

**BOARD OF ZONING APPEALS**

April 3, 2013

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4 *Present: Joshua McDuffie, Michael Spearman, Ralph Meetze, Susanne Cecere,*  
5 *Sheldon Cooke; Absent: William Smith, Christopher Sullivan]*

6  
7 Called to order: 1:00 pm

8 CHAIRMAN MCDUFFIE: I'll go ahead and call this meeting of the Richland  
9 County Board of Zoning Appeals to order. We have a quorum here today. And before  
10 we turn the meeting over to the Board's attorney, Ms. Linder, I'd like to move to move  
11 the approval of Minutes until after the public hearing portion of the, portion of the  
12 Agenda today since we have not yet had time to review the Minutes. Is there a second?

13 MR. MEETZE: Second.

14 CHAIRMAN MCDUFFIE: Alright, all in favor?

15 *[Approved: Spearman, Meetze, McDuffie, Cecere, Cooke; Absent: Smith, Sullivan]*

16 CHAIRMAN MCDUFFIE: Alright, the, so moved then the Minutes will be moved,  
17 approval of Minutes from February will be moved until after the open public hearing. In  
18 accordance with the Freedom of Information Act, a copy of the Agenda was sent to  
19 radio and television stations, newspapers, persons requesting notification, and posted  
20 on the bulletin board located in the lobby of the County Administration Building. And at  
21 this point I will turn the meeting over to Amelia Linder, the Board's attorney for Rules of  
22 Order and swearing in.

23 MS. LINDER: Thank you, Mr. McDuffie. My name is Amelia Linder and as Mr.  
24 McDuffie said I am the attorney for the Board. I'd like to welcome you today to this  
25 meeting. This Board, as you may already know, is a *quasi* judicial board which means  
26 they have final decision on any actions that are taken today. If you're unhappy with the

1 decision, however, you do have the right to appeal to circuit court after the Minutes are  
2 approved and an Order goes out to you. The Applicant will have up to 15 minutes to  
3 speak today requesting, I believe they want a variance. If there's anybody in opposition  
4 to that variance they would have up to three minutes to speak, and then the Applicant  
5 would again have five minutes to rebut what the opposition said. The Agenda, meeting  
6 will be taken up as it's on the Agenda board, let me, let me just restate that. The actions  
7 today will be taken up as they're ordered on the Agenda. I believe we have one case  
8 today. If anyone is planning to testify please address your remarks to the Board and not  
9 to Members of the audience. You will be under oath and you will be recorded. If you  
10 have any documents that you'd like to submit you may do so. The Board will properly  
11 weigh the evidence that you present and as you testify, that is also part of the evidence  
12 that you present is your testimony. If you have cell phones I would ask that you mute  
13 them or turn them off at this time. There is a sign up sheet, if you're planning to testify  
14 we need your name and address on that sign up sheet. And then the action that they  
15 take today will not be final until next month when the Minutes are approved, and then an  
16 Order will be going out to the interested parties that have signed up and have spoken,  
17 and then you would have 30 days after that, that Order is mailed out to you. At this time  
18 if there are any questions I'll try to answer them. If not, anybody that plans to testify I  
19 need you to stand up at this time to take an oath, so if you'll stand, raise your right hand.  
20 Do you swear or affirm that the testimony you shall give shall be the truth, the whole  
21 truth and nothing but the truth, so help you God?

22 AUDIENCE: [Affirmative]

23 MS. LINDER: Thank you very much.

1 CHAIRMAN MCDUFFIE: Thank you very much, Ms. Linder. At this time I would  
2 ask Mr. Price, the Deputy Planning Director and Zoning Administrator to call his first  
3 case.

4 **CASE NO. 13-03V:**

5 MR. PRICE: The first item is Case 13-03 Variance. The Applicant is requesting  
6 the Board of Appeals to grant a variance to encroach into the required rear and side  
7 yard setbacks on property zoned RU. The Applicant is Karl Skoog, the location is 2209  
8 Johnson Marina Road. The parcel size is .88 acres. Existing land use according to our  
9 records, there's a 4,000 plus square foot residential structure on the parcel, 2,800 of it is  
10 heated. The Applicant is proposing to construct a 1,200 square foot accessory structure  
11 which will serve as a cover for a recreational vehicle and boat. The actual size,  
12 according to what was submitted, was 1,232. The character of the area, the area is  
13 residentially developed with a number of homes abutting Lake Murray. In the Rural  
14 district the required setbacks for an accessory structure, of course, 40' from the front,  
15 but the rear and the side are 20'. And what they're requesting is a 10' encroachment  
16 into the rear and side yard setbacks. In front of you, this is from our county IMS  
17 mapping system. This kind of gives you an idea of the area and also where the location  
18 of the home is. However, what's also included in your packages a, this particular picture  
19 came from Google Earth and I prefer to go to them for more up to date pictures, cause  
20 as you can see this actually shows more of the current status of the property with the  
21 driveways and the additions of the home. And the site plan was also included in your  
22 package and it shows where the proposed location of the accessory structure would be  
23 located in relation to the property. That's it.

1 CHAIRMAN MCDUFFIE: Alright, are there any questions at this time for Mr.  
2 Price? If not, then I'd like to hear from Mr. Karl Skoog, is that correct? Please come up  
3 to the stand, state your name and address for the Record and tell us about what you're,  
4 what you're trying to do.

