

**SUMMARY NOTES
OF THE MEETING OF THE
ZONING BOARD OF APPEALS
TUESDAY, OCTOBER 6, 2009
VILLAGE OF NORTHFIELD**

On Tuesday, October 6, 2009, the Zoning Board of Appeals met at 7:00 p.m. in the Village Hall First Floor Board Room located at 361 Happ Road to consider one (1) issue:

Members in Attendance:

James Henderson, Chairperson
J. Patrick Doherty
Bert Getz, Jr.
Richard Crotty
Cheryl Charnas
Patrick O'Donoghue

Members Absent:

Lorna Widdes

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. He welcomed new members Cheryl Charnas and Patrick O'Donoghue.

Chairperson Henderson requested a motion on the consideration of the April 7, 2009, summary notes. A motion was made by Member Richard Crotty and seconded by Member Bert Getz to approve the April 7, 2009, summary notes.

The following vote was taken:

AYES: 3

James Henderson, Chair
Richard Crotty
Bert Getz, Jr.

NAYS: 0

ABSTAIN: 3

Cheryl Charnas
Patrick O'Donoghue
J. Patrick Doherty

ABSENT: 1

Lorna Widdes

Motion Carried

1. 283-285 HAPP ROAD - 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 the construction of a carport and trash enclosure to be located in a defined front yard not less than 60 feet from the lot line.**

Ms. Kathryn Arnold, attorney from Shesky & Froelich, was present. LaVerne Lehman, President from the Willow Hill Condominium Association, was home sick with the flu and instead Scott Wilson, treasurer, was also present. She outlined the Willow Hill Condominium Association's request for a variance to allow a carport and trash enclosure to be located in the front yard.

The carport will cover the existing parking spaces that are now on the property at the corner of Happ Road and Mount Pleasant. The Association is also requesting that the Village allow the construction of a garbage enclosure which will contain the existing dumpsters and recycling receptacles which are located in

the parking area. It is their belief that the apartments were built in 1959. They are now currently townhomes, but were constructed as apartments. The Association believes the parking was there when it was constructed. In 1980 the apartments were converted to townhomes and a condominium declaration was recorded. On the condominium declaration from 1980, the parking lot was shown to exist so they are working with the existing pavement that has been there since at least 1980. The proposal is to merely cover it with a carport structure to give the owners who park in this area some protection from the weather elements. The garbage receptacles are also located in this parking area and the Village would like them to construct an enclosure. The Willow Hill Condominium Association is absolutely happy to do so. There will be no change in impervious surface coverage due to the proposed structures. The granting of the variation will not be detrimental to the other properties in the neighborhood. The addition of a carport and trash enclosure will serve to improve the subject property and maintain the value of the neighboring properties. The new structures will enhance the neighborhood by improving a surface parking area and enclosing the trash enclosure.

Greg Phassos, from Goss/Pasma Architects, went through the submittal application. He pointed out the site plan merely shows where the carport structure will be located in the parking area and also where the existing dumpsters are located now and where the proposed location will be. The second sheet shows the proposed parking layout with the dimensions which show approximately 12 foot wide parking spaces. The elevations are shown on how the carport will look from the front and the side. In keeping with the existing townhome buildings, the carport will have a gable roof with shingles that will match the existing buildings. The trim will be painted white to match the siding on the existing townhomes. The last page shows the dumpster enclosure. The dumpster enclosure will be four feet high and will be painted brown to match the existing garden walls that each townhome currently has.

Member Doherty asked how many homeowners are in this development. Mr. Wilson said there are approximately 13 homeowners. Member Doherty said there are either six or seven parking spaces depending upon how you look at the layout. He asked where do the other cars go. Mr. Wilson said there are five units that use that parking lot. If someone has two cars, then they have to put the second car on the street.

Member Doherty mentioned the area where they are proposing to place the dumpster enclosure is currently an open space looking onto Happ Road. It is not very attractive, but that is where it is proposed. Ms. Arnold said based on conversations with the Village, one of the utility companies took some bushes out to do work, but the Association is willing to replant the bushes. Member Doherty added that would be a good idea.

Chairperson Henderson asked if there were plans to construct other carports in the Willow Hill Condominium Association. Mr. Wilson said the other buildings do not have enough room for a carport. One of the buildings only has on site parallel parking.

Chairperson Henderson noted he had difficulty understanding the requirements for the zoning variance. Building Commissioner Ron Johnson stated it is similar to the last variance in April with the air conditioners not permitted in the front yard setback. They are asking for a variation to install the carport in the front yard setback. They do not have 60 feet as required by Code for accessory structures so it would be impossible to meet the intent of our Village Code and the same goes with the trash enclosure. The zoning for this property is R-6 and the front yard setback for the building is 30 feet. The actual building is built within the required front yard setback and is conforming. Normally the Zoning Board of Appeals would not review anything in the R-6 district. Under normal circumstances this would have had a special use and then they would have had to appear before the Plan and Zoning Commission to amend their

special use and also appear before the Architectural Commission for appearance review. Since they did not have a special use on this R-6 property when it was built, it has to come before the Zoning Board of Appeals for the variation and it will be going before the Architectural Commission for review next Tuesday.

