

Village of Lansing
Board of Zoning Appeals
June 19, 2000

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:34 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, Lorraine Johnson, and Mike Ward, Code Enforcement Officer Curtis, Attorney Randy Marcus, and members of the public.

Appeal 2000-2, Rena Anderson, to construct a twelve foot by twelve foot patio enclosure on her home at 10 Leifs Way in the Medium Density Residential District, Tax Parcel No. 45.1-1-99. A variance is required because the construction will result in a side yard setback deficiency of approximately twelve feet.

Proof of mailing was provided to Curtis by Rena Anderson. Curtis noted none was mailed to contiguous neighbor Ivar Jonson. Curtis left the meeting to telephone him and notify him of the meeting. Unfortunately, he was not home and a message was left. Notification was provided to M/M Collins and a neighboring family. Anderson noted that she has spoken to Janet Jonson and the Jonsons are aware of the situation and maybe they could give her a couple more feet of land. It was noted by the Board that
12 ft. are needed.

Anderson noted when she bought the property she was informed of the property line being further back than where it really is which is where the shed is close to the line. Marcus stated the lots are small and Jonson sometimes builds very close to the setback lines.

Marcus stated the Board can postpone the hearing until all proof of notification is submitted or the Board can proceed and then, prior to the decision, state as a condition that the Jonsons provide something in writing that they were notified in person and chose not to speak and have no objection.

Board members chose to proceed with the appeal on the latter basis.

Curtis noted that according to the Village Zoning Law, with a corner lot, there are requirements for two front yard setbacks, two side yard setbacks and no rear yard setbacks. Marcus also noted that front and rear yard setbacks are 40 ft. and side yard setbacks are 20 ft.

Sirois asked Anderson if she wanted to present information because if the structure is enclosed the setback would be down to 8 ft. rather than the required 20 ft. Ms. Anderson's brother pointed out that the concrete patio is already in place. Sirois noted that the structure is not upon it yet. Curtis explained that if the structure is over 3 ft. high it must meet the setback requirements. Anderson noted

that the corners of the concrete pad will be removed to allow for the installation of corner posts for the screened in 12 ft. x 12 ft. porch with roof. The sliding doors from the house onto the patio are already in place as well as the concrete pad so Anderson feels she is limited as to where the enclosure can be located on the lot. Ward noted that Lot No. 38 behind the Andersons, is not built upon and if Jonson builds upon this narrow lot, the new property owners may request the same as the Andersons and then the porches would be only 16 ft. apart.

Board members expressed a desire to hear Jonson's opinions on this and what exactly he was willing to offer the Andersons to help remedy the deficiency.

Marcus noted that if 12 ft. is given or sold to the Andersons, there may not be enough land left to build on the next lot and they may not feel comfortable in pursuing this option if it means losing the ability to build on the remaining lot and then having to come before the Board to amend the subdivision or seek a variance. Marcus noted that if the Andersons were successful in obtaining another 2, 4, 6 or 10 ft., there might be a better justification for granting the variance. Marcus noted the Board would have a difficult job in granting the variance if there were another way the Andersons could cure the problem by acquiring additional property.

Sirois mentioned that possibly a temporary structure rather than a permanent structure could be pursued. Ward stated the Board is not here to help fix the problem. Curtis stated a temporary unattached screened-in structure could be an option depending upon what it was and how it was attached. Eckrich recommended considering a temporary screened-in structure that would not require a variance. Johnson suggested a plexiglass detachable structure, such as those at Four Seasons Greenhouse, might be a possibility. Curtis noted a moveable building up to 120 sf which is not attached to the ground would meet the zoning requirements under certain conditions and a variance would not be required.

Marcus felt it would be helpful to know how much property Jonson would be willing to deed over, as well as what he contemplates building on Lot No. 38. He might be willing to confirm that he will not build any closer than some distance from that lot line. Curtis reminded the Board that they had approved a variance previously with a similar condition.

Another possibility proposed by Eckrich was to consider having the structure built wider rather than deeper thereby retaining the area but reducing the deficiency and this might possibly help in securing approval of a variance.

Eckrich moved to postpone further consideration until some of these issues could be resolved. Ward agreed that this matter should be tabled and Jonsons be invited to the next meeting.

Curtis answered the telephone and it was Janet Jonson. She confirmed that she would work with the Andersons to see what they could come up with.

Marcus recommended tabling the variance so that the Andersons could consider the options and discuss the matter with the Jonsons. Marcus recommended the Andersons consider the possibility of shrinking the size of the enclosure and also the possibility of acquiring additional land from the Jonsons, then put together a more definite proposal for the Board. In this way, the Board might be in a better position to justify the approval for a variance.

The Board felt more information is needed from the Jonsons. Johnson seconded the motion to table the meeting. All aye.

Ward noted the Planning Board meeting is June 27th. The next BZA meeting was scheduled for June 29th at 7:30 P.M. Anderson will request the Jonsons attend. Ward stated that this Board needs to know what the Andersons plan to do, ie how much property will be deeded to them. If it is 12 ft., there will be no requirement for a variance and the 6/29 meeting will be cancelled. If 12 ft. can not be obtained, then the Andersons must return with how much additional property they can acquire and with any reconfiguration the Andersons would consider. Anderson's brother also noted that they could return with a temporary structure idea.

Approval of Minutes

Eckrich moved the approval of 11/15/99 minutes with revisions. Seconded by Ward. All aye.

Adjournment

Johnson moved to adjourn the meeting at 8:37. Seconded by Eckrich. All aye.