5 **TESTIMONY OF KARL SKOOG:**

6 MR. SKOOG: I'm Karl Skoog and this is my wife Fran, and we live at 2209  
7 Johnson Marina Road as you can see. And [inaudible] to the rear and 10' to the side so  
8 we can build a roof over our RV pad and boat to protect it from the elements.

9 CHAIRMAN MCDUFFIE: Are there questions for the Applicant at this time?

10 MS. CECERE: Yes, I have one. Mr. Skoog, looking at this map and the plan and  
11 everything, I, I'm not really sure that, that there are any extraordinary or any exceptional  
12 conditions. The only way we could grant this is if there are those types, if there are  
13 extraordinary, could you please explain those to us?

14 MR. SKOOG: Yes, ma'am. There are, it's the only location on the lot that we  
15 could build a structure of these, the RV and the boat. There is no other way to access to  
16 the property and park the vehicles.

17 MS. CECERE: Are you parking the vehicles there now?

18 MR. SKOOG: Yes, I have pictures to show you. When they came out to put the  
19 sign up the RV was not there. I do have pictures showing that, I believe it's in the  
20 package as well. Would you like to see them?

21 MS. CECERE: Please.

22 MR. SKOOG: And we do have captions under each of the photographs. The  
23 property is much different than others in the neighborhood because of the angle of the

1 house facing the lake, it prohibits any other way to get, get these vehicles on and off the  
2 property. Also, our, our property is unique, there's only a couple other neighbors that  
3 are zoned RU, the rest of our neighbors in the area, most of the neighbors, not the rest,  
4 most of the neighbors are zoned residential with the 5' setback, and we would still have  
5 at least 10', a little over 10' to the side and 10' to the rear.

6 MR. MEETZE: Question.

7 MS. CECERE: Okay, excuse me, I have a question for Mr. Price. You were on  
8 the site, would it work if, if it was 10' over? I mean, if it, if it was conforming to the county  
9 Code, would the part, I mean, I didn't see the parcel personally but would, I'm asking  
10 you, would, if it was moved over 10' to conform, would it work?

11 MR. PRICE: Yeah, if it was built and met the current requirements, it's a little  
12 more difficult for me to, I think to determine based on the fact I haven't driven a big RV  
13 before. Sure, maybe from a boat standpoint that, you know, maybe if it was closer that  
14 could be angled in, but from an RV and maybe the convenience of putting it there, I'm  
15 unable to really make a determination.

16 MS. CECERE: Thank you.

17 CHAIRMAN MCDUFFIE: Mr. Skoog, I noticed in the, in the, I noticed in the  
18 photos that you provided several involved the fence and the neighbor's RV shed, pump  
19 house.

20 MR. SKOOG: That's directly behind our property.

21 CHAIRMAN MCDUFFIE: And how far would those, would these be from the  
22 property line approximately, if you had to guess?

1 MR. SKOOG: Probably – those are probably 15, 20, at least 20', however if you  
2 look at one of those photos to the right there is a utility shed that's about 10 or 12' from  
3 the property line. But we've spoken to both our neighbors, a lady behind us, Ms.  
4 [Inaudible] and to, to the left of us, Mr. [Inaudible], and neither one of them have any  
5 verbal objections to us doing this. We spoke to them before we even applied. I was not  
6 going to apply if the neighbors objected.

7 MR. MEETZE: Question. Verbal agreements are great until such time as people  
8 fall out. Do you have this in writing?

9 MR. SKOOG: No, sir.

10 MR. MEETZE: Alright, if that would be a requisite of the Board here, could you  
11 get that in writing? Which would certainly strengthen your case in the event that  
12 something came up down the, down the road.

13 MR. SKOOG: We could try.

14 MR. MEETZE: Because you may not always live there, your neighbors may not  
15 always live there, and then the folks who come along, my thinking is –

16 MR. SKOOG: That's why we're requesting a Variance.

17 MS. CASS: And I thought that that was the purpose of putting out the sign and  
18 notifying people in the neighborhood that could come and object.

19 CHAIRMAN MCDUFFIE: Ma'am, that is correct.

20 MR. SKOOG: And we also told our neighbors that the sign was going up. We  
21 talked to them about a year ago and told them what we wanted to do, and I was gonna  
22 wait till we retired, which we both have just done, to do it. And before the sign went up

1 we spoke to them again to say, hey when you see this sign this is what it's about. And  
2 they again said they have no objections, that they would not be here to object.

3 MR. COOKE: My question is for the Staff, is, Mr. Skoog made a comment about,  
4 which I know I'm trying to remember it right, with Lake Murray and the Rural district and  
5 Residential districts intertwined out there. I don't have a county map from Staff but it, oh  
6 you've got it now? Thank you.

7 MR. PRICE: What you're asking is –

8 MR. COOKE: Where the zoning –

9 MR. PRICE: - with the zoning?

10 MR. COOKE: - yeah.

11 MR. PRICE: What you're looking at here, this is Johnson Marina Road.

12 MR. COOKE: Uh-huh (affirmative).

13 MR. PRICE: I wish I had a highlighter or something. This is Johnson Marina, this  
14 is Rucker Road. It seems like all of the parcels within, there's a line between these two  
15 roads, are zoned Rural. Now, across the street and as you go further down Johnson  
16 Marina Road, I guess north of Rucker Road, those parcels are, well some of those  
17 parcels are zoned single-family, low density so the setbacks are different. But the  
18 immediate parcels near the subject parcel are all, all have the same zoning.