Member Getz wanted to know if there were recorded covenants, conditions and restrictions for the Willow Hill Condominium Association. Ms. Arnold said they had a recorded declaration when the apartments were converted to townhomes. Member Getz asked as part of the covenants, conditions and restrictions is there the ability for the association to maintain the two structures in the event they fall into disrepair over time. Ms. Arnold stated in the current declaration it does address property maintenance of the structures. Building Commissioner Ron Johnson added the Village could also enforce the Village's nuisance ordinance on any improvements that would be necessary, for example shingles flying off the roof, painting, etc.

Member Crotty asked if the existing parking spaces are deeded to particular units or are they common space. Ms. Arnold said the spaces are assigned to a specific unit. She believes every townhome has a parking space somewhere on site and these particular parking spaces are assigned to the building directly to the south.

Member Crotty questioned if there are any visibility issues that the Village may have with the carport and dumpster enclosure placed on the corner. Building Commissioner Ron Johnson answered the Village is confident that the trash enclosure will be well screened by the existing bushes that are there now. In regards to the carport, obviously there will be a visual affect, however, the fact that it is a carport and not an enclosed garage, the carport will still have light through it. Commissioner Johnson reminded the Board that this will also go before the Architectural Commission next week and they will address the aesthetics of the building at that time.

Chairperson Henderson addressed the hardship associated with this project. The people that moved into these units bought with the understanding that all they had was outdoor parking as they do at Crestwood Village and other condominium type units. Ms. Arnold said the residents could probably speak more clearly than she could on this matter, but from what she has been hearing is just the inconvenience of cleaning the snow off the cars in the winter, the sap from the trees and the birds. Also, the Association feels aesthetically it will be more pleasing to the eye to cover the parking area and increase property values.

Member O'Donoghue asked if there were plans to put a carport in for the other buildings. Mr. Wilson said there were no other plans at this time. Member O'Donoghue continued that it is his understanding that some of the people will have the covered parking. Mr. Wilson said that is correct.

Member O'Donoghue added he was concerned about the storage of junk in the carport since you can see into it and wanted to know if the Village had an ordinance against storing items in the carport. Building Commissioner Ron Johnson stated no outdoor storage is permitted in the R-6 zoning district.

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

Chairperson Henderson said he does not see the hardship in having outdoor parking. There are other multi-family units in the Village that have outdoor parking. He believes a 12 foot structure at this corner adds a lot of building bulk where it would be better to keep it open. In his opinion, they are asking for a substantial variation on the building setback.

Member Doherty disagreed and sees it differently. He thinks it is an opportunity to improve an existing situation and the way it appears to be presented will be an attraction addition to this property.

Member Getz added wouldn't the hardship be that there is no other geography for which to put covered parking on the site that would be conforming.

Member Crotty said if they were doing this from a legal standpoint and were going to have to defend it in court, there is no hardship to this case.

Member O'Donoghue voiced his concern about the trash enclosure being so close to the lot line and was wondering if there will be room to plant bushes without having them planted on the right-of-way. Chairperson Henderson said it is currently less attractive with just having the dumpsters sitting open in the parking lot.

Member Charnas gave her point of view that there is nothing less attractive then having surface parking. She feels it is a great way to maintain the value of the properties and because it is open it is not going to create any visual problems for cars pulling out from Mount Pleasant onto Happ Road.

Member Crotty added he drove past the site. On the west side of Happ Road there is a similar type of situation with open covered parking. This is a unique piece of property because it is surrounded by commercial development and the Edens Expressway on the east side. His normal reaction would be to vote against it, if it was set in another location. But because of the fact that there is commercial development surrounding this piece of property, he feels the proposed carport would not be out of character within the neighborhood.

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

A motion was made by Zoning Board of Appeals Member J. Patrick Doherty, seconded by Cheryl Charnas to approve the following:

- A) A variation to allow for the construction of a carport and trash enclosure to be located in a defined front yard not less than 60 feet from the lot line located at 283-285 Happ Road consistent with the site plan and Architectural exhibits received on September 2, 2009, and October 1, 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) The trash enclosure must be screened with plantings on the street side the same height as the existing plantings.
- 4) This variation will be in effect until October 6, 2010.

The following vote was taken:

AYES: 5

J. Patrick Doherty
Bert Getz, Jr.
Richard Crotty
Cheryl Charnas
Patrick O'Donoghue

NAYS: 1

James Henderson, Chair

ABSTAIN: 0

ABSENT: 1

Lorna Widdes

Motion Carried

There being no further discussion upon a motion duly made and seconded, the Zoning Board of Appeals adjourned their meeting at 7:35 p.m.

cas 10/12/09

Approved 3/2/10