

MINUTES
GENEVA ZONING BOARD OF APPEALS
June 26, 2019
Council Chambers – 22 S. First Street – Meeting #2019-12

Present: Chairman Pro tem Hood, Members Debates, Hunz, Kerfoot, Konicek
Absent: Members Rittenhouse
Staff: Building Commissioner Eric Nelson
Others Present: Architect Tim Nelson, 421 James St.; Applicants Dr. John and Christine Kefer; Marcia Steinbrecher, 220 Spring St.; Patti and Brian Durniec, 222 Spring St.; Planet Depos Court Rptr. Paula Quetsch; Recording Secretary Celeste Weilandt

The meeting of the Zoning Board of Appeals was opened at 7:00 p.m. by Chairman Pro tem Hood. The recording secretary called the roll and a quorum was present with five (5) voting members.

Approval of the April 10, 2019 Meeting Minutes

Minutes of the April 10, 2019 meeting were approved on motion by Member Konicek, second by Member Kerfoot. Motion carried by voice vote of 5-0.

PUBLIC HEARING

Chairman Pro tem Hood read the protocol for the public hearing and swore in those individuals that would be speaking.

210 S. Bennett Avenue - IN ACCORDANCE WITH Section 11-14-5 (Variations) of the Geneva Zoning Ordinance, the petitioners are requesting a variation from Section 11-4-3F (Detached Accessory Structures, Improvements, and Uses) to expand the nonconforming use of a detached garage in the street yard.

Building Commissioner Eric Nelson read into the record the contents of the ZBA file.

Chairman Pro tem Hood opened the public hearing and invited the petitioner to come forward.

Petitioner, Dr. John Kefer, corrected the address to be 210 S. Bennett Street. He referred to a 1938 aerial photograph that depicted his property along Bennett Street and then on a more current map (Downtown Master Plan - Opportunity Site 6). He noted that language in the zoning ordinance referred to garages being in the side yards. That being the case, he would have Bennett as his front yard while Crissey would be his side yard. If his garage was in the side yard, he argued it could be modified. However, he stated the City did not see it that way which was why he was before this board.

Dr. Kefer described the 60-foot slope that starts from the street and heads down to the river. He explained how the ordinance does say he can have a second building. Additional photographs of his property were shared. Challenges to his property were also shared. Dr. Kefer discussed that his home was constructed by Frasier Raftery, an architect, and he would like to keep the original design of the home since he and his wife were the second owners.

He further spoke on how the building department's description of a front yard was the narrowest part of one's yard and referred to other similar properties, hoping the City would allow a deviation from its guidelines. Referring to staff's recommendations and the standards for the variance, etc., Dr. Kefer spoke

about reasonable return (Standards 1 and 4) and the fact that the City believes he does have enough space for a third car in the existing area.

Mr. Tim Nelson, architect for the project, explained how the project met the four standards, pointing out the existing structure is not visible from the street due to the grade and no sidewalks exist. The lot to the south was vacant and very large. The proposed addition would increase the value of the lot and the surrounding properties. He stated the owner was requesting the minimum variation for the artist's studio on the east side of the existing structure. The same size studio (12-ft. wide) as the existing was being proposed and it would be constructed into the grade. The existing art studio would be turned into a third-car garage with use of the existing driveway.

Regarding reasonable return, Mr. Tim Nelson stated that with the current lot size, a three-car garage was reasonable and it would be needed. The property to the north also had a detached garage with an artist's studio. As for the unique hardship, Mr. Tim Nelson pointed out there was limited space on the lot to construct a three-car garage due to the drop in the grade, and constructing a garage would be financially expensive. He argued the best solution and most elegant solution was to construct the addition onto the existing non-conforming building in the front yard.

Asked why the art studio had to be in the garage, Mr. Tim Nelson explained his client needed a certain amount of space but also wanted to keep the historic home intact. No plumbing was planned for the studio. Mr. Tim Nelson estimated the addition would be about 100 feet from Bennett Street.

Asked what the variation was, Building Commissioner Nelson explained the owner had a non-conforming structure on the property and wanted to expand the use of the non-conforming structure by 12 feet in a front yard. (Code does not allow for an accessory structure in the front yard.)

Chairman Pro tem Hood invited the public to speak.

Ms. Martha Steinbricher, 220 Spring Street, confirmed she could not see the applicants' house from her home across the street. She did not object to the petition and mentioned she ran into the same issue.

Mr. Brian Durniec, 222 Spring Street, inquired what the setback was for a normal lot. He stated this lot was not normal – citing it was an acre lot. He stated the applicant's (structure) would be 75 feet from the street, it sloped down to a floodplain and you could hardly see the house. He was not against the request.

Applicant, Ms. Christine Kiefer, 210 S. Bennett Street, explained her art is in textile designs and the profession is messy. She relayed the fact that the city has become interested in people aging in place and she has family in the area. She wanted to leave the original structure alone since the sun exposure was very good. She reminded the board the no one will see the addition and it was the simplest way to solve the issue without tearing up the site.

Member Debates voiced her understanding of the petitioner's argument regarding which side was his front yard and mentioned it was worth considering. The approximate 12 ft. x 17 ft. addition was minimal as compared to the overall lot size, it was not affecting the neighbors, and the neighbors were not concerned. She supported the petition. Member Konicek believed the request was also fair.

Motion by Member Debates, second by Member Hunz to close the public hearing. Motion carried by voice vote of 5-0.

Motion by Member Debates to approve the request for 210 S. Bennett Avenue seeking a variation from Section 11-4-3F (Detached Accessory Structures, Improvements, and Uses) to expand the nonconforming use of a detached garage (12 feet) in the street yard, based on the fact that it was located in more of a side yard than in a front yard, the addition was minimal as compared to the overall lot size, and due to the petitioner’s reasoning for approval. Second by Member Konicek. Roll call:

**Aye: Debates, Hood, Kerfoot, Konicek
Nay: Hunz**

MOTION PASSED. VOTE: 4-1

Special Items – None.

Other Business

A brief dialog followed regarding the addition of a new member to this board and the application process.

Adjournment

There being no further business to come before the Geneva Zoning Board of Appeals, motion was made by Member Konicek, second by Member Hunz to adjourn the meeting at 7:40 p.m. Motion carried unanimously by voice vote of 5-0.

Respectfully submitted,

Chairman Pro tem Hood

/s/ Celeste K. Weilandt _____
Celeste K. Weilandt, Recording Secretary