19 CHAIRMAN MCDUFFIE: The, the size of the parcels there is certainly more in  
20 line with a residentially zoned neighborhood than, than truly [inaudible] a Rural –

21 MR. PRICE: Are you referring to ones in this area?

22 CHAIRMAN MCDUFFIE: Either.

23 MR. PRICE: We would almost –

1 CHAIRMAN MCDUFFIE: I would say the largest one out there I can see is  
2 probably not much more than an acre if anything.

3 MR. PRICE: Right, and in the Rural district the minimum square footage for the  
4 lot is only 33,000. So that's gonna be .76 of an acre.

5 MR. COOKE: So, I mean, it's correct that within the same, and it happens, and I  
6 know it happens cause they have to draw the line somewhere, but within the same  
7 vicinity, in the same area, almost the same neighborhood you have different setbacks  
8 for –

9 MR. PRICE: Well, I think it depends on how you look at that, like I said, across  
10 the street on Johnson Marina –

11 MR. COOKE: Right.

12 MR. PRICE: - those parcels are zoned single-family. But if you stay on the same  
13 side where the subject property is, those parcels are zoned Rural until you cross over  
14 Rucker Road. So it seems to be, the roads actually serve as a dividing line –

15 MR. COOKE: Right.

16 MR. PRICE: - between the zoning districts. And then, you know, even if you look  
17 north of Rucker Road there seems to be a few parcels that are zoned single-family but  
18 then there are others that are zoned Rural.

19 MR. SKOOG: [Inaudible]

20 MR. PRICE: On further up?

21 MR. SKOOG: Yeah, passed the second –

22 MS. CASS: [Inaudible]

23 MR. PRICE: In here?



1 MS. CASS: Yeah. So that's I'd say equivalent of a city block, two city blocks  
2 north of us.

3 MR. SKOOG: Yeah, south of us you got Point The Haven(?) which is on the lake  
4 that is several homes very close together back at Point The Haven. [Inaudible]

5 MR. PRICE: Looking at this, you know, one of the layers I just turned on which is  
6 subdivision layer –

7 MR. COOKE: Yeah.

8 MR. PRICE: - and so sure, you know, using the one The Havens, you know, if  
9 they came in as a development they would've asked for a rezoning or a list of property  
10 already had it.

11 MR. COOKE: Right.

12 CHAIRMAN MCDUFFIE: Ma'am, if you would, by the way, please state your  
13 name and address as well for the Record since it's –

14 MS. CASS: Okay, I'm Fran Cass, I'm the wife of Karl Skoog, same address.

15 CHAIRMAN MCDUFFIE: Thank you.

16 MR. COOKE: So what I'm trying to establish, Mr. Price, is, is just, I'm trying to get  
17 my head around the intent of having that particular area being zoned as, as Rural and  
18 right across the street and up the street and across the street, if you will, is being zoned  
19 as residential. I was just trying to wrap my head, I'm just trying to get some clarification  
20 around that.

21 MR. PRICE: That would require me to do a little historical search of the rezonings  
22 that have taken place in that area, just to see if at one time this was zoned Rural and

1 then they came in and developed these parcels under the single-family, low density  
2 designation. You know, a lot of the parcels up by the lake are zoned Rural.

3 MR. COOKE: Yeah.

4 MR. PRICE: And over time some have been rezoned, either during the initial  
5 rezoning by Richland County going back to 1977-78, and others have come in later on  
6 requested by either a developer or maybe sometimes even a citizen.

7 CHAIRMAN MCDUFFIE: Mr. Price, we've had a number of these type of cases  
8 very similar to this, specifically in the Chapin area where either the, the owner wants to,  
9 you know, build a house that is, is slightly wider than can meet the setback  
10 requirements on a particularly narrow lot or where the owner wants to build some sort of  
11 an accessory structure that does not impede their view of the lake, but still, you know,  
12 fits on the lot somewhere; either in front of the primary residence or, you know, or to one  
13 side encroaching into the setbacks. This is probably at least the third or fourth one of  
14 these that I can remember having –

15 MR. PRICE: Now, careful saying this, we could go back and I would have to look  
16 at the cases specifically, but a number of times when we've had this, they have been  
17 because the lot did not conform to the Rural district. Now, we've had one and I can go  
18 back cause we were looking at The Havens, and it's actually –

19 MR. COOKE: It was too narrow.

20 MR. PRICE: - it was this piece here, looking at – I think this was the one, I'm  
21 sorry it's this one – where the Applicant asked for a variance because where they were  
22 gonna build their home, they wanted to be able to have access to see the lake. But, you  
23 know, once again it was zoned Rural. But other than that they could be, they actually

1 couldn't meet the requirements of the Code as far as where they were gonna locate it.  
2 So, but there are different circumstances that occur, you know, like as previously stated,  
3 out of the lots nonconforming as far as square footage, so you almost need the variance  
4 to be able to put a home there. And there have been other times when they did not  
5 want, the Applicant did not want to impede the visibility of the lake and that's just  
6 [inaudible].

7 CHAIRMAN MCDUFFIE: Go ahead.

8 MS. CECERE: Mr. Price, could you pull up the map that's the site plan? Okay.  
9 That – what is, I know that's the proposed, but what's that little square box there by the  
10 house, is that the garage?

