

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**April 9, 2012**

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

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

Members absent: None.

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 Oakley, to approve the March 12, 2012, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 12-06 Mike and Debbie Bystol, Applicants**  
**827 Sherborne Court**

**Request is for a variation to reduce the minimum required rear yard setback from 50 feet to approximately 48.07 feet in order to construct a single family residence in an R-3, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the petitioner and the variation request. Mr. Smith stated that the petitioners are requesting a variation to reduce the minimum required rear yard setback in order to allow the occupancy of a two story single family residence in an R-3, Single Family Residential District located at 827 Sherborne Court. Mr. Smith stated that the Zoning Code states the minimum required rear yard in the R-3 Single Family Residential District shall not be less than 50 feet for principal structures. Mr. Smith stated that the Zoning Code further states that chimneys may encroach into required yards but by not more than one and one-half (1-1/2) feet. Mr. Smith stated that the petitioners are seeking approval to further encroach approximately six (6) inches into the required rear yard with the chimney.

Ms. Debbie Bystol, petitioner, stated that the first contractor they hired failed to inform them of the encroaching chimney after it was constructed.

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Board Member Schultz asked about the timing of the issued permit for construction. Mr. John Spoden, Director of Community Development, stated that permit was issued in May of 2011, but discovered the non-conformity after review of the spot-in survey submitted late in December of 2011.

*In the matter of ZBA 12-06, Board Member Schultz moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 50 feet to approximately 48.07 feet in order to construct a single family residence in an R-3, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 7 - 0.*

*Ayes: Cotey, Adams, Donahue, Moore, Oakley, Schultz, Semmelman*

*Nays: None*

*Absent: None*

**ZBA 12-07 David and Leslie Kompare, Applicants**  
**407 Meadow Lane**

**Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 48% in order to construct a stone patio for property in an R-6, Single Family Residential District.**

Board Member Kurt Schultz recused himself from this item.

Mr. David Smith, Senior Planner, introduced the petitioner and the requested variation. Mr. Smith stated that the petitioner is requesting to increase the maximum permitted lot coverage in order to construct a stone patio in an R-6, Single Family Residential District located at 407 Meadow Lane. Mr. Smith stated that the petitioner is proposing to construct a patio with retaining planter walls. He stated that the proposed improvements shall increase the existing lot coverage from 45% to approximately 48%. He stated that the Zoning Code states that the maximum permitted lot coverage for an interior lot in the R-6 Single Family Residential District is forty-five percent (45%).

Mr. David Kompare, property owner at 407 Meadow Lane, stated that he had an addition constructed last year, but was unaware the this improvement brought him so close to the maximum permitted lot coverage. He stated that he was unaware that he did not have enough available area when planning the patio.

Mr. Matt Sokolowske, landscape architect representing the property owner, stated that he has submitted the plat of survey as requested by Staff. He stated that they are requesting a variation for lot coverage in an amount that does not exceed what the Village Board is authorized to grant and will be a total of approximately 48.26%. He stated that he and his client Mr. Kompare have examined alternative plans at reducing the lot coverage including reducing the width of the existing walk on the property, but it is already three (3') feet wide and cannot be reduced. He stated that they may remove

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some of the existing driveway surface. He stated that the proposed patio is already very conservative in size and they are reluctant to make it any smaller. He stated that the existing boulder wall located along the side of the garage functions as retaining wall and cannot be removed.

Board Member Oakley stated that the proposed patio looks nice but does not support a lot coverage variation if its purpose is for aesthetics and not to correct a drainage problem.

Mr. Kompare stated that the builder of the home addition did not advise him that his house addition would maximize the lot coverage.

Mr. Sokolowske stated that the proposed patio size was an attempt to be conservative.

Board Member Semmelman stated that consideration should be given to reducing the proposed patio size.

Board Member Donahue asked if material proposed for the patio is pervious. Mr. John Spoden, Director of Community Development, stated that the Zoning Code does not differentiate between various hard surface materials for their permeability.

