

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**March 11, 2019**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Kurt Schultz at 7:00 p.m. at the Village Hall.

Members present: Chairman Kurt Schultz, Amy Flores, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Matthew Krummick and Mark Moore.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Board Member Oakley moved, seconded by Board Member Flores, to approve the February 25, 2019, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

**OLD BUSINESS:**

**ZBA 19-01    Susan Spinell, Applicant  
                  618 Buckingham Place**

**Request is for a variation to reduce the minimum required corner side yard setback from 31 feet to approximately 20.7 feet in order to construct a single family residence in an R-6, Single Family Residential District.**

Mr. Steve Spinell, applicant's agent, introduced changes to the plans submitted for the variations requested. He stated that they have reduced the height of the house, detached the garage, and eliminated 2 out of 3 variations previously requested. He stated that the proposed corner side yard encroachment is setback further from the Glendale Avenue right-of-way property line than several of the existing homes that currently front Glendale Avenue.

Board Member Oakley asked the petitioner if they are willing to reduce the proposed lot coverage any further. Mr. Spinell stated that the maximum permitted is 40% and that they are compliant with 39.7%. He stated that portions of the proposed coverage will be constructed with permeable brick pavers to help with the storm water management.

Chairman Schultz asked the petitioner what he would like for the Zoning Board of Appeals to do this evening. Mr. Spinell stated that he would like for the Zoning Board of Appeals to give their recommendation to the Village Board.

*In the matter of ZBA 19-01, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum*

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*required corner side yard setback from 31 feet to approximately 20.7 feet in order to construct a single family residence in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Schultz, Flores, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick, Moore*

**NEW BUSINESS:**

**ZBA 19-07 Torrance Ramaker, Applicant**  
**433 E. Sunnyside Avenue**

**Request is for a variation to increase the maximum permitted lot coverage in order to construct a patio replacement to the rear of a single family residence for property located in an R-6, Single Family Residential District.**

The applicant requested that this item be continued to the April 8, 2019, Zoning Board of Appeals meeting.

*In the matter of ZBA 19-07, Board Member Steffe moved, seconded by Board Member Oakley, to continue these items to the April 8, 2019, Zoning Board of Appeals meeting.*

*Motion carried 5 - 0.*

*Ayes: Schultz, Flores, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Krummick, Moore*

**ZBA 19-08 Dana James, Applicant**  
**310 Hyatt Drive**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 14'10" in order to construct a walk, steps, landing, and seat wall within the corner side yard for property located in an R-5, Single Family Residential District.**

Mr. Joey Rossa, agent representing the applicant, introduced the requested variation and scope of work to the Zoning Board of Appeals. Mr. Rossa stated they are requesting a variation to reduce the minimum required corner side yard setback in order to construct a new stoop and steps for a single family residence for property located in an R-5, Single Family Residential District at 310 Hyatt Drive. Mr. Rossa stated that the existing stoop and steps are in need of replacement. He stated that the corner side yard slope is substantial and the proposed design is needed in order to accommodate the yard slope.

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Board Member Oakley asked why they needed the large landing in the middle of the walk between the house and the property line. Mr. Rossa stated that this helps to architecturally and aesthetically break up the steps and walkway configuration.

Board Member Flores stated that consideration should be given to locating the larger landing closer to the house.

Mr. Rossa stated that the proposed design and landing location is driven by its function and aesthetic appeal.

Board Member Pyter stated that it is a nice design, but does not seem to comply with the standards for variation.

Mr. Rossa stated that the existing steps and walkway are in desperate need of replacement. He stated that the middle landing is proposed as a method of breaking up the walkway in an attractive manner.

Chairman Schultz asked why the setback back is taken from the landing or the retaining wall supporting the landing. He asked if these elements could be considered the same as a patio. Mr. David Smith, Senior Planner, stated that these elements are considered structures constructed above grade and therefore are subject to the setback requirement.

