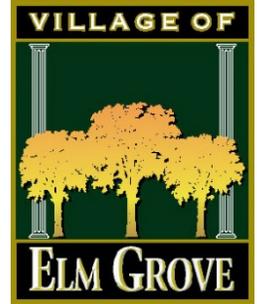


Memo



To: Board of Appeals
From: Thomas Harrigan, Zoning and Planning Administrator/Assistant Manager
Date: March 20, 2020
Re: Review of Agenda for Thursday, March 26th, 2020

Item 3. Consideration, hearing, and action on a request by the property owners at 14161 Juneau Boulevard, requesting a variance from §335-12B and §335-88D(8)(c) to allow for construction of a pool cabana (accessory structure) with proposed building dimensions in excess of those allowed by the Village Code of Ordinances for accessory structures.

Mr. and Mrs. Peter are requesting a variance from §335-12B Site Regulations and §335-88D(8)(c) Additional considerations for accessory structures in the nature of yard maintenance buildings, in order to construct a pool cabana accessory structure in the rear yard of their property.

The Village Code of Ordinances defines Accessory Buildings as:

“A detached structure, including, but not limited to, a yard maintenance or storage building, subordinate to the principal use of a structure or land and located on the same lot or parcel and serving a purpose that is customarily incidental to the principal use of the land or the principal structure.”

The proposed pool cabana at 14161 Juneau Boulevard is classified as an accessory structure as there is no shared common wall, portico, porch or similar connection, roofed over which is connected to the principal structure (home).

The Village Building Board has consistently applied §335-88D(8)(c) Additional considerations for accessory structures in the nature of yard maintenance buildings, when reviewing applications for accessory buildings. Accessory buildings commonly include gazebos, yard maintenance buildings (sheds), pool houses, pergolas, etc. Specifically the portions of the section which regulate accessory structure dimensions §335-88D(8)(c) states:

(c) Additional considerations for accessory structures in the nature of yard maintenance buildings.

[1] **Such structure shall not exceed 10 feet in height and shall not exceed 150 square feet in area.** No residential property shall be allowed more than one such structure.

[2] All such structures shall be anchored to a permanent concrete foundation.

[3] All such structures shall be constructed of materials and of colors aesthetically consistent with those of the principal structure so as not to cause, in the judgment of the Building Board, a substantial depreciation in the property values of neighboring properties. However, unattached yard maintenance buildings having a roof or sides, using metal sheets as an exterior, shall not be erected under this chapter.

[4] Yard maintenance buildings shall comply with all the setback and yard requirements of this chapter, including requirements in § 335-11C(1). However, if any person shall desire to erect a structure closer to the lot line than the district setback and yard requirement, the applicant shall present to the Building Board written consent of such location from each adjoining neighbor to which the structure shall be visible at any time of the year. If such written permission is not obtained and presented to the Building Board, then the Building Board shall delay the approval of the building permit until a subsequent meeting, and each affected adjoining property owner shall be notified of the time, date and place of a public hearing to be held on the matter.

[5] Bushes, trees and shrubs may be required, if deemed necessary by the Building Board, to enhance the appearance of or to adequately screen such structures.

The Building Board has recently applied this methodology for accessory building review to a similar pool cabana application that was reviewed at the October 1st, 2019 Building Board meeting. Please see the meeting minutes and plan sets enclosed for review. The proposed pool cabana well in excess of the allowable accessory building dimensions as defined by §335-88D(8)(c), yet the applicant attempted to have the pool cabana be considered a Building Addition, as there was a common wall extension from the principal structure (home) that was to be shared with the pool cabana. The Building Board determined the common wall was not enough for the pool cabana to be considered a Building Addition. Rather, the new pool cabana would need to share a roofline with the home, and be directly connected in order to be considered an addition.

Another point of consideration is that if a proposed accessory structure is in excess of the allowable building dimensions as defined by §335-88D(8)(c), then it could possibly be classified as a principal building. The proposed end use of the building would also have to be taken into consideration in this regard.

“Principal Building – A building in which the principal use of the lot on which it is located is conducted.”

§335-12B *Site Regulations* states:

“All principal structures shall be located on a lot and only one principal structure shall be located, erected or moved onto a lot in all residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one principal structure is needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or may require a minimum separation distance between principal structures.”

The proposed pool cabana at 14161 Juneau Boulevard would stand 18' 4" in height and would have a building foot print of 30' 6" X 21' 6" (655 Square feet).

Please see the enclosed Variance Application form, proposed pool cabana plan set for 14161 Juneau Blvd and meeting minutes and plan set for the unapproved pool cabana at 1005 San Jose Drive (10/1/19 Building Board meeting).

If you have any questions prior to the meeting, please do not hesitate to contact me.