

**City of Milton**  
**Zoning Board of Appeals**  
**May 28, 2020**

**Call To Order**

Chairperson James Polarski called the May 28, 2020 meeting of the Zoning Board of Appeals to order at 5:30 p.m.

Present: Chairperson James Polarski, Theron Dosch, Tom Kevern, Maxine Striegl, Carl Schultz, and Ken Holland.

Also Present: Ken Pavlick, Tom Pavlick, City Administrator Al Hulick, Public Works Director Howard Robinson, and Administrative Services Director Inga Cushman.

**Approval Of Agenda**

M. Striegl motioned to approve the agenda. T. Kevern seconded, and the motion carried.

**Approval Of Minutes - May 7, 2020**

C. Schultz motioned to approve the minutes. T. Kevern seconded, and the motion carried.

**Public Hearing And Discussion And Possible Action To Consider A Request Received From Tom Pavlik, Of KT Enterprises Of Milton, LLC, For A Variance To Allow For A Reduction Of Miniwarehouse Parking Spaces Per Section 78-1233 Of The City Of Milton Code Of Ordinances**

Director Robinson provided an overview of the agenda item.

Chairperson Polarski opened public hearing at 5:40 p.m.

K. Pavlick and T. Pavlick provided comments on their project.

Chairperson Polarski closed the public hearing at 5:43 p.m.

Chairperson Polarski read the standards that must be taken into consideration when granting or denying a variance, and the board discussed 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 unnecessarily burdensome. The board confirmed the absence of a variance is unnecessarily burdensome.
- 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. There were no comments from the board on this standard.
- 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.

T. Kevern motioned to approve the variance request so that off street parking shall be determined for one space per 10 storage units. There was no second, and the motion failed.

T. Dosch motioned to reduce the parking requirement to 1 space per 20 units. T. Kevern seconded, and the motion carried.

T. Kevern asked the Plan Commission complete a thorough review of the ordinance change they will be reviewing on June 2, 2020 related to this matter.

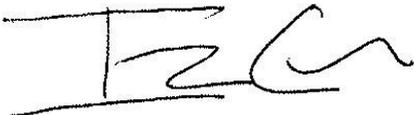
#### **General Items**

There were no general items.

#### **Motion To Adjourn**

T. Dosch motioned to adjourn the May 28, 2020 Zoning Board of Appeals meeting at 6 p.m. T. Kevern seconded, and the motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'IC' followed by a stylized flourish.

Inga Cushman  
Administrative Services Director