Chairman Schultz asked the petitioner what he would like for the Zoning Board of Appeals to do this evening. Mr. Rossa stated that he would like for the Zoning Board of Appeals to give their recommendation this evening.

*In the matter of ZBA 19-01, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 14'10" in order to construct a walk, steps, landing, and seat wall within the corner side yard for property located in an R-5, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 1.*

*Ayes: Schultz, Flores, Oakley, Steffe*

*Nays: Pyter*

*Absent: Krummick, Moore*

**ZBA 19-09 Joseph and Mary Stout, Applicants**  
**500 Broadway**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 10.7 feet in order to construct a single family detached residence for property located in an R-8, Multiple Family Residential District.**

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**ZBA 19-10 Joseph and Mary Stout, Applicants  
500 Broadway**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 15 feet in order to construct a detached garage for property located in an R-8, Multiple Family Residential District.**

**ZBA 19-11 Joseph and Mary Stout, Applicants  
500 Broadway**

**Request is for variations to: 1) locate a six (6) foot high cedar fence in a corner side yard and extend beyond the rear building line of the principal structure; and 2) locate a six (6) foot high cedar fence in a corner side yard closer to the street than the front yard established for the abutting lot to the north for property located in an R-8, Multiple Family Residential District.**

Mr. Brad Meyer, applicant, introduced the proposed development and requested variations to the Zoning Board of Appeals. Mr. Meyer stated that he is proposing a new single family home for the corner of Third Street and Broadway which will trigger a corner side yard setback for both the house and a new detached garage. He stated that in addition, he is also requesting variations for a six foot high cedar fence to be located in the corner side yard and forward of the rear building line.

Mr. Meyer stated that he surveyed the area and has identified multiple residential properties with homes encroaching into the corner side yard setback with an average setback of approximately 12 feet. He stated that his proposal is in keeping with the neighborhood. He stated that he will comply with all of the Staff comments listed in the DRC Staff report.

Board Member Oakley asked about the location of the air conditioning unit. Mr. Meyer stated that it will be located along the east side of the house and comply with the setback requirements.

Board Member Steffe asked about the disposition of the neighboring lots to the east. Mr. Meyer stated that they will be sold for single family development.

Chairman Schultz asked the applicant what he would like the Zoning Board of Appeals to do this evening. Mr. Meyer stated that he would like the Zoning Board of Appeals to render their recommendation to the Village Board.

*In the matter of ZBA 19-09, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 10.28 feet in order to construct a single family detached residence for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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Ayes: Schultz, Flores, Oakley, Pyter, Steffe  
Nays: None  
Absent: Krummick, Moore

*In the matter of ZBA 19-10, Board Member Steffe moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 15 feet in order to construct a detached garage for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

Ayes: Schultz, Flores, Oakley, Pyter, Steffe  
Nays: None  
Absent: Krummick, Moore

*In the matter of ZBA 19-11.1), Board Member Pyter moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to locate a six (6) foot high cedar fence in a corner side yard and extend beyond the rear building line of the principal structure for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

Ayes: Schultz, Flores, Oakley, Pyter, Steffe  
Nays: None  
Absent: Krummick, Moore

*In the matter of ZBA 19-11.2), Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to locate a six (6) foot high cedar fence in a corner side yard closer to the street than the front yard established for the abutting lot to the north for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

Ayes: Schultz, Flores, Oakley, Pyter, Steffe  
Nays: None  
Absent: Krummick, Moore

**ZBA 19-12 Gregory and Kathleen Krause, Applicants  
722 Thomas Court**

**Request is for a variation to increase the number of permitted garages from one (1) to two (2) for property located in an R-3, Single Family Residential District.**

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Mr. Greg Krause, applicant, introduced the proposed detached garage development and the requested variation to the Zoning Board of Appeals. Mr. Krause stated that he is in need of additional storage and parking on his property. He stated that he agrees to replace trees as needed.

