

Minutes of the Zoning Board of Appeals – August 29, 2011

Meeting was called to order at 7:00 p.m. by Chairman Kellogg

Members present: Kellogg, Haan, Kopda, Busk, Oosting
Supervisor: VandenBerg
Applicants: Dixon and Karena Pulver
Builder: Mark Pulver representing the applicants
Public 2

Chairman Kellogg explained how the application would be reviewed. And acknowledged that surrounding properties were notified and two neighbors have expressed their support of the request.

Agenda Item:

Request from R. Dixon and Karena Pulver for a setback variance for a deck and pool.
Location 787 11th Street, Otsego. Parcel number #03-08-501-003-00.

Motion Kopka/Busk to open the public hearing for this request. Roll call
Busk yes, Oosting yes, Kopka yes, Haan yes, Kellogg yes. Motion Carried.

The applicant expressed the request as follows on the application form.

Request: To encroach newly revised 2002 set back to a reasonable 25' set back for both rear and side lot lines, as per drawing. The applicant believes this will not endanger the safety and welfare of the surrounding community.

The Board asked the question of whether a building permit was obtained for the pool and the owners stated they were told by PCI that a permit was not needed. This was miss information, an above the ground pool higher than 24 inches does require a permit. The project is now complete and a variance should have been requested prior to completion of both the replacement deck and the addition deck surrounding the pool that was installed this summer as a complete project.

Motion Kopka/Busk to close the public hearing. Roll call Busk yes, Oosting yes, Haan yes, Kopka yes, Kellogg yes. Carried.

Chairman Kellogg suggested the Board take the request in two portions. One, the replacement of the existing deck and the, second, the new deck installation around the pool and the pool location.

This lot is a legal non-conforming lot. It met setback requirements prior to the changes made in 2002. To grant a variance for the replacement of the existing deck area and adding 2 feet as described in the drawing would do substantial justice to the applicant. In reviewing the criteria to grant a variance the Board consensus was the request to replace the existing deck is justified.

Motion Kopka/Oosting to approve a variance of 28'2" for a rear set back to replace an existing deck at 787 11th Street. Parcel number #03-08-501-033-00. Roll call vote: Kopka yes, Oosting yes Haan yes, Busk yes, Kellogg yes.

The second portion of the request is the placement of the above the ground pool and the additional deck area. The Board has in the past not accepted bank land surveys. Bank surveys often are incorrect. After discussion the Board is requesting the applicant get a land survey of the portion of the lot that involves the pool and additional deck placement.

Motion Kopka/Busk to table this request to give the applicant time to provide a more accurate survey of the lot and placement of the pool and deck on the property and actual setbacks. Carried.

Other Business: The Board has been invited to an open house at JBS on Wednesday, September 21st at 6:00 p.m.

Motion to adjourn 7:40 p.m. Carried

Respectfully submitted,

Connie Haan
Secretary

