

Village of River Hills

IN THE MATTER OF THE APPEAL OF RAYMOND AND KACI SNISKY, 7880 N. RIVER ROAD, REGARDING THE BUILDING INSPECTOR'S DENIAL OF A BUILDING PERMIT FOR INSTALLATION OF A SWIMMING POOL THAT WOULD HAVE A SIDE YARD SETBACK OF 43.8 FEET.

The meeting of the Village of River Hills Board of Appeals (the "Board") was called to order July 6, 2022 at 4:00 p.m. by Chairman Steven Spector, with Board Members, Billie Smith, Don Daugherty, Chris Beidel and Kieran Donahue present pursuant to a notice duly published and posted. The hearing was recorded (audio and video) and a copy of the recording is on file with the secretary of the Board of Appeals.

The order of business before the Board was the matter of the appeal of Raymond and Kaci Snisky, 7880 N. River Road ("Snisky") from the April 7, 2022 letter from the Village Building Inspector denying the Snisky application for a building permit for pool and landscaping because their plans were in violation of the required setback as provided by the River Hills Zoning Ordinances. As set forth in a letter from Attorney Marcuvitz dated April 27, 2022, that was the appeal from the Building Inspector's denial, the appeal was an application for a variance to allow construction of a swimming pool and outdoor landscaping improvements. It was determined after the appeal was commenced that the outdoor landscaping improvements were subject to Village Ordinance Section 7.0503, that provided the setback was 20 feet for those proposed improvements and therefore a variance was not needed; however, the proposed location of the swimming pool did still require a variance.

The hearing on July 6, 2022 was a continuation of the appeal that commenced on June 1, 2022, adjourned for continued hearing on June 21, 2022, and again adjourned for continued hearing on July 6, 2022 (collectively "the hearing").

Appearing before the Board at the hearing were the appellant, Snisky and their Attorney Alan Marcuvitz. Also attending the hearing were a neighbor Gordon Davidson and his daughter Gabrielle Davidson (collectively "Davidson").

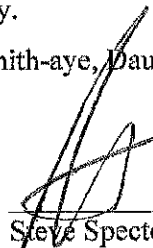
During the pendency of the hearing the Chairman submitted questions to the Village Attorney related to the interpretation of the Village ordinances. The questions and the responses

were submitted to the Board in a Memorandum dated June 25, 2022, that was also provided to the Attorney for Snisky.

During the hearing the Board was presented with information related to the location and situation of the house on the Snisky property and the proposed location of the swimming pool including information regarding the practical difficulty/unnecessary hardship of locating the swimming pool at a place other than the location that required a variance of a distance of 43.8 feet from the side yard lot line. In addition, Davidson told the Board that if the swimming pool was located at the proposed location that required a variance, that would be more desirable to Davidson than if it was located on the Snisky property where it could be located without the necessity of a variance.


Having heard from the parties the Board conducted its deliberations in open session and after considerable discussion, Board member Smith moved for approval of a variance to locate the proposed swimming pool, at the location as set forth on the 6/13/22 plans, on the basis that an unnecessary hardship had been established and granting the variance would preserve the intent of the ordinances; that there were unusual circumstances related to the property and location of the proposed swimming pool; that granting the variance is of greater benefit to the Davidsons than denying the variance which would be an unnecessary hardship to them. The motion to approve the variance was seconded by Board member Daugherty.

Motion carried pursuant to roll call vote: Smith-aye, Daugherty-aye; Spector-aye, Beidel-nay; Donahue-nay.



Steve Spector
Board of Appeals Chairman

ATTEST:



Tammy LaBorde
Village Manager/Clerk/Treasurer