

**SUMMARY NOTES
OF THE MEETING OF THE
ZONING BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 2, 2020
VILLAGE OF NORTHFIELD**

On Wednesday, September 2, 2020, the Zoning Board of Appeals met at 7:00 p.m. via a Zoom webinar due to the coronavirus pandemic to consider two (2) issues:

Members in Attendance:

Cheryl Charnas, Chairperson
J. Patrick Doherty
Richard Crotty
James Appel
Robert Hayward
Christine Geraghty

Members Absent:

Bert Getz, Jr.

OTHERS PRESENT: Building Commissioner Ron Johnson and Trustee Todd Fowler.

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

Chairperson Charnas requested a motion on the consideration of the March 4, 2020, summary notes. A motion was made by Member Robert Hayward and seconded by Member James Appel to approve the March 4, 2020, summary notes.

The following vote was taken:

AYES: 4

Richard Crotty
James Appel
Robert Hayward
Christine Geraghty

NAYS: 0

ABSTAIN: 2

Cheryl Charnas, Chair
J. Patrick Doherty

ABSENT: 1

Bert Getz, Jr.

Motion Carried

1. 2323 PEBBLEFORK LANE – Consideration of a request for a variation from Appendix A, Article V, Section 5.4 of the Village of Northfield’s Zoning Code:

- A) A north front yard 15.60 foot variation from the required 40.00 feet resulting in a 24.40 foot north front yard setback

to allow for an attached two car garage addition to the existing single family residence.

Mr. Jason Felicione, petitioner, was present and outlined his request for a variation for a north front yard setback to allow for an attached two car garage addition to the existing single family residence.

He explained he has lived in Northfield for 15 years and is the new owner of the property. The home was built in 1936 and has wonderful architecture. They plan to add a bedroom and two car garage. The property sits on 1 ½ acres and is unique as it has three front yards. This was

determined by the Village Attorney. They met with all the neighbors and downsized the project in order meet the neighbor's concerns. They will bring the existing structure into modern day usage for their family. The proposed addition will compliment the existing structure and the only variance request is on the north side as this was the only area where it seemed reasonable to put the addition. They plan to live in the house for a long time and feel it is a great place for his family to grow.

Member Doherty said he went to the property before the meeting and there were several trucks in the driveway at the time and would like to know what they were doing.

Mr. Felicione answered the property has been neglected for several years and they are adding several trees and shrubs to the property. There are also several trees with dead branches being trimmed and some trees needed pruning.

Member Geraghty asked about the response from the neighbors with the idea of the addition.

Mr. Felicione said he met with all the neighbors individually and due to some of the concerns, they downsized the project. They changed the design at least three times and were originally going to add a sport court in the western rear yard, but scratched the project after receiving feedback from the neighbor to the west. They were concerned about noise with the sport court so they will just put a basketball hoop in the front driveway. The neighbors did not have any objection to the proposed garage addition. The neighbors requested to add some trees for foliage in particular areas of the property. It took about 3-6 meetings with the same neighbors to make sure they were all on the same page and approved the proposed addition.

Member Hayward asked since Mr. Felicione has lived in Northfield for at least 15 years and also built several homes acting as a generator contractor so he is aware of the zoning regulations, how is it he was not aware of the current zoning regulations and three front yard setbacks of the home.

Mr. Felicione answered he was not aware of the three front yard setbacks because the title company and Recorder of Deed missed it. The original plat of 1936 did not show it. Village Attorney Buzz Hill, Community Development Director Steve Gutierrez, and Building Commissioner Ron Johnson, worked together with him and he can't thank them enough for their support. They got the easement agreements from all the neighboring properties and put it all back together after the fact. By not catching it in the original deed, he was not aware of it and they had to alter the plan.

Member Crotty asked if the current structure is nonconforming. Mr. Felicione said the current structure and garage are nonconforming.

Member Doherty asked how many cars will he be able to garage.

Mr. Felicione said there is currently a two car garage and they would like to add a two car garage. They did not want to add a fifth car garage because it would have taken away the integrity of the structure.

Member Hayward asked how much of the existing structure is nonconforming.

Mr. Felicione said the house is built on an angle so it is roughly three and one half feet on the northerly corner of the garage. The measurement as it sits is a 3 x 4 x 7 foot triangle due to the position of the house on the lot.

Member Appel added if it was considered a side yard with a setback of 15 feet, then it would be in compliance.

Mr. Felicione said that is correct. He would not need a variance and be okay by 10 feet and the 15 foot easement. His neighbors on the north are well over 100 feet from his house. The neighbor, to the west are well over 150 feet from his house. This is a very unique, private area.

