

**VILLAGE OF PAW PAW
ZONING BOARD OF APPEALS**

November 17, 2008

PRESENT: Chairperson Hindenach, Mary Lou Greensley, George Kolosar

ABSENT: Marcos Flores, Julie Pioch

ALSO PRESENT: Rebecca Harvey, Village Planning Consultant, and eight (8) members of the public.

CALL TO ORDER

Chairperson Hindenach called the meeting to order at 7:12 p.m.

APPROVAL OF MINUTES

The first matter to come before the Board was consideration of the proposed minutes of August 13, 2008. Mr. Kolosar moved to approve the minutes as presented. Ms. Greensley seconded the motion. The motion carried unanimously.

VARIANCE REQUEST – KLOOTE

The next matter to come before the Board was the request of David Kloote for variance approval from the 66 ft frontage requirement and 80 ft lot width requirement for the proposed division of an existing one (1) acre parcel into three (3) parcels with frontage on a proposed easement for ingress, egress, and public utilities. The subject property is located at 625 North Gremps Street and is within the “R-1” Single Family Residential District.

David Kloote was present on behalf of the application. He explained that the existing site is very large and can easily be divided into three (3) 10,000 sq ft lots, with each being provided 120 ft of frontage on Maple Lake. He noted that a single, nontraditional driveway is proposed to extend into the property providing both ‘frontage’ and access for each new lot.

Mr. Kloote stated that the subject property is currently occupied by a residence and that he desires to either renovate/modernize the existing home or

construct a new home on the site. He indicated that he would like to retain one (1) of the lots for his residence and sell the remaining two (2) lots. Mr. Kloote then introduced Marla Bruemmer, a residential home designer, and explained that she had been retained to provide direction in the development of the property. Ms. Bruemmer stated that the proposal represents Mr. Kloote's interest in protecting the lake property as well as minimizing impacts on adjacent properties and the neighborhood as a whole.

Pete Durenzo opined that to grant the requested width and frontage variances for the subject property would in effect open up the entire lake frontage for division and development. He stated that serious sewage disposal problems exist in the area and additional building sites would negatively impact the situation. Further, the 22 ft of existing frontage serving the site is inadequate to provide access to three (3) properties. Mr. Durenzo noted that many peninsulas exist on the lake and that this does not represent a unique situation. He added that the grant of the requested variances on this property would establish a pattern of development for all of the peninsulas. He felt this would be akin to allowing 'keyhole' development, which the Ordinance currently prohibits.

Pat Murch expressed serious concerns with the establishment of three (3) lots on the subject property as it relates to its limited frontage, the dead-end ingress/egress in an area of existing congestion, and the area's limited sewer capabilities.

Both Pete Durenzo and Pat Murch stressed that they did not oppose the applicant's desire to renovate or rebuild but rather only to the land division proposal.

Mr. Kloote responded that he had contacted the Village Public Works Department for input on the sewer situation in the area and was told that the present system will accommodate three (3) additional homes.

Chairperson Hindenach noted the receipt of correspondence dated November 12, 2008 from Linda and Gregory Kaiser.

No further public comment was offered on the matter.

General Board discussion ensued wherein the elements of the request were reviewed. It was noted that the Ordinance requires a minimum of 66 ft of frontage on a public or private road or 50 ft of frontage on a public or private cul-de-sac for buildable lots. The proposed 35 ft wide easement for 'ingress, egress, and public utilities' was recognized to not meet the Ordinance definition of 'private road' nor do the proposed lots provide the requisite frontage on same. It was also noted that the proposed lots do not provide the minimum lot width of 80 ft required within the "R-1" District.

Chairperson Hindenach noted that the Board had considered only one (1) similar request in the past and that said variance request for property on Drew Street (alley) had been denied.

The Board proceeded with a review of the variance criteria set forth in Section 42-66., noting the following findings:

1. the situation of the subject property on a peninsula is not unique; the arrangement of the property is similar to many properties in the general vicinity and around Maple Lake as a whole; the configuration of parcels in the area exist as nonconformities and do not represent the intent of existing dimensional standards;
2. the subject property is currently occupied by a residential dwelling and can continue as a legal building site; the extension of the road will allow for land division in compliance with the Ordinance;
3. the proposed land division will be detrimental to adjacent properties and public health, safety, and welfare given the area's existing congestion, accessibility concerns, and sewer limitations;
4. the situation of the subject property due to its location on a peninsula is not unique to the area, or to shoreline property in general.

Mr. Kolosar then moved to deny the requested variance from the 66 ft frontage requirement and the 80 ft lot width requirement so as to permit the proposed division of an existing one (1) acre parcel into three (3) parcels with frontage on a proposed easement for 'ingress, egress, and public utilities' based upon consideration of the variance criteria set forth in Section 42-66., Zoning Ordinance. Ms. Greensley seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.