

ZONING BOARD MEETING
MARCH 27, 2019
7:30 PM
604 N. MAIN ST.
REAR & SIDE SETBACK VARIANCES
MINUTES

This hearing was called to order at 7:30pm by Chairman Lori Rodriguez.

Zoning Board members present were: Jim Mourey, Tom Incrocci, Mark Parker, Dale Becherer, and Leo Simburger. Tom Schanherr was absent. Also present were Chairman Lori Rodriguez, Deputy Zoning Administrator Beth Buehlhorn, Zoning Administrator/Engineer Scott Saeger. Attorney Carmen Durso was absent.

Deputy Zoning Administrator Buehlhorn read the Public Notice that was published in the Freeburg Tribune on March 7, 2019.

Chairman Rodriguez read the letter sent to surrounding residents and the list of those residents.

All those wishing to speak were sworn in by Deputy Zoning Administrator, Beth Buehlhorn.

Applicant, David Threlkeld, owns the building. Jay Enskat will be occupying the building as an HVAC contractor. There is a garage door located on the back of the building with an existing truck-height ramp. They would like to request to be able to extend the concrete pad to make it more like a driveway so there is easier access to the rear of the building. It will have a better appearance and provide a safer access to the building. There is some concrete debris that they will remove and possibly repurpose. The additional driveway would be approximately 11-12 feet wide with a retaining wall.

Board Member Mourey asked if the ramp will extend south toward the street, which Threlkeld confirmed the ramp and pad will be approximately 35 long feet but will not extend out past the building. Threlkeld pointed out a concrete dike behind the building that is to slow the flow of water down; that will remain in place. There is also a sewer clean-out which they will not cross. Mourey asked if there will be a barrier at the edge of the ramp; Threlkeld stated he would build the retaining wall above the ramp level to act as a barrier for safety reasons. He would like the retaining wall to be poured concrete but could end up being landscape block. Board Member Parker confirmed with Saeger that the village did not place the pile of debris to slow the flow of water; Saeger stated the village did not place it there.

Board Member Becherer stated there appears to be just the one easement for the water line, are there any other easements that Threlkeld is aware of. Threlkeld stated there is a utility easement that runs along the east side of the property but that is 35-40 feet from the edge of the driveway. Saeger added there are two easements – the utility easement starts at the property line and runs 20 feet west; the access easement starts 10 feet west of the property line and runs 50 feet west from the property line. Chairman Rodriguez asked Saeger his thoughts. Saeger stated he is not concerned about the structural makeup of the addition. If there are future utilities to be installed in the easement area, Saeger would like an understanding with the property owner that he would be responsible for removal or replacement should a utility company need to access the easement. Rodriguez commented that is always stipulated in an easement. Threlkeld feels his addition would be an improvement to anybody trying to access the easements versus the current dirt slope. Saeger stated the village is allowing improvements to be

constructed in the easement; if there were to be damage done to the property by a utility company where the village has allowed this improvement, it needs to be stated that the village would not be responsible. Saeger stated Attorney Durso recommends the motion includes wording provided by Durso, which Saeger shared. Threlkeld stated the existing pad already occupies the access easement and this addition would be an improvement. Threlkeld feels Durso's suggested statement is broader than what the village currently granted for the existing pad, and this is the first he has heard about it. Saeger agreed that this language was not attached to the previous variance. Threlkeld still doesn't understand the reasoning of having to request a variance – is it different than every home having a driveway that crosses an easement? Saeger explained the existing dock is non-conforming since it is in an access easement; a variance can be issued to extend a non-conforming use. Mourey questioned if there would be any further additions in the easement areas. Saeger explained recently fiberoptic cable is being installed in town; a high-pressure gas line is being replaced on the east side of town using the existing easements; as utilities get old, there is a need for replacement.

Board Member Incrocci asked how thick the concrete will be. Threlkeld stated it will be a minimum of 6 inches. Incrocci commented he is concerned about the underlay of the sloped part of the ramp with the weight of vehicles driving on it. Threlkeld explained there will be a footing that wraps around to the existing wall with a subsurface of compacted fill. There will be no large trucks accessing the ramp, but forklifts.

Incrocci understands that Durso is trying to preclude the ramp being in the way of any kind of utility access or if the property is damaged, assuring the property owner is responsible. The board agreed, and with them having the approval authority made a motion.

A motion was made by Jim Mourey and seconded by Tom Incrocci to approve the variance of the proposed driveway ramp construction on the east side of the property with the stipulation that any easement issues that arrive thereafter shall be the burden of the property owner and not the Village of Smithton. Roll call was taken. Jim Mourey, aye; Dale Becherer, aye; Mark Parker, aye; Tom Incrocci, aye; Leo Simburger, aye. Motion was granted.

Meeting adjourned at 8:21pm.