



MEETING MINUTES – BOARD OF APPEALS

Date/Time: Monday, November 27th, 2017 - 5:30 P.M.

Location: Village Office

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to Order, Roll Call: the meeting was called to order by Richard Happel at 5:35pm. Present were Richard Happel, Jeff Johnson, Dawn Clark. David Bertler and John Rehn arrived at 5:45pm.
2. Verify/Modify/Approve Agenda. Agenda was approved.
3. Approve October 23rd, 2017 Meeting Minutes. Motion made by Jeff Johnson, second by John Rehn to approve the Minutes from October 23, 2017. The motion was approved 4-0 with 2 abstaining because they were not at the October meeting.

ACTION ITEMS

4. HB-196-1-1, 2095 Green Acres Ct; seeks the following variances needed to permit a proposed 2,000 square foot detached accessory structure:
 - a. 295-11 D. (2) (c) [1] Maximum size of detached accessory structure shall not exceed 1/60th of the lot square footage. (Lot square footage 110,482 s.f. / 60 = 1,841 s.f.)
 - b. 295-11 D. (2) (c) [3] Maximum size of detached accessory structure when located closer to a street right of way than the rear plane of the principal structure shall not exceed 864 sf.
 - c. 295-11 D. (2) (d) Maximum height of detached accessory structures shall not exceed 25 feet or the height of the principal structure, whichever is less, and shall not exceed one story plus a walk-up attic.
 - d. 295-11 D. (2) (f) The exterior finish shall be of residential materials which are substantially similar to those used in the principal structure with respect to texture, color and general appearance.

Allyn Dannhoff, Director of Neighborhood Services, introduced the application and presented his staff report and recommendation. Mr. VanHout built the new house at this property in 2013. The site plan submitted identified the location of the new house and a proposed pond, which later was permitted and constructed in 2014.

On September 26, 2017, Mr. VanHout submitted a permit application and plans for the proposed 2000 sf detached accessory structure.

The October 5, 2017 zoning review identified several zoning deficiencies. The properties on the west side of Green Acres Ct. are zoned R2-Single Family Residential. Additionally, earlier this year, the agricultural field west of these parcels was rezoned R2R – Rural Residential to accommodate a 7 parcel Single Family Residence plat whose parcels are presently being marketed as identified by the 7 real estate signs installed.

The previously identified detached accessory requirements are the same in both the R2 and R2R Single Family Districts.

Additionally, Mr. VanHout has indicated in absence of securing the requested variance he will attach the proposed detached accessory structure with a long covered walkway. In this regard, that also would not be permitted by the Village Zoning Ordinance, as section 295-11 D. (1) Attached Accessory Buildings and Utility Storage Buildings, subsection (b) states;

Total combined building footprint square footage of attached accessory building and attached utility storage building use spaces shall not exceed 50% of the combined footprint of the principal building, attached accessory building and attached utility building spaces.

Reviewing the 2013 Building Permit Application for the new house, the footprint of the principal building (dwelling) is 2505 sf and the existing attached accessory building (garage) is 1387 sf. Adding the proposed 2000 sf accessory building to the existing house and garage would result in a total of 3,387 sf of attached accessory building space (plus the square footage of the covered walkway.) Thus the attached accessory building space would exceed 50% of the combined total building footprint square footage of the dwelling and attached accessory building spaces.

In reviewing the general neighborhood staff was unable to identify any unnecessary hardships or unique conditions for this parcel as compared to other parcels in the area. Other properties in this area have constructed detached accessory structures in conformance with the previously identified ordinance provisions. Additionally, the zoning district identified and adopted for the new 7 parcel subdivision plat west of Green Acres Ct. was selected to maintain consistency with the R2 Single Family Residential District standards applicable along the west side of Green Acres Ct.

In absence of the Board of Appeals identifying any Unnecessary Hardships or Unique Conditions and determining granting the requested variances will not result in Harm to the Public Interest, staff recommends denial of the variance requests.

The Appeals Board members discussed the project and asked Mr. VanHout about changes he is willing to make on the building to bring it into compliance with the code.

Mr. VanHout stated that he has spent money on engineering for this building already and to reduce the square footage of the building would not be feasible because he has spent a lot on it already. He then said he would reduce the footprint by shortening the building and thereby the overall square footage. He did agree to limit the size of the building to 1,841 s. f. rather than the 2,000 s.f. as proposed.

Mr. VanHout stated he will use materials similar to that of the home, which include masonry and vinyl siding, so that it will better fit into the neighborhood. He will use stone/masonry ¼ of the way up on the Cyrus Dr. side as well as the Green Acres Ct. side.

He stated that the property “drops off” to the west and the 26-foot height of the out-building will not “look” as high as the home Due to the lay of the land.

Mr. VanHout also said he has planted pine trees along the Cyrus Dr. and will probably plant a second row. It was noted that the seedlings he has planted are very close to the back side of the ditch already and there is not room for another row of pines and the building.

The neighbors, Robert Green and Steve Green were present for the hearing. Upon hearing the changes Mr. VanHout has agreed to (reducing the square footage and using masonry, siding, and roofing that will match the house,) they said that they did not have a problem with the proposed building.

Motion made by J. Johnson second by Chris Iglar to approve the request for a 2000 s.f. building. Roll Call Vote: Richard Happel, nay, David Bertler, nay, Chris Iglar, nay, Jeff Johnson, nay, John Rehn, nay, and alternate Dawn Clark nay. The motion was denied.

Motion made by Dawn Clark, second by John Rehn to approve the detached garage closer to the street than the rear of the principal structure to exceed 864 s.f.; but to not exceed 1,841 s. f. max. which is the maximum size allowed for this lot size, with the condition that the siding and stone match the existing home and garage with stone ¼ way up on the Green Acres Ct. and Cyrus Dr. road frontages. Roll Call Vote: Richard Happel, aye, David Bertler, aye, Chris Iglar, aye, Jeff Johnson, aye, John Rehn, aye, and alternate Dawn Clark aye. The motion was approved.

Motion made by John Rehn, second by Dawn Clark for approval of the maximum height for the accessory detached structure to exceed the height of the principal structure but not to exceed 25’ in height.

Roll Call Vote: Richard Happel, aye, David Bertler, aye, Chris Iglar, aye, Jeff Johnson, aye, John Rehn, aye, and alternate Dawn Clark aye. The motion was approved.

5. Adjourn: Motion made by John Rehn, second by D. Bertler to adjourn. The motion passed unanimously. Meeting adjourned at 6:42pm.