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

Jeff Walker, 2335 Pebblefork Lane, is in support of the project. He is the western neighbor and has had multiple discussions with Mr. Felicione about the plans. His home has been in the family for over 50 years and does not have any issues with the proposed project.

Scott Turbin, 2363 Pebblefork Lane, has owned his home for 37 years and is located across the street. He is also in support of the project as presented.

Member Doherty said it is an excellent plan and would be happy to make a motion.

Member Crotty added it will an improvement to the area and feels it will be beneficial to the neighbors. He does not have a problem with the project.

Member Geraghty said at first she had concerns initially with the neighbors, however, after hearing from some of the neighbors she is alleviated and has no further questions.

Member Hayward said the petitioner met with the neighbors, including those most impacted, and there is no opposition to the proposed addition. It is important the neighbors approve of the project and they came in support of the project and not in opposition. He would like to make it clear the addition is built in accordance with the plans as submitted. After hearing from the neighbors, he would also like to include some kind of dense evergreen type screening along the northern and western side of the property to shield the nonconforming structure.

Chairperson Charnas asked for more information on the landscape plan.

Mr. Felicione said the Village has the landscape plan and it may not have been required as part of the variance application. So far this year he has planted 74 evergreens on the property. He believes the neighbors are happy as they walked around together and determined where they should be planted. The north side of the property is where the construction equipment will go because that is where the main building is being built. He has every intention of installing more evergreens to make it dense and screened, however, it will be last part of the puzzle due to the construction equipment.

Member Hayward added it does not matter what the landscape plans says, but if they make it a condition as part of the variance to install dense evergreen on the northern and western borders then it would have to be mandated.

Building Commissioner, Ron Johnson, agreed they could put in the motion to add the dense evergreen screening.

Chairperson Charnas asked the timing of the project.

Mr. Felicione said they are ready to go and are just waiting for the permit to be approved. They already made changes to the engineering plan. The idea is to be under roof before winter arrives. The biggest part of the addition is a kitchen so they will be without a kitchen for 3-5 months.

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

A motion was made by Zoning Board of Appeals Member Robert Hayward, seconded by Richard Crotty to approve the following:

1. **Consideration of a request for a variation from Appendix A, Article V, Section 5.4 of the Village of Northfield's Zoning Code:**

- B) **A north front yard 15.60 foot variation from the required 40.00 feet resulting in a 24.40 foot north front yard setback**

to allow for an attached two car garage addition to the existing single family residence. for the property located at 2323 Pebblefork Lane consistent with the site plan and Architectural exhibits received on August 3, 2020.

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 petitioner shall install dense evergreen trees or shrubs on the western and northern side of the property in order to screen the nonconforming structure.**

- 4) This variation will be in effect until September 2, 2021. 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

James Appel

Robert Hayward

Christine Geraghty

NAYS: 0

ABSTAIN: 0

ABSENT: 1

Bert Getz, Jr.

Motion Carried

- 2) 192 LAGOON DRIVE - Consideration of a request for an extension of time to complete construction from Appendix C, Article IV, Section C-8.1, paragraph (1), of the Village of Northfield's Safety Code and extension of a minimal relief variation from Appendix A, Article VIII, Section 8.4 of the Village of Northfield's Zoning Code:

A) An encroachment of .10 foot into the north side yard setback from the required 7.00 feet resulting in a 6.90 foot north side yard setback; and

B) An encroachment of .01 foot into the east front yard setback from the required 30.00 feet resulting in a 29.99 foot east front yard setback

for the construction of a two story single family residence on the existing foundation.

The petitioner, Mr. Hyungsig Sonn, was present and outlined his request for an extension to the expired building permit and the minimal relief variation.

Mr. Sonn explained he has been living in Northfield since 2000. He turned 65 in June and it is his and his wife's dream to build a house and live there someday. He is currently doing the work himself and has recently been installing the scaffolding to install the stormwater system. The plan is to install the outside siding by Thanksgiving before it gets too cold. Then he will work on the interior of the house with the electric, plumbing and insulation. After his full time job during the week, he works a couple hours a day on the house and more hours on the weekends. He appreciates the patience of the neighbors. Once the house is completed he believes it will enhance the image of the neighborhood. What he needs is time in order to finish the project. He will hire a subcontractor to help with the dry wall hanging. A one year extension from the original expiration date is requested.

Member Doherty visited the site and made the observation the property is a disaster. The neighbors are waiting to see the project completed after 2 1/2-3 years and he does not feel there is a lot of patience among the neighbors.

Member Appel suggested applying for a construction loan and hire contractors to get the project done.

