

**Village of Lansing
Board of Zoning Appeals
June 29, 2000**

The special meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:35 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board members Don Eckrich, Lorraine Johnson, and Mike Ward, Attorney Randy Marcus, Clerk part-time Carol Willard and members of the public Ivar and Janet Jonson.

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.

This meeting is a continuation of last week's meeting. Rena Anderson called the office just prior to the meeting and stated she would not be in attendance due to the possibility of a tornado. She stated she would be home and available by telephone if necessary. Mrs. Sirois stated she did not know if any modifications or alterations were made to the original proposal.

Ivar Jonson stated he was present at the request of Anderson. He has not had any conversation with her regarding the permanent addition of a screened in porch since the last meeting. Attorney Marcus stated at the last meeting it was proposed that the two have a discussion and it appears this did not occur. Jonson indicated he has been in touch with Curtis regarding the corner lot in discussion where the structure must be located 40 ft. from each of the two roads and 21 feet from the back lot lines. He stated he is not in a position to give her the required 12 ft. from his adjoining property. His recommendation was to take the next lot which is 104 ft. wide and place that house 27 ft. from the property line which will pick up 6 ft. Again he stated he can not give her the property. He felt the Board could notify Curtis of this decision as the patio is already in place. Marcus stated that the Board was concerned that this might happen on a regular basis if it is allowed for one property as others would also be requesting it. Ward stated that the patio still remains 5 ft. short of the required setback. Sirois went back to the idea of the next house being 27 ft. from the lot line, is it correct that the new house could not have a patio on that side. Jonson stated that it could go on the back as the lot is 200 ft. deep. Jonson went on to say that the porch could go on the back but a patio could still go on the 27 ft. side.

The public hearing was closed and the Board considered the five criteria required for area variances:

- a) *Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.*

Eckrich stated he was sorry the applicant was not present but he felt she did not explore the other alternatives discussed at last week's meeting. The Board placed a conference call to Anderson and told her the Jonsons were present and could not give her any land to add to her

lot. Eckrich asked her if she had considered the possibility of any of the alternatives discussed last week. Anderson responded that she could not reduce the glass structure by 2 ft. on the back and pick it up on the side because of the windows on her house. She also said the slab is already in place. Marcus asked if the proposal for the room is exactly like the original proposal without changes or modifications and she responded yes. Since there were no further questions, the conference call was ended.

Ward stated he did not like the glassed in answer as he thought it was to be a screen house. Marcus stated it could be screen and then replaced with glass in a year and Curtis might not even be aware of it if a permit were not required. He further stated that from a zoning point of view, it is immaterial as to what material is used. Eckrich stated he did not feel the applicant has presented a solid case and it would be stretching hard to make this work. Johnson stated that this addition still does not meet the zoning requirements even with the concessions given by Jonson.

Finding: The proposed structure will create an undesirable change in the neighborhood and will be a detriment to neighbors because the house is on a reduced lot to begin with due to clustering and this structure will be closer to the lot line than zoning would require.

- b) *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.*

Eckrich stated that other possibilities suggested last week were not considered.

Finding: The applicant did not pursue other possibilities which were suggested at last week's meeting. These included reducing the size of the structure, changing the type of structure, changing the screening, and making it a non-permanent structure.

- c) *Is the requested area variance substantial?*

Finding: The Board felt that this was a substantial variance as the requested setback will be reduced to 8 feet from the required 20 feet setback. This will also reduce the aesthetic appeal due to visibility from the road and back yard.

Finding: The Board felt the proposed variance is a substantial variance request as the setback is being reduced from 20 foot to 8 foot.

- d) *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Ward stated this clearly would have an adverse impact. Eckrich felt other neighbors would also desire to have the same reduced setbacks if granted in one situation.

Findings: The Board felt granting this variance would have an adverse effect on the neighborhood.

e) *Whether the alleged difficulty was self-created.*

Eckrich stated that the Board had been willing to reconvene again and to consider alternatives to the original variance request. The alternatives suggested at the initial meeting were not pursued by the applicant. The applicant also did not talk to Ivar Jonson about alternative arrangements. Eckrich stated the purpose as originally proposed by Rena Anderson for the addition was to view birds but when the adjoining house is built, she might be viewing a living room or garage instead. Ward felt Anderson could have taken the option to contact either Curtis or a Board member to discuss these alternatives, but neither option was pursued. Sirois felt the applicant did not pursue the suggested options since the last Board presentation.

Finding: The Board felt the alleged difficulty was to some extent self-created.

Ward moved that the application be denied for the reasons stated above and the applicant, Rena Anderson, be notified of the decision by Attorney Marcus. Eckrich seconded the motion. All in favor.

Johnson moved to adjourn the meeting at 8:10 P.M. Eckrich seconded. All in favor.