

Kenton Brett, 6680 Meadow Ridge Lane, informed the Board that the topsoil has been washing out along the south side of the home and corner of the basement. He stated he has had experts review the area and they agree that the retaining wall will decrease erosion and water intrusion into his home.

Mr. Wolf asked about the original wall and why that was removed.

Mr. Brett stated that the old wall made of greenish, grayish stones extended out five feet from the corner of the house and supported the garden bed along the home. He stated that he noticed movement of the wall about a year or so later and the stones became buckled toward the driveway. He then removed the wall to prevent damage to vehicles. He stated that his approach is that he would like to add a landscape feature to this area and restore its functionality to prevent erosion and water intrusion.

Mr. Rubenstein asked when the original wall was removed. Mr. Brett stated that it was 2015 or 2016.

Mr. Rubenstein asked if the wall was repaired at that time would zoning have applied.

Solicitor Frank commented that the Village code would have grandfathered any repair to an existing wall but not replacement of a wall (or fence).

Mr. Rubenstein talked about adding conditions with the variance as the applicant has submitted an artist's rendering of the proposed retaining wall.

Solicitor Frank agreed that conditions can be applied as to the color, style, etc.

Chair Bardach asked if there were any other questions or residents present who would like to speak. There were none and Village Manager Lahrmer confirmed that he had received no communications for or against the request.

Mr. Lauer asked if there were other properties in the Village where retaining walls exist along driveways.

Mr. Brown confirmed that there are many walls installed on homes where the wall is out front, and along driveways that go around the house.

Mr. Wolf asked for additional information regarding the erosion problems. Mr. Brett explained that the washout of the topsoil has resulted in grass and plants in that area to burn and dry out.

Ms. Rissover commented that with the erosion and landscaping issues, the proposal will be an improvement for the property. She stated that she didn't think the Village should require a variance for this type of improvement.

Mr. Brown noted that the Village has flexibility with retaining walls and the reason for this variance is because it is in the front yard.

Mr. Rubenstein moved to approve the variance as submitted with the condition that the project be completed consistently with the artist's rendering contained in the application submission. Seconded by Chair Bardach and the motion carried unanimously.

Case No. 2011

Chair Bardach introduced the application from residents Jeffrey and Shanny Katzman of 2190 Bluegrass Lane who are seeking a variance from Village Code Section 154.12 (B). The variance would allow for the construction of a 15' x 8' shed between the driveway and the north property line with a side yard setback of less than 1' (from the north property line).

Mr. Brown provided the staff report for the application. He informed the Board that the Katzman's have proposed to construct a shed to store their lawn equipment, recreation equipment, and religious hut as part of their overall plan to increase the living space of their home due to their expanding family. Their plans include converting the existing garage into living space which prompts the need for the storage shed. They noted they would also like to expand the driveway for parking.

Mr. Brown stated the property is located in Residence B Zoning and requires a minimum setback of 12' from each rear and side property line.

Mr. Brown presented from the applicants' letter the reasons for the proposed location for the shed:

- The intent is to utilize the driveway for access to the shed;
- The proposed shed has two sets of doors and they believe if they place the shed anywhere else one set of doors will face the street;
- They intend to extend the driveway to the south to park their car;
- This location allows their family to continue to use the remaining portion of the backyard for recreation;
- Their neighbors are interested in sharing the storage shed; and
- The topography of their lawn in the back has a sloped grade and would make it harder to prepare the site for the shed.

Chair Bardach invited the applicant to speak to the Board and no one was present. Chair Bardach asked if the Village had been contacted by the applicant. Village Manager Lahrmer confirmed that he did not hear from the applicant or the neighboring properties for or against the request.

Ms. Rissover expressed her interest in how the proposed shed would work with the topography of the property. She also commented that the plastic-appearing material may not be suitable. A member made a comment that the proposed shed was similar to a previous request by another resident for a car port that was denied.

Mr. Lauer asked if there was a provision that the Board could not hear the application without the applicant present.

Solicitor Frank affirmed that the burden of proof is upon the petitioner to show the variance is needed. He clarified that the Board could review it or continue it to next month.

The Board held discussion on whether to hear the case without the opportunity to speak with the applicant. Village Manager confirmed that the applicant was sent a meeting notice. Chair Bardach asked the Board if any member desired to present a motion to approve the variance, and no member expressed a desire to make such a motion. Ms. Rissover moved to deny the

application based on lack of evidence, proving a hardship, and unanswered questions, with the right to re-apply. Seconded by Mr. Lauer and the motion carried unanimously.

NEW BUSINESS

Village Manager Lahrmer inquired if the Board would like to review the next meeting date of July 3, noting that it falls near a holiday and to ensure we would have a quorum. The Board elected to wait to see if the Village receives any applications by the June 12 filing deadline.

There being no further business the meeting was adjourned.

Nicole Browder, Clerk

Richard Bardach, Chairperson