

Zoning Board of Appeals

Regular Meeting Minutes

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



City of South Haven

1. Call to Order by Ingersoll at 7:00 p.m.

2. Roll Call

Present: Lewis, Paull, Wheeler, Wittkop, Ingersoll
Absent: Henry

3. Approval of Agenda

Motion by Lewis, second by Wittkop to approve the agenda with the addition of approval of the 2013 meeting calendar. All in favor. Motion carried.

4. Approval of Minutes – October 22, 2012

Motion by Lewis, second by Wittkop to approve the October 22, 2012 Zoning Board of Appeals minutes as written.

All in favor. Motion carried.

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

None at this time.

NEW BUSINESS –Variance Request

6. Phyllis Poorman, 322 Superior Street and Timothy Brattain, 324 Superior Street, request a joint variance from zoning ordinance section 1708-3, Accessory Buildings. The applicants are seeking to replace a shared garage which was destroyed by a falling tree. Because the garage crosses the property line, the structure is nonconforming in that it does not meet the required side setback requirements. The parcel numbers for the applicant properties is 80-53-015-004-01 and 80-53-015-003-00.

Anderson introduced and gave the background on the request for a variance.

Ingersoll said Anderson answered the only question he had, which is whether the applicants proposed to build the garage on the existing footprint.

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

Jeff Poorman, 322 Superior Street. Introduced his wife, Phyllis Poorman; stated she has owned this property for about four (4) years, and also introduced the co-applicants, neighbors Timothy Brattain and his wife. Poorman explained that the tree came down and destroyed the garage; if the applicants can not put the garage where it originally was, he would not be able to get his car into the garage due to the way the house and driveway are located. Poorman stated the only thing being considered is expanding the garage to the west 2 feet, which would affect the rear neighbor only.

Anderson noted that the rear setback will not create more nonconformity. Ingersoll noted that since we are going for a variance that would not be a problem.

Timothy Brattain, 324 Superior Street. Purchased the property seven (7) years ago, showed the board a photo on digital camera.

Paull asked whether there is a party wall. Poorman said the deed does not speak to the garage being dually owned. Paull said as you go forward if we approve the continued non-conformance there could be a time in the future when a party wants to sell their property. Paull believes the deed should record the garage as dually owned.

Motion by Wittkop, second by Lewis to close the public hearing.

All in favor. Motion carried.

Lewis sees no problem; there are extenuating circumstances and the garage situation is described on the deed.

Wheeler noted that he is fine with the request.

Motion by Wittkop, second by Wheeler to grant a variance to construct the joint owned garage which has functioned as it is for 75 years.

Anderson noted that this request meets all the standards in Section 2205, which lists the standards.

A roll call vote was taken:

Ayes: Lewis, Paull, Wheeler, Wittkop, Ingersoll

Nays: None

7. Meeting calendar.

Motion by Lewis, second by Paull to approve the proposed calendar, moving the December meeting to Dec. 16, 2013.

8. Member Comments

Wittkop asked if there will be people recruited to fill the vacancies. Anderson asked the board to try to think of anyone who might be interested and let the Clerk of the City Manager know, noting that the City Manager is actively working to recruit someone. Ingersoll noted he would be term-limited in May.

9. Adjourn

Motion by Wittkop, second by Wheeler to adjourn at 7:18 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary