

MINUTES OF THE ZONING BOARD OF APPEALS
September 12, 2022

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

Members present: Vice Chairman Mark Moore, Amy Flores, Walter Oakley, Richard Pyter, Thomas Rankin, Eric Steffe, and Gregory Wheeler.

Members absent: None.

A quorum was established.

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

Others present: Brooke Lenneman, Village Attorney.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the August 22, 2022, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 22-20 John and Helen Suhayda, Applicants
766 Seventh Avenue

Request is for a variation to reduce the corner side yard setback from 30 feet to approximately 20 feet in order to remove and replace a front concrete porch for property located in an R-5 Single Family Residential District.

Mr. John Suhayda, applicant, introduced his variation request to the Zoning Board of Appeals. He stated that the proposed construction will replace the concrete porch in the same place as the existing porch.

Vice Chairman Moore asked the applicant if he is ready for the Zoning Board of Appeals to make their recommendation to the Village Board. Mr. Suhayda stated that he is ready for the Zoning Board of Appeals to make their recommendation to the Village Board.

In the matter of ZBA 22-20 Board Member Oakley moved, seconded by Board Member Wheeler, to recommend the Village Board of Trustees approve a variation to reduce the corner side yard setback from 30 feet to approximately 25 feet in order to remove and replace a front concrete porch for property located in an R-5 Single Family Residential District, in accordance with the plans submitted.

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Motion carried 7 - 0.

Ayes: Moore, Flores, Oakley, Pyter, Rankin, Steffe, Wheeler
Nays: None
Absent: None

ZBA 22-23 David and Pamela King, Applicants
303 Broadway Street

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 12 feet in order to construct a detached garage for property located in an R-6, Single Family Residential District.

ZBA 22-24 David and Pamela King, Applicants
303 Broadway Street

Request is for a variation to increase the maximum permitted height for a detached garage from 20 feet to approximately 23'4½" for property located in an R-6, Single Family Residential District.

Mr. Mike Bisch, architect for the applicants, introduced the requested variations to the Zoning Board of Appeals. Mr. Bisch stated that they are requesting the corner side yard setback and height variations in order to construct a detached garage. He stated that this corner lot is 52 feet wide giving them only a 17 foot wide building envelop to work within and this is why they are requesting the corner side yard setback. Mr. Bisch stated that the request for the variation for the height is due to architectural design of the roof slope. He stated that that the design is what pushes the height past 20 feet up to 23 feet. Mr. Bisch noted that the proposed width of the balcony on the rear of the proposed detached garage exceeds the limits of the code per the Village Staff review comments.

Mr. Rick Vanselow, 13880 W. Trail Dr., home builder and contractor for the applicant, stated that when the proposed plan was designed they gave consideration to the surrounding properties in the area.

Mr. David King, applicant and owner of both 303 and 307 Broadway, stated that they contemplated the needs of their children as they are now at a driving age and need to be able to park their vehicles off the street. He stated that the proposed detached garage will help to future proof both properties.

Mr. Matt Flynn, 219 Second Street, stated that he is confused by the regulations. He stated that the neighborhood has homes with peaks at 35 feet in height. He stated that other detached garages encroach into the required setbacks and must have been grandfathered in.

Mr. John Spoden, Director of Community Development, stated that the required setbacks will depend upon the structure type.

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Mr. Flynn stated that both scale and scope should be considered when applying the regulations. He stated that there should be a time limit on construction as there is an impact upon the neighborhood.

Board Member Rankin stated that he is okay with the location of the proposed detached garage but opposes the request for the height variation.

Mr. Bisch described the roof design and structure elevations for the proposed detached garage.

Board Member Rankin stated that the proposed garage is very nice looking but it does not need to exceed the maximum permitted height by three (3) feet.

Board Member Oakley asked why the proposed detached garage needs a basement and if they are worried about flooding. Mr. Bisch stated that they will use the basement for storage and that the existing house on the lot does not have a basement. He stated that the property owner will use the basement for his wine collection.

Mr. King stated that his property at 307 Broadway has never had any issues with flooding. He stated that they will incorporate a sump pump system for the proposed detached garage.

Mr. Vanselow stated that their construction plans will incorporate a sump pump system and that they are not worried about the flooding.

Mr. Jeff Cooper, Village Engineer, stated that the proposed garage will have to rely totally on a sump pump system.

Board Member Flores stated that the proposed garage is very nice looking but is having difficulty distinguishing the variation requests as a want versus a need. She asked where the sidewalks and stoops are located. Mr. Vanselow stated that the architectural slope forces the structure's height. He stated that it is their intent to address the sidewalk installation at time of permit application. He stated that they believe that they have enough green space to not exceed the maximum permitted lot coverage.

Board Member Wheeler stated that the variations are not justified. He stated that there are not enough details in the proposal and he does not understand why they need two bathrooms in a detached garage.