Mr. Sonn said he can only have so much money from the lender and considering his age would like to use his own money. The permit was issued 18 months ago, plus a few months. It is not quite 3 years. He tried to get a construction loan for his current house in Northfield and was not able to obtain the loan.

Member Geraghty asked if he has multiple construction projects in Northfield.

Mr. Sonn said he did an addition several years ago on his house on Earl. He does not have any other construction projects in Northfield.

Chairperson Charnas asked if he experienced any unexpected circumstances that caused the delay.

Mr. Sonn said in the beginning he thought he would be able to finish in 18 months. He spent a lot of time on the garage doors. Also, the electrical work took longer than expected. He should be able to finish the project in a year with the help of hired hands.

Member Hayward asked percentage wise how much of the exterior has been done. Mr. Sonn responded about 10%. The interior is about 70% done.

Member Crotty wanted to know his occupation. Mr. Sonn said he is a Building Inspector with the City of Evanston.

Member Crotty said he should be familiar with building codes and following the codes. He wanted to know why he is not following the code in regards to the stormwater management.

Mr. Sonn answered he was concentrating on the electrical trade work and took quite a while for the progress to be where he currently is.

Member Crotty said that was more important than diverting the water so it didn't affect his neighbors and does not seem to be a very good neighbor at this point.

Mr. Sonn said he just wanted to keep going with what he was currently working on.

Member Appel added based on the previous history of executing projects and getting them done, the schedule to complete the project does not give him much comfort it will be met. The most important aspect is to get the project completed at least on the outside. He needs help and cannot complete all this work himself.

Mr. Sonn is hoping to get the stormwater management done by the end of September. He believes getting the scaffolding installed is the help he will need to get the stormwater management completed.

Chairperson Charnas said she is troubled by the complaints received for working outside the normal construction hours time and it is unacceptable.

Mr. Sonn understands he made a mistake. He does work full time during the day.

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

Ben Van Amerongen, 196 Lagoon Drive, lives just north of the property. He is a long time resident since April 2000. He and his wife take tremendous pride in their home and Northfield. This project has been going on for more than two years. Before Mr. Sonn purchased the house it had been vacant for several years. They were thrilled to hear the property was purchased and going to be torn down. However, in the past 2 ½ to 3 years this process has been extremely slow. Mr. Sonn works on the house 2-3 hours a day. As a 65 year old man trying to do this work himself is too much. As Member Doherty pointed out, the house is a disaster. Mr. Sonn thought he would have this done in 18 months and is asking for an extension. He doesn't believe it and is terrified to find out about possible issues with drainage and stormwater management. Whatever he wants to do on the inside is fine, but to be a respectful neighbor he would like to see the outside finished in a timely manner.

Jeff Jenkins, 191 Latrobe Avenue, lives directly west of the site. He is concerned of what he is hearing for the current timeline because he will receive the blunt of the water due to the lack of gutters being installed. He has had other issues with construction after hours and such. His main concern by having a house built by oneself seems like a huge undertaking whether one is skilled in certain areas or not. He is doubtful the work proposed over the next several months will be completed on time because it has been so long just to get the proper drainage system, siding, etc. done on the outside. He would like to see the work done on the outside first and then take whatever time is needed to get done on the inside.

Anne Olk, 195 Latrobe Avenue, spoke with Mr. Sonn in the past and cannot trust him. Mr. Sonn told them the gutters would be up by October 2019. The scaffolding looks like a jungle gym and are concerned about the children in the area. It is not the neighbors fault he does not know how to budget his time or money. No one is patient anymore. They would like to see the project finished. Please get the outside done and then work on the inside as needed. They would like to be good neighbors and have been much better neighbors to Mr. Sonn than he has been to them. He should hire someone to help him finish the project at least on the outside.

Mr. Sonn is confident he will get everything finished. He is planning to have the siding done by the end of November. He understands the frustration of the neighbors and would like to see the project done as well. If the Village allows him more time, he will finish the project.

Member Crotty asked about the two notice of violations issued by the Village and what type of relief would the hearings result in.

Building Commissioner, Ron Johnson, said two citations were issued for Administrative Adjudication on September 9, 2020, and October 14, 2020, due to the stormwater system not in compliance. It was to be completed by July 30, 2020. The court will most likely institute fines for failure to comply.

