

**SUMMARY NOTES  
OF THE MEETING OF THE  
ZONING BOARD OF APPEALS  
TUESDAY, APRIL 7, 2009  
VILLAGE OF NORTHFIELD**

On Tuesday, April 7, 2009, the Zoning Board of Appeals met at 7:00 p.m. in the Village Hall Second Floor Multi-Purpose Room located at 361 Happ Road to consider two (2) issues:

Members in Attendance:

James Henderson, Chairperson  
Bert Getz, Jr.  
Margaret Parcels  
Brian Kozminski  
Lorna Widdes  
Richard Crotty

Members Absent:

J. Patrick Doherty

OTHERS PRESENT: Building Commissioner Ron Johnson and others (see attached sign-in sheet).

Chairperson Jim Henderson called the meeting to order at 7:00 p.m. by introducing the Zoning Board of Appeals members.

Chairperson Henderson requested a motion on the consideration of the March 3, 2009, summary notes. A motion was made by Member Brian Kozminski and seconded by Member Richard Crotty to approve the March 3, 2009, summary notes.

**The following vote was taken:**

**AYES: 5**

James Henderson, Chair  
Brian Kozminski  
Lorna Widdes  
Richard Crotty  
Bert Getz, Jr.

**NAYS: 0**

**ABSTAIN: 1**

Margaret Parcels

**ABSENT: 1**

J. Patrick Doherty

**Motion Carried**

1. **45 MEADOWVIEW DRIVE** - Consideration of a request for a variation from Appendix A, Article XVIII, Section 18.2 of the Village of Northfield's Zoning Code:
  - A) **A variation to allow for a generator and air conditioning units to be located in a defined front yard not less than 75 feet from the lot line.**

Mr. Joe Christopoulos, petitioner, was present and outlined his request for a variance to allow a generator and three air conditioning units to be located in the front yard. He is currently building the house on the site. The house is on a corner lot, therefore, it is considered to have two front yards. The front yard setback in the R-1 district is 40 feet. The house is setback 90 feet – well beyond the 40 foot setback. The home is faced towards Meadowview and he thought it was the best situation facing the home across the street. By definition of the Zoning Code, generators and air conditioning units are not allowed in the front

yard. The air conditioning units are high efficiency, low noise quality. The generator is a gas powered generator. It tests every Thursday for ten minutes. The only other time the generator runs is when the power has been disconnected to the house, then it would kick on within a two to three minute period and remain on until the power has been restored by the local utility company. Mr. Christopoulos feels this is the best location for the mechanical equipment and for the future owners of the home. It is a spec home.

Member Kozminski asked if he gave any consideration to the east side or the south side of the property. Mr. Christopoulos said the south side is the driveway and garages and the next door neighbor is probably within 45 to 50 feet. On the east side, the neighbor behind this house is approximately 140 feet. The home to the north is approximately 280 feet. He felt instead of installing the generator and air conditioning units in the back yard, making the noise for the neighbor behind them, that this was the best location.

Chairperson Henderson asked when it was discovered in the planning process that this variation was required for the proposed location. Mr. Christopoulos said Building Commissioner Ron Johnson was asked to do a walk through inspection during the winter time and told him at that time that the generator and air conditioning units could not be placed at the proposed location because it was considered a front yard.

Member Widdes asked if the previous house on the lot also faced to the west. Mr. Christopoulos said it did.

The Board members discussed the regulations for a corner lot. Mr. Christopoulos said at first he thought the restriction was about encroaching past the 40 foot setback, but Commissioner Johnson pointed out that no mechanical equipment is allowed in the front yard. It makes good sense, because who would want to live in a neighborhood that has the air conditioning units or a generator in the front yard.

Member Widdes wanted to know how big the generator was. Mr. Christopoulos said it is about three feet by five feet and plans to plant bushes and trees around the equipment. Mr. Christopoulos presented a landscape plan to the Zoning Board of Appeals members.

