

MINUTES OF TOWER LAKES

PRESIDENT AND BOARD OF TRUSTEES SPECIAL MEETING

Date: March 8, 2000

Location: Village Office

Time: 7:04 P.M.

PLEDGE:

President Fitzpatrick called the meeting to order and led the Pledge of Allegiance.

ROLL CALL:

Present: Trustees Aitken, Cantieri, Heagarty, Kuskowski,

and Parro; President Fitzpatrick. Absent: Jansing

SIGN-IN:

See Attached Sign-In list.

VARIATION REQUESTS:

1. Tom and Judy Kubala, 211 West Lakeshore Drive

Variation request:

The Kubala's are requesting the following 2 variances:

- Variation from Zoning Ordinance 1302 regarding front yard setback. The ordinance requires 21.6 feet setback and the Kubala's are requesting 18.16 feet setback.
- Variation from Zoning Ordinance 1401 regarding building height. The ordinance requires a maximum front elevation of 27 feet and the Kubala's are requesting a maximum of 30 feet from garage door side to secondary story peak.

Background:

The Kubala's plan to convert a 2 bedroom 2 bath single story home which is about 2800 sq. feet including garage. The construction will take place on the existing foundation by adding a second floor consisting of 4 bedrooms and 2 baths plus spa for a total of about 2100 sq. feet. The first floor master bedroom will be remodeled into a library and the existing 1 bedroom 2 bath would remain. The request is for a 5 bedroom 4 bath home.

The septic system plan will include a 750-gallon tank, 750-gallon aerobic tank, a lift station, and two 58.5 by 13 feet bed at grade mound with optional 50 percent expansion area.

Discussion:

The ordinance cites a maximum height of 27 feet from the lowest grade. The statement in the ZBA minutes and recommendation regarding the elevation from the garage door is incorrect. The elevation should be measured from the lowest grade which is the rear (backyard) and the approximate height of 30 feet is also incorrect and should be closer to 38 feet as calculated from lowest grade. The Board cannot amend the ZBA's recommendation and cannot vote on the recommendation because it is incorrect.

The new variation request to the ZBA regarding height elevation should be for a maximum of 38 feet from the rear of the house (NW corner). The roof line will not change, so the request should not be a problem.

Trustee Kuskowski stated that architectural plans generally do not include the height of the house or setback. Trustee Parro stated that maybe the Board should require plans to include height, setback measurements etc. – variance request measurements. Furthermore, Trustee Cantieri stated that the ZBA recommended a height elevation variance almost 2 years ago which was also incorrect – measured from front steps vs. lowest elevation. He stated that the resident suffers – Mr. Kubala’s construction will be delayed because the ZBA was incorrect and now Mr. Kubala must wait for another ZBA meeting and Board meeting before construction can start.

2. Brad and Christina Merkle, 415 Oxford Road

Variance Request:

- Variation from Zoning Ordinance 1401 regarding building height. The maximum front elevation is 27 feet under the ordinance. The Merkle’s are requesting a front elevation of 30 ft from the garage door side to the second story.

Background:

The Merkle’s plan to convert a 3 bedroom 1 bath single story home of about 2200 sq. ft. including garage by adding a second floor with 3 bedrooms and 2 baths of about 800. Also the plans are to remodel the first floor by expanding the kitchen into existing bedroom number 2 and converting existing bedrooms number 1 and 2 into a single home office/studio and keeping the existing bath.

The septic system will consist of a new 500 gallon tank, a new 500 gallon aerobic tank and will utilize the existing 140 foot **blind??** field with room for a type 4 mound expansion. The existing well and existing septic tank are to be abandoned. The existing lot size is 12,400 square feet.

Discussion:

Trustee Parro made a motion that the Board approve the variance to the

Merkle’s from Section 1401 of the Zoning Ordinances which will allow a height variance not to exceed 30 feet vs... maximum 27 feet in the

ordinance. The Merkle's will add a second floor to the existing structure and will not change the existing footprint nor the existing foundation. The number of bedrooms, three, will remain the same. The motion was seconded by Trustee Kuskowski and a roll call vote followed: AYES: Aitken, Cantieri, Heagarty, Kuskowski and Parro. NAYES: None

3. Kay and Dave Fuller, 327 East Lakeshore Drive:

Variance Request:

The Fuller's are requesting the following 3 variances:

- Variation from Zoning Ordinance 1101 regarding a substandard lot. The minimum lot size under the ordinance is 20,000 square feet. The Fuller's lot is 17,000 square feet.
- Variation from Zoning Ordinance 1302 regarding a rear yard setback. The ordinance requires a setback of 24.7 feet and Fuller's are requesting a 10-foot setback.
- Variation from Zoning Ordinance 1401 regarding building height. The maximum front elevation is 27 feet under the ordinance. The Fuller's are requesting an estimated front elevation of 28.9 feet. Chair Gold said the Village Building Officer was unable to determine the exact height of the new plan. The Building Officer seems to be sure it is over 27 feet, but does not know how much over. Chair Gold did not know why the Building Officer could not determine the exact height. The Fuller's have estimated that the height is 28.9 feet.

Background Information:

The Fuller's are planning to demolish the entire single story home – 1250 square feet and the foundation. It will be replaced with a 2-story 4-bedroom home consisting of 2160 square feet plus an 800 square foot basement on a new foundation. The proposed house will consist of a first floor with 2 bedrooms and 1 bath and a 24 by 24-attached

garage. The second floor will consist of 1 bedroom and 1 bath and a walkout basement. Future plans for the walkout basement include 1 bedroom and bath.

The septic system plan calls for a 4-bedroom house with a 500-gallon tank, a 600-gallon aerobic unit, a **root??** station and a single 100 by 13-foot bed at grade mound with an optional 50 percent expansion.

Discussion:

Trustee Kuskowski said the front yard setback is incorrect – 30 feet or 20% of average depth of parcel whichever is less. The front yard setback was measured from the address – East Lakeshore, but should have been measured from the front door- East Tower. Therefore, the front yard setback should be for 30 or 25 feet instead of 20 feet from the lot line. A front yard setback variance, not a rear yard setback variance is required.

Furthermore, a side-yard variance is needed. The side yard variance should be at a minimum 10 feet on the NE end and about 12 feet from the SE end.

In addition, a height yard variance of greater than 30 feet should be requested, to give the resident more flexibility in determining the exact measurement from the lowest grade.

Lastly, a rear yard setback is not required, due to the above variances (e.g. front yard variance and designation of front yard).

President Fitzpatrick said that the Board does not have any problem with the plans or variance request. However, the request for variances needs to be "cleaned-up", to ensure measurements are technically correct. The Zoning process is a due process issue. If someone wants to challenge some action taken by the Board in the future, all ZBA variances and support documents must be technically correct. Any mistake made by the Board from a due process standpoint puts everyone at risk and the Board has a fiduciary responsibility. However, it is unfortunate that the review by the ZBA was not done correctly.

Since the residents do have several trees in their yard which may need to come down (e.g. one cherry and one large Oak Tree), they should contact the Village Arborist to determine if any are diseased or alternatives to taking them down.

MEETING ADJOURNED:

At 8:18 P.M., Trustee Cantieri made a motion to adjourn which was seconded by Mr. Parro and followed by unanimous voice vote.

Respectfully Submitted,

Madeline M. Chulumovich

Village Clerk