Board Member Pyter stated that it would be helpful to know how the proposed height of the detached garage compares to surrounding structures in the area.

Mr. Bisch stated that the house to the east is a two story structure.

Board Member Pyter stated that he does not see that there is a hardship to justify the variation.

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Ms. Pam King, 303 and 307 Broadway, applicant, stated that she understands the Zoning Board of Appeals response regarding the proposed height but stated that she believes that there is justification for the variation for the setback.

Mr. Vanselow stated that this proposal fits in well with the neighboring area along First and Second Streets both architecturally and height. He stated that the driving force for the structure as proposed is the need for the basement.

Board Member Oakley stated that the applicant should give consideration to reducing the height of the proposed detached garage.

Vice Chairman Moore stated that the proposal appears to accommodate multiple uses. He stated that the applicant should consider alternative options.

Mr. Bisch stated that they did have a prior plan that included the garage doors facing the alley. He stated that the Village Board has the authority to grant height variations up to 25% above the maximum permitted and they are under the 25%. He stated that to reduce the size would compromise the architectural aesthetics.

Mr. Vanselow stated that it is the architectural aesthetics that causes the garage height. He stated that they are amenable to making revisions to the plans where possible.

Vice Chairman Moore recommended that this petition be continued to October 10, 2022 in order to provide the applicant the opportunity to make revisions to their plans and come back before the Zoning Board of Appeals.

In the matters of ZBA 22-23 and ZBA 22-24, Board Member Steffe moved, seconded by Board Member Wheeler, to continue these items to the October 10, 2022, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Ayes: Moore, Flores, Oakley, Pyter, Rankin, Steffe, Wheeler
Nays: None
Absent: None

ZBA 22-25 Martha Paluga, Applicant
205 N. Second Street

Request is for a variation to reduce the minimum required front yard setback from 26.2 feet to approximately 9'10" in order to remove and replace a front stoop and steps for property located in an R-6 Single Family Residential District.

Ms. Martha Paluga, applicant and homeowner, introduced the variation request to the Zoning Board of Appeals. She stated that the proposed improvements will make it easier for her to get in and out of her home.

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Mr. David Dodt, architect for the applicant, described the scope of work and stated that the relocation of the sidewalk will help to reduce the existing lot coverage.

Board Member Pyter noted that he appreciates the effort to reduce the lot coverage from the proposed changes.

Ms. Kathryn Jeffries, 219 Second Street, stated that she is Ms. Paluga's neighbor and that she supports the variation request.

Vice Chairman Moore asked the applicant if she is ready for the Zoning Board of Appeals to make their recommendation to the Village Board of Trustees. Ms. Paluga stated that she is ready for the Zoning Board of Appeals to make their recommendation to the Village Board of Trustees.

In the matter of ZBA 22-25 Board Member Steffe moved, seconded by Board Member Wheeler, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 26.2 feet to approximately 9'10" in order to remove and replace a front stoop and steps for property located in an R-6 Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

Ayes: Moore, Flores, Oakley, Pyter, Rankin, Steffe, Wheeler
Nays: None
Absent: None

ZBA 22-26 Julie Ferenczy, Applicant
630 Kenwood Avenue

Request is for a variation to install a fence that will encroach into the corner side yard of property at 630 Kenwood Avenue that abuts the neighboring front yard of 625 Riverside Drive located in an R-6 Single Family Residential District.

Ms. Julie Ferenczy, introduced the request for the fence variation. She stated that she is seeking the variation on behalf of her neighbor who resides at 630 Kenwood Avenue. Ms. Ferenczy stated that her front yard is adjacent to her neighbor's corner side yard where the proposed fence will replace an existing dilapidated fence and this is why they need the variation.

Vice Chairman Moore asked the petitioner if she is ready for the Zoning Board of Appeals to make their recommendation to the Village Board. Ms. Ferenczy stated that she is ready for the Zoning Board of Appeals to make their recommendation for the fence variation.

In the matter of ZBA 22-26, Board Member Pyter moved, seconded by Board Member Wheeler, to recommend the Village Board of Trustees approve a variation to install a fence that will encroach into the corner side yard of property at 630 Kenwood Avenue that abuts the neighboring front yard of 625 Riverside Drive located in an R-6 Single Family Residential District, in accordance with the plans submitted.

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Motion carried 7 - 0.

Ayes: Moore, Flores, Oakley, Pyter, Rankin, Steffe, Wheeler

Nays: None

Absent: None

STAFF COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, announced that the Illinois Chapter of the American Planning Association will have their annual conference at the end of September and that there is a workshop specifically oriented for Plan Commission members taking place on September 29th.

Mr. Jeff Cooper, Village Engineer, described to the Zoning Board of Appeals the storm water management improvements currently being done in Nicholas Dowden Park South.

Board Member Steffe moved, seconded by Board Member Pyter, to adjourn the meeting.

Motion carried 7 - 0.

Meeting adjourned at 8:17 p.m.