

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, April 06, 2021**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, April 06, 2021 at 5:00 PM** with the Chair presiding in a remote, virtual meeting that was livestreamed to the internet.

Members present: Nancy Sogg; Chair, Scott Broome, Sally Burke, Jim Deacon, Craig Steinbrink, and Sandra Turner.

Members absent: Emily Hamilton.

Also present: Chris Courtney, Village Engineer
Todd Hunt, Law Director.

1. Roll Call.
2. The minutes of **Tuesday, March 02, 2021** regular meeting of the Planning and Zoning Commission were submitted for approval.

A motion was made to approve the minutes as *submitted*.

Motion by: S. Broome 2nd: S. Turner

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

3. Motion to adjourn the regular meeting of the Planning and Zoning Commission and convene a meeting of the **Board of Zoning Appeals**.

Motion by: S. Burke 2nd: S. Turner

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

4. A detached accessory structure side yard setback variance request for the **SINE** residence at **2000 Woodstock Road** was heard. Notice has been given to adjoining property owners.
William Glavic, Contractor attended the virtual meeting through the internet.

Mr. Glavic reviewed the proposed side yard setback variance request for the Board. He indicated the original single car garage which was located behind the existing house had been crushed by a large tree in a storm last year. The project consists of a new garage located to the south of the existing house in the rear yard area. The new location will allow for more room/yard behind the house.

Mr. Deacon suggested the existing fence will hide most of the new garage.

Mr. Glavic agreed and stated the new garage is close to be in line with the neighbor's garage to the south.

Mr. Broome reviewed the *Variance Worksheet* for the Board.

After further discussion, a motion was made to *approve* the 15 side yard setback variance request as submitted.

Motion by: S. Broome 2nd: J. Deacon

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

5. A boundary relocation and lot size variance request for the **WEITZEL** properties at **7420 and 7430 Foxboro Road** was heard. Notice has been given to adjoining property owners. Thomas Marotta, Attorney and Robert Weitzel, Owner attended the virtual meeting through the internet.

Mr. Marotta reviewed the proposed request for the Board. He indicated the Weitzels had purchased the property at 7430 Foxboro and extensively renovated the existing structure in order to preserve the building and protect the property from a future new home. Originally a family member was going to live in the cottage. The family member has decided not to live in the cottage and the owners have had the property for sale for more than a year. He indicated potential buyers are not interested in owning 5 acres and the offers they have received fall short of the 1.2 million dollars they have invested.

Mr. Marotta also stated the following additional reasons for the request:

1. The request reverses the previous lot split and boundary realignment that was approved in 2018 with the previous owner.
2. The smaller lot will help preserve the existing access easement to the owner's home and protect the current natural setting.

3. Without the approval and variance request there is no hope of receiving a reasonable return on the amount of money already invested if the property sells.

Mr. Weitzel stated the purchase of the property and renovation of the existing cottage totaled approximately 1.2 million dollars. Interested buyers have indicated wanting a smaller lot and have been offering approximately \$650,000 for the property and cottage. He indicated with the approval on the 3 acre lot it will allow them to list the property for \$785,000 and get more of a reasonable return on their investment. He does not expect to get all of his money back on the sale.

Mrs. Sogg asked if an appraiser had reviewed the proposal and indicated the small lot will sell at the anticipated price.

Mr. Weitzel indicated no appraiser had been contacted however the real estate agent did feel the smaller lot would allow for the property to be listed at \$785,000 and hopefully receive offers closer to the asking price.

Mr. Broome expressed his concern in granting a lot size variance that is under the current minimum standard. He stated the Board has received previous requests for lot splits but none under the 5 acre minimum. He is concerned many current property owners will begin requesting lot splits under the minimum standard. The previous owners lot split made a non-conforming lot into a conforming 5 acre lot and now this request takes it back to non-conforming.

Mr. Steinbrink agreed with Mr. Broomes concerns. He expressed his concern of making a conforming lot into a non-conforming lot for financial reasons.

Mrs. Sogg asked Mr. Hunt if a request of this type could set precedent with future requests.

Mr. Hunt stated it could create a precedent and make it difficult for the Board to deny a request that would be similar.

No objections from any of the adjoining property owners had been reported.

Mrs. Sogg asked if the property owner could look into and consider other options in lieu of a lot size variance in order to protect the existing access easement.

Mr. Courtney suggested a deed restriction which could restrict the size and location of a new home.

Mrs. Sogg suggested revising the current language in the easement in order to protect its location.

Mrs. Turner suggested a conservation easement on a portion of the property might help protect the easement and property.

Mr. Weitzel appreciated the Boards comments and agreed to look at other options that will achieve his goals. He will report back at a later date.

After further discussion, a motion was made to *table* the request until other options by the owner have been researched and considered.

Motion by: C. Steinbrink 2nd: S. Burke

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

There being no further business the meeting was adjourned at **5:58 P.M.**

Nancy Sogg, Chair

David Biggert, Secretary