

Board of Zoning Appeals Public Hearing  
March 28, 2016  
Minutes

Chairman Stanard called the Board of Zoning Appeals Meeting to order at 6:02 pm.

PRESENT AT ROLL CALL: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mayor Renda, Mr. Stanard

ABSENT: Mr. Pogatschnik

OTHERS PRESENT: Jeff Filarski, Village Engineer; Aimee Lane, Law Director, Theresa Dean, Assistant Clerk

Mayor Renda made a motion seconded by Mr. Bolek to approve the minutes from the Board of Zoning Appeals Meeting of February 24, 2016.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mayor Renda, Mr. Stanard

NAYS:

MOTION CARRIED

At this time, Mrs. Lane administered the oath to those who wanted to speak at the public hearing this evening. Chairman Stanard declared the public hearing open at 6:04 pm.

**Garage Addition/Master Suite Renovation**

65 Fircrest  
Goldberg Residence

Mark Savransky with MES Builders, the general contractor, and Mark Bednash, designer, were present. Mr. Savransky stated that they did not realize the existing home's set back is non-conforming when they submitted their plans. The new addition will also be non-conforming but, because of a drop off behind the home and the location of the septic system, there is no other possible placement for the addition. Mr. Savransky provided photographs showing the configuration of the lot.

Mr. Bolek asked if a site plan was available, and Mr. Savransky answered that he had not prepared a topographical site plan but that the drop off is located almost immediately behind the proposed new addition. Mr. Savransky pointed out several features on the photographs, including the driveway and a turnaround, as well as an existing patio.

From looking at the elevations that were provided, Mr. Bolek felt that the garage is too prominent a feature in the new design and asked if they had considered pushing the addition back, which would downplay the appearance of the garage and reduce the variance required. Mr. Bednash stated that not only would it be difficult to move the garage back because of the drop off behind the home, but it would negatively affect the

balance of the design. He also said that the homeowners are happy with the design. Mr. Bolek repeated his concern that not enough information was shown to demonstrate a hardship or that other options were considered which would reduce the need for a variance.

Mr. Stanard asked if anyone in the audience would like to comment. He also clarified that the existing code requires a seventy foot set back, that the existing home is non-conforming with an approximately fifty-five-foot set back, and that the variance request is for fourteen-feet, ten-inches. Mr. Goldberg, the homeowner, stated that he and his wife looked at various options for situating the garage and are very happy with the proposed design. They would be very disappointed to go back to the drawing board with their plans.

Mr. Stanard declared the public hearing closed at 6:13 pm.

Mr. Bolek restated his concerns regarding lack of evidence for a hardship and also his feeling that the composition of the project would be improved by recessing the garage. Mr. Bolek and Mr. Bednash discussed the impact to the roofline if the garage was moved. Mr. Bednash stated that other designs were considered, and both he and Mr. Savransky again pointed out the drop-off behind the existing home which limits where the addition can be placed.

Mr. Filarski asked the Goldbergs to confirm where the ravine is relative to the back of their existing home. Mr. Goldberg answered that it is probably less than fifty-feet away. Mr. Filarski confirmed that the ravine runs between Fircrest and South Woodland to the north. He felt that, as evidenced by the photos presented, pushing the garage addition back would likely require protected hillside zoning as well as removal of trees, as evidenced by the photos provided.

Mrs. Cooper asked for clarification of the photos, including an aerial shot that shows the back side of the driveway, the fall-off of the property behind the home, and steps that lead down to a lower patio level. Mr. Savransky, Mr. Bednash, Mr. Goldberg and Mr. Bolek again reviewed the proposed elevations and discussed alternate design options.

Mrs. Lane and Mr. Stanard asked about the location of the septic system, which Mr. Savransky pointed out. Mr. Filarski confirmed the existence of a relatively steep drop-off to the north within relatively close proximity to the existing structure, with the remaining drop to the east being an area that was filled in when the existing house was built.

Amy Lane reviewed and read the finding of facts for the record; they are as follows:

1. Special conditions and circumstances do exist which are peculiar to the land or structure specifically the existing front yard setback is non-conforming at approximately fifty-five feet. Additionally, there has been testimony and information presented showing that the property does in fact slope downward toward the north; additionally, there is a pond located in the rear of the site and the septic system is located to the east of the property, limiting the area where the garage addition can be placed.
2. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variance. It is currently being used as a single-family home.
3. The variance request of approximately fifteen feet is not substantial and is the minimum necessary to complete the project.

4. The essential character of the neighborhood will not be substantially altered or suffer substantial detriment as a result of granting the variance. The proposed front yard set back is similar to the rest of the home as well as set backs of other homes in the area.
5. The variance would not adversely affect the delivery of governmental services such as water, sewer, or track pickup.
6. The property owners did purchase the property with knowledge of the zoning restrictions, though not constructive knowledge of zoning restrictions.
7. No known special conditions or circumstances exist as a result of the actions of the owner.
8. The property owner's predicament cannot feasibly be obviated through some method other than a variance.
9. The spirit and intent behind the zoning requirement would be observed as much as possible and substantial justice done by granting the requested variance.
10. No special privilege would be conferred to the applicant by granting the requested variance.
11. Literal interpretation of the Zoning Code would be a hardship for the owner and deprive the owners of the rights afforded other properties in the same district.

Mayor Renda made a motion seconded by Mr. Fritz to accept the finding of facts.

ROLL CALL:

AYES: Mrs. Cooper, Mr. Fritz, Mayor Renda, Mr. Stanard

NAYS: Mr. Bolek

MOTION PASSED

Mr. Stanard advised the applicants that, in case the requested variance was denied, the same variance application cannot be brought before the Board of Zoning Appeals again. The homeowners did not wish to consider further changes to their design and asked that the variance request go to a vote.

Mayor Renda made a motion seconded by Mrs. Cooper to vote on the area variance requested at 65 Fircrest.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mayor Renda, Mr. Stanard

NAYS:

MOTION PASSED

Mayor Renda made a motion seconded by Mrs. Cooper to adjourn the meeting at 6:32 pm.

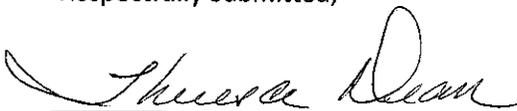
ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mayor Renda, Mr. Stanard

NAYS:

MOTION PASSED

Respectfully Submitted,



Theresa Dean, Assistant Clerk