11 MR. PRICE: This?

12 MS. CECERE: Yes.

13 MR. PRICE: [Inaudible] they have on the home. As I was stating earlier one of  
14 the reasons why I wanted to –

15 MS. CECERE: And is the garage –

16 MR. PRICE: One of the reasons why I wanted to use Google –

17 MS. CECERE: Yeah, because of the driveway.

18 MR. PRICE: - for you, because it actually shows a more current depiction of that.

19 MR. SKOOG: That's it there, the very back corner. We, we tried to put it as far  
20 back on the lot where nobody would, would see it.

21 MS. CECERE: Well, could you not have had, could you not attach it to the  
22 garage?

23 MR. SKOOG: No, ma'am, there's no way to swing around.

1 MS. CASS: You can see what we did, once you get to the end of the house we  
2 swung it probably as far as you could to the right instead of going straight back. We, we  
3 veered to the right as much as you could. You can't swing, you can't swing that RV  
4 around the end of the house and get your truck out there.

5 MR. SKOOG: Yeah. Plus then, then the RV would be really – do you have a  
6 pointer?

7 MR. PRICE: I don't.

8 MR. SKOOG: Then the RV would be very visible to our neighbor, because she is  
9 down the hill from – if you look at the end of that pad, her house sits to the right and  
10 back in the spot there. So if we did swing it around there it'd be even more visible to her,  
11 it would be more objectionable, so we tried to put it, the pad as far back on the property  
12 as possible. You know, the thing I'd like to point out, by building this roof over it, we'll  
13 call it a carport, it's gonna be a roof with a gable in front, a gable in back, to try to match  
14 the, what, the way our house and garage look, so it, it will not detract. Matter of fact it'll  
15 hide some of the RV and some of the boat, so it won't be as offensive, in my opinion,  
16 wouldn't be as offensive as the boat and RV just sitting there. My whole point is to  
17 protect and, and give it some character so it enhances the neighborhood.

18 MS. CECERE: Will the structure have sides to it at all?

19 MR. SKOOG: No, we don't plan on putting any sides on it, just a, just a roof with  
20 an overhang and a gable in the front and a gable in the back. I believe there's a picture  
21 of our garage that shows it. We may come down on each side just a few feet just to  
22 protect the, the sun from beating down on the side of the RV and the boat, but not very

1 far. It'll just be basically a roof built up on big poles. Obviously, it'll have to go through  
2 the zoning to make zoning, building code.

3 MR. SPEARMAN: So you're just gonna build a pole building, is that correct?

4 MR. SKOOG: Yeah, that's what it, the best way to describe it, would be big poles  
5 with, with a pitched roof, yes, sir.

6 MR. SPEARMAN: Any utilities that's gonna be –

7 MR. SKOOG: No, sir, no utilities.

8 MR. SPEARMAN: Okay. Do you have other utilities on the property that would  
9 prevent you from moving it somewhere else, a septic tank or some type of –

10 MR. SKOOG: No, sir, the septic tank –

11 MR. SPEARMAN: - electric lines or anything like that?

12 MR. SKOOG: - the septic tank is in the front.

13 MR. SPEARMAN: In the front –

14 MR. SKOOG: Of the property.

15 MR. SPEARMAN: Close to the cement pad?

16 MR. SKOOG: Closer to the road.

17 MR. SPEARMAN: Okay. Do your drain lines, would they conflict with you, if you  
18 had to put this somewhere else, would they conflict?

19 MR. SKOOG: There's not room anywhere else on it to put a structure that size. I,  
20 I'd be further encroaching on the, the lot next to ours and I couldn't probably get, I  
21 believe I heard him say it was 40' from the front, so there's just no place else to put it.  
22 And it would be very unsightly if it was on the front of the property.

1 MR. SPEARMAN: What are the dimensions of the pole building you're gonna  
2 build? Do you have, do have anything that you -

3 MR. SKOOG: There's a rough sketch in the packet, I'll see if I have one here.  
4 Basically it's gonna be 26' wide, which is a 2' overhang on the pad.

5 MR. SPEARMAN: Yes, sir.

6 MR. SKOOG: And about 40' long.

7 MR. PRICE: Forty-four.

8 MR. SPEARMAN: How long is your RV?

9 MR. SKOOG: Forty feet.

10 MR. SPEARMAN: Forty feet?

11 MR. PRICE: Just for clarification we can point out where the septic tank is on  
12 their property.

13 MR. SKOOG: [Inaudible] The pad is 24 inside to inside, I think 40' inside  
14 [inaudible] overall it's gonna be [inaudible].

15 MR. SPEARMAN: The pad that you already have, will that suffice or will you  
16 have to pour more concrete or?

17 MR. SKOOG: No, sir. The pad suffices. We poured the pad for this purpose  
18 [inaudible]. We first thought it was a 5' setback, then we got to looking into it, it said 20,  
19 so that's why we [inaudible]. It'll still be 10' from the rear and 10 to 12' from, from the  
20 sides.

21 MR. SPEARMAN: Was your neighbor aware, the neighbors that this would be  
22 close to, were they aware of the meeting?

1 MR. SKOOG: Yes. We told them. We, we talked to them about a year ago, then  
2 after we came down and made application, before the sign went up, and personally, my  
3 wife and I personally spoke to Ms. McClain(?) and Mr. [Inaudible], and said, the sign's  
4 going up and this is what we're requesting as we talked to you about it about a year  
5 ago. They said, no problem.

