

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**May 14, 2012**

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

Members present: Acting Chairman Mark Moore, Scott Adams, Dan Donahue, Walter Oakley, and David Semmelman.

Members absent: Chairman William Cotey and Kurt Schultz.

A quorum was established.

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

Board Member Oakley moved, seconded by Board Member Semmelman, to approve the April 9, 2012, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

**OLD BUSINESS:**

**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.**

Mr. David Smith, Senior Planner, stated that the petitioner was before the Zoning Board of Appeals at their April 9, 2012 meeting 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 during the course of the April 9, 2012 public hearing, the Zoning Board of Appeals made a motion to continue the variation request to the May 14, 2012, meeting agenda in order to provide the petitioner an opportunity to revise their plans in response to concerns expressed by the Zoning Board of Appeals and the Staff Development Review Committee report. Mr. Smith stated that the initial petition submittal included a variation request to increase the maximum permitted lot coverage from 45% to approximately 48%. Mr. Smith stated that at the April 9, 2012 Zoning Board of Appeals meeting, the Board Members encouraged the petitioner to find ways to reduce the lot coverage and revise the plans accordingly. Mr. Smith stated that the petitioner has revised his plans for the proposed stone patio and now shows a reduction in the patio's size from approximately 338 square feet to approximately 260 square feet. The total proposed lot coverage has been reduced from approximately 48% to approximately 46.4%.

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Mr. David Kompare, petitioner, stated that they have revised their plans and included a grading plan in their petition. He stated that they have narrowed his driveway and he has reduced the patio by 20% in coverage area.

Mr. Matt Sokolowske, James Martin and Associates, stated that the lot coverage is now only 127 square feet over the maximum permitted. He stated that the drainage flows to the rear of the property.

Board Member Adams asked for clarification about other areas of the lot that have been reduced in coverage. Mr. Sokolowske stated there is some additional coverage area removed near the west side of the house.

*In the matter of ZBA 12-07, Board Member Oakley moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation a variation to increase the maximum permitted lot coverage from 45% to approximately 46.4% in order to construct a stone patio for property in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 1.*

*Ayes: Adams, Donahue, Oakley, Semmelman*

*Nays: Moore*

*Absent: Cotey, Schultz*

**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, stated that the petitioner appeared before the Zoning Board of Appeals at their April 9, 2012, meeting 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 it was determined after the April 9, 2012, meeting that there were some residents who were not properly notified by the required public notice thereby nullifying that public hearing. Mr. Smith stated that the petitioner has since then re-noticed for the May 14, 2012, Zoning Board of Appeals meeting. Mr. Smith stated that the Zoning Board of Appeals gave a positive recommendation for the requested variation at the April 9, 2012 meeting.

Ms. Debbie Bystol, petitioner, stated that the variation is requested due to the minor encroachment into the required rear yard by the chimney. She stated that it is only about six (6") inches.

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Mr. Tim Ryan, 830 Interlaken Lane, stated that he does not have any objections to the petitioner's request for the variation. He stated the original developers of the Sherborne subdivision, being Mr. Werchek and Mr. Hoover, need to honor their commitment.

Board Member Moore stated that Staff should go back and review the conditions for approval of the subdivision in response to Mr. Ryan's testimony.

*In the matter of ZBA 12-06, Board Member Semmelman moved, seconded by Board Member Adams, 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 5 - 0.*

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

**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, stated that the petitioner was before them at their April 9, 2012 meeting 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 it was determined after the April 9, 2012, meeting that the proper public notice was not sent thereby nullifying that public hearing. Mr. Smith stated that the Zoning Board of Appeals gave a positive recommendation for the variation request at the April 9, 2012 meeting.

Mr. Pat Vilo, 626 McKinley Avenue, stated that he is concerned about the potential for the removal of trees.

Mr. Nick Lazzaretto, petitioner, stated that any trees subject to removal will be replaced in accordance with Village Codes. Mr. Lazzaretto showed the concept site plan to Mr. Vilo and explained what he may do with the driveway. He stated that he may do an attached front loaded garage instead of the detached garage to the rear in order to plan a driveway that will have less impact on site development.

Mr. Mark Kummer, 616 McKinley Avenue, stated that he is also concerned about the removal of trees.

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Mr. Lazzaretto showed the proposed concept plan to Mr. Kummer and explained that every effort will be made to have as little impact upon the trees on site as possible, but some trees will be removed and replaced per Code.

Ms. Sue Vilo, 626 McKinley Avenue, stated that she is concerned about the close proximity of the driveway for the new house to her driveway.

Mr. Lazzaretto stated that he may do an attached front loaded garage instead of the detached garage to the rear in order to plan a driveway that will have less impact on site development and the neighboring property. He stated that in any case, the new driveway will not abut the side property line.