Member Kozminski asked if the Village code requires screening. Building Commissioner Ron Johnson said the Village code requires complete screening of the generator and air conditioning units.

Member Parcels asked if he sent the neighbors within 250 feet a letter regarding the requested variance. Mr. Christopoulos said he did send the letter and he had not heard from anyone. Commissioner Johnson added that one person came into the Building Department today to talk about the variance. His issues were more stormwater related and he decided to disregard the meeting.

Chairperson Henderson asked if anyone in the audience wished to speak. No one wished to speak

Member Widdes asked if the generator could be turned on at any time. Mr. Christopoulos said the generator is on a transfer switch and the power has to be off in order to use it. Member Getz added that when the generator will be on, then there is a whole lot of hurting going on and people will be knocking on your door.

Member Getz questioned why the mechanical equipment can't be placed on the east side. Mr. Christopoulos said the backyard abuts the neighbors and it is a much closer distance than the neighbor's house to the north. He understands if he places the equipment on the east side, then he does not need a variance.

Member Getz added technically there is a viable way to make this work without needing the variance.

Member Crotty asked if there will be an entertainment area on the east side of the house. Mr. Christopoulos indicated a patio is being proposed.

Member Parcels said she was just at the site to take a look at the proposed location of the generator and air conditioning units and feels this is the logical location for the equipment.

Member Crotty said the only concern he has is that the mechanical equipment can be placed somewhere on the property without a variation and should be recognized before a vote is taken. From an aesthetic view point, this is the most logical location, but the Board does have certain standards that they have to enforce.

Chairperson Henderson said there is quite a difference in distance between the neighbor's yards on the north and east side and he feels this is the best location for the mechanical equipment. He would like to make one change before the vote. The variance request states "A variation to allow for a generator and air conditioning units to be located in a defined front yard not less than 75 feet from the lot line." He is not sure where the "not less than 75 feet from the lot line" came from. Commissioner Johnson added it was from the Village attorney. In the accessory structure code you can technically build an accessory structure 60 feet from the front lot line, but you cannot put an air conditioner or generator in the front yard. So he came up with what he thought was reasonable 75 feet. Mr. Christopoulos' units are far beyond the 75 feet.

Mr. Christopoulos said the units are almost at 93 or 95 feet from the lot line. The Village attorney is most likely saying he does not want the units to be any closer than 75 feet from the lot line.

Member Getz clarified the actual variation is that you cannot place any mechanical equipment in the front yard. Commissioner Johnson said that is correct.

Chairperson Henderson said to leave the requested variance language as it is currently written.

There being no further discussion, the following motion was made:

**A motion was made by Zoning Board of Appeals Member Margaret Parcels, seconded by Lorna Widdes to approve the following:**

- A) A variation to allow for a generator and air conditioning units to be located in a defined front yard not less than 75 feet from the lot line located at 45 Meadowview Drive consistent with the site plan and Architectural exhibits received on March 6, 2009.**

**Subject to the following development conditions:**

- 1) An approval pursuant to any requested review by a Village consultant, staff member, Board or Commission shall be an approval of only those items specified in any motion, resolution, ordinance or written report. Under no circumstances shall such an approval be deemed to be the approval of any other matter by virtue of the fact that those other matters may appear on the supporting documents such as a site plan, engineering**

plan, or plat that was the subject of the review. Neither shall any such written approval be deemed to be an approval of any matter, which is within the jurisdiction of any other Village consultant, staff member, Board or Commission or any County, State or Federal Agency.

- 2) The petitioner shall comply in all respects with the ordinances of the Village of Northfield and nothing in this variance shall be construed as a waiver of any of those requirements.
- 3) This variation will be in effect until April 7, 2010.

