CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
December 21, 2016

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, December 21, 2016 at 9:03 A.M. with Vice Chairman Ericson presiding. Members present were Vice Chairman Ericson, Mr. Hufnal, Mr. Keller and Mr. Senato. Mr. Sheth was absent.

Staff members present were Mrs. Townshend, Mrs. Purnell, Mr. Diaz, and City Solicitor Mr. William Pepper.

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda as submitted. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Sheth was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF NOVEMBER 16, 2016

Mr. Keller moved to approve the meeting minutes of November 16, 2016 with the necessary corrections, seconded by Mr. Hufnal and unanimously carried 4-0. Mr. Sheth was absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mrs. Townshend, Director of Planning and Community Development stated that the meeting today will be conducted in accordance with the agenda. There is one (1) item (new application) on the agenda under New Business. The application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new application on this agenda was completed in accordance with code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

NEW BUSINESS

Applicant #V-16-16

74 Laurel Drive. Karen Hettinger and Mark J. Larlham have applied to the Board of Adjustment for a variance from the requirements of Article 5 § 11.211 (c) of the Zoning Ordinance pertaining to new residential construction within the flood hazard area. They have specifically requested to build to the six (6) foot contour. Subject property is zoned R-10 (One Family Residence Zone). The Tax Parcel is ED-05-077.14-01-32.00-000. The owners of record are Thomas J. Bugbee and Sherrill L. Brekke. *Variance #V-15-07 was approved by the Board of Adjustment at its meeting of April 15, 2015. The variance expired because construction did not commence.*

Exhibits for the Record: Staff report and plans previously submitted by the applicant. Legal

Notice was published in the DSN-on December11, 2016. The public was notified in accordance with regulations.

Vice Chairman Ericson questioned if there was any member present who had a conflict of interest and there was none.

Representative: Mr. Thomas Bugbee, Owner.

Mr. Thomas Bugbee was sworn in by Mr. Pepper.

Mr. Bugbee testified that he is the owner of the property. On April 15, 2015 the Board gave him permission to go to the 6-foot contour line on the property so that he and his wife could build. Since that time things have changed in their lives. They decided that they could not build on the property and would put the property back up for sale. They sold their house and had to downsize to a smaller lot and home. Things did not work out for them so the property is back up for sale and the folks who are wanting to buy the property are needing to go back to the 6-foot contour line so that they can place the home on the property as they asked back on April 15, 2015.

Responding to Mr. Keller's question clarifying that the property had not yet transferred, Mr. Bugbee replied correct, he stills owns the property.

Mr. Keller commented that the report indicates that Mr. Larlham and Ms. Hettinger are the applicants and that Mr. Bugbee was in concert with their application to bring about the variance. Mr. Bugbee replied yes.

Responding to Mr. Hufnal's question whether the home that the applicants plan to put on the lot is in the same footprint as what is in the diagram in the exhibit, Mr. Bugbee replied that the applicant has a different footprint than what they were going to use.

Ms. Karen E. Hettinger was sworn in by Mr. Pepper.

Ms. Hettinger testified that she assumed that Mark J. Larlham and I are considered applicants because they are not the owners. They have entered into a real estate agreement to purchase 74 Laurel Drive property. Exhibit C is their proposed site plan and they used Scott Engineering as well. The footprint of the house although different from Mr. Bugbee still falls within the 6-foot contour line as the Board had previously approved.

Responding to Mr. Hufnal's particular interest whether the house fell within the same footprint line of the floodplain, Ms. Hettinger replied yes. She also used the same engineer as Mr. Bugbee. Although, the footprint looks a little different than Mr. Bugbee plan it stills fall within the 6-foot contour line.

Responding to Mr. Senato's question whether the perimeter is the same as Mr. Bugbee and there is not increase or decrease in the design or size of the house or where it is going to meet with the 6-foot contour line and floodplain, Ms. Hettinger replied that although the house may be a different

style as you can compare the footprint of what Mr. Bugbee submitted and what they submitted. Their plan is Exhibit C and it is in accordance with the previously approved variance.

Responding to Mr. Senato's question whether the perimeter of Ms. Hettinger home meets the perimeter that he sees in the original plan and that there was no change, Ms. Hettinger replied yes, the 6-foot contour line and there is no change.

Responding to Mr. Hufnal's question if they were planning to build soon and why were they requesting a variance now, whether it was necessary to get the mortgage or something the applicant is getting ready to build, Ms. Hettinger replied that the plan is to purchase the property, and of course they do not want to purchase the property if the Board is not going to approve, and then be holding a property that they cannot build upon.

Responding to Mr. Hufnal's question whether they need the approval to go to settlement, Ms. Hettinger replied correct.

Vice Chairman Ericson opened the public hearing.

Mr. John W. Warren was sworn in by Mr. Pepper.

Mr. Warren of 82 Laurel Drive testified that he owned a vacant lot next door to the lot in question and he was present to speak out in favor of the variance. He thinks it will enhance the appearance of the neighborhood.

Mr. Keller stated that he recalls that Mr. Warren spoke rather highly of the property and upkeep and his contribution of the surrounding area.

Mr. Warren stated that he thinks it was in April 2016 that he came before the Board to get approval to put an extension on his shed. He thanked the Board for their approval. The project is complete and it gave him a lot more storage. He appreciates the approval.

Vice Chairman Ericson closed the public hearing after seeing no one else wishing to speak.

Vice Chairman Ericson questioned if there was any additional correspondence for the record. There was none.

He was pleased to hear that the request will assist hopefully in the near future the sale and ultimate construction of the dwelling on this property as the Board have in fact seen it before in relation to the historical nature of the variance request for the property and in support of Staff's report the testimony given today and the comments made.

Mr. Keller moved to approve application V-16-16 to allow for the building to be constructed within the flood hazard area, the 100-year floodplain to the 6-foot contour line for reasons stated and supported by the Staff Report. The motion was seconded by Mr. Senato and was unanimously carried 4-0. Mr. Sheth was absent.

Mr. Keller moved to adjourn the meeting, seconded by Mr. Senato and unanimously carried 4-0. Mr. Sheth was absent.

Meeting adjourned at 9:23 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary