

**VILLAGE OF PAW PAW
ZONING BOARD OF APPEALS**

August 7, 2017

PRESENT: Chairperson Julie Pioch, Barb Carpenter, Terry Davis, Marcos Flores, Mary Lou Hartwell

ABSENT: None

ALSO PRESENT: Rebecca Harvey, Village Planning Consultant, Sarah Moyer-Cale, Village Manager and one (1) member of the public.

CALL TO ORDER

Chairperson Pioch called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF MINUTES

The next matter to come before the Board was consideration of the proposed minutes of the regular Zoning Board of Appeals meeting held on July 6, 2017. Ms. Hartwell moved to approve the minutes as presented. Ms. Carpenter seconded the motion. The motion carried unanimously.

PUBLIC COMMENT REGARDING NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

VARIANCE REQUEST – *Stiglich*

The next matter to come before the Board was the request of Sandra Stiglich for Variance Approval from the applicable dimensional regulations established by Section 42-401, Zoning Ordinance for the proposed division of an existing 70 ft x 132 ft lot. The subject property is located at 519 North Niles Street and is within the R-2 District.

Sandra Stiglich was present on behalf of the application. She explained that the property is currently occupied by two (2) single family dwellings and has been difficult to sell as such. She stated that, instead, there is a lot of interest in the property as two (2) separate parcels. Ms. Stiglich added that being able to sell and occupy the property as two (2) sites provides needed housing in the Village.

No public comment was offered on the matter.

General Board discussion ensued wherein the following elements of the application were reviewed:

- the subject property is a 68 ft x 132 ft corner lot (132 ft frontage on Drew Street; 68 ft frontage on Niles Street)
- the property is occupied by 2 single family dwellings and a garage (519 Niles Street and 217 Drew Street)
- both homes are provided access off Drew Street
- the use of the property is currently nonconforming

- the following land division is proposed:

Parcel A –
: 64 ft frontage on Drew Street
: 4224 sq ft lot size
: occupied by single family dwelling/garage
: maintain existing driveway off Drew Street

Variance approval from the 66 ft frontage/lot width requirement and 8700 sq ft lot size requirement is needed.

Parcel B –
: 68 ft frontage on Drew Street/72 ft frontage on Niles Street
: 4760 sq ft lot size
: occupied by single family dwelling
: maintain existing driveway off Drew Street

Variance approval from the 8700 sq ft lot size requirement is needed.

The Board then proceeded with a review of the variance criteria set forth in Section 42-66. The following findings were noted:

1. The subject property currently complies with applicable dimensional requirements but is not large enough to divide into two (2) conforming lots; generally not held to be a 'unique physical circumstance' of the property.

2. The subject property is currently occupied by 2 dwellings so a denial of the variance would not prevent 'reasonable use' of the property, however, the proposed lot division would result in eliminating the 'nonconforming' status of the existing dwellings.
3. In considering impact on adjacent property, the proposed lot division will not alter the current density on the site nor allow density inconsistent with that allowed in the adjacent R-M District.
4. In considering the intent/spirit of the Ordinance, it was recognized that the lot division will not alter the current density on the site; will not change the frontage currently serving each dwelling; will not create any setback nonconformities or alter building spacing; and, will not result in any additional driveways.
5. In considering the public health, safety and welfare, it was noted that the proposed lot division will not alter the current density on the site nor result in additional building sites or driveways. It was further noted that the proposed lot division will incentivize home ownership in a previous rental situation.
6. The condition of the property is not of a 'general or recurrent nature' and does not justify an amendment to the Ordinance.

Hartwell then moved to grant variance approval from the 66 ft lot width/frontage requirement and 8700 sq ft lot size requirement set forth in Section 42-401 to allow for the proposed establishment of Parcels A and B as set forth in the application. She stated that variance approval is granted based upon the application presented and the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance, specifically those related to impacts on adjacent property, intent/spirit of the Ordinance and public health, safety and welfare considerations. Ms. Carpenter seconded the motion. The motion carried unanimously.

Chairperson Pioch reminded the applicant that the actual division of the lot will require Village Council approval.

ONGOING BUSINESS

No Ongoing Business was scheduled for Board consideration.

NEW BUSINESS

No New Business was scheduled for Board consideration.

MEMBER COMMENTS

No member comments were offered.

VILLAGE MANAGER/PLANNING CONSULTANT COMMENTS

No staff comments were offered.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 7:18 p.m.

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