The following vote was taken:

**AYES: 6**

James Henderson, Chair  
Bert Getz, Jr.  
Margaret Parcels  
Lorna Widdes  
Richard Crotty  
Brian Kozminski

**NAYS: 0**

**ABSTAIN: 0**

**ABSENT: 1**

J. Patrick Doherty

Motion Carried

2. **1563 MOUNT PLEASANT STREET** - Consideration of a request for a variation from Appendix A, Article IX, Section 9.4 of the Village of Northfield's Zoning Code:
  - A) A south front yard 14.32 foot variation from the required 30.00 feet resulting in a 15.68 foot south front yard to allow for a master bedroom and bathroom addition.
  - B) A north rear yard 6.00 foot variation from the required 25.00 feet resulting in a 19.00 foot north rear yard setback to allow for a laundry room addition
  - C) A Floor Area Ratio (FAR) variation of 793.69 square feet from the required 2,688.83 FAR resulting in a 3,482.52 total square foot FAR.
  - D) A lot coverage variation of 2.27 square feet from the required 3,841.18 square feet allowed by code for a total 3,843.45 square feet of lot coverage.

Mr. G. Michael Sollitt, petitioner, was present and outlined his request for several variations to allow for a second floor master bedroom and bathroom addition and first floor laundry room addition. Mr. Sollitt indicated they bought the house in 2000. They have three children and have outgrown the house. The house was built in the 1940's before the setback requirements existed. They are seeking to enlarge the living area as they currently have a small kitchen and small dining room/living room combination. In order to move the laundry from the basement to the first floor, they are proposing to remove the existing deck and build a small laundry room addition, therefore, not creating any additional impervious coverage.

In reviewing the file for this property, it was discovered that two previous variances from the Zoning Board of Appeals were granted for this property. The first one was in 1983 for a rear yard variance to allow for

an attached two car garage and storage shed. The second one was in 1989 for lot coverage for an addition to the living room.

The requested floor area ratio variation is mostly due to the proposed second floor master bedroom and bathroom addition which will go over the west elevation of the house. This area for the master bedroom addition was chosen because it would create the least amount of impact for their neighbors adjacent to them.

The Sollitt's have been pondering these improvements to the house for the last three years. Mr. Sollitt is a general contractor by trade. One of the reasons they are moving forward at this time, even with the downturn in the building industry and economy, is because prices are very good right now.

Mr. Sollitt met with Building Commissioner Ron Johnson and Village Engineer Karen Lange to discuss the initial improvements to the house a couple months ago. Commissioner Johnson pointed out that they are requesting a lot for the size of the property and they might want to try to scale it down quite a bit. So they modified the plans and scaled it down by removing a proposed raised patio off the kitchen connecting to the dining room.

Member Getz said currently the existing lot coverage is 3,888.06 and they are proposing to make is 3,843.45 so they are actually reducing the amount of lot coverage with the proposed improvements. Mr. Sollitt said that is correct. They are eliminating the wood deck on the north side and proposing a laundry room addition in that place. They are also removing part of the rear walk/patio and proposing an addition to the existing kitchen.

Member Parcels mentioned this is a lot of house on the lot and questioned the FAR.

Chairperson Henderson said the FAR is 45.3%. Chairperson Henderson reminded Mr. Sollitt that the Zoning Board of Appeals has to deal with hardships that relate to the lot and land and not how they are unique to their family (growing children, etc). Mr. Sollitt said he understands.

Chairperson Henderson asked if anyone in the audience wished to speak. No one wished to speak

Chairperson Henderson said the real issue here is the FAR. The improvements are not increasing the foot print of the property. It is a matter of going up and it is an actual reduction in foot print. He feels the proposed location of the second floor addition is the only logical location to go up. The 45.3% FAR request is certainly within range of previous FAR variances that have been granted with smaller lots. He feels it is a reasonable request. It is maintaining the property and improving it.

Member Getz asked if they received any feed back from any of the neighbors. Mr. Sollitt said they talked to the neighbors directly behind them and they were very supportive of the project. The neighbor's directly across the street are renters. They actually walked around their neighborhood and dropped off letters indicting the meeting before the Zoning Board of Appeals and requested variances. No one seemed to object to the proposed improvements.

