

Architectural Control Board

Minutes of October 27, 2008

The meeting was called to order at 7:00 p.m. Present were Jim Perkins, Rick Andritsch, Mike Bickler, Paul Clarkson, Sandy Eppers, Sharon McNellis, Gale Schwartz, Don Wiemer, Village Administrator, and Jeanine Griswold, Secretary.

In attendance were Richard Latta, Nancy Callan Latta, Judith Stark, Don Bierman, Jeff Fellows, Meme Fleming Fellows, Steve Fleming, Judy Fleming.

1. A motion (McNellis/Schwartz) to approve the minutes of the September 22, 2008 meeting, Carried Unanimously.
2. Mr. & Mrs. Richard Latta, 34907 Fairview Road, new accessory structure (garage). Mr. Latta submitted a site plan of existing topography of the home, final elevation of the garage, detailed landscape and drainage proposal that was requested by the Architectural Control Board in September. Mr. Latta explained that as of the last meeting of the board, this is a contested hearing and there are certain rights that are attached to a hearing of this nature, but more importantly is first, there be a fair and impartial hearing free of bias. Second, that the board is to apply the ordinances as written and may not substitute its judgment for that of the Village Trustees who enacted the zoning code, the Architectural Control Board is not authorized to re-write the law but rather to apply it. Third, when construing a zoning ordinance any ambiguity in meaning ought to be resolved in favor of the free use of property. Fourth, the decision of the board is to be made based on the zoning ordinance and plans submitted to the board and not on the board's attitude toward the applicant, the proposal, or the zoning ordinance.

Mr. Latta continued with the requirements of Zoning Code 17.60(3). The property is zoned R-2, and the proposed garage has been designed to meet the zoning requirements of the R-2 district. Mr. Latta explained how his submission meets each of the subsections of 17.60(3) as follows:

Subsection A: The requirement is that the building not be of unorthodox or abnormal character. The submission shows that the garage is consistent with the style and character of the home, the residences to the east and west and the road as a whole.

Subsection B: The garage is consistent with the style of the neighboring properties. The detailing on the designed garage is different than the adjacent buildings to avoid monotony.

Subsection C and D: The garage will be cedar shake, which is historically accurate to the house and the adjacent properties.

Subsection E: The proposed garage size will be 26' x 42'. The accessory building to the house on the east, which is the Fleming's, is 40' x 68'. The three car garage to the west, which is the Gallagher's house, is 25' x 50'. The proposed garage is smaller than many of the three-, four-, and five- car garages on the road.

Subsection F: The roofline of the proposed garage was designed to be consistent with the roofline of the accessory building on the property to the east and the boathouse at Mrs. Greene's property, both of which were built at the same time and in the same style. The visual continuity of the roofline is consistent with both properties.

Subsection G: The color will be natural cedar shake with white trim, which is consistent with the home and materials used on neighboring properties as well as the historical pattern of homes on the lake.

Subsection H: In regard to the sighting of the structure as shown by the site plan that Jahnke and Jahnke provided, the proposed garage is 90' from the residence to the east and is 15.5' from the lot line to the property to the east where the requirement offset is 15' and the garage is 95' from the residence to the west.

Mr. Latta addressed the concerns of Mr. and Mrs. Fleming in regard to the view of the open space, and the removal of the ash tree where the proposed garage is to be built. A certified arborist has recommended the removal of the ash tree due to the fact that it is dying and has root rot. Mr. Latta noted the tree will be removed this fall. Judy Stark, representing Stark Properties, explained the drainage plan and proposed landscaping. Discussion followed regarding the proposed swale. Additional landscaping will be added, such as three large Norway Spruce, two flowering Crab Apple Trees on the north side of proposed garage, shade tolerant shrubs, Western Arborvitae and Viburnum will be added (along the property line). The lighting will be shielded luminaries that will include two lights on the front of proposed garage facing west and one on the door.

Mr. Jeff Fellows submitted to the Architectural Control Board information that included pictures and documentation and be made part of the record. Discussion followed. Mr. Steve Fleming discussed his concern regarding the placement of the proposed garage and destroying the natural beauty of the area. He also stated this proposed garage will diminish the value of his property. Discussion followed regarding removal of the swale and adding a catch basin and pilings in order to protect the landscaping that is currently in place. The stone is to be removed north of the proposed garage. Mr. Bickler stated that no construction traffic is allowed 15 feet between the east side of proposed garage and the property line.

A motion (Bickler/Clarkson) to approve the plan, subject, to the re-submission and modifications to include: installation of two windows on the east elevation to make a total of four, add arborvitae to the east side from the maple trees north; add another maple tree on the north side; add additional arborvitae if the current two maples do not survive during construction; remove swale and add catch basin on the north side and pilings on the east side of the slab and re-designed storm water drain running toward the lake; Carried Unanimously.

The drainage pipe is to be drafted by an Engineer and plan to be submitted to the Village Administrator.

A motion (Clarkson/McNellis) to adjourn was made at approximately 9:12 p.m., Carried Unanimously.

Respectfully submitted,
Jeanine Griswold