

MINUTES OF THE ZONING BOARD OF APPEALS
November 13, 2023

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Gregory Wheeler at 7:01 p.m. at the Village Hall.

Members present: Chairman Gregory Wheeler, Amy Flores, Walter Oakley, Richard Pyter, Thomas Rankin, Eric Steffe, and Aaron Zych.

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 Zych moved, seconded by Board Member Steffe, to approve the October 23, 2023, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 23-11 FNR & TK, LLC, Applicant
726 Paradise Lane**

Request is for variations to: 1) reduce the minimum required side yard setback from 20 feet to approximately 12.5 feet in order to approve the installation of a window well located near the northwest corner of a single-family residence; 2) reduce the minimum required side yard setback from 20 feet to approximately 11 feet in order to approve the installation of a second window well located on the north side a single-family residence; and 3) reduce the minimum required side yard setback from 20 feet to approximately 10.2 feet in order to approve the installation of a new roof of a single family residence in an R-3 Single Family Residential District.

Mr. John Dax, attorney for the applicant, presented the variation requests to the Zoning Board of Appeals. Mr. Dax stated that the residence on the subject property is located in the R-3 Single Family Residential District and is a legal nonconforming structure as it was initially developed prior to current Zoning Code requirements for setbacks. He stated that the structure currently encroaches into the side yard setback. Mr. Dax stated that the current Zoning Code requires an interior side yard setback of twenty (20') feet from the property line for single family residences located in the R-3 Single Family Residential District. He stated that the north property line runs

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on an angle so that the north wall of the residence is located approximately fifteen feet from the property line as measured from the northwest corner of the residence and approximately 11.7 feet as measured from the northeast corner of the residence.

Mr. Dax stated that after acquiring the property, the owner engaged a general contractor to rehabilitate and renovate the property. Mr. Dax stated that among other things the plans provided for a new roof with a steeper pitch to allow for additional room space on the second floor. Mr. Dax stated that the north wall and the portions of the east and west walls of the residence located in the twenty (20') foot side yard were left intact though re-sided.

Mr. Dax stated that the owner seeks a variation to allow basement window wells which extend more than the allowed 1½ feet into the 20' foot interior side yard and a variance is sought allowing the reconstructed roof to be allowed as constructed.

Mr. Dax stated that as originally built the residence had two basement egress windows/window wells on the north facade of the residence. He stated that these two window wells were legal nonconforming uses as they preceded the current Zoning Code requirements. He stated that the current Zoning Code allows window wells to encroach one and one-half (1½') feet into the twenty-foot interior side yard. He stated that the property has been renovated and in the course of the renovation the general contractor relocated the two basement windows and placed window wells outside each window. He stated that the window wells extend 23½ inches out from the residence. Mr. Dax stated that the Village has deemed the relocation as new construction. He stated that being new construction, the window wells are required to comply with current Zoning Code requirement allowing no more than a 1½ foot intrusion into the interior side yard.

Mr. Dax stated that the window wells are located more than 1½ feet into the twenty (20') foot interior side yard principally due to the fact that the structure itself is already positioned between five (5') feet and eight (8') feet into the side yard. He stated that the window wells themselves extend 23½ inches from the structure.

Mr. Dax stated that the roof of the residence was redesigned and rebuilt. He stated that as the roof is new construction and partially encroaching into the twenty (20') foot interior side yard and therefore also requires approval for a Variation. He stated that the roof will have a side yard setback from the north side property line of approximately 10.2 feet.

Mr. Dax stated that the improvement to the residence is in keeping with a modern home style. He stated that the new roof was needed due to the old roof was deteriorating including the joists and rafters. He stated that the height is well below the maximum allowed height of 37 feet.

Mr. Dax reviewed the Standards for Variations with the Zoning Board of Appeals. He stated that the scope of work complies with all other setback requirements except for the one setback variation being sought for approval.

Board Member Oakley asked if there are any storm water management concerns. Mr. Jeff Cooper, Village Engineer, stated that the staff comment in the DRC Staff report is for reference for the

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benefit of the applicant. He stated that they will look for compliance with Appendix P of the Lake County Watershed Development Ordinance.

Mr. Dax stated that they have been working with John Cerbus from Pearson, Brown & Associates regarding the storm water management. He stated that Mr. Cerbus has been working actively to address the compliance with the Appendix P requirements in the civil engineering drawings.

Board Member Flores asked if the window wells comply with the egress requirements. Mr. Dax stated that they do comply with the egress requirements.

Board Member Zych stated that he has a problem with the fact that the contractor did work on this project without permission. Mr. Dax stated that he acknowledges this violation and that the contractor that did more work on the project that was not permitted has been fired. Mr. Dax stated that there would have been no way to install the window wells on the north side of the residence without the approval of a variation. Mr. Dax stated that the contractor moved the existing locations of the old window wells into a different location on the north end of the residence. He stated that the owner travels extensively and was unable to monitor the contractor during the work and admits that the contractor did work above and beyond what was permitted.

Board Member Pyter asked for clarification as to the meaning of egress. Mr. Smith provided explanation.

Chairman Wheeler asked the applicant if they are ready for the Zoning Board of Appeals to make a motion on the requested variations.

In the matter of ZBA 23-11.1), Board Member Oakley moved, seconded by Board Member Rankin, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 20 feet to approximately 12.5 feet in order to approve the installation of a window well located near the northwest corner of a single-family residence in an R-3 Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 1.

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

In the matter of ZBA 23-11.2), Board Member Steffe moved, seconded by Board Member Rankin, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 20 feet to approximately 11 feet in order to approve the installation of a second window well located on the north side a single-family residence in an R-3 Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 1.

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

In the matter of ZBA 23-11.3), Board Member Pyter moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 20 feet to approximately 10.2 feet in order to approve the installation of a new roof of a single family residence in an R-3 Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

STAFF COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 7 - 0.

Meeting adjourned at 7:35 p.m.