Member Kozminski said it was definitely an improved layout for the house and sees why they would like to do it. It is in the upper end of the comfort zone with the FAR. It is a big house compared to the houses in the area, but he feels the new layout of the house is an improvement and it is improving the house in this market.

Member Widde also agreed with Member Kozminski's comments.

Member Crotty added he lives about one and one half blocks away from this property. He feels this house is really not much bigger than the rest of the neighborhood. The houses that are kitty corner are all two story four bedroom houses. The houses to the immediate east are more modest. But with Member Crotty living in the area, overall he does not feel it is out of character with the neighborhood.

Member Crotty asked to make a clerical change on the language for C and D of the requested variance. Currently it reads: C) A Floor Area Ratio (FAR) variation of 793.69 square feet from the required 2,688.83 FAR resulting in a 3,482.52 total square foot FAR and D) A lot coverage variation of 2.27 square feet from the required 3,841.18 square feet allowed by code for a total of 3,843.45 square feet of lot coverage. Member Crotty recommends changing "required" to "permitted."

Member Getz asked if the application is in for permit at this time. Building Commissioner Ron Johnson said they are not in for permit.

The Zoning Board of Appeals members further discussed among themselves the request for the FAR variance since it is at 45.3% and would be at one of the highest FAR variance requests granted.

There being no further discussion, the following motion was made:

**A motion was made by Zoning Board of Appeals Member Richard Crotty, seconded by Member Bert Getz, Jr. to approve the following:**

- A) A south front yard 14.32 foot variation from the required 30.00 feet resulting in a 15.68 foot south front yard to allow for a master bedroom and bathroom addition.**
- B) A north rear yard 6.00 foot variation from the required 25.00 feet resulting in a 19.00 foot north rear yard setback to allow for a laundry room addition**
- C) A Floor Area Ratio (FAR) variation of 793.69 square feet from the permitted 2,688.83 FAR resulting in a 3,482.52 total square foot FAR.**
- D) A lot coverage variation of 2.27 square feet from the permitted 3,841.18 square feet allowed by code for a total 3,843.45 square feet of lot coverage.**

**Located at 1563 Mt. Pleasant Street consistent with the site plan and Architectural exhibits received on March 6, 2009.**

**Subject to the following development conditions:**

- 1) An approval pursuant to any requested review by a Village consultant, staff member, Board or Commission shall be an approval of only those items specified in any motion, resolution, ordinance or written report. Under no circumstances shall such an approval be deemed to be the approval of any other matter by virtue of the fact that those other matters may appear on the supporting documents such as a site plan, engineering plan, or plat that was the subject of the review. Neither shall any such written approval be deemed to be an approval of any matter, which is within the jurisdiction of any other Village consultant, staff member, Board or Commission or any County, State or Federal Agency.**

2) The petitioner shall comply in all respects with the ordinances of the Village of Northfield and nothing in this variance shall be construed as a waiver of any of those requirements.

3) This variation will be in effect until April 7, 2010.

The following vote was taken:

**AYES: 6**

James Henderson, Chair

Bert Getz, Jr.

Margaret Parcels

Lorna Widdes

Richard Crotty

Brian Kozminski

**NAYS: 0**

**ABSTAIN: 0**

**ABSENT: 1**

J. Patrick Doherty

### **Motion Carried**

Chairperson Henderson commented that this is Member Brian Kozminski's last meeting. He will be moving on as a Village Board of Trustee. Chairperson Henderson thanked Member Kozminski for his service and dedication he provided on the Zoning Board of Appeals and wished him the best of luck.

There being no further discussion, upon a motion duly made by Member Bert Getz, Jr. and seconded by Member Lorna Widdes, the Zoning Board of Appeals adjourned their meeting at 7:50 p.m.

cas 4/14/09

*Approved 10/6/09*