

MINUTES OF THE ZONING BOARD OF APPEALS

MEETING 4-23-19

1. Chairman Rich Kell called the meeting to order at 6:30 P.M.
2. Roll Call – Present were Dave DeCraene, Bill Hall, Rich Kell, Chuck Littlebrandt, Gene Westerberg and City Atty. Kevin Buick. Absent were Frank Moran, Doug Scheidecker and City Zoning Officer Todd Steffens (due to a health issue).
3. Dave DeCraene moved with Gene Westerberg seconding a motion to approve the minutes of the 11-27-18 ZBA meeting, as written. Motion carried unanimously with a voice vote of 5-0.
4. Chairman Kell opened the public hearing requested by the Lewis P. Schultz VFW Post 1486 asking for a waiver of a number of variances: a phasing of light installation for the parking lot in accordance with construction schedule relating to Section 98-69(g) requirements of the Sandwich Municipal Code, required frontage landscaping required by 98-69(h)(2), required interior parking landscaping areas by Section 98-69(h)(4), raised and curbed requirement for interior landscaped areas under 98-69(h)(5) and 98-69(h)(10), and minimum screening requirement by 98-39(l). After these statements, Chairman Kell swore in the petitioners, VFW Post Commander Todd Latham and a Post Trustee, Harold Dannewitz.
5. City Atty. Buick was called on to summarize the Staff Report, drawn up by City Zoning Officer, Todd Steffens, as he was unable to be present. Buick stated the petitioner had complied with all required actions: application had been made and paid for; legal description of the subject property received; plat and site plan received, notification of the public hearing to all property owners within 250 feet of the property was made by certified return receipt mail, with all but four green receipt cards being returned; and the required Public Notice, was published in the Daily Chronicle on April 6, 2019.
6. Chairman Kell now called on Latham and Dannewitz to make their presentation and requests. Latham stated the Sandwich VFW Post is the only one within a twenty-mile radius and serves two counties. The Sandwich VFW Post helps veterans apply for and obtain a variety of services and benefits through five other veteran organizations. They also provide many services and involvement within the community, besides as a rental hall for private events. They are asking for the various waivers in order to enhance their ability to improve service to the veteran participants with greater safety by hard topping their lot. This will also benefit their neighbors, especially from the dust raised up on windy days. In this development, the Post has partnered with the City to install storm sewers to help alleviate occasional flooding in the area. They feel the required frontage landscaping would detract from the view of their building and the Veteran's Memorial thereon. They state the required interior curbing and landscaping would interfere with provision of the required number of handicap parking spots and interfere with snow removal. This VFW Post was

established in 1934. The current building was erected in 1997 and is a vital service to all veterans, as well as, very involved with and a significant asset to the community at-large.

7. Kell then asked for any questions from the Commissioners. Littlebrandt asked about the site plan showing a 14' wide entry and exit. Latham stated they are both still going to be 14', as shown, but the parking aisles will be 24' wide. They had tried various alternative designs with their engineers, but found that each alternative presented other problems. They have also been in consultation with Fire Department officials; and, it was noted, the Fire Department has been called out to the property in the past, successfully. Atty. Buick noted that this design issue was not under ZBA review, but, as asked by the Petitioner, would fall under ultimate approval by the Sandwich Fire Protection District. Hall asked why the proposed south parking lot, which would create an encroachment into the front yard setback of 35', was chosen when there was enough space to the north lot to create even more parking without any such encroachment. Latham stated he had asked the same question. He said he could not recall the reason; only that there had been one supplied by the engineers. In answer to Hall's question about the existing ramp, there will still be a ramp from the parking lot to the building entrance, but the existing ramp will be razed and reconstructed to be much wider and in compliance with all current ADA regulations. Chairman Kell reminded Hall this was the time for questions only when Hall began to state his opinions on the proposal.

8. Kell called for questions from the public. Jim Wyman of WSPY asked how much more the required curbing would cost. He was told a rough estimate would be about \$120,000.

9. Kell opened the floor for anyone from the public to speak in favor of the proposed variation. Michael Rettig, who lives two doors south of the subject property (821 S. Main), stated the residents adjacent to the south side of the Post does not want any fence or shrubbery, as he likes the wide-open view of the land and Main Street. Rettig has no problems with the variances being granted. Larry Nelson, owner-operator of WSPY, stated he is in favor of the proposed improvements to the VFW Post and has no objections to granting of the asked for variances. He also stated a significant difference between the Sandwich Public Library and The VFW Post (which Hall cited as a not-for-profit entity that had been required to adhere to all parking lot ordinances), is that the Library is a taxing body that can charge their construction cost to each tax payer, while the VFW needs to raise all of their funds independently.

10. There were no objectors wanting to state opposition to the proposed variations.

11. Kell offered the petitioners a final word. Latham thanked the commissioners for consideration of their requests, as well as the number of neighbors, showing their support by attending the hearing. Once more, he and Dannewitz emphasized their mission of service to obtain benefits for veterans and the benefits given to the greater community.

12. Kell then declared the public portion of the hearing was now closed.

13. Deliberation by the ZBA: Hall stated as he has already alerted everyone he has objections, that he will speak to Latham and Dannewitz after the meeting as to what changes he would like to see. Westerberg stated his objection to curbed islands in parking lots, which make getting out, difficult. He also noted this proposed lot would be a possible benefit for student drivers to practice in. DeCraene said he was okay with the variances; that as an engineer, he would have designed the parking differently, but this design was not a deal breaker. Littlebrandt and Kell had no further statements.

14. Westerberg moved with Littlebrandt seconding a motion to approve the request from VFW Post 1486 for variation from certain requirements under Section 98-69 and 98-39 as presented, and that findings of fact and a formal written decision be prepared for execution by the Chairman and Secretary. A roll call voted showed unanimous approval of the motion.

Hall moved with DeCraene seconding a motion to adjourn the meeting of the Zoning Board of Appeals. Motion was approved by a unanimous voice vote.

Respectfully submitted,

Bill Hall, Secretary