Member Hayward is sympathetic and appreciative of everything Mr. Sonn is going through. However, the Building Code does say projects should be completed within 18 months, but it does give flexibility to extend the permit for good cause. A minimal relief variance was granted on November 14, 2017. The demolition permit was issued on February 6, 2018. The building permit was issued November 14, 2018. A three month extension to the building permit was granted on May 4, 2020. The reason the Village has time limits is because construction is a nuisance. He built his own house in Northfield and abided by the rules by completing the project in a timely fashion because it is an inconvenience to the neighbors with trucks blocking the road, hammers pounding, etc. It seems to him Mr. Sonn has missed every deadline he was given and has not given the Board any good cause to grant an extension. He recognizes if the Board were to deny the extension, the house would continue to be an eyesore. He is willing to extend the permit, however, it will be defined by specific dates and possible penalties. Mr. Sonn has to get this project done and if he needs to hire help to get things done, then that is what he needs to do. In his opinion, the Village has been extremely patient and has given Mr. Sonn enough time and warning.

Chairperson Charnas agrees and feels it sums up most if not all reactions from what they seen and heard from the neighbors.

Member Geraghty asked what happens if they grant the extension and he misses the dates.

Member Appel liked the concept of where he would need to post a bond and if he does not meet the deadline of when an item would need to be completed, then a certain dollar amount should be deducted from the bond.

Member Hayward said they need to prioritize the construction schedule and get the outside done first. Then deal with the inside. They don't need endless construction in the neighborhood.

Member Crotty agreed and said the goal is get the project completed. Mr. Sonn needs to deal with the outside first with installing the gutters and stormwater drainage. If he is working full time and working on the house within the reasonable construction hours, he cannot possibly make any reasonable deadlines.

Member Hayward said in this situation they need to create defined construction milestone deadlines in order to get the work completed and impose a financial bond penalty if it is not in compliance. Whether they believe him or not, from what he has presented, it is reasonable to expect him to get the outside work done by mid to late October and final grading before Thanksgiving before the ground is frozen. From there, everything else needs to get wrapped up and they should impose a time deadline for the interior work in order to bring closer to this project.

Member Crotty asked Building Commissioner, Ron Johnson, based on his experience, what is a reasonable time estimate for a normal project to complete the downspouts, siding, gutters and stormwater drainage.

Building Commissioner Ron Johnson said in this case, it could be done in a matter of a couple of weeks, but Mr. Sonn would need to hire a crew to help him. The way he designed this project, there is a pvc pipe wrapped around the exterior of the residence and then directed to the storm sewer system in the front of the property. In his opinion, he would need to install the siding first in order to complete the drainage system. Typically siding is also installed before downspouts and gutters.

Member Crotty said they need to motivate him to hire a crew to get the project done. Since Mr. Sonn works full time, he has approximately two hours a day to actually do work on the house. He walks past the house every day with his dog and is tired of looking at it.

Member Hayward asked about the time limitations on the interior of the project.

Building Commissioner Ron Johnson responded he has not done any rough inspections so he is not sure how far along he is on the interior. He did inspect the footing, foundation and electric service panel, but since then he has not been called for any other inspections.

The Board members continued to discuss proposing time deadlines for completing the project.

A motion was made by Zoning Board of Appeals Member Robert Hayward, Seconded by Member Richard Crotty, a conditional extension to the building permit is granted as follows:

October 31, 2020 - All exterior work of the structure must be completed and inspected by the Village.

If not complete, in order to continue with the project, on November 1, 2020, a \$20,000.00 completion bond must be posted.

If work complete, no such bond will be required.

November 15, 2020 – If exterior work of the structure has not been inspected, then \$5,000.00 will be forfeited.

November 30, 2020 – All final grading must be completed and inspected by the Village.

If not complete, on December 1, 2020, an additional \$5,000.00 will be forfeited.

If no such bond has been posted previously, then \$15,000.00 bond must be posted.

January 31, 2021 – rough plumbing, electric, hvac and building inspections must be completed and approved by the Village.

In not complete, on February 1, 2020, an additional \$5,000.00 will be forfeited.

If no such bond has been posted previously, then \$10,000.00 bond must be posted.

May 30, 2021 – final driveway and landscaping must be completed and inspected by the Village.

If not complete, June 1, 2021, an additional \$5,000.00 will be forfeited.

If no such bond has been posted previously, then \$5,000.00 bond must be posted.

June 15, 2021 – if all work not completed – permit will be terminated and final \$5,000.00 bond will be forfeited.

Also the Minimal Relief Variance initially granted November 14, 2017, shall be reinstated and shall terminate if the building permit is ever terminated.

The following vote was taken:

AYES: 6

Cheryl Charnas, Chair

Richard Crotty

James Appel

J. Patrick Doherty

Robert Hayward

Christine Geraghty

NAYS: 0

ABSTAIN: 0

ABSENT: 1

Bert Getz, Jr.

Motion Carried

There being no further discussion, a motion was made by Member Richard Crotty and seconded by Member James Appel, the Zoning Board of Appeals adjourned their meeting at 9:08 p.m.

Approved 12/2/20