Mr. Sokolowske stated that the petitioner may be agreeable to trimming approximately two (2) feet along the edge of the patio. He stated that the hardship is not having a patio at all.

Board Member Adams stated that he supports a patio reduced from the proposed size.

Mr. Tom Bolas, General Manager for James Martin and Associates, asked the Zoning Board of Appeals members how much smaller the patio should be before they would support the variation. Chairman Cotey stated that it is up to the petitioner to demonstrate the justification for the variation.

Mr. Kompare stated that a 10 by 10 patio is not usable.

Chairman Cotey stated that the current proposal hasn't met the Standards for Variation and that the conditions on the property are self-created.

Mr. Sokolowske stated that the petitioner has considered converting their driveway into two strips in order to reduce some of the lot coverage.

Chairman Cotey stated that the petitioner may want to consider coming back to the Zoning Board of Appeals next month with revised plans showing further lot coverage reductions.

Mr. Sokolowske requested that this variation request be continued to next month.

*In the matter of ZBA 12-07, Board Member Semmelman moved, seconded by Board Member Donahue, to continue this item to the May 14, 2012, Zoning Board of Appeals meeting.*

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*Motion carried 6 - 0.*

*Ayes: Cotey, Adams, Donahue, Moore, Oakley, Semmelman*

*Nays: None*

*Absent: None*

**ZBA 12-08 Lazzaretto Construction Co., Inc., Applicant**  
**620 McKinley Avenue**

**Request is for a variation to reduce the minimum required lot width from 60 feet to approximately 54.32 feet in order to subdivide property in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the petitioner and the requested variation. Mr. Smith stated that the petitioner is requesting a Variation to reduce the minimum required lot width in order to subdivide property in an R-6, Single Family Residential District located at 620 McKinley Avenue. Mr. Smith stated that the subject property includes Lots 19 and 20 in the Liberty Highlands Subdivision. Mr. Smith stated that there is a single family home that straddles the lot line between the two lots thus making the two lots a single Zoning Lot of Record. Mr. Smith stated that the petitioner seeks to keep the existing structure in place except for its attached garage and breezeway which straddles the existing property line between the two lots.

Mr. Nick Lazzaretto, petitioner, stated that he wants to save the existing house and build a smaller house next to it on the vacant lot. He stated that he agrees with the Staff review comments as listed in the DRC Staff report.

Board Member Schultz stated that the variation makes sense.

Mr. Lazzaretto stated that most of the lots in the subject area are fifty (50') feet wide.

Board Member Donahue stated that he echoes Board Member Schultz's comments.

Board Member Semmelman stated that it appears that the hardship is self-created.

Board Member Moore asked how many residential lots are 50 feet in width in that area. Mr. Smith stated that the number of 50 foot wide lots is uncertain, but stated that there may be a combination of both 50 foot wide lots and 60 foot wide lots.

Chairman Cotey stated that it appears that the hardship was self-created.

Board Member Moore asked about the size of the existing house. Mr. Lazzaretto stated that the existing house is approximately 2,000 square feet in floor area. He stated that he has a strong interest in renovating the existing house to preserve it and may spend up to \$75,000 to \$100,000 doing so.

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Chairman Cotey asked Mr. Lazzaretto if he would like for the Zoning Board of Appeals to make a motion on his request tonight. Mr. Lazzaretto stated that he would like for the Zoning Board of Appeals to vote tonight.

*In the matter of ZBA 12-08, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required lot width from 60 feet to approximately 54.32 feet in order to subdivide property in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 1.*

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

**COMMUNICATIONS AND DISCUSSION:**

Mr. John Spoden, Director of Community Development, reminded the members of the Zoning Board of Appeals to complete and submit their Statements of Economic Interest forms.

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

Motion carried 7 - 0.

Meeting adjourned at 8:03 p.m.