

Zoning Board of Appeals Public Hearing

February 12, 2008

**Doug Fleming / Tu Liang Yang
205 Pleasant Ave**

Board Members present: Gabe Buschle, Mike Sperling, Bob Loran, Mary Ninemire, Mike Kraus

Guests: Mike Ours, Doug Fleming

Gabe Buschle, Chairman read the public notice of hearing. "To the Residents of the Village of Central Square, Please take notice that the Zoning Board of Appeals will hold a Public Hearing on Tuesday, February 12 at 7:00 PM at the Village Municipal Offices located at 3125 East Ave to receive public comment on a variance application by Tu Liang Yang on the property located at 205 Pleasant Ave."

Doug Fleming received a building permit to build a lean to on the property located at 205 Pleasant Ave. The issue is that the lean-to is too close to the property line – 2.1 feet, not 10 feet as required by code. Roof will hang 2 inches over the property line. Mr. Fleming was previously asked by Mr. Kraus about the distance from the end of the lean-to to the property line.

Mr. Buschle indicated that the slope of the roof could create a water problem with the neighbor, Mr. Ours. There is a possibility that the water level will be a problem, and the flow of water may be concentrated

Mike Ours (next door neighbor) indicates that the owner (Yang) has made changes to his property, which have created water on Mr. Ours property and he would like a drainage solution. Mr. Fleming suggested a drain tile at edge of driveway on the right to go along the back. However, Mr. Kraus indicated that the drainage plan may require an engineer's opinion to see if it would solve the problem. Mr. Ours indicated that there was not consideration for the flow of water when the project was started.

Mr. Kraus indicated that the structure does not meet the setback requirements and therefore a variance is required. Mr. Fleming has not created an issue yet with the project. A building permit was issued for the fence. No other permits were issued for anything else. If something else has created a water flow issue, it should be addressed.

Mr. Buschle read from the variance application section 10A

Ms. Ninemire stated to Mr. Fleming that the board and the applicant must abide by the guidelines and that their requirements are not personal toward Mr. Fleming, but are in accordance with the code. Are there other options to serve the same purpose and not create a drainage issue?

Mr. Fleming indicated that the only other option would be a freestanding lean-to, but cannot go on the back of the property as this would also require a variance. He can place a pipe that goes 12 to 15 feet into the back of the property and put a gutter and conduit to alleviate drainage problem.

The lean-to will be the same color as the house and will be framed off. Mr. Fleming provided prints from owner to Mr. Kraus for the building permit.

Mr. Fleming provided prints from owner to Mr. Kraus for a building permit. A deed was not secured to determine a valid property line.

Mr. Sperling asked what the width of the lean to from the house out as three different dimensions are indicated on the application

Mr. Fleming stated that the lean to is 12 feet from house to 4 x 4. Maybe it's 12'6" or 10' 9"
In addition, Mr. Fleming does not know positively if the drain pipe will correct the problem.

Mr. Ours doesn't object to the variance but has concern with the drainage that needs to be addressed.

Hearing no further public comments, Bob Loran motioned to close the public hearing. Seconded by Mike Sperling. Motion carried.

The lean-to will be enclosed on the right side and painted gray steel and trimmed.

Mary Ninemire – Mr. Fleming is willing to put in drainage but that is not the issue. Any value in waiting for an assessment before approving or denying the project?

Mr. Buschle indicated that there are water/drainage issues with the entire street. A study was done years ago regarding the water. The village ran storm sewers which helped a little.

Mr. Loran stated that the concern with the drainage has been present for a long time, not created by the project under discussion presently. Is draining a village issue?

Mr. Kraus would have to evaluate and discuss with the village attorney. Drainage has worsened with improvements done by homeowners on the street. This project will not increase the amount of water, but it will concentrate it.

Mr. Buschle's concerns are with the property line and how close the structure is to the line.

Mary Ninemire would like to know what can be done to correct the problem.

Mr. Kraus stated that the board can request the village board to have engineers look into the drainage on the street.

Mr. Fleming thinks installing a drain tile certainly wouldn't hurt the situation. He can run gutters and a downspout.

Mr. Sperling questioned what recourse Mr. Ours would have if the drainage gets worse. If the situation is not resolved with the actions suggested the Village of Central Square holds no responsibility for the problem.

Mr. Kraus stated the drain tile would help but does not know if the drainage running out the back would create another problem. Mr. Fleming needs to hold off building the lean-to until the drainage is fixed. It must be verified and then the application must be resubmitted to the board with an elevation shot and inspection done. Have Mike Avery, Mike Kraus and Doug Fleming go together to look at the property.

Mr. Buschle requested a formal plan from Doug Fleming based on Mike Avery's recommendations.

Mr. Kraus stated that the drainage issue is between the two homeowners. The village can not go onto private property to install the drainage.

Mary Ninemire would like to know if the recommendations come back for a solution, is Mr. Ours willing to pay for the recommendation, and he stated that he does not have the resources to pay for a situation that he didn't create.

Mr. Loran thinks tabling the approval until the drainage issue is resolved would be the best thing to do.

Motion by Mr. Loran to table approval of the project and have Mr. Fleming resubmit after Mike Kraus, Mike Avery and Doug Fleming get a plan (if feasible) for drainage. Mr. Fleming is to go to the owner (Tu Liang Yang) and get paid and do the drainage. Mr. Fleming is to come back to the board for variance. If all doesn't take place, there is no deal. Seconded by Mike Sperling. Motion carried.

Mary Ninemire stated to Mr. Fleming to bring absolute measurements – one set.

Motion by Mary Ninemire to adjourn. Seconded by Mike Sperling. Meeting adjourned at 8:20 PM.