

**City of Milton  
Zoning Board of Appeals  
July 30, 2020**

**Call To Order**

Chairperson James Polarski called the July 30, 2020 meeting of the Zoning Board of Appeals to order at 5:31 p.m.

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

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

**Approval Of Agenda**

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

**Approval Of Minutes - May 28, 2020**

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

**Public Hearing And Discussion And Possible Action To Consider A Request Received From First Community Bank For A Variance To Allow For Installation Of A Wall Sign That Exceeds The Maximum Sign Area For The B-3 Zoning District Per Section 78-1934 Of The City Of Milton Code Of Ordinances**

Chairperson Polarski opened the public hearing at 5:33 p.m.

There were no public comments.

Chairperson Polarski closed the public hearing at 5:34 p.m.

Director Robinson provided an overview of the agenda item. No correspondence has been received about this agenda item.

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 - 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.
- 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 developing in compliance with the zoning ordinance.
- Protection of the Public Interest –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.

- 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. Dosch motioned to approve the variance as requested. M. Striegl seconded, and the motion carried.

**Public Hearing And Discussion And Possible Action To Consider A Request Received From Scott Murray For A Variance To Allow For Construction Of A Parking Lot That Does Not Meet All Ordinance Requirements Per Sections 78-1204, 78-1210, And 78-1234 Of The City Of Milton Code Of Ordinances**

Chairperson Polarski opened the public hearing at 5:41 p.m.

Chairperson Polarski provided an overview of the agenda item.

Carol Riley, 605 College Street – Discussed her concerns with the project and its impact on the neighboring properties.

Debbie Riley, 605 College Street – Discussed damage to their property due to the project.

Jim Lyke, 414 Columbus Street – Discussed his concerns about the project, including damage to his fence when the project started without proper approvals.

Chairperson Polarski closed the public hearing at 5:52 p.m.

The Zoning Board of Appeals reviewed the standards that must be taken into consideration when granting or denying a variance, and the board discussed the request.

- Unnecessary Hardship - 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.
- 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 developing in compliance with the zoning ordinance.
- Protection of the Public Interest – 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.

- 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. Dosch motioned to deny the request due to safety issues and concerns. C. Schultz seconded. Discussion followed. C. Schultz rescinded his second, and T. Dosch rescinded his motion.

M. Striegl motioned to table the request to a future meeting and request the owner come back to the ZBA with a revised layout with less parking spaces to address the concerns from the ZBA and neighbors including safety, parking lot encroachment on neighboring properties, and a plan for snow removal. Neighbors will be notified of the future meeting. T. Dosch seconded, and the motion carried.

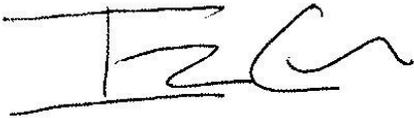
### **General Items**

Chairperson Polarski asked about having future meetings in person at City Hall. Director Cushman stated concerns with this approach.

### **Motion To Adjourn**

T. Kevern motioned to adjourn the July 30, 2020 meeting of the Zoning Board of Appeals at 6:22 p.m. T. Dosch seconded, and the motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'IC', with a stylized flourish at the end.

Inga Cushman  
Administrative Services Director