

MINUTES OF THE ZONING BOARD OF APPEALS
September 10, 2018

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, and Eric Steffe.

Members absent: Chairman Kurt Schultz and Matthew Krummick.

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 Steffe, to approve the August 27, 2018, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 18-14 Alissa D. Knuteson, Applicant
295 Ridgeway Lane

Request is for a variation to increase the maximum permitted lot coverage from 30% to approximately 36% in order to replace a patio at the rear of the residence and extend a sidewalk from the driveway to the patio for property located in an R-2 Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the applicant is applying for a variation to increase the maximum permitted lot coverage in order to construct a new patio and additional sidewalk area for property located in an R-2 Single Family Residential District at 295 Ridgeway Lane.

Mr. Ted Bond, agent for the applicant, stated that the applicant is seeking approval to install a patio at the rear of their home where one used to be located. He stated that when the applicant first applied for a permit to replace their patio they then discovered that their property was in violation of the lot coverage ordinance. He stated that there is the public roadway that runs through the eastern border of their property that has never been dedicated. He stated that many years ago before the petitioner owned the property there was a prior agreement between the Village and the prior owner to create a roadway easement over the current location of the roadway, but for reasons unknown, the easement was never recorded. He stated that the petitioner is proposing to finalize the dedication of the roadway as a public road so that it will no longer be a part of the petitioner's property relative to the lot coverage calculation. He stated that by removing the roadway out of the lot coverage calculation and by making an additional

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adjustment to the existing batting cage ground cover will enable them to apply for the lot coverage variation by getting below the maximum 36% lot coverage that the Village Board has the authority to grant and still install the patio replacement and the sidewalk extension from the drive to the patio. He stated that with the adjustments to the site as described they will be above the maximum permitted 30%, but just below 36% lot coverage and this is the variation they are seeking approval for.

Mr. Jeff Cooper, Village Engineer, stated that Ridgeway Lane is a private road that serves a few properties without the proper easements.

Mr. Bond stated that a surveyor has been hired to draw up the survey with legal description. He stated that an additional two (2) feet on either side of the roadway will be included in the easement to allow for maintenance activities.

Chairman Moore requested additional clarification of the Zoning Code requirement as it applies to lot coverage in this case.

Mr. Smith stated that the R-2 District allows a maximum of 30% lot coverage. He stated that the recent update to the Zoning Code has reduced the Village Board's authority to vary the lot coverage an additional 20% of the District's 30% to an additional 15% of the maximum allowed. The petitioner applied for the variation prior to the Village Board approving that text amendment.

Chairman Moore asked the petitioner if they will be able to comply with the Staff recommended condition for approval to replace the batting cage ground surface material with something that is permeable and Code compliant. Mr. Bond stated they are in the process of investigating a material that will both work and comply with the Code.

Board Member Oakley asked for clarification as to whether the road is public or private. Mr. Bond stated that it is a private roadway.

Mr. Cooper stated that there is an agreement in place that obligates the Village to plow the road.

Board Member Oakley asked if the two other neighbors located at 255 and 275 Ridgeway Lane will be impacted. Mr. Smith stated that there was an easement and Easement Agreement drafted in 2004 for all three properties, but for some reason these documents were not recorded with Lake County.

Board Member Pyter asked for clarification of the petitioner's lot coverage calculation and how the batting cage area fits into the calculation. Mr. Bond stated that they are showing the batting cage coverage and its removal via square foot area to show they are addressing Staff's recommended condition to change out the ground surface material of the batting cage area and replace it with a permeable material.

Mr. Nate Knuteson, 295 Ridgeway Lane, described in detail their method of lot coverage calculation.

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Mr. Bond stated that after the scope of work is complete there will be an approximate zero net gain in lot coverage.

Board Member Pyter asked what the status of the stormwater management will be as it relates to the proposed improvements. Mr. Knuteson stated that the drainage will not be negatively impacted. He stated that the property naturally slopes downward from back to front. He stated that he does not anticipate a negative impact on the neighboring properties.

Chairman Moore stated that it appears that the scope of work will result in essentially the same lot coverage.

Mr. Knuteson stated that it will be a minor net reduction after the work is done.

Chairman Moore asked the petitioner if they are ready for the Zoning Board of Appeals to proceed with their motion and recommendation. Mr. Knuteson stated that he is ready for the Zoning Board of Appeals's recommendation.

In the matter of ZBA 18-14, Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 30% to approximately 36% in order to replace a patio at the rear of the residence and extend a sidewalk from the driveway to the patio for property located in an R-2 Single Family Residential District, subject to the following conditions:

- 1. That the batting cage gravel surface be replaced with permeable material to include sod, soil or other types of natural materials limited to organic or soft landscaping.*
- 2. That prior to the issuance of a Construction Permit, a Plat of Easement be recorded for Ridgeway Lane in a form approved by the Village Engineer.*

Motion carried 5 - 0.

Ayes: Moore, Flores, Oakley, Pyter, Steffe

Nays: None

Absent: Krummick, Schultz

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Pyter moved, seconded by Board Member Oakley, to adjourn the Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Meeting adjourned at 7:17 p.m.