

**SUMMARY NOTES  
OF THE  
MEETING OF THE  
ZONING BOARD OF APPEALS  
TUESDAY, SEPTEMBER 5, 2006  
VILLAGE OF NORTHFIELD**

On Tuesday, September 5, 2006, the Zoning Board of Appeals met at 7:00 p.m. in the second floor Multi-Purpose Room located at 361 Happ Road to consider one (1) issue.

**Members in Attendance:**

Josh Buchman, Chairperson  
Margaret Parcels  
Bert Getz, Jr.  
Adair Waldenberg  
James Henderson  
Lorna Widdes

**Members Absent:**

J. Patrick Doherty

Others Present: Building Commissioner Ronald Johnson and others. See attached sign-in sheet.

Chairperson Josh Buchman called the meeting to order at 7:00 p.m. by introducing the Zoning Board of Appeals members and welcoming new Board member Lorna Widdes.

Chairperson Buchman requested a motion on the consideration of the June 6, 2006, summary notes. A motion was made and seconded to approve the June 6, 2006, summary notes.

**The following vote was taken:**

**AYES: 5**

**Josh Buchman, Chair  
Bert Getz, Jr.  
Margaret Parcels  
Adair Waldenberg  
James Henderson**

**NAYS: 0**

**ABSTAIN: 1**

**Lorna Widdes**

**ABSENT: 1**

**J. Patrick Doherty**

**Motion carried.**

The petitioner was not present at this time. Chairperson Buchman decided to wait 15 minutes. The petitioner arrived at 7:15 p.m. The architect arrived at 7:20 p.m.

1. **321 LINDER AVENUE:** Consideration of a request for three variations from Appendix A – Article IX, Section 9-4., of the Village of Northfield's Zoning Code:
  - A) A 0.04 foot variance from the required 6.00 feet resulting in a 5.96 foot North side yard setback.
  - B) A 30.89% variance increase from the maximum 0.35% floor area ratio resulting in a 65.89% FAR.

- C) A 09.70% variance increase from the maximum 50% impervious lot coverage resulting in a 59.70% impervious lot coverage.

To allow for a second floor and attic addition with the existing first floor renovations submitted by Richard and Joanne Pak.

Mr. Richard Pak, petitioner, was present along with Jin Kim, Architect, and Norman Hayes, Architect. Mr. Kim outlined the Pak's request for a north side yard setback, a variance for floor area ratio, and 50% impervious lot coverage to allow for a second floor and attic addition to the existing residence.

Mr. Kim said the side yard setback is 6 feet. The existing residence has a 5.96 foot side yard setback. The Pak's are requesting a .04 foot variance for the side yard. They are not relocating the existing wall. The Pak's are proposing to add a second floor and need to bear on the existing structure wall and foundation.

Chairperson Buchman asked if this is an existing condition. Mr. Kim indicated that it was. Chairperson Buchman mentioned this is the least concern to the Zoning Board of Appeals member and asked that the architect move onto the next variance.

Mr. Kim mentioned the existing square foot area for the house is 1,645 and the garage is 488 for a total of 2,133. With the proposed addition the total square footage would be 4,333. The homeowner is not making any changes to the first floor footprint. They propose to put a second floor addition with attic. The homeowner would like to have the same opportunity for a second floor and attic as his neighbor.

Mr. Norman Hayes, architect, continued by saying the Pak's would like to do to their house what some of the people in the neighborhood have done.

Member Adair Waldenberg asked why is the attic necessary. It seems to add height to the building and makes the requested variance basically double for the floor area ratio.

Mr. Kim indicated the petitioners would like the attic for additional storage. They would like to put in permanent stairs for easy access.

Member Waldenberg added if they went to a lower height it would not be quite as large and imposing of a building.

Member Bert Getz said the height of the structure is conforming. They can build to 35 feet and that is what is proposed. Since the Pak's plan to finish the attic then it counts in the floor area ratio. He can understand if the roof line is going to be that high, why not finish the attic and use it for storage space.

Building Commissioner Ron Johnson clarified that the permanent staircase is what kicks in the floor area ratio. It does not matter if the attic will be finished or not. If the Pak's were to install a pull down staircase, then the attic would not be included in the floor area ratio.

Member Getz asked what is the height of the surrounding neighbors. Building Commissioner Johnson said the third house on the left is probably around 35 feet. Chairperson Buchman added that the 35 foot height limit has been in effect in excess of ten years. He has been on the Board since 1992 and they have never granted a variance to go over 35 feet.

Member Widdes feels the height of the structure is not what is going to be imposing. It is the whole overall structure. The proposed second floor is totally built out all the way around. She asked if there is any way to accomplish the square footage the Pak's are looking for without having such a big build out on top.

Mr. Hays said the answer to that is probably no because there is no way to add the amenities the Pak's would like to have without going that large. They did some research in the neighborhood and most of the houses are as big.

Member Henderson asked if any of the walls on the first floor are going to remain. Mr. Kim said the existing foundation walls are going to remain and will need to be used as weight bearing walls in order to hold the second floor addition.

Member Henderson added that the side yard variance request is minimal. However, the request for floor area ratio and impervious surface is substantial. He went to the property and noticed that there was a lot of asphalt on the site. Member Henderson referred to question 3 in the submittal where it asks "Is there a reasonable alternative for the erection or expansion of the structure with the expressed terms of the Zoning Ordinance." And the petitioner answered "Not that we are aware of." Member Henderson indicated there is an alternative – it would be to build a smaller structure.

Building Commissioner Johnson said they are increasing the impervious surface, but it is not substantial. Most of the impervious is existing already. They are going to be over the 50% allowed by code. Therefore a variance is required.

Member Henderson said he went and looked at the surrounding properties and it appears they are all the same size or even larger as what is being proposed. Building Commissioner Johnson indicated that he is correct. However, many of the homes in the neighborhood were built before the floor area ratio was in effect. It was calculated on a lot coverage basis only. The Zoning Code was updated in 2003 to include the floor area ratio.

Chairperson Buchman added the floor area ratio was a response by the Village Board to reduce the size of a structure on small lots.

Member Waldenberg asked how long they have lived in the house and what is the need for the additional space.

Mr. Pak said they have lived in the house about 8-9 years. They have two children and they are growing up. They would like to put the addition on rather than have to move. They like the neighborhood and would like to stay.

Member Widdes can understand Mr. Pak would like to bring his house up to the same value as the other houses in the neighborhood without having to move somewhere to do that. She is just wondering if there was some way to accomplish what they would like to do.

Chairperson Buchman asked what is the minimum that the Pak's could do for the property on this size of a lot. He believes what is being proposed is closer to the maximum that they can do because what is proposed is going to be a very large house on a small lot. The role of the Zoning Board of Appeals is to make sure that they do not pass variance requests that exceed the minimum necessary to accomplish what needs need to be accomplished. That is one of the

things they are suppose to take a close look at. Is the petitioner asking for just the minimum they need to make the house livable for the family.

Mr. Hayes said it was a tough question because how do you define minimum for a family.

Chairperson Buchman asked if it possible to design a home for this property that does not essentially double the floor area ratio that the Village has set so that they can have a larger house on this property.

Chairperson Buchman asked if anyone in the audience wished to speak.

Mr. Doug Collins, 1628 Mt. Pleasant, felt the architect has done a much better job aesthetically then the other two houses on either side of this property which were done prior to this. Why is it that the Zoning Board of Appeals is asking the homeowner to build the minimum.

Chairperson Buchman said the Pak's are asking for a floor area ratio variance. The Village has said that in all residential zoning districts they cannot have more than 35 percent floor area ratio on the lot. So when a petitioner comes in asking for more than 35 percent, they are supposed to ask for the minimum. The Pak's are asking for 65.89 percent – almost double what is allowed.

Carolyn Collins, 1628 Mt. Pleasant, said they live very modestly on Mt. Pleasant and would like to know what is FAR. Chairperson Buchman said it stands for floor area ratio. It is the ratio between the amount of floor area in the house that includes any above grade floors, first floor and second floor, or attic if it has permanent stairs to it, like a third floor. It would include the basement if it is more than three feet above grade. For this particular house the basement does not count. You basically take all the floor area; add it up and it cannot be more than 35 percent of the total lot that you live on.

Chairperson Buchman said under this ordinance, a 4,000 square foot house would normally only be permissible on a much larger lot because of the floor area ratio regulations.

Mr. Kim said this is an existing house built in the 1970's and they would like the same opportunity for a second floor as their neighbors.

Member Waldenberg stated the fact is the neighbor's built their houses or additions before the floor area ratio was established by the Village and it may have been, for all we know, in response to these two houses on this street. She doubts that, but it is possible.

Member Widdes said she torn. She agrees with the reasons the floor area ratio was put in place, but she is also sympathetic to someone that has a home and would like to improve it and not be forced to move out of the neighborhood because they cannot expand the house.

Member Buchman said he is not saying that the house cannot be expanded. He is saying the Board is faced with granting a zoning variance, which is, they want permission to go beyond what the Village has said, that the variance has to bear some relationship to what the maximum allowable is. This particular variance request has no regard for the 35 percent. And perhaps the architect did not know about the 35 percent requirement when they designed the house.

Mr. Hayes said they were comparing this project to the surrounding properties. They did not know that these houses were built before the floor area ratio was enacted.

Member Waldenberg asked if the architect could go back and revise the drawings to reduce the floor area ratio.

Mr. Hayes said yes they probably could. However, the Pak's would like to stay in this house and would like to have a house comparable to their neighbors.

Kathy Esterbrook, 1620 Mt. Pleasant, asked if the reason the floor area ratio variance is so large is because of the permanent staircase to the attic. Chairperson Buchman said the proposed attic is 516 square feet. It would still be way out of code without the third floor. It would be around 55 percent. In other words they could not solve the problem by changing the attic design by taking out the permanent stairs and making it an attic with pull down stairs.

Ms. Esterbrook agrees with Mr. and Mrs. Collins that the second story addition looks a lot better on this house than some of the houses they have in the neighborhood today.

Member Widdes is very sympathetic to what the Pak's are proposing to do. They want to stay in the neighborhood and are not building a new house. They are not asking to build a big house. They are asking to improve this house to the standards of the others in the neighborhood and have a nice home to live in. It is very expensive to change the foot print of the house.

Member Getz clarified that the existing floor area ratio is 2,133 square feet. The allowable square footage is 2,301. So you are talking about 168 feet - meaning that you could only add a room 16 x 10 on this house to be in compliance with the code. He does not feel you can accomplish what the Pak's are trying to accomplish by adding one room that is 16 x 10.

Ms. Kathy Esterbrook did not realize the existing house is 2,133 square feet. The presentation at the street you do not get that feeling. With the proposed total square footage of 4,333 feet, she feels that would be a big house for that lot.

Further discussion was held between the Zoning Board of Appeals members regarding the floor area ratio.

Mr. Pak said he does not want to move. They have been living in the house 8-9 years. They like the neighborhood.

Mr. Hayes asked to continue this request to the October meeting in order to reduce the size of the proposed addition to more closely reflect the floor area ratio.

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

A motion was made by Zoning Board of Appeals Member Adair Waldenberg, seconded by Member Lorna Widdes to continue this item to the October meeting which would allow the petitioner and architect to redesign the project in order to reduce the amount needed for the floor area ratio variation.

The following vote was taken:

**AYES: 6**

Josh Buchman, Chair  
Margaret Parcels  
Bert Getz, Jr.  
Adair Waldenberg  
James Henderson  
Lorna Widdes

**NAYS: 0**

**ABSTAIN: 0**

**ABSENT: 1**

J. Patrick Doherty

**Motion carried**

There being no further discussion, upon a motion duly made, seconded and passed the Zoning Board of Appeals adjourned their meeting at 8:00 p.m.

cs 9/14/06

***Approved 10/3/06***