

**SUMMARY NOTES
OF THE MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, APRIL 5, 2017
VILLAGE OF NORTHFIELD**

On Wednesday, April 5, 2017, the Zoning Board of Appeals met at 7:00 p.m. in the Village Hall Board Room located at 361 Happ Road to consider one (1) issue:

Members in Attendance:

Cheryl Charnas, Chairperson
J. Patrick Doherty
Richard Crotty
Bert Getz, Jr.
James Appel
Christine Geraghty

Members Absent:

Robert Hayward

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

Chairperson Cheryl Charnas called the meeting to order at 7:05 p.m. by introducing herself as the Chairperson and then introduced the Zoning Board of Appeals members.

Chairperson Charnas requested a vote on the approval of the January 4, 2017, summary notes. A motion was made by Member Pat Doherty and seconded by Member Richard Crotty to approve the January 4, 2017, summary notes.

The following vote was taken:

AYES: 5

**Cheryl Charnas, Chair
J. Patrick Doherty
Richard Crotty
Bert Getz, Jr.
James Appel**

NAYS: 0

ABSTAIN: 1

Christine Geraghty

ABSENT: 1

Robert Hayward

Motion Carried

1. 336 LAGOON DRIVE - Consideration of a request for a variation from Appendix A, Article VIII, Section 9.4 of the Village of Northfield's Zoning Code:

- A) A 792.50 square foot variance increase from the maximum 2,240.50 square feet allowed by code resulting in a floor area ratio increase to 3,033.00 square feet.**

To allow for the construction of a new two story single family residence with an attached two car garage.

Mr. and Mrs. Gregory Bednarski, petitioners, were present along with their architect, Mr. Brian Hyde. Mrs. Bednarski outlined their request for a floor area ratio variance to allow for the construction of a

new single family residence with an attached two car garage. She explained this same variance was granted on October 6, 2015, and expired a year later in 2016.

Mr. Hyde added he is not sure how much detail he should explain since it is the same FAR as previously granted to allow more square footage. The additional square footage is necessary since the proposed house is in the flood plain and will not have a basement. In order to alleviate flooding in the area, the proposed house will have a flow through crawl space. An engineering firm has been hired to create an extensive drainage plan that will help drain the rear yard water into the storm sewer.

Member Doherty asked given the fact this same material being presented is virtually identical to that in 2015, and a variance was granted at that time, is there anything substantive that is different from the information presented now versus over a year ago.

Mr. Hyde explained an engineering plan has been submitted with this application whereas it was not required at the first meeting.

Chairperson Charnas asked if the design of the home changed in any way as previously presented.

Mr. Hyde said the house has not changed, however, the driveway design showing the size and access to the street is correct on the engineering plan presented for this meeting. It was not available at the first meeting.

Member Geraghty questioned if any of the houses or lots in the neighborhood have changed in any way since the first variance was granted.

Mr. Hyde said there have not been any changes that he is aware of.

Chairperson Charnas asked if it is the petitioner's intent to live in the house once it is completed and if they are living in the house now.

Mr. Bednarski answered they plan to live in the house once it is completed and they are not living there now.

Member Appel asked if anyone is living at the property now.

Mr. Bednarski said they had renters living there, but have moved out.

Member Appel would like to know why the Board should believe they are going to build the house now, when it did not happen over a year ago.

Mr. Bednarski stated they had engineering issues and did not have enough time to apply for the building permit.

Mr. Hyde added there was confusion with the variance expiration date. They did not realize the building permit needed to be issued by the deadline and thought the application just needed to be submitted by the deadline.

Member Appel wanted to know the turn around time for plan review.

Building Commissioner Ron Johnson stated it is approximately 4-6 weeks for new construction.

Member Crotty asked if they had financing in place to complete the project in a timely manner.

Mr. Bednarski answered yes.

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

Mr. John Nyhan, 337 Latrobe Avenue, lives directly west of the subject property and is concerned about drainage and flooding in the area. He was not aware of the variance request the first time around. Currently there is six inches of water in his backyard and also the petitioner's backyard. The water has been there since last week. He did meet with Building Commissioner Johnson prior to this meeting and understands the water issue should be mitigated with the flow through crawl space, but asked what kind of assurance does he have that there will not be a foot of water at this time next year after the new house is built. If he heard the architect correctly, they are going to be running some drainage to tie into a storm water line on Lagoon Drive. He does not have that ability on his lot and would request the opportunity to run a drain from his back yard to connect to this drain in order to help mitigate the water issue.

Building Commissioner Johnson said that would be a private matter that could be pursued between the two property owners. An easement could be granted for drainage privately and the Board would not be involved.

Member Getz added he encourages the two property owners to be neighborly and work together to help the situation. They would not have to come before the Board for approval in order to work out some kind of a private party solution for the standing water problem.

Building Commissioner Johnson stated the petitioner's drainage plan is very extensive. The proposed new house will have a flow through crawl space which no longer impedes the flow of water that is currently on the property. It will create a better situation for all the neighbors. Flood waters will actually be able to go underneath the house.

Chairperson Charnas clarified the scope of the Zoning Board of Appeals is to review and discuss the FAR variance. The engineering will be reviewed and approved by the Village. However, she understands his concerns as they are all concerned about water in Northfield.

Member Getz explained an engineering plan will need to be submitted in accordance with the regulations of Village of Northfield before a permit can be issued. In this case, the hydraulics of the property has to meet the Village requirements. The requirements of today are much more stringent from when the neighborhood was built. As Building Commissioner Johnson pointed out, the engineering design is much better than what is existing on the site. The lot will be improved from a water stand point. He does encourage both parties to be neighborly and work together either in a formal manner where there is an easement or perhaps a less formal manner where both owners make sure the grade works. It is an easy fix and it would not be an economic impact to help find a

solution that could benefit both properties. He is not an engineer, however, looking at the engineering plan submitted, it looks like the current design will improve the neighbor's lot.

Mr. Nyhan added he does not have any objections to the FAR variance.

Member Crotty appreciates the position of the neighbors as most of their own properties have a pond in the back yard. Since this was previously discussed in detail at prior meetings and there have not been any substantial changes, he feels they should move to a vote.

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 Pat Doherty to approve the following:

- A) A 792.50 square foot variance increase from the maximum 2,240.50 square feet allowed by code resulting in a floor area ratio increase to 3,033.00 square feet.**

To allow for the construction of a new two story single family residence with an attached two car garage located at 336 Lagoon Drive consistent with the site plan and Architectural exhibits received on December 15, 2016. Since this property is in the flood plain, no basement can be built.

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 5, 2018. Any variation granted hereunder for any purpose shall lapse and be of no further force and effect unless a building permit has been issued by the Village for such purpose within one year after the effective date of the variation.**

The following vote was taken:

AYES: 6

**Cheryl Charnas, Chair
J. Patrick Doherty
Richard Crotty
Bert Getz, Jr.
James Appel
Christine Geraghty**

NAYS: 0

ABSTAIN: 0

ABSENT: 1

Robert Hayward

Motion Carried

There being no further discussion, upon a motion made by Member Richard Crotty and seconded by Member James Appel, the Zoning Board of Appeals adjourned their meeting at 7:25 p.m.

cas 4/10/17

Approved 9/6/17