

ZONING BOARD OF APPEALS MEETING
Severyn Development, 13050 W. Main St. SBL#108.18-2-3
August 18, 2015

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 PM.

PRESENT: Chairman DeWitt, Members: Dumke, Gaffney, Kirszenstein and Schumacher, CEO Czechowski, Mark & Cathy Kline (13018 W. Main St.), Ed & Barb Huestis (1577 Homecourt), David Stutz (Apex Consulting), William & Bill Severyn (Severyn Development), Sue & Ron Wargin (1621 Homecourt), John Wild (1559 Homecourt) and Tom Kuropatwinski (1613 Homecourt).

The purpose of this public hearing: Severyn Development is seeking a use variance for rear yard line setback. Severyn has filed a Site Plan Application to build a 21- unit patio home development at 13050 W. Main St. Four of the proposed homes on each side of the proposed street show attached decks 6 feet (west side) and 5.97 (east side) from the rear yard lines, but Village Code Section 210-9 requires a minimum rear yard line setback of 10 feet.

Chairman DeWitt explained this meeting is to address the requested set back only. The ZBA has no authority over any other matters concerning this proposed subdivision. A Public Hearing is scheduled with the Village Board on August 27, at 8:15 am, overall concerns can be address at this venue.

At this point Chairman DeWitt opened the Public Hearing to the audience. David Stutz- Apex Consulting explained the reason for the variance pertaining to the first 8 houses on the south side, closest to W. Main St. only. The finished grades and the existing grades on these eight lots have a difference of 4 foot, so porches are not feasible, and decks are proposed causing the need for a variance. The addition of the decks makes it necessary to apply for a variance, as they are considered permanent structures and are attached to the homes. The houses themselves are 14 foot from the property lines, and are in compliance. The contrast in the elevation affects the following proposed houses only: on the west side:100, 102, 104 and 106. On the east side: 101, 103, 105 and 107. Ed Huestis, 1577 Homecourt, this proposed subdivision, although it does not effect his property directly, feels the proposed distance is way too close to the neighbors, causing no privacy and is too cramped. He also feels it is not right for the village's character as: the garages are 17' from the gutter, and his van is over 16' long, is a cookie cutter look and ruins the neighborhood. Barb Huestis, 1577 Homecourt, bought on the east side of Homecourt for the trees, owners on the west side are having trouble reselling, because there is a greenhouse behind them.

Mark Kline, 13018 W. Main St., three of the houses proposed for the west side variance, is adjacent to his property line. He moved to his village home in 1989 for the land and trees.

When he applied for a shed permit, Building Inspector Kraztke explained why 10' from the property line is critical. If the shed would house lawnmowers and gas and started on fire, a 10' distance is important. He assumed no one would seek a variance for 21 houses crammed in like sardines, causing an unsafe, dangerous situation. He will have 3 decks 6' away from his property line with BBQ grills and propane. This is dangerous and he would hold the ZBA board accountable.

Dave Stutz – Apex Consulting, the R1 district allows decks 7' from the property line, these are proposed for 6'. Severyn properties will sell for \$225,000-\$250,000, creating the neighboring property values to increase. The houses themselves are 14' from the property lines.

Sue Wargin, 1621 Homecourt, do not have any houses behind her house. She expressed concerns over the sizes of the homes and the drainage. Chairman DeWitt, explained the only issues being addressed at this meeting, is the set back variance. All other issues have been address by the Planning Board and will be viewed by the Village Board, all plans can be viewed with the CEO. Bill Severyn also invited the audience to stay after the meeting to address their concerns.

Sue Wargin – are you using berms to separate lots? William Severyn, explained they are working with the village. Every property that backs up to the neighbors, the HOA (Home Owner's Association) will work with the neighbors to decide the type of buffer they would prefer. Seeking to install natural buffers as apposed to berms, as berms would affect the drainage. 8" drainage tiles and yard drains will help with the drainage that will be directed to a retention pond at the north end of the property. Homecourt properties are higher, so they will drain into the pipe and into the pond, along with the road surface.

John Wild, 1559 Homecourt, feels the 6' variance is tight, leading to no room for a buffer, too narrow. Dave Stutz – Variance does not effect your house, but will work with neighbors on buffer choices, trying to compensate.

ZBA member Tom Kirszenstein asked the Homecourt residents, how deep are your lots? Ed Huestis – 175' deep total, 60' from back of houses.

Sue Wargin – questioned purpose of variance. Chairman DeWitt explained the plan on the first four houses on each side, do not confirm with the code and the board may or may not grant the variance.

CEO Czechowski – explained this is not a code change, but a variance.

Dave Stutz, they would build porches on the 8 houses in question, which would not require a variance, but the grade is too steep on the southern portion of the subdivision. Decks are proposed, but they are considered permanent structures, thus leading to the variance.

CEO Czechowski reminded those in attendance that the houses are 14' from the property line, and the code requires only 10'. The variance is only for the 8 houses with decks.

MOTION by Charlie Gaffney, seconded by Robert Dumke, to close the public hearing.

At this time Chairman DeWitt proceeded to review the six criteria for the requested variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **Yes**, neighbors have made it clear it is an undesirable change, and they feel it would not fit into the character of the village.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No**. the contrast in the grade levels would lead to a tough time doing it any other way.

3. Whether the requested area variance is substantial? **Yes**. It affects 8 of the 21 proposed homes.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **Yes**, the neighbors feel it is substantial, as they purchased their homes for the wooded environment in their back yards.

5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Yes**. This board feels it is self created.

6. Whether it will create a hazard to health, safety or general welfare? **Yes**. The adjoining land owner feels it is a safety concern, with grills and propane tanks on the back deck that are less than 10' from the property line.

MOTION by Tom Kirszenstein, seconded by Charlie Gaffney, to deny requested variance, due to negative criteria. Unanimous, Carried.

MOTION by Robert Dumke, seconded by Brian Schumacher, to adjourn the hearing at 6:55 PM.

I respectfully submit,



Sue Galbraith, Clerk

Zoning Board of Appeals