

Zoning Board of Appeals

Regular Meeting Minutes

Monday, September 24, 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, Lewis

3. Approval of Agenda

Motion by Paull, second by Apotheker to approve the agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – August 27, 2012

Motion by Wittkop, second by Apotheker to approve the August 27, 2012 minutes as written.

All in favor. Motion carried.

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

There were none.

NEW BUSINESS –Variance Requests

6. **Dennis and Jari Kral, 127 Clinton, request a rear yard pool setback variance. The ordinance requires pools to be ten (10) feet from rear property lines (Section 1725-2). The applicant is asking to install a pool six (6) feet from the rear lot line instead of the required ten (10) feet. The parcel number for the property is 80-53-033-015-00.**

Anderson gave an overview of the request, noting that everyone within 300' was notified and no responses were received.

Dennis Kral, 127 Clinton. Explained that his family just moved from the north side to the south side, from a small condo to a house near St. Basil's school. They want a garage and a pool in the back yard. The contractor has been working with them to lay it out so they have room for everything, including a small set of steps to enter the house and enough turning radius for a car to turn into the garage.

The public hearing was opened.

Paull asked if there is a fence on the back lot line and how high it is. Kral said it is tall, maybe 5.5' to 6'; he has not measured it but noted that the fence surrounds the house on three (3) sides. Kral noted that he is not sure who owns the fence on the rear lot line, but the adjacent neighbors on each side own the fences that are on the side lot lines.

Ingersoll pointed out a couple of things the applicant can do to minimize or eliminate the need for a variance: Locate the pool 2 feet from the garage and take a foot off the pool and a foot off the garage. The board discussed the required turning radius of the driveway, which is quite narrow; the contractor said the 22 feet suggested wouldn't work, even though that was what was proposed originally. According to Kral, the pool contractor is the one who asked Kral to request the variance.

The board heard the explanation for a single-car garage; the applicant is vision impaired so only have one car and his wife does all the driving.

Apotheker suggested moving the garage to the east. Anderson noted since the house is already non-conforming the applicant could bring the line of the side of the house straight back. Kral said he was not aware of that but if that is an option that could be done.

Motion to close the public hearing by Wheeler; second by Apotheker.

Apotheker noted it is a self-created problem and, if the garage were moved, the applicant could still get the same size pool without getting too close to the property line. Ingersoll noted the problem with the turning radius.

Paull said reconfiguring the garage could solve the problem. Pools are attractive nuisances sitting in your back yard. Maintaining enough clear distance around a pool is important. If the applicant could reconfigure his plan, he could still get a reasonably sized pool without a variance. Wheeler commented that his thought was that this appeared to be a self-created problem and the board has helped him determine that is correct.

Wittkop agreed with Apotheker that the applicant has a self-created problem and can change things around and still get a reasonably sized pool.

Ingersoll said if we look at the lesser of two evils, the trade-off here would be the 6 feet off the property line or making the garage two feet closer to the property line. The board asked for and received confirmation that the garage would move, not grow larger.

Apotheker noted the applicant could move the garage to the east, to match the existing house line. The applicant likes that idea and was not aware of that option.

Motion by Paull, second by Wittkop to deny the variance request due to there being no exceptional or extraordinary circumstances or conditions; the need for a variance was self-created and the variance amount was the not the minimum amount required.

A Roll Call Vote was taken.

Ayes: Paull, Wheeler, Wittkop, Apotheker, Ingersoll

Nays: None

Motion carried.

7. Member Comments

The board heard about a case that may come before them next month.

8. Adjourn

Motion by Apotheker, second by Wittkop to adjourn at 7:30 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary