



**Minutes | November 25th, 2024 | 6:00 PM**  
**Board of Appeals (BOA) Public Hearing**  
**#BOA2024-2 Von Schilling Worth**

The hearing was recorded for the purpose of creating minutes.

1. Call to Order: President Schall called the Board of Appeals Public Hearing to order at 6:00 PM.
2. Roll Call: President Mark Schall, Clerk Dori Panthofer, BOA Members Chris Veranth, Lisa Englander, Rick Hennig, Rocco Casetellano

Excused: BOA Members Julie Anastasio and BOA Alternates Susan Arvai, Autumn Latimore-Schienze

Public: Trustee Paul Schroeder, Constable Kristin Wright, Bruce Pepich, Trustee Rick Cermak, Treasurer Robert O'Brien. Tony Veranth entered at 6:04 PM. Dr. Kelly Von Schilling Worth entered at 6:31 PM. Elderize VonSchilling Worth entered at 7:03 PM.

3. Fulfillment of Public Hearing notice requirements
4. #BOA2024-2 | Board of Appeals Review Application dated 11/11/2024; filed 11/12/2024
  - a. Applicant: Dr. Kelly & Mrs. Elderize Von Schilling Worth  
Address: 400 Cross Creek Road  
Request for variances:
    - The construction of a detached garage
    - Aspects of addition and renovation to the existing one family dwelling do not comply with Village of North Bay Zoning Code.See sections entitled 8.07 DISTRICT ESTABLISHMENT, USE & REGULATION: 8.07(3) Detached Garages; 10.02 BUILDING CODE: 10.02(1)(f) Building Permits and Inspections Approval of Plans, 10.02(3)(a) Building Restrictions, Distant from Lot Lines, 10.02(3)(c)(iii) Height of Roofs.  
Mr. Castellano noted that this application is for 3 variances: 1) Eave height - 1 or 2 feet; 2) Set back; and 3) A detached garage
5. Applicant Statement | A written statement was submitted by Dr. Kelly Von-Schilling Worth, the applicant. Dr. Von-Schilling Worth arrived at 6:31 PM and made a statement.
6. Public Comment | Mr. Pepich asked how different the plan is compared to existing ordinances and if granting the variances may set a precedent for future dealings with other residents. President Schall stated that each situation is considered on a case by case basis.

7. Discussion | President Schall consolidated discussion points:
- Aesthetics
  - Compliance vs non-compliance
    - Eave height: No concerns were put forth.
    - Detached garage: The following BOA members noted concerns about the detached garage:
      - Ms. Englander
      - Mr. Castellano
    - Set-back 15' vs 25': The following BOA members noted concerns about the set back:
      - Mr. Castellano
      - Ms. Englander

Mr. Castellano noted the definition of detached is not explicitly stated in the Ordinances. There is ambiguity. We are responsible for what it means. The typical definition of a detached garage is that it does not share a primary load bearing wall or door that connects with the primary structure. Just because you connect it with beams or roof covering, it does not mean it's attached. The application said it's a detached garage.

Ms. Englander read the definition of a breezeway: A breezeway is an architectural feature similar to a hallway. It allows the passage of a breeze between structures to accommodate high winds, allow aeration and provide aesthetic design variation. It's a pedestrian walkway intended for walking between two structures.

President Schall stated that when there is ambiguity. If we can't agree, that piece of Ordinance cannot be enforced.

President Schall noted a fence. A fence permit was issued. The Board of Appeals and Planning Commission were not called. There wasn't a violation to erect the fence.

8. Decision (Recommendation to the Board of Trustees) | A quorum is present.

President Schall called for a vote to approve all 3 Variances for #BOA2024-2.

#### **ROLL CALL VOTE**

Mark Schall	YES, approve all 3 variances
Chris Veranth	YES, approve all 3 variances
Lisa Englander	NO
Rick Hennig	YES, approve all 3 variances
Rocco Castellano	ABSTAIN

The petition (for the variances) to advance to make a recommendation to the Board (of Trustees) is approved. The Board meets in a few minutes and will be considering the application based on the (BOA) recommendations.

9. Adjourn | A motion to adjourn was made by Mr. Castellano and seconded by Mr. Henning. All in favor, none opposed. The BOA Public Hearing adjourned at 7:04 PM.