Mr. David Metzger, 714 Thomas Court, asked if a public sidewalk will be required on the property. Mr. Jeff Cooper, Village Engineer, stated that the applicant can pay a fee-in-lieu of a required sidewalk.

Mr. John Vold, 713 Thomas Court, asked if commercial vehicles are permitted to be parked outdoors on the property. Mr. David Smith, Senior Planner, stated that they are not permitted to be parked outdoors but must be in the garage.

Mr. Jerry Junas, 718 Thomas Court, stated that the applicant should be able to do what he wants on his property, but that the proposed detached garage detracts from the natural area in the rear yard. He stated that he likes his back yard with the beautiful trees. He stated that he is concerned about the potential impact upon the management of storm water that this detached garage may have on the area. He stated that rain water tends to pond in his rear yard and freezes in the winter.

Board Member Oakley asked the applicant what he intended to do about the trees that are designated for removal for this project. Mr. Krause stated that he is removing mostly junk trees but can replace them as needed.

Board Member Oakley asked about the disposition of the required public sidewalk. Mr. Krause stated that he will pay the required fee-in-lieu of constructing the sidewalk.

Board Member Oakley asked about the storm water management needed as part of the scope of work. Mr. Krause stated that his plan has been engineered.

Board Member Flores asked about a tree in the front yard. Mr. Krause stated that the tree in the front yard will not be removed.

Board Member Flores stated that the hardship or difficulty to be Code compliant for this requested variation is self-created. She asked the petitioner if they thought about their space needs when they purchased the property. She stated that other residents in the Village have expanded their attached garages in order to avoid the variation. She stated that she is concerned about vehicle headlights becoming a nuisance for the neighbors by constructing this detached garage per the plans.

Mr. Krause stated that he has already spoken to the neighbors and he has gotten support from them. He stated that he is willing to install additional landscaping to help buffer the headlights.

Board Member Steffe stated that he is concerned about the impact upon the storm water for the area. He stated that he is concerned about the precedent being set if this were to be approved.

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Board Member Pyter stated that he is also concerned about the precedent being set if this were to be approved.

Board Member Schultz stated that this proposal is for a large garage. He stated that the architecture for the garage looks very nice. He asked the petitioner if they considered expanding their attached garage instead.

Mr. Krause stated that they have considered expanding their attached garage, but there are some architectural and structural challenges that come with that alternative.

Board Member Schultz stated that it does not appear that the applicant is meeting the standards for the variation.

Mr. Krause stated that they are well under the maximum permitted lot coverage and building coverage requirements.

Board Member Pyter asked if it was possible to rotate the attached garage, expand it, and make it a side-loaded garage entrance. Mr. Krause stated that this did not seem feasible.

Chairman Schultz asked Staff if the DRC Staff Report review comments could be addressed satisfactorily. Mr. Smith stated that the Tree Preservation requirement comments could in theory be complied with provided that the petitioner is agreeable to either plant additional trees or pay a fee-in-lieu in accordance to the Tree Preservation Plan.

Mr. Cooper stated that he did not foresee a conflict that would prevent the petitioner from complying with the Engineering Division Staff review comments in the DRC Staff report.

Chairman Schultz asked the applicant if he would like for the Zoning Board of Appeals to give a recommendation or if he would like to have his case continued to next month in order to give him the opportunity to revise his plans. Mr. Krause stated that he would like for the Zoning Board of Appeals to give their recommendation to the Village Board tonight.

*In the matter of ZBA 19-12, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the number of permitted garages from one (1) to two (2) for property located in an R-3, Single Family Residential District, in accordance with the plans submitted.*

*Motion failed 0 - 5.*

Ayes: None  
Nays: Schultz, Flores, Oakley, Pyter, Steffe  
Absent: Krummick, Moore

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**STAFF COMMUNICATIONS AND DISCUSSION:**      None.

Board Member Oakley moved, seconded by Board Member Flores to adjourn the meeting.

Motion carried 5 - 0.

Meeting adjourned at 8:00 p.m.