6 MR. SPEARMAN: So y'all have been working to try to get this for a year?

7 MR. SKOOG: No, no. No, no, sir. [Inaudible] We applied just two, a few weeks  
8 ago, a month ago. But we informed them that we were applying and the sign was going  
9 up, so they are very aware. They go by our house every day, so they – and we told  
10 them it was going up, [inaudible].

11 MR. SPEARMAN: Would this, would this obstruct anyone's view from, from the  
12 water?

13 MR. SKOOG: No, sir.

14 MR. SPEARMAN: Adjacent neighbors?

15 MR. SKOOG: No, sir. Her house is further down as I pointed out and faces the  
16 lake that way and the cove. We only face the cove. She has a view, a better view.

17 MS. CASS: [Inaudible]

18 MR. SKOOG: She has a long view and her house sits further down towards the  
19 lake. Like I said, the lady asked if we could put it around the corner by the garage and  
20 the answer was no, we can't, a. we can't turn to get it there, and b. it would be right in  
21 front of where our house then that would be very objectionable to her and, and I  
22 wouldn't do it.

1 MR. SPEARMAN: Do you have any other buildings on your property other than  
2 your home?

3 MR. SKOOG: No, sir.

4 CHAIRMAN MCDUFFIE: You all also own the adjacent lot, is that correct, on one  
5 side? Sir?

6 MR. SKOOG: Yes.

7 CHAIRMAN MCDUFFIE: Okay. And could the structure be built there without  
8 requiring a variance?

9 MR. SKOOG: Probably not. A, it's a very, very wet lot.

10 CHAIRMAN MCDUFFIE: Okay.

11 MR. SKOOG: You'd have to put in a lot of, I mean, I can't even walk in it right  
12 now to mow the yard. My wife's property before we married and it's joint now, and she  
13 can talk to that. [Inaudible] to bring in a lot of fill just to get it to where it is. And it's a very  
14 narrow lot to start with and it would be very unsightly to the neighbors just to see a big  
15 building sitting out there in the middle of a field.

16 CHAIRMAN MCDUFFIE: Sure. Would it, would that lot be considered a buildable  
17 lot if somebody was to want to put a primary residence on it at some point?

18 MS. CASS: I suppose it would be but, you know, it would probably have to be  
19 pretty small or, or have a small footprint, a two story.

20 MR. SKOOG: Yeah, to meet, meet the requirements of that zoning. It'd have to  
21 be very narrow, a narrow, long house.

22 MS. CASS: If you put it, try to put a house in the widest part there, it still would  
23 have to be pretty small.



1 CHAIRMAN MCDUFFIE: Pretty narrow?

2 MR. SPEARMAN: Is that lot three quarters of an acre, .76 of an acre, the  
3 adjacent lot that's vacant?

4 MR. PRICE: It's not, it's about .39.

5 MR. SPEARMAN: Have y'all abandoned that property line or is it still a separate  
6 lot of record?

7 MS. CASS: It is a lot of record.

8 MR. SKOOG: Like I said, it's very wet [inaudible]. It'd have to be raised several  
9 feet to build on it.

10 MS. CASS: And we would not put it out there. I mean, it would be a sore thumb  
11 sitting out there for everybody in the neighborhood. But it, right out there it's visible.  
12 Where we're putting it now is not all that visible. As you can see from the pictures you  
13 can see the RV, but you know, if we do add the roof over it, it wouldn't, I think in my  
14 opinion it would be less obtrusive.

15 CHAIRMAN MCDUFFIE: Just from my perspective, you know, I, I'm sympathetic,  
16 but we've traditionally been pretty stringent on these in the past. And I'm having trouble  
17 coming up with, you know, with a situation where we meet the extraordinary and  
18 exceptional conditions on the property.

19 MR. MEETZE: Is this a situation that maybe should have been grandfathered in  
20 before these regulations –

21 CHAIRMAN MCDUFFIE: Prior to 1978 or?

22 MR. MEETZE: How long have y'all owned the property?

23 MS. CASS: I've owned the property since 1991.

1 MR. MEETZE: Oh.

2 MS. CECERE: Mr. Price, you want to address that?

3 MR. PRICE: The, in this particular case what would've been grandfathered in  
4 this, if this lot did not meet the minimum requirements for the Rural district, that  
5 would've made it a nonconforming lot. But the structure would have had to have been  
6 there prior to '78 to be grandfathered in.

7 CHAIRMAN MCDUFFIE: Just because it's a, it would be a nonconforming lot of  
8 record, wouldn't entitle them to, to have smaller setback requirements?

9 MR. PRICE: No, it wouldn't.

10 MR. MEETZE: Perhaps I'm missing something, but why are the setbacks here so  
11 much greater than some of the others that I'm looking at from what I understand are,  
12 what, 5 to 7'?

13 CHAIRMAN MCDUFFIE: Because this is a Rural zoning area and the 5 to 7'  
14 would either be likely nonconforming structures or in the, or in the residential zoned  
15 area.

16 MR. COOKE: Yeah, that's what I was pointing out with the Staff, that it, you  
17 know, across the street is residential and up the street is residential and that, that looks  
18 like that little cove is actually Rural, is zoned Rural. Actually so it is just the little cove  
19 because the streets draw the line.

20 CHAIRMAN MCDUFFIE: Mr. Price, what would the setback requirements be if, if  
21 this was say residential, low-density.

