feels they don't have a practical difficulty and it is all self-imposed.

Moved by Menuck, seconded by MacGillis, to deny the petitioner at 1569 Lakeview for the side yard setback for the patio, Section 78-297(a).

1. The petitioner has not shown any exceptional conditions or practical difficulty.
2. It does not include substantially more than mere inconvenience or financial return
3. It would be materially detrimental to public health and welfare, mainly the neighbors view and airflow.
4. It would adversely affect the master plan because the front yard setback is what they are trying to improve throughout the city. It is self-created and could be recreated as before.

Yes: MacGillis, Menuck, Ash, Galacz

No: None

MOTION CARRIED

Menuck explained the board would like a plan with the canopy on it. Galacz added, he thought the board was pretty clear on what they wanted the petitioner to observe in

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regards to the side yard setback, the 3' retaining walls on the patio, and lot coverage. He feels they are not being realistic. They are fighting with aesthetics and the board is dealing with guidelines that the city has set and stated there is no practical difficulty in terms of the front yard and with this drawing they haven't accomplished anything that was suggested. They can do something aesthetically pleasing; it just has to be with the regulations.

Menuck stated the ZBA will be reasonable, but they are going to have to come back for some kind of variance, so they are not in favor of approving any one thing tonight. Matt Clark asked if what he is hearing that the board will only allow what was there. Menuck stated there are five people on the board and they will each give them five different opinions.

Galacz feels they need to observe the setback and total lot coverage. Matt Clark stated they need a raised deck and they will have to do something around it according to code so he doesn't understand why the walls are an issue. MacGillis explained they need to look at the code and see what is the very minimum allowed and what is the least variance they can grant. Start with what is allowed and work out from there.

Matt Clark stated when they showed the plan to Martin he thought this looked good; he was trying to be positive, so they thought they were good.

Walter Pytiak a landing that is 4'x3' with a grade of 5' high is not good. Again MacGillis reiterated they need to start with what is allowed and work from there. Menuck recommended they seek a landscape architect as well.

Moved by MacGillis, seconded Menuck, to deny the variances requested at 1569 Lakeview for the canopy, front yard setback, and total lot coverage because they have not proven a practical difficulty;

Yes: Menuck, Ash, Galacz, MacGillis
No: None

MOTION CARRIED

Moved by Menuck, seconded MacGillis, to amend the motion to include also based on insufficient drawings presented.

Yes: Menuck, Ash, Galacz, MacGillis
No: None

MOTION CARRIED

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting adjourned at 6:52 p.m.

Patty Harrop, Secretary

Dennise Dryden, City Clerk