

# Zoning Board of appeals Meeting

## Public Hearing

### July 8, 2008

**Doug Fleming/Tu Liang Yang**  
**205 Pleasant Ave**

Board members present: Bob Loran, Tyler Gervaise, Mike Sperling.

Others present: Mayor Murphy, Mike Kraus, Doug Fleming, Jody Brenner.

#### **Public hearing called to order at 7:02 PM**

Notice of public hearing was read by Mike Sperling. Mr. Sperling conducted meeting in absence of Chairman Buschle. A quorum of three board members was met.

Mr. Fleming indicated that he was required to obtain a new survey for the lean-to that was built. Scott Whittaker Surveying was contacted, who provided the updated survey. This is what the board had required to complete the lean-to.

Mr. Gervaise asked if the lean-to was represented on the survey map and this was pointed out to him on the survey map by Mr. Kraus.

The lean-to is on the property as required and verified by Mike Kraus.

The lawn work, the grass work has been completed. Mr. Fleming went along with the updated survey and that is where we stand at this point.

Mr. Gervaise questioned the structures need to be 3 to 4 feet from the property line and that is the reason for the variance? This was clarified and confirmed.

Mr. Sperling also confirmed the boundaries of the lean-to. It is 1' 2" on back corner and 1' 4" on the front corner. Just over one foot.

Mike Kraus stated that in fact the fence is over the property line, but that has nothing to do with this hearing and this variance request.

Mr. Sperling asked if Mike Ours had seen the survey. This was not known, but a letter was received by Mr. Ours indicating his approval of the drainage situation, which was his concern. Mr. Fleming did not see an issue with Mr. Ours with anything else.

Mr. Gervaise asked if Mr. Ours is the neighbor. Clarification for Mr. Gervaise that Mr. Fleming is contractor and Mr. Ours is neighbor to the customer (Tu Liang Yang).

Mayor Murphy – if Tu Liang Yang sells the property, a variance will need to be applied for to address the fence issue. Mr. Ours will be notified about the fence.

Mr. Ours' deed could be stated that the fence is over his property line.

Mr. Kraus stated that most banks won't approve mortgage with encroaching structures.

Mr. Gervaise asked for clarification that the variance was filed and it has met the criteria for the variance.

Mr. Loran indicated he had no questions or concerns at this time.

Mr. Sperling stated that the minutes of the last meeting stated that the survey had to be of the east side of the house, but the survey is the south side of the house.

Mr. Kraus stated that the current survey addresses the concern. The specifics of the wording are ok as long as the issue is addressed.

With no further comments being addressed a motion was made by Mr. Loran, seconded by Mr. Gervaise, to close the public hearing. Motion carried.

**ZBA meeting was opened at 7:16 PM.**

Mr. Sperling stated that all criteria has been met by Mr. Fleming and Mr. Yang. No other concerns are outstanding. To protect Mr. Fleming and anyone else later, all has been done correctly and all concerns are satisfied.

With all criteria being met by Mr. Fleming, a motion was made by Mr. Gervaise to accept the variance. Seconded by Mr. Loran. Motion carried.

Variance will be generated by Mr. Kraus to put in property file until property is sold.

Mr. Fleming stated that he will continue with the structure and build it to plans. Mr. Kraus to inspect and check the structure when it is completed.

Motion by Bob Loran to accept minutes of meeting of May 6, 2008. Seconded by Mike Sperling. Motion carried.

Motion by Bob Loran to adjourn, seconded by Mike Sperling. Meeting adjourned at 7:25 PM.