

Village of Elm Grove Board of Appeals Meeting Minutes

The meeting was called to order at 4:01 p.m.

ROLL CALL

BARRY BOOK, Chairman

TIM CLARK

JOSEPH PUCHNER – absent

JOHN ALLEN – absent

DOUGLAS JACOBSON – via Zoom

GORDON GIAMPIETRO – absent

FRANK LORENZ

HECTOR DE LA MORA, VILLAGE ATTORNEY

KATHERINE GEHL, ZONING & PLANNING ADMINISTRATOR

SANDEE POLICELLO, VILLAGE CLERK

MINUTES

**MOTION BY CLARK, SECOND BY LORENZ, TO APPROVE THE MINUTES OF JANUARY 31, 2023 AS PRESENTED.**

**ALL IN FAVOR. MOTION CARRIED.**

HEARING – 14270 CREEKWOOD COURT

Applicant: Matt Anton - Homeowner

The Clerk administered an oath to Matt Anton.

Mr. Anton presented his case. He seeks to increase the extension of the overhang over the front door area of his house. Mr. Anton stated that the current overhang is not sufficient and rot has resulted due to the front door being exposed to weather. Mr. Anton seeks to extend the overhang an additional 4' from the existing 2' overhang of the same doorway area. There is currently a concrete front stoop which extends approximately 6' from the door entrance of the home. Mr. Anton would like to pour a new stoop.

Mr. Lorenz asked if the applicant knew the structure was non-conforming when he purchased the house. Mr. Anton said he did not. Mr. Lorenz asked if this request is denied, would he proceed with other remodeling of the home that he is considering. Mr. Anton said he would.

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Mr. Jacobson asked the date when the house was built. Mr. Anton said 1970 or 1975. Mr. Anton believes there may at one point have been an overhang where this one is being proposed.

The current overhang is 48' from lot line. The property is at the end of cul-de-sac. The ordinance allows for the possibility of a 2' encroachment into the street right-of-way setback for architectural projections.

Mr. Lorenz asked if the extension would go out further than where the rocks currently on the property are located. Mr. Anton said it would not. Mr. Lorenz asked if the modification would provide for a safer area in bad weather. Mr. Anton said it would.

Mr. Clark informed Mr. Anton that he would need a hardship greater than weather for a variance. Mr. Anton said it has caused damage to his house resulting in his having to put significant money into the house for repairs. Mr. Clark said that is not an uncommon situation and asked if he had anything else that presents a hardship. Mr. Anton said he does not know how to make an improvement to the problem without this specific change being made. He added that his property is secluded and on a cul-de-sac.

Attorney de la Mora said the ordinance allows a variance of 2' for architectural projection and asked Mr. Anton if in the design process he contemplated a 2' extension versus a 6' extension. Mr. Anton said he would have to check with the builder but believes the overhang would need to be larger to provide protection from weather and a smaller extension may not work with the current posts for the overhang. Mr. Anton said he wants his door swing to clear the overhang support posts and it may not clear if the extension was not as large as he is requesting. Attorney de la Mora asked if the architect was aware of the ordinance. Mr. Anton said he did not know if the architect had knowledge of the ordinance.

Mr. Anton said he has owned the house for 12 years. Mr. Anton stated that he is already 2' into the street setback with the existing sill. Chairman Book asked if Mr. Anton was asking to add 4' or 2' to the existing sill. He noted the 49.9' was taken from the siding of the house, so it appears the existing sill is already using the 2' encroachment that is potentially allowable. Mr. Anton agreed with this.

Mr. Jacobson clarified that Mr. Anton is requesting a 6' porch extension from the front entrance wall of the house.

CONVENED INTO CLOSED SESSION

**MOTION BY CLARK, SECOND BY ALLEN, TO CONVENE INTO CLOSED SESSION.**

**ROLL CALL VOTE:**

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**AYE- BARRY BOOK  
AYE- TIM CLARK  
AYE- FRANK LORENZ  
AYE- DOUG JACOBSON**

**ALL IN FAVOR. MOTION CARRIED. CLOSED SESSION BEGAN AT 4:12 P.M.**

RECONVENED INTO OPEN SESSION

**MOTION BY CLARK, SECOND BY LORENZ, TO RECONVENE INTO OPEN SESSION.**

**ALL IN FAVOR. MOTION CARRIED. RETURN INTO OPEN SESSION AT 4:18 P.M.**

Chairman Book informed Mr. Anton that based upon the legal definition of hardship, the applicant has not proven that a hardship exists which would support the granting of a variance. The applicant was informed that his application for a variance was denied.

ADJOURNMENT

There was no further business.

**MOTION BY CLARK, SECOND BY LORENZ, TO ADJOURN THE MEETING.**

**ALL IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 4:21 P.M.**

Minutes transcribed by: Sandee Policello

Minutes Approved on: May 24, 2023