

**City of Milton  
Zoning Board of Appeals  
June 18, 2019**

**Call to Order**

Director of Public Works Howard Robinson called the June 18, 2019 meeting of the Zoning Board of Appeals to order at 5:28 p.m.

Present: Theron Dosch, Ken Holland, Tom Kevern, Carl Schultz, and Bruce Lippincott.

Also Present: Director of Public Works Howard Robinson and Administrative Services Director Inga Cushman

K. Holland nominated C. Schultz to chair the June 18, 2019 meeting of the Zoning Board of Appeals. T. Dosch seconded the nomination, and the motion carried.

**Approval of Agenda**

B. Lippincott motioned to approve the agenda. T. Dosch seconded, and the motion carried.

**Approval of Minutes – August 21, 2018**

T. Kevern motioned to approve the minutes. K. Holland seconded, and the motion carried.

**Public Hearing And Discussion And Possible Action To Consider A Request Received From Lucas Murphy And Patricia Murphy For A Variance To Allow An Accessory Structure For Residential Use On Land Without A Principal Structure Per Section 78-315(2) Of The City Of Milton Code Of Ordinances**

Chairperson Schultz and Director Robinson reviewed the agenda item.

Chairperson Schultz opened the public hearing at 5:37 p.m.

John Arndt, owner of vacant land around the parcel, asked about the location and future plans for the property.

Charles Nelson, 340 N. Janesville Street, was also in attendance and stated he has no objections to the project.

Chairperson Schultz closed the public hearing at 5:45 p.m.

The board discussed possible contingencies.

K. Holland motioned to approve the following contingencies:

- Slope so all stormwater goes to the conservancy area.
- No rentals of the garage space will be allowed.
- Paved driveway and parking area and follow all City of Milton building ordinances.

T. Kevern seconded, and the motion carried.

T. Dosch motioned to approve the variance with the above stated contingencies. T. Kevern seconded, and discussion followed.

Chairperson Schultz reviewed the memo for the request and read the standards that must be taken into consideration when granting or denying a variance. Discussion followed on the request.

- Unnecessary Hardship - which is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity, is unnecessary burdensome. They determined that strict conformity would be unnecessarily burdensome due to the shape of the lot where the applicant's home is located.
- Unique Property Limitation – a unique physical characteristic of the property, not the desires of or condition personal to the applicant, must prevent the applicant from development in compliance with the zoning ordinance. They determined the property where the applicant's home is located is unique by its shape.
- Protection of the Public Interest – in granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The board's actions should be consistent with the objectives stated in their local ordinance, which (in the case of a floodplains or shoreline ordinance) has been adopted to meet minimum state statutory requirements. There was no public opposition.
- Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

The board asked to include the contingency of the garage is for personal use only and no business will be operated out of the garage. T. Dosch and T. Kevern agreed to the amendment to their motion. The motion to approve the variance with the above stated contingencies carried with B. Lippincott opposed. B. Lippincott was concerned this decision may set a precedence.

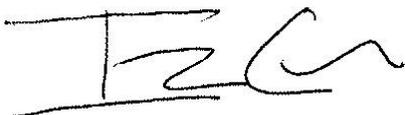
### **General Items**

There were no general items.

### **Motion to Adjourn**

K. Holland motioned to adjourn the June 18, 2019 meeting of the Zoning Board of Appeals at 6:12 p.m. T. Dosch seconded, and the motion carried.

Respectfully Submitted,



Inga Cushman  
Administrative Services Director