

Zoning Board of Appeals

Regular Meeting Minutes

Monday, June 25, 2012
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: Apotheker, Paull, Wheeler, Wittkop, Ingersoll
Absent: Henry

3. Approval of Agenda

Motion by Wittkop, second by Apotheker to approve the June 25, 2012 Regular Meeting Agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – April 23, 2012

Motion by Apotheker, second by Wheeler to approve the April 23, 2012 Regular Meeting Minutes as written.

All in favor.

Motion carried.

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

NEW BUSINESS – Dimensional Variance Request

6. Don and Kathy Raklovits, 77 Clinton Street, request a variance from Article IV, Section 402 in order to attach a garage to the residence, resulting in nonconformance to the rear (north) setback requirements. The setback proposed will be three (3) feet from the north lot line. The ordinance requires attached garages to be located no less than 25 feet from the rear lot line in the R1-A zone. The applicant is also requesting relief from the lot coverage maximum of 40 percent. The addition will bring the lot coverage to 41 percent. The parcel number for the subject property is 80-53-184-012-00.

Anderson introduced the request and explained the reason for the variance request. The variance would allow construction of an attached garage 3' from the property line instead of the 25 feet required in the ordinance. There is also a request to permit 41 percent lot coverage where 40 percent is the maximum permitted. Due to Mrs. Raklovits' mobility challenges, caused by arthritis, Anderson feels the applicant has a demonstrated hardship and approval of this variance would not set a negative precedent in the neighborhood.

Ingersoll asked about the proximity of the garage to the lot line and the garage belonging to the neighbor at the rear of the lot. Anderson explained that the neighbor to the rear came in and looked at the plans and said there would be a total of 5' between the two garages. Anderson explained that if the garages were closer than that, a fire wall would be required.

Don Raklovits, 77 Clinton Street. The main purpose of the request is his wife's safety and since they are full-time residents, winter snow and ice are an issue. Raklovits noted this is a manufactured home so he does have the plan to do some other modifications to give the home a more traditional look. Ingersoll asked if the extra depth of the garage is to have a workshop. Raklovits noted that they would be removing the existing shed and all of their storage for gardening equipment and other items. The extra depth of the garage will be to accommodate those items needing storage.

Apotheker questioned whether the neighbor's garage is actually 2 feet from the lot line. Anderson explained that the neighbor came in to ask about the set backs to the rear of both properties and stated that his garage was actually 3 feet from his lot line. He had no issue with approving the variance as submitted. Anderson reminded the members that the City does not survey properties nor does the City involve itself in any possible dispute over lot lines; lot lines are a civil matter between neighbors. Ingersoll suggested the board could make the approval contingent on there actually being 5 feet between the garages for fire safety. Anderson agreed that could be part of the approval stated in the motion.

The Board discussed whether or not to consider the lot coverage.

Motion by Wittkop, second by Wheeler to close the public hearing. All in favor. Motion carried.

Apotheker, Wittkop and Wheeler said their concerns were already addressed.

Motion by Paull, second by Apotheker to approve the setback variance request along with the 41 percent lot coverage with the recommendation that there be at least 5 feet between the two garages.

A roll call vote was taken:

Ayes: Paull, Wheeler, Wittkop, Apotheker, Ingersoll
Nays: None

Motion carried.

7. Election of Officers 2012-2013

Motion by Apotheker, second by Wheeler to elect Ingersoll as Chair and Wheeler as Vice-Chair.

All in favor. Motion carried.

8. Adjourn

Motion by Apotheker, second by Wheeler to adjourn at 7:16 p.m.

All in favor.

Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary