

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL
MONDAY, JULY 6, 2009

Chairperson Jon Chaiken called to order a regular meeting of the Amberley Village Board of Zoning Appeals held at the Amberley Village Hall on Monday, July 6, at 7:00 P.M.
The Clerk called the roll:

PRESENT: Jon Chaiken, Chairperson
Larry McGraw
Susan Rissover
Scott Wolf
Elinor Ziv

ALSO PRESENT: Bernard Boraten, Village Manager
Stephen Cohen, Village Solicitor
Nicole Browder, Clerk

ABSENT:

Mr. Chaiken asked if there were any additions or corrections to the minutes of the February 2, 2009 meeting that had been distributed. Mr. McGraw moved to approve the minutes as submitted. Seconded by Mrs. Ziv and the motion carried unanimously.

Mr. Chaiken asked if there were any additions or corrections to the minutes of the May 4, 2009 meeting that had been distributed. Mr. McGraw moved to approve the minutes as submitted. Seconded by Mrs. Ziv and the motion carried unanimously.

Board of Zoning Appeals Case No. 1037

Mr. Chaiken announced that the Board would consider a request from John Weinkam, resident at 7190 Winding Way, for a variance from the zoning regulation that garages which are a part of the dwelling must not have their principal access face the street, road or highway.

Mr. Chaiken invited the applicant to present the case to the Board. Mr. Mark Dierker introduced himself as the architect for the project. Mr. Dierkers explained that the existing garage had been damaged in a recent storm and needed to be replaced. Two options have been prepared for the property owner, Mr. Weinkam. Option 1 would be a new attached two car garage addition that would include a reading nook, stairs and mudroom addition to the rear of the home. Option 2 would be a detached three car garage.

Mr. Chaiken asked if options would be considered to keep the doors facing away from the street. Mr. Dierkers explained that the grade of the property would require the installation of additional driveway, which he felt was less visually appealing for the neighboring properties, not to

mention the expense. Discussion was held among the Board members regarding the options presented. Mr. Chaiken then asked the applicant which option was preferred. Mr. Weinkamp expressed that it would be his preference to build the attached garage with the addition. However, he would like both plans approved by the Board and then he will have both options quoted in order to make the decision from a financial perspective.

Mr. Wolf moved to approve Option 2 as submitted. Seconded by Mr. McGraw. Discussion was held among the Board regarding which plan to approve based on the applicant preferring both plans be approved so that the applicant does not have to return the Board to proceed after quoting the projects. Mr. Wolf withdrew his motion. Seconded by Mr. McGraw.

Mrs. Rissover moved to approve front facing garage doors based on plans submitted which provide for two options for construction of a garage. Seconded by Mr. Wolf. The motion carried unanimously. Mrs. Ziv noted that the applicant is replacing an existing front facing garage.

Board of Zoning Appeals Case no. 1038

Mr. Chaiken announced that resident Menachem Kalmanson is seeking approval for two sheds that have been constructed in his rear yard, without zoning approval. The 8' x 8' shed would require a variance from the zoning regulation that accessory structures may not face any street, road, or highway. The 10' x 12' shed would require a variance from the zoning regulation that accessory structures may be built in a required rear yard not nearer to a rear lot line than the side yard requirement for such lot.

Mr. Chaiken invited the applicant to present the case to the Board. Mr. Kalmanson explained that he was unaware of the permit requirements at the time; however, it did not excuse him from having to comply with the code. He stated that the 8' x 8' shed has been on the property for over five years. He felt that the shed was difficult to see from the street view and he does not leave the doors open. The second shed is a 10' x 12' structure was placed in the back yard where a large section of trees were removed by Duke Energy during a repair response to wires down in the area after a windstorm. The shed was discussed with the neighbor, Mr. Younger, prior to it being constructed and Mr. Younger, at the time, was agreeable to the plan for the shed. Mr. Kalmanson explained that he felt the sheds were located out of sight from most all views and that it would be a financial hardship to relocate the sheds.

Discussion was held among the Board members regarding options for placement of the sheds. Mrs. Rissover clarified that both sheds were not installed on concrete pads. Mr. Younger, resident at 2310 Royaloak stated that he would like some type of evergreens planted to block his view of the 10' x 12' shed.

Mr. McGraw moved to approve a nine foot setback for the 10' x 12' shed with the requirement that evergreens be planted and maintained so that a visual barrier is created for the neighboring properties. The evergreen barrier must be planned to the Village Manager's specifications. Seconded by Mr. Wolf and the motion carried.

Additional discussion was held among the Board regarding when the planting would be required to be completed. Mr. McGraw moved to amend his motion to require that the evergreen barrier be 4-6 foot in size and be planted within two months from the date of the July Board of Zoning Appeals meeting. Seconded by Mr. Chaiken and the motion carried.

The Board next discussed the 8'x 8 shed on Mr. Kalmanson's property. Mr. Chaiken stated that he would like this shed to be brought into code. Mr. McGraw agreed that the shed could easily be turned so that the doors do not face the street.

Mayor Kamine addressed the Board by stating that it should be considered that both sheds were constructed and placed without the required permit. The reason the Village has the code in place is to protect the neighbors' visual impact and that he felt the cost involved to bring the sheds into code was minimal and not unfair.

After additional discussion among the Board, Mr. Chaiken moved to approve that the variance for the 8'x 8' shed to keep the doors facing the street be denied. Mr. McGraw seconded and the motion carried.

There being no other business to discuss, Mrs. Ziv moved to adjourn. Seconded by Mrs. Rissover and the motion carried unanimously.

Nicole Browder, Clerk

Jon Chaiken, Chairperson