

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

February 11, 2010

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 11th, 2010 at 7 pm by Vice-Chairman Jim Crevelling.

Roll Call:	Glenn Herbert	Excused
	Jim Crevelling	Present
	Jim Bird	Present
	Mike Steppe	Present
	Ed Seus	Present
Alternate	John Hoffer	Present
Alternate	Dwight Simpson	Present

Others present: Josef Brodmann

A motion was made by J.Bird and seconded by E.Seus to approve the January Zoning Board minutes as written. Motion was carried unanimously (5-yes, 0-no).

COMMUNICATIONS:

The only communications were from an email request to the Zoning Secretary and Area Variance Applicant, Josef Brodmann from Mr. Rich Hampton, Exec. Director Financial Affairs & Information Systems at SIUE Office of University of Relations in Illinois, asking if the proposed pool was going to have a fence around it. SIUE is the adjacent property owner directly west of Mr. Brodmann's property. Both the Zoning Secretary and Mr. Brodmann replied to Mr. Hampton by email explaining where the fence would be and there has been no further communications from him. Copy of email on file with application.

AREA VARIANCE REVIEW

Area Variance Application #957 for Josef Brodmann owning property at 184R West Lake Rd. PY, to request an area variance to place an above ground pool in the back yard with less setback from the rear yard property line than zoning requires.

Mr. Brodmann was present to answer questions for board members and to give them a brief description of what he wanted to do. He explained how the property had been subdivided by a previous owner a few years ago. It was at one time, approximately a 5 acre ± piece of property that was divided and sold. Mr. Brodmann stated that the last piece directly behind his house which was the last piece left, approximately one half acre, was gifted by the prior owner to his almatater, SIUE of Illinois.

Mr. Brodmann stated that his piece of property is just a little over one half acre in size, and he noted that the yard in back of their home is quite wet. He noted that there is a swale area in the upper portion of their backyard, but it does not help much with the wetness which is due to the soil type and the natural springs that are located in this area and west of his backyard.

Mr. Brodmann stated that he had discussed with the Code Enforcement Officer about putting in a retaining wall which would help to direct the water from the immediate backyard area where he wants to put in the above ground pool. When asked if they had any problems with water in their basement, he stated that they did not because there was proper drainage in place to protect the basement.

Mr. Brodmann noted that after talking with a contractor about how to properly put in the retaining wall, that the pool would be set back farther than the 10 ft. from the rear yard property line than had originally been planned. He noted that the retaining wall would be installed in such a way, that a fence would be put in place west of the wall and higher than the wall itself to protect anyone from climbing on the wall or having access to the pool.

Mr. Brodmann told the board that he would like to modify his area variance application and ask for a minimum setback of 15 ft. from the rear yard property line. He noted that the pool could be set even further back than the fifteen ft. It will depend on how things end up when the retaining wall is finished. The retaining wall has to be done first and he and his wife are trying to stay within their budgeted amount of money to get all of this done.

The Area Variance Test Questions were reviewed with the following findings:

1) Could granting of an area variance change the neighborhood character: (0=yes, 5=no) the other properties located in this R1 neighborhood are of similar size, with some having setback issues, however, some principal and accessory structures are grandfathered having been in place prior to zoning.

2) Are there alternatives not requiring an area variance: (0=yes, 5=no) the buildable area on this particular property is very limited due to the placement of the home in the center of the lot. There is very little to no room left for the placement of any accessory structure that would be able to meet the required setbacks.

3) Is the request substantial: (3=yes, 2=no) The required zoning setback from the rear yard property line is 30 feet. Applicant has amended his request and is asking for a minimum 15 ft. setback, but the pool may be set even farther back than the varied distance.

4) Adverse impact on physical or environmental conditions of the neighborhood if granted: (0=yes, 5=no) The location of the pool will not have an effect on the physical or environmental conditions of the neighborhood. It will be located east of the existing natural swale area.

5) Whether the alleged difficulty was self-created: (2=yes, 3=no) The applicant purchased the property as is with the current house already built on approximately one half acre of land. The house being centrally located does not allow for any accessory structure to be built and meet the required R1 setbacks.

Vice-Chairman Crevelling read the report from the Yates County Planning Board. The YCPB based on the referral materials submitted that the application be approved.

The board members were in agreement that this is a SEQR Type II action.

A motion was made by J.Bird and seconded by M.Steppe to approve the modified area variance application as requested by Mr. Brodmann. The above ground pool is to be no closer to the rear yard property line than 15 ft. The safety factors regarding the access of the pool shall be following in accordance with the Code Enforcement Officer and the building permit requirements.

The motion was carried with a poll of the board as follows: E.Seus-grant, J.Crevelling-grant, J.Hoffer-grant, J.Bird-grant, M.Steppe-grant.

OTHER BUSINESS

Board Members asked the status of 638 East Bluff Dr.. No word yet from the Judge.

There being no further business, a motion was made by E.Seus and seconded by M.Steppe to adjourn the meeting. Motion was carried unanimously (5-yes, 0-no). The meeting was adjourned at 7:30 pm.

Respectfully submitted,
Elaine Nesbit/Secretary