



Town of Summerfield – Board of Adjustment Minutes

Summerfield Community Center

June 28, 2012 | 6:30PM | 5404 Centerfield Road

Chair James Brady

Lewis Nash

William North

Michael Stewart

Ron Willis

Rob Lovell (Alternate)

Don Wendelken (Alternate)

The meeting was called to order at 6:33 pm by Chair James Brady, with the following in attendance:

Board Members: James Brady, Lewis Nash, William North, Michael Stewart, and Ron Willis

Also in attendance: Attorney Jim Secour for William Hill, Town Attorney; Carrie Spencer, Town Planner; Don Wendelken, Board of Adjustment Alternate

CONSENT AGENDA

Mr. Stewart made a motion to approve the agenda, Mr. North seconded, and the motion passed unanimously. Mr. North made a motion to approve the minutes from the May 24, 2012 meeting, a friendly amendment was made and accepted to include both March 22, 2012 and May 24, 2012 meeting minutes, Mr. Nash seconded, and the motion passed unanimously.

NEW BUSINESS Case 01-12V

Ms. Spencer verified that the property requested for variance is owned by Mr. Reitzel.

Mr. Brady opened the public hearing:

Leo Reitzel, 7509 Weitzel Dr, spoke on behalf of his variance application. He stated that he is a carpenter by trade and had moved into the home wanting to construct a building. He wanted to be sure the building is located outside the setback and stated that the property is a densely wooded lot with a previously cleared area suited for a building. He stated that he had been informed the new development ordinance would not require such a variance for AG sized lots such as his.

Ms. Spencer reminded the Board that they had requested a change in the ordinance due to the frequency of variance requests from 4-5.2 for larger lots.

Mr. Reitzel explained that the topography of the property slopes away from both sides of the creek on the property, and that he could not place a building on the south side due to retaining wall and setback requirements.

Ms. Spencer clarified that the blue line and shaded area on the map represents a required stream buffer that he can build up to, but not within. In response to a question about the proposed location of the building, Ms. Spencer clarified that the variance would allow the applicant to construct a building anywhere behind the street setback.

Mr. Reitzel stated that the architecture of his proposed building would be like that of his home. He stated that it would be 22' x 38' and Spencer clarified that there are no size restrictions for the building unless it is used as a dwelling.

There were no additional speakers in favor or against the application and the hearing was closed.

Mr. Steve Brown, 4305 Hepatica Ct, asked to speak. He stated that he is on the Homeowner's Association Board which has no objection with the proposed building design. Spencer clarified that the town does not enforce HOA requirements and approvals.

Mr. North felt that practical differences and hardships do exist for the property, that it is in harmony with the neighborhood and spirit of the ordinance, and that there is no public safety issue since it is on private property.

When asked by the Board, Mr. Reitzel stated that only corner lots have accessory buildings in front of the houses and he has the unique situation of being a corner lot. He stated that the building will not be visible from the street in the summer, and will be buffered on all sides by trees.

Mr. Brady made a motion to approve the variance based on the fact that if he complied with the letter of the ordinance it would result in harm to the environment. He added that:

- The hardship is shown to be unique to the particular corner lot
- The hardship relates just to this property
- The variance does serve the intent and preserves the spirit of the ordinance and would not endanger the public
- In addition to meeting the requirements the Board has had at least 2 occasions where the lay of the land and conditions are similar and with tonight's written and spoken testimony the variance should be approved.

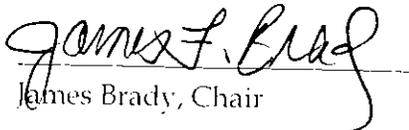
Mr. North seconded the motion with a friendly amendment, made and accepted, and that the request does not harm the safety of the public. The motion passed unanimously.

OTHER BUSINESS

The Oaths of Office for the two 2 new Board members will be done with the Town Clerk at Town Hall.

Ms. Spencer announced that she would be leaving the towns' employ as of July 27, 2012.

With no further business before the Board, Mr. Brady adjourned the meeting.


James Brady, Chair


Valarie R. Halvorsen, Town Clerk
for Carrie Spencer, Clerk to the Board