

MINUTES OF THE ZONING BOARD OF APPEALS
May 9, 2011

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:04 p.m. at the Village Hall.

Members present: Chairman William Cotey, Scott Adams, Dan Donahue, Mark Moore, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and David Smith, Senior Planner.

Board Member Schultz moved, seconded by Board Member Adams, to approve the March 14, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

Board Member Moore moved, seconded by Board Member Schultz, to approve the April 11, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 11-06 Willow Hill Enterprises, LLC, Applicant
103 Third Street**

Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to approximately 20.5 feet; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 11 feet in order to construct a front covered porch in an R-8, Multiple Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation requests. Mr. Smith stated the petitioner, William Tauber, is requesting variations to reduce the minimum required front and corner side yard setbacks in order to construct a front covered porch on a single family residence in an R-8, Multiple Family Residential District located at 103 Third Street. Mr. Smith stated the subject site is located at the northeast corner of Third Street and Park Avenue. He stated that the existing home had a pre-existing porch which was reported by the applicant to be in need of substantial repair. He stated that the location of the porch falls within the 30 foot front and corner side yard setbacks. He stated that

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the applicant seeks variations to encroach into the front and corner side yards in order to rebuild the existing front covered porch. Mr. Smith stated that once complete, the setbacks from the front property line will be approximately 20.5 feet and from the corner side yard property line approximately 11 feet.

Mr. James Babowice, representing the petitioner, stated that the front porch was in need of repair as it was dilapidated.

Board Member Adams stated that the porch has appeared to already be under construction.

Mr. John Spoden, Director of Community Development, stated that the Code allows under certain conditions the maintenance of property. He stated that in this case, the property owner exceeded maintenance activity and was actually doing new construction activity which would have required a Building Permit. He stated that portion of the new construction encroached into the required yards.

Board Member Moore asked if the new porch will be in the same location as the old porch. Mr. Tauber stated that it will be in the same location.

Chairman Cotey asked for clarification as to construction materials and if heating and cooling will be incorporated into the addition. Mr. Tauber stated that it will be a brick and siding enclosure with ventilation to allow heating and cooling to come into the addition.

Chairman Cotey asked the petitioner what they would like for the Zoning Board of Appeals to do. Mr. Babowice stated that they are requesting that the Zoning Board of Appeals give a positive recommendation to the Village Board of Trustees.

In the matter of ZBA 11-06.1, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 20.5 feet in order to construct a front covered porch in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

Ayes: Cotey, Adams, Donahue, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: None

In the matter of ZBA 11-06.2, Board Member Moore moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 11 feet in order to construct a front covered porch in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

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Motion carried 7 - 0.

Ayes: Cotey, Adams, Donahue, Moore, Oakley, Schultz, Semmelman

Nays: None

Absent: None

COMMUNICATIONS AND DISCUSSION:

Board Member Schultz moved, seconded by Board Member Moore, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:15 p.m.