

TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, MAY 24, 2011
7:00 P.M.
GIBRALTAR TOWN CENTER

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:00 p.m. by Linda Merline, chairman.

Members present: Linda Merline, Brian Hackbarth, Andy Coulson and Tom Blackwood
Members Absent: Britt Unkefer

Approve minutes of last meeting: *It was moved by Coulson and seconded by Blackwood to approve the minutes of April 26, 2011 as presented. Motion carried unanimously.*

Petition for Grant of Variance: William & Janice Miller, Parcel # 014-02-26312741C Section 3.05 (4) requires structures to be set back at least 30 feet from the legally described edge of a private road. Linda Merline outlined the format of the hearing.

Testimony was given in favor of the petition: Attorney Jim Smith, representing the Miller's, gave a synopsis of the Petition for a Grant of Variance. Attorney Smith stated that the private road serves more than 4 properties, however the private road ends at the next house. The house was built before the 1970's and therefore was built prior to the inception of Door County Zoning in the Town of Gibraltar. Attorney Smith stated that the zoning ordinance creates an unnecessary hardship due to the close setting of the two homes and that the road is never going to be a town road and therefore does not need to adhere to the 30 foot setback. Attorney Smith read through the Miller's petition for variance and addendum. Hackbarth asked when the easement for the private road was established. Attorney Smith stated that the easements have been amended and modified over a period starting in 1949 until 1980.

Testimony was given in opposition to the petition: Paul Mueller, 4235 The Oaks Drive Raleigh, North Carolina, 27606 gave testimony to the petition in the form of questions. Mueller lives next door to the Miller property and wanted to learn more about the project. Hackbarth asked if Mueller had any concerns in regards to the Miller's petition. Mueller stated that he did not.

No correspondence was received in support.

No correspondence was received in opposition to the petition

Rebuttal: Attorney Smith stated that he should have had his client, Miller; speak with Mueller about the petition.

Discussion by the Commission noted that 3 requirements must be met for a variance to be granted.

1. Application of the zoning ordinance creates an unnecessary hardship;
2. Unique physical characteristics of the property prevent the applicant from developing in compliance with the zoning ordinance;
3. Granting of variance does not harm the public interest.

The Commission's discussion yielded issues that included:

Merline contacted the Fire Chief, Stahl, and asked if he had any concerns with getting Emergency Vehicles onto the property. The Fire Chief reported to Merline that he did not have a concern.

Coulson stated that not being able to put a porch on a house is not a hardship. The private road being shared by more than 4 lots is more of a concern.

Hackbarth explained that the easement goes between the house and garage of the Miller property and is a unique physical characteristic to the property and also a hardship.

Blackwood's concern was in precedent setting in regard to encroaching on the setbacks. Blackwood questioned, "When do you make a stand on upholding the zoning ordinances?"

It was moved by Hackbarth to support the petition for a grant of variance for the first floor porch and second-story addition. Motion failed for lack of a second.

It was moved by Coulson and seconded by Blackwood to recommend the Gibraltar Town Board support a modified version of the petition that includes the second story addition over the existing house footprint but not the first floor porch. Motion carried with three in favor and Hackbarth opposed. Hackbarth stated that he does not oppose the second story addition.

Parking Lot Filter and Grassy Swale: Merline reported that it is in the Town of Gibraltar's ten year plan to treat rain water before it drains into the bay. Mr. Coulthurst from Door County Soil and Water suggests that the Town of Gibraltar convert the island in the back parking lot of the Community Center and install a parking lot filter. Merline proposed that the ditch along the driveway on the East side of the building be turned into a grassy swale or rock swale to slow the water down and give it the chance to percolate into the ground. Hackbarth asked if the water already drained into the area by the FCCA kiosk. Merline stated that she does not have a cost of the proposed project, that it is an idea and is in the ten year plan. Hagen had a concern that the building was such that a certain amount of trees be retained on the property and also that there are power lines that are 8 inches below the ground. Blackwood suggested that they find a more knowledgeable person on this matter. *It was moved by Coulson and second by Blackwood to investigate ways to reduce storm water runoff caused by impervious surfaces around the town center building. Motion carried unanimously*

Committee Reports:

Updates on Parks & Lands and Bike Path

Hackbarth reported that landscaping for the parks is going well. He also reported signage work at Fish Creek Park.

Surface & Groundwater Protection

Merline reported the design of the Highway 42 bridge over Fish Creek does not allow fish to swim upstream for spawning. She is consulting with Fish and Wildlife to remedy the situation. She also reported that the storm drains were cleaned out and are working great.

Sustainable Gibraltar: Nothing to report.

Public Parking

Coulson reported that the signs are ordered.

Attainable Housing: Nothing to report.

Maps: Nothing to report.

Chair: Nothing to report.

Set the Next Meeting Date: The next regular meeting is scheduled for Tuesday, June 28, 2011.

Adjourn: *It was moved by Hackbarth and seconded by Blackwood to adjourn. Motion carried unanimously and the meeting adjourned at 8:35 p.m.*

Respectfully submitted,
Julia Maskell
Deputy Clerk-Treasurer