22 MR. PRICE: The front yard setbacks would be 25 as opposed to 40, the rear  
23 would be 20 as opposed to 50, and the sides would be –

1 CHAIRMAN MCDUFFIE: Right now the rear is 20.

2 MR. PRICE: That's for an accessory structure.

3 CHAIRMAN MCDUFFIE: Oh, oh, right.

4 MR. PRICE: And for, for the sides would be a combined total of 16, no side less  
5 than 5. Now for an accessory structure in the single-family district, the side yard and  
6 rear yard setbacks would be 5'.

7 MR. COOKE: So 5'.

8 MR. PRICE: Yes.

9 MR. COOKE: I don't know if that's reaching to establish extraordinary conditions,  
10 but because, I mean, we're looking at a residential – I know we're trying to create a  
11 harmonious community and, and that's our job, but again I don't know if that really  
12 establishes extraordinary conditions, being that the zoning across the street is 5 and,  
13 and because they're in a specific area, and again, that's why I was trying to get Staff to  
14 kind of clarify on the intent of doing it that way. And I don't think -

15 CHAIRMAN MCDUFFIE: That's, I, I mean –

16 MR. COOKE: What do you think, Mr. Chairman?

17 CHAIRMAN MCDUFFIE: You know, I'm still having, you know, trouble finding the  
18 extraordinary and exceptional conditions that would, that would allow us to move  
19 forward with granting a variance. Though I am sympathetic, I think that potentially  
20 County Council might be a better venue for, for the Applicant to look for some relief  
21 because, I mean, short of – I think we risk setting a bad precedent as a Board by  
22 beginning to, to grant or – well, not only do we risk setting a bad precedent but we also,  
23 I think, open the decisions of the Board up to, you know, to being able to be, you know,

1 more challenged, you know, by an aggrieved party if, if we, you know, sort of go off of  
2 the ground that we have established by Code for, or by law for, for granting a variance.

3 You know, I'm having trouble figuring out how we –

4 MR. COOKE: Establish extraordinary conditions?

5 CHAIRMAN MCDUFFIE: Yeah.

6 MR. SKOOG: Well, the extraordinary condition is the placement of the house on  
7 the lot and there's no other way to build the structure. Without a variance I can't build a  
8 structure period. They'll just have to sit there on the pad.

9 MS. CASS: Well, and I think the other, the other exception is, in my opinion, that  
10 it's what the gentleman on the right was saying, is that so many of the people in the  
11 neighborhood are residential and they all have the 5' setback, so I think what you have  
12 at our end of the street is very old lake community that probably started out, maybe our  
13 side was farmed, you know, it maybe stayed a farm longer, so maybe, I'm just guessing,  
14 and probably when rezoning came along [inaudible] Rural and other people had started  
15 building little cottages a little further out on the point [inaudible]. Those homes are really,  
16 really tight in there as you get out on the point on the lake. We're back in the cove and  
17 [inaudible] people weren't as interested in building there as they were out in the bigger  
18 water on the lake so you end up having all those little cottages out there, a lot of  
19 [inaudible]. And I can see if you were in an area where just that whole street or whole  
20 area was Rural that you would not want to make an exception, but it's such a mixed bag  
21 with all of these smaller lots with the 5' setback that, I mean, that would be my  
22 reasoning why that, an exception could be granted.

1 CHAIRMAN MCDUFFIE: I mean, certainly those, those things are true, that you  
2 have a different sort of, I guess, types of development that were sort of done at different  
3 times, you know, as the lake became more developed or as this area became more  
4 developed. But the, you know, the placement of the primary residence itself, the, and  
5 the zoning, the underlying zoning of the area don't, those don't generate an  
6 extraordinary or exceptional condition and I guess I would argue that many of the other  
7 properties there are, are, remain zoned in, in a rural, you know, in a zoning, a rural  
8 zone. So those same conditions that, that you all have that apply to your property also  
9 would apply to many of the other properties in your general area. Would that be correct?

10 MS. CASS: Well, I think we would all have the same rules.

11 CHAIRMAN MCDUFFIE: Sure, I mean, but many of the other properties there  
12 are, are rural properties, while there are some that are zoned residentially. Yeah, I –

13 MS. CECERE: Mr. Chairman, what you're basically saying is that, that we can't  
14 take that it's zoned Rural into, as an extraordinary or a special exception kind of thing;  
15 because it is zoned that, that doesn't make it extraordinary.

16 CHAIRMAN MCDUFFIE: Well, that and that same rural zoning applies to many  
17 of the other parcels that are, are in the general vicinity.

18 MS. CASS: And also many of them that are not.

19 MS. CECERE: Yeah, I mean, I don't know if we went through and added them  
20 up.

21 CHAIRMAN MCDUFFIE: The other, the other thing I guess I would say is that  
22 even without a variance being granted, the property can continue to be used, it can  
23 continue to, to be a residence. It doesn't stop you from parking the boat and the, and

1 the RV on the property, even though it would be obviously preferable to have them  
2 under cover. I mean, I certainly agree with that, but, but applying the conditions of the  
3 Code, of that Chapter don't necessarily restrict the property from being, you know, from  
4 being utilized. You know, I mean, I really think we're failing to clear the variance bar  
5 here, but I would certainly be willing to listen to my fellow Members of the Board.

