

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**March 12, 2012**

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

Members present: Vice Chairman Mark Moore, Scott Adams, Dan Donahue, Walter Oakley, Kurt Schultz; and David Semmelman.

Members absent: William Cotey.

A quorum was established.

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

Board Member Donahue moved, seconded by Board Member Adams, to approve the February 13, 2012, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 12-04 Corey and Amy Weaver, Applicants**  
**235 Third Street**

**Request is for variations to: 1) allow a fence in the corner side yard that extends beyond the rear building line of the principal structure; and 2) allow a fence in the corner side yard so that the fence line is located closer to the street than the front yard established for the abutting lot for property in an R-6, Single Family Residential District.**

**ZBA 12-05 Corey and Amy Weaver, Applicants**  
**235 Third Street**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet in order to construct a detached garage in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the petitioner's requested variations. Mr. Smith stated that the petitioner, Corey Weaver, is requesting variations for the location of a fence in order to allow a six (6) foot tall treated wood fence in the corner side yard and a variation to reduce the minimum required corner side yard in order to construct a detached garage in an R-6, Single Family Residential

**Minutes of the March 12, 2012, Zoning Board of Appeals Meeting**  
**Page 2 of 4**

District located at 235 Third Street. Mr. Smith stated that the property is located on a 53 foot wide lot at the southeast corner of Broadway Street and North Third Street.

Mr. Corey Weaver, petitioner, stated that they need to replace the existing detached garage as it is a failing structure. He stated that it is his intent to match the color and look of a new detached garage with the home. He stated that if he were to replace the existing garage with one that is the same size then it would also need a variation.

Board Member Oakley stated that he is concerned about the site distance triangle for vehicles exiting the alley onto Third Street.

Mr. Weaver stated that he is proposing that the fence line be moved forward away from the alley in order to remove the fence from obstructing the line of sight next to the alley, but by moving the fence forward they are encroaching in front of the rear building line.

Board Member Semmelman asked for clarification of the meaning of rear building line. Mr. Smith stated that the Zoning Code defines the rear building line as a line parallel to the rear lot line and intersecting the point of a building closest to the rear lot line.

Board Member Donahue asked if the petitioner was exceeding the maximum permitted lot coverage.

Mr. Weaver stated that they took additional precautions to not exceed the maximum permitted lot coverage by proposing to remove some of the brick paver patio.

Board Member Schultz stated that there have been other variations granted for similar reasons in the Village and so the precedent has already been set.

Vice Chairman Moore stated that he appreciates that effort that the petitioner has made to keep the site distance triangle clear. He asked how much closer the proposed garage will be to the corner side yard property line. Mr. Weaver stated that the new garage will be approximately 9-1/2 feet closer to the corner side yard property line.

Vice Chairman Moore asked the petitioner if he would like for the Zoning Board of Appeals to vote on the variation requests tonight. Mr. Weaver stated that he would like for the Zoning Board of Appeals to vote tonight.

*In the matter of ZBA 12-04.1), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to allow a fence in the corner side yard that extends beyond the rear building line of the principal structure in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

**Minutes of the March 12, 2012, Zoning Board of Appeals Meeting**  
**Page 3 of 4**

*Ayes: Moore, Adams, Donahue, Oakley, Schultz, Semmelman*  
*Nays: None*  
*Absent: Cotey*

*In the matter of ZBA 12-04.2), Board Member Semmelman moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to allow a fence in the corner side yard so that the fence line is located closer to the street than the front yard established for the abutting lot for property in an R-6, Single Family Residential District.*

Mr. Smith made comment that the motion should include the language, “in accordance with the plans submitted.”

*In the matter of ZBA 12-04.2), Board Member Semmelman moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to allow a fence in the corner side yard so that the fence line is located closer to the street than the front yard established for the abutting lot for property in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Moore, Adams, Donahue, Oakley, Schultz, Semmelman*  
*Nays: None*  
*Absent: Cotey*

*In the matter of ZBA 12-05, Board Member Schultz moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet in order to construct a detached garage in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Moore, Adams, Donahue, Oakley, Schultz, Semmelman*  
*Nays: None*  
*Absent: Cotey*

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, stated that no date has been set yet for the Village Board for Mr. Tosto’s variation request regarding 339 N. Milwaukee Avenue.

Mr. Spoden stated the Committee of the Whole meeting previously scheduled for March 20, 2012 to allow Mr. John McLinden to present his concept plan for the Trimm property and the downtown Metra train station has be postponed to a date not certain.

**Minutes of the March 12, 2012, Zoning Board of Appeals Meeting**  
**Page 4 of 4**

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

Motion carried 6 - 0.

Meeting adjourned at 7:19 p.m.