Mr. Vilo asked what the next step will be in the process for this variation request. Mr. John Spoden, Director of Community Development, stated all building and zoning codes shall apply. He stated that the next step is for the Zoning Board of Appeals to make a recommendation to the Village Board of Trustees.

Board Member Adams asked how big the new home will be. Mr. Lazzaretto stated that the new home will be smaller than the existing home on 620 McKinley Avenue.

Chairman Moore asked the petitioner what he would like for the Zoning Board of Appeals to do. Mr. Lazzaretto stated that he would like for the Zoning Board of Appeals to recommend approval to the Village Board.

*In the matter of ZBA 12-08, Board Member Oakley moved, seconded by Board Member Semmelman, 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 5 - 0.*

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

*Nays: None*

*Absent: Cotey, Schultz*

**ZBA 12-10 Lyle S. Kraus, Applicant**  
**1220 Willow Drive**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to 8 feet in order to construct a single family residence in an R-6, Single Family Residential District.**

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Mr. David Smith, Senior Planner, stated that the petitioner, Lyle Krause, is seeking approval for a variation to reduce the minimum required corner side yard setback in order to construct a single family residence in an R-6, Single Family Residential District located at 1220 Willow Drive.

Mr. Smith stated that the subject lot is a corner lot at the northeast corner of Harding Avenue and Willow Drive and is 50 feet wide by 140 feet deep.

Mr. Lyle Krause, petitioner, stated that it is his intent to construct attainable and intelligent homes. He stated that he is treating the corner side yard as if it were an interior lot. He stated that his price points will be around \$449,000 for the two homes that he will construct. He stated that any drainage issue will be addressed with the proper civil engineering. He stated that he will correct any plan discrepancies at the time of making application for his building permit.

Ms. Moira Breen, 139 Woodland Avenue, stated that she is pleased that the northeast corner of Harding and Woodland will be improved. She stated that there is a house at the corner of Willow and Butterfield Road that has a substantial encroachment into the corner side yard and is concerned about a continuing trend with the requested variation by the petitioner. She stated that the houses along Willow to the west are properly set back and would be concerned about the changing character of the neighborhood.

Ms. Elizabeth Moya, 210 Kenloch, stated that she is concerned about the gradual change in the neighborhood. She stated that she hopes that the neighborhood character does not change with new development. She stated that the block to the south bounded by Rt. 176, Butterfield Road, Willow and Harding contains a hair salon and a small park that kids play at almost everyday. She stated that she has heard rumors that there is an interest to redevelop that block and that she is concerned about any changes to it.

Mr. Kraus stated that he has received around four phone calls after he sent out his public notice letters. He stated that all of the phone calls received were positive after they understood what he intends to do. He stated that he is sensitive to the concerns of the neighborhood. He stated that the homes that he is proposing to build will be well suited for families.

Mr. Neal Gerdes, architect for the petitioner, stated that he is familiar with the neighborhood where the homes are proposed to be built. He stated that two smaller homes approximately 2,200 to 2,300 square feet in size are proposed on the two lots, and not one large home, therefore the plan is consistent with the character of the neighborhood.

Chairman Moore asked what the lot depths are for the homes on Meadow Lane. Mr. John Spoden, Director of Community Development, stated that they are between 180 and 200 feet deep.

Chairman Moore asked about the affordability of the homes that the petitioner is proposing. Mr. Kraus stated that the price points would begin around \$449,000.

Chairman Moore asked the petitioner if he had considered alternative plans that would reduce the degree of the encroachment into the corner side yard. Mr. Gerdes stated that he had considered other

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plans, but the proposal before the Zoning Board of Appeals is the best choice as each home will contain three to four bedrooms and they are more economically feasible. He stated that by making the corner home narrower so that it would have less of an encroachment into the corner side yard would require the loss of at least one room in the house. He stated that the lot coverage limit is prohibitive of designing a home with a detached garage because the extended driveway required for a detached garage would consume more lot coverage.

Mr. Krause stated that an attached garage is a much better seller. He stated that he was concerned about creating too much impervious area on the lot. He stated that the proposed homes as designed are what the public wants.

Chairman Moore stated that he is concerned about potential problems for fences being Code compliant.

Mr. Kraus stated that it is his intent to install landscaping as opposed to a fence.

Chairman Moore stated that he is concerned about the future homeowner coming back to the Zoning Board of Appeals to ask for a fence variation.

Mr. Kraus stated that he cannot control what a future homeowner may choose to do. He stated that he will comply with the Staff review comments as they relate to corrections to be made in the plans. He stated that he would like for the Zoning Board of Appeals to render their recommendation to the Village Board.

*In the matter of ZBA 12-08, Board Member Oakley moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to 8 feet in order to construct a single family residence in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 1.*

*Ayes: Adams, Donahue, Oakley, Semmelman*

*Nays: Moore*

*Absent: Cotey, Schultz*

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 5 - 0.

Meeting adjourned at 7:52 p.m.