

**MINUTES
VARIANCE BOARD MEETING
MAY 15, 2019**

The meeting was called to order at 7:36 a.m.

Present: Members: Christopherson, Denn, Johnson; Planner: Riedesel; Applicants: Kevin & Julie Lund, Andy Lofboom, Lucio Contractor.

APPROVE AGENDA: The Agenda was approved with some rearrangement of agenda items. Johnson moved. Denn seconded.

KEVIN & JULIE LUND, 5932 Hobe Lane – Request for 14.6 Right-of-Way Setback Variance & Variance from Section 5-29 Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a Garage: Riedesel summarized the request to demolish an existing garage and construct an attached oversized garage which would exceed the allowed 1,000 square foot size and encroach into the road right-of-way setback. The previous garage was 17.5' from the right-of-way. The new attached garage is proposed to be 20.4' from the right-of-way.

Ordinance No. 8 states that a permit may be applied for an oversized garage if the property exceeds 22,000 square feet in area and is an agricultural use or is adjacent to a designated open space or conservation wetland zoning district. The Lund property is 22,200 square feet in area and abuts Bald Eagle Lake.

It was noted that the right-of-way in this area is greater than normal.

The Variance Board discussed the matter and determined that they had no issues with the request as it meets the ordinance requirements. Noting that 132 square feet of the proposed garage is for a mudroom.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the right-of-way setback variance as the right-of-way in this area is greater than normal, there is a decrease in a non-conforming setback. The request meets the standards set forth by Ordinance No. 35 to approve a variance

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Christopherson moved to recommend to the Planning Commission to recommend to the Town Board to approve the variance from Section 5-29 of Ordinance No. 8 noting that the property exceeds the 22,000 square foot requirement and abuts Bald Eagle Lake. Johnson seconded. Ayes all.

RICK & KIM LUCIO, 5691 ORCHARD AVENUE – Request for a 10.4% Green Area Variance and a 142 Square Foot Lakeshore Accessory Square Footage Variance Structure for Construction of an In-Ground Pool: Riedesel summarized the request for a 10.4% green area variance to allow construction of an in-ground pool between the house and Bald Eagle Lake. The Lucio property is an undersized lot of record.

The pool is considered a lakeshore accessory structure which establishes the setback requirement at 10' from the 913' one hundred year high water elevation. The proposed pool meets that requirement but, 142 square feet of the 392 square foot pool exceeds the size requirement for a lakeshore accessory structure.

The Lucio's current green area coverage is 46.9% and they are proposing in the first phase to remove the concrete patio where the pool will be constructed thereby decreasing the green area coverage to 41.5%. In phase two of the project they plan to remove the existing concrete driveway which will further decrease the green area bringing it down to 35.4%. Pavers will be installed in place of the concrete.

Johnson inquired as to where the edge of the pool was measured from and verified that the concrete under the pool was to be removed.

Denn stated he could support the variance because of the 11½% increase in green area with the pool construction.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the 10.4% green area variance noting there will be an overall increase of green area of 11½%, and that the required 10' lakeshore accessory structure setback will be met. Johnson seconded. Ayes all.

Denn moved to recommend to the Planning Commission to approve a 142 square foot lakeshore accessory structure variance. Johnson seconded. Ayes all.

KENT JEFFERSON, 514X WEST AVENUE – Request for a Minor Subdivision with Two 5' Lot Width Variances: Riedesel summarized the request for a minor subdivision on West Avenue. Riedesel noted that this request was originally approved by the Town Board in 2003; however, Mr. Jefferson did not file the required paperwork in time so the approval lapsed.

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The proposed minor subdivision would create two 75' wide lots containing 20,000+ square feet in area.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the minor subdivision creating two 75' wide lots containing 20,000+ square feet in area noting the property was original assessed for two water services and two stubs were installed, and noting the previous approval of the Town Board in 2003. Denn seconded. Ayes all.

MARILYN SVEE, 2630 South Shore Boulevard – Request for a 10' Side Yard Setback Variance, a 5.2' Side Yard Setback Variance & a 5% Green Area Variance:

Riedesel summarized the request to allow for the construction of a 24' x 24' garage and paved driveway which replaces an existing single garage. The Svee property is an undersized lot of record and Ms. Svee wishes to construct the new garage in the same location as the existing garage.

The Variance Board discussed various scenarios of garage and driveway construction taking into consideration the power pole.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to require that the garage and driveway meet the 5' side yard setback to the south, with the driveway narrowing to the street to avoid moving the power pole; that the 5' setback requirement be met to the west property boundary; approve a 5' side yard setback to the south property boundary; a 1.19' side yard setback to the west boundary; and considering the existing garage has a 0' setback from the south and west property boundary. Christopherson seconded. Ayes all.

Denn also moved to recommend to the Planning Commission to recommend to the Town Board to approve up to a 5' green area variance, and also requesting that the applicant redraw the plans for prior to the Planning Commission Meeting.

APPROVE MINUTES: Denn moved approval of the Minutes as submitted. Christopherson seconded. Ayes all.

The meeting was adjourned at 8:19 a.m.

Respectfully Submitted,

Patti Walstad