6 MR. MEETZE: Mr. Chairman, it's not a black and white issue, a cut and dry deal.  
7 Rather than denying these folks could we maybe just defer to, looks like we got plan A,  
8 B, and C, could be defer to say B on this thing and give them a chance to contact City  
9 Council –

10 CHAIRMAN MCDUFFIE: It'd be County Council.

11 MR. MEETZE: County Council I mean.

12 CHAIRMAN MCDUFFIE: That may be a more involved process than – and I think  
13 that, I don't know that they necessarily would meet the requirements to request a  
14 rezoning. Mr. Price could probably speak to that.

15 MR. PRICE: Yes, based on the way we interpret it, you know, across the street.

16 MR. COOKE: Yeah.

17 MR. PRICE: It's close enough that it's in the general vicinity that they would be  
18 eligible to at least apply for a rezoning.

19 CHAIRMAN MCDUFFIE: How long would that process potentially take?

20 MR. PRICE: Right now they would start in, we're in April now, June.

21 CHAIRMAN MCDUFFIE: Is that a several month process or is that a multi-year  
22 process?

1 MR. PRICE: If everything goes according to schedule and there are no delays, it  
2 would, it could be perfected by the end of July.

3 CHAIRMAN MCDUFFIE: And then what they're asking to do would be permitted  
4 outright?

5 MR. PRICE: If they rezone the property then the setbacks will change and then  
6 they would just have to abide by the new zoning.

7 CHAIRMAN MCDUFFIE: Right, but based on, assuming it got zoned for  
8 residential, low density, which I would assume would be the most likely outcome if, if it  
9 was rezoned, would they be able to do what they're asking to do?

10 MR. PRICE: Yes.

11 CHAIRMAN MCDUFFIE: Without, without a variance?

12 MR. PRICE: Yes.

13 CHAIRMAN MCDUFFIE: So even if we were to deny the Variance today, based  
14 on the fact that they don't meet the extraordinary and exceptional conditions, they could  
15 still pursue that avenue of, of recourse.

16 MR. PRICE: Correct.

17 CHAIRMAN MCDUFFIE: Okay.

18 MS. CECERE: With that I have a question. Would, if they ask for a rezoning on  
19 their property, would the neighbors also have to rezone their property?

20 MR. PRICE: No.

21 MS. CECERE: No? Okay. Thank you.

22 MR. SPEARMAN: Unfortunately, Mr. Chairman, you know, I pretty much agree  
23 with you. They haven't met the threshold of extraordinary conditions on their particular

1 piece of property. I understand what you're trying to do and, and I understand the angle  
2 that you have trying to move your RV to another location, but normally when you have  
3 conditions, it would be subject to utilities or something like that, something that would  
4 strictly prohibit you from not using another portion of your property to do this.

5 MR. SKOOK: Well, the sewer and drain field is in the front of the yard and that'd  
6 be the only other place we could put it. And it'd be extremely visible to the street. I  
7 mean, it'd be right out there on the street.

8 CHAIRMAN MCDUFFIE: That would also require a variance though to put it  
9 between the -

10 MR. SPEARMAN: Right.

11 CHAIRMAN MCDUFFIE: - primary residence and the street.

12 MR. SKOOK: Right, I don't think there'd be 40' by the time I put it there, so it  
13 would be a tremendous eyesore and I wouldn't even consider that. I wouldn't even ask  
14 for that. I wouldn't want to live there with that in my front yard.

15 MR. PRICE: Where is your septic tank?

16 MR. SKOOG: Right in front of the home, between the home and the street.

17 MR. PRICE: Okay, so it's on this parcel? But you don't want to build in this area?

18 You know, right there on the other side of the house.

19 MR. SKOOG: Is that our house?

20 MR. PRICE: Yes, sir.

21 MS. CASS: Well, that's before the driveway.

22 MR. COOKE: Yeah.

23 MS. CASS: This is an old, this is a different picture.



1 MR. PRICE: That's the old, let me pull up a more – so we're referring to this area.

2 MS. CASS: Oh, you can't get there -

3 MR. SKOOG: No, there's not – you can't get there.

4 MS. CASS: - without crossing over that property line.

5 MR. PRICE: I mean, you own both parcels, they could be combined and –

6 MR. SKOOG: That would be more visible to the street cause as you're coming  
7 down the street you see the whole side of the house.

8 CHAIRMAN MCDUFFIE: But I think they said that that parcel was mainly, would  
9 need a lot of fill or was mainly, mainly wet. That would present an extraordinary  
10 condition I would think potentially on the adjacent property but not on the subject  
11 property that we're speaking of.

12 MS. CASS: I would look terrible.

13 MR. SKOOG: It would look terrible and you'd have to put three or four feet of fill  
14 and then you start getting runoff to the lake.

15 MR. PRICE: Yeah, I was, just as an option, just pointing out that if these parcels  
16 were combined, we weren't talking about developing here, but what happens, this area  
17 right here potentially could be open for –

18 CHAIRMAN MCDUFFIE: That's, I mean, that's directly between the house and  
19 the, and the lake, I could certainly see the homeowner not wanting to construct a, a pole  
20 building there.

21 MR. PRICE: Just throwing the option out.

22 CHAIRMAN MCDUFFIE: Sure.

1 MR. SKOOG: And also it would be more visible to the lady behind us and we  
2 certainly don't want to restrict her view, in any direction.

3 MS. CASS: And actually the lady across the street. [Inaudible]

4 MR. SKOOG: Yeah, she wouldn't be able – the lady across the street sits high  
5 and they have a beautiful view of the lake.

6 MS. CASS: We wouldn't –

7 MR. SKOOG: That'd restrict that. Build a house there, she'd lose that, or a  
8 building, she'd lose that view.

9 CHAIRMAN MCDUFFIE: I guess is anybody on the Board able to, to describe to  
10 me how, how, you know, this application would meet the criteria for a variance?

11 MR. MEETZE: Mr. Price, these are two separate lots. If they were combined into  
12 one lot, one deed, would that make a difference as far as the setbacks? Of course, you  
13 may have a reason for wanting to keep them separate.

14 MR. PRICE: No, not setbacks when it comes to this side of the parcel, it wouldn't  
15 change anything.

16 MR. MEETZE: Would it give them what they're looking for.

17 MR. PRICE: No, sir, not at that, not in the area where they're proposing to place  
18 the structure.

19 MR. SKOOG: That would not be an option, it would be an eyesore to the  
20 community to put a building out there on that other lot. It'd be like a, somebody putting a  
21 garage out in the street.

1 MR. MEETZE: I wasn't referring to that, I was referring to if it all became one lot if  
2 that would be included in a setback, that marshy part could be considered part of the  
3 setback – I think I said wrong.

4 MR. SKOOG: I see what you're saying.

5 MS. CASS: If that changes the measurements, etc.

6 MR. MEETZE: Right.

7 MR. SKOOG: Yeah.

8 MR. MEETZE: Change the dimensions.

9 MR. SKOOG: Right. But Mr. Price, you said that would not change the setback.

10 MR. PRICE: No, not on that side. What it would do is just give them more options  
11 to build on the opposite side of the home. It would have nothing to do with the area  
12 where they're proposing.

13 MR. MEETZE: So it looks like the only option these folks have then would be  
14 rezoning.

15 MR. PRICE: That is an option, yes, sir.

16 CHAIRMAN MCDUFFIE: Once again, I just, I just, I don't see how, you know,  
17 while I'm certainly sympathetic I personally am not seeing how we meet the, really the, I  
18 guess three of the criteria for a variance here.

19 MR. COOKE: Right.

20 CHAIRMAN MCDUFFIE: You know, if somebody would care to, to, you know, go  
21 through those for me.

1 MR. COOKE: Sure, Mr. Chairman. The very first question we have, are there  
2 extraordinary and exceptional conditions pertaining to the particular piece of property.  
3 With the answer being no at this time, a variance cannot be granted.

4 CHAIRMAN MCDUFFIE: Would you care to make a motion?

5 MR. COOKE: Yeah, Mr. Chairman, I'd like to move to reject the –

6 CHAIRMAN MCDUFFIE: To deny.

7 MR. COOKE: - to deny, I'm sorry, deny the 13-03 variance based on the Findings  
8 of the Fact.

9 CHAIRMAN MCDUFFIE: Do we have a second?

10 MR. SPEARMAN: I'll second.

11 CHAIRMAN MCDUFFIE: We have a motion to deny based on the fact that  
12 extraordinary and/or exceptional conditions do not apply to the subject parcel, it has  
13 been property seconded. All in favor?

14 MR. PRICE: Those in favor: Spearman, McDuffie, Cecere, Cooke.

15 CHAIRMAN MCDUFFIE: And all opposed?

16 MR. PRICE: Meetze.

17 *[Approved: Spearman, McDuffie, Cecere, Cooke; Opposed: Meetze: Absent: Smith,*  
18 *Sullivan]*

19 CHAIRMAN MCDUFFIE: Sorry, but your request for a variance has been denied.

20 MR. SKOOG: Thank you for your time.

21 CHAIRMAN MCDUFFIE: At this time, is there any other business to attend to  
22 aside from the approval of the Minutes?

1 MR. PRICE: No, sir. As far as any upcoming meeting I don't, there's one case  
2 that we have that was deferred from this. I believe that's the only case we have  
3 scheduled for next month, but we have some things going on that may actually allow us  
4 to just completely withdraw that request.

5 CHAIRMAN MCDUFFIE: Okay, so it's possible we won't meet until June then.

6 MR. PRICE: Correct.

7 CHAIRMAN MCDUFFIE: Okay. At this time if everyone could just take a moment  
8 to, to look over the Minutes from February, and take five minutes to do that and then –

9 MR. MEETZE: Speed read this.

10 CHAIRMAN MCDUFFIE: Speed read.

11 MR. COOKE: I wasn't here in February, Mr. Chairman.

12 MS. CECERE: You're good to go. Urgent business.

13 MR. COOKE: I'm sorry.

14 CHAIRMAN MCDUFFIE: Thank you very much.

15 [Cooke out at 1:49pm]

16 MS. CECERE: I'd like to make a motion to approve the Minutes.

17 CHAIRMAN MCDUFFIE: Is there a second?

18 MR. MEETZE: I'll second.

19 CHAIRMAN MCDUFFIE: Alright. All in favor?

20 *[Approved: Spearman, Meetze, McDuffie, Cecere; Absent: Smith, Sullivan, Cooke]*

21

22

1           CHAIRMAN MCDUFFIE: Alright, the Minutes from February 2013, are approved  
2 unanimously. And is there any other business at this time? If not, then meeting  
3 adjourned. Thank you very much.

4

5

*[Meeting Adjourned at 1:51pm]*