

MINUTES OF THE ZONING BOARD OF APPEALS
December 10, 2007

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Mark Moore at 7:03 p.m. at the Village Hall.

Members present: Chairman Mark Moore, William Cotey, Kurt Hezner, Terry Howard, Howard Jaffe, Walter Oakley, and Andy Robinson.

Members absent: None.

A quorum was established.

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

Board Member Robinson moved, seconded by Board Member Oakley, to approve the November 12, 2007, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 07-45 Terry and Patricia Langworthy, Applicants
1155 W. Winchester Road

Request is for a variation to move a non-conforming structure, not otherwise permitted in Section 14 of the Zoning Code, in order to relocate a storage barn approximately 405 square feet in floor area in an R-3 Single Family Residential District.

Mr. Terry Wepler, agent for the petitioner, Terry Langworthy, stated that the petitioner is requesting approval for a variation to move a non-conforming structure, not otherwise permitted in Section 14 of the Zoning Code, in order to relocate a storage barn approximately 405 square feet in floor area in an R-3 Single Family Residential District. Mr. Wepler stated that Mr. Langworthy needs the continued use of the barn as his storage facility for his property maintenance equipment. Mr. Wepler stated that the petitioner's property previously included additional property to the west, but was sold for development for the Sherborne Subdivision. Mr. Wepler stated that the hardship that justifies the variation request is that the storage barn met code when it was built in the 1980's.

Board Member Robinson asked what the current size is. Mr. Wepler stated that the lot is ten times larger than most other lots in the R-3 District. He stated that it is not Langworthy's intent to sell his land in the near future.

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Board Member Hezner asked if the barn has been moved yet and if there has been an agreement established with Mr. Earl Hoover. Mr. Hezner asked if the petitioner can comply with the Staff review comments to move the barn further behind the residence. Mr. Wepler stated that there is a row of trees that would prohibit the moving of the barn to the rear of the residence. He stated that the proposed location will meet the Zoning Code regulations.

Board Member Cotey asked if the materials on the barn can be improved. Mr. Wepler stated that they could not as it is a historical structure.

Board Member Hezner stated that it is a self-created hardship. He asked Mr. Wepler if he would like for the Zoning Board of Appeals to render their recommendation tonight. Mr. Wepler responded in the affirmative.

In the matter of ZBA 07-45, Board Member Hezner moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to move a non-conforming structure, not otherwise permitted in Section 14 of the Zoning Code, in order to relocate a storage barn approximately 405 square feet in floor area in an R-3 Single Family Residential District, subject to the following condition: 1) The location of the barn structure be south of the residence and no closer to the future extension of Sherborne Court than the residence.

The motion was then amended as follows:

In the matter of ZBA 07-45, Board Member Hezner moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to move a non-conforming structure, not otherwise permitted in Section 14 of the Zoning Code, in order to relocate a storage barn approximately 405 square feet in floor area in an R-3 Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

ZBA 07-37 Milun and Jelica Radojevic, Applicants
258-260 Florence Court

Request is for variations to: 1) reduce the minimum required front yard setback; and 2) reduce the minimum required rear yard setback in order to construct a house addition to an existing two-unit single-family attached dwelling in an R-7, Single-Family Attached Residential District.

ZBA 07-38 Milun and Jelica Radojevic, Applicants
258-260 Florence Court

Request is for a variation to permit the orientation of a single-family attached dwelling on a zoning lot so that the principal entrance does not face the front property line along

the public right-of-way and the principal entrance is not located on that portion of the front facade wall located closest to the front property line in an R-7, Single-Family Attached Residential District.

Mr. David Smith, Senior Planner, introduced the variation requests. Mr. Smith stated that the petitioners, are requesting variations to reduce the minimum required front yard setback, to reduce the minimum required rear yard setback, and a variation to permit the orientation of a single family attached dwelling on a zoning lot so that the principal entrance does not face the front property line along the public right-of-way and the principal entrance is not located on that portion of the front facade wall located closest to the front property line in order to construct a house addition to a residential duplex structure in an R-7, Single-Family Attached Residential District.

Mr. Smith stated that the subject lot is located on the west end of Florence Court and the street frontage terminates at the southeast corner of the property creating unusual minimum yard and setback requirements. Mr. Smith stated that the actual frontage in which the subject lot's property lines abut the Florence Court right-of-way is approximately 21 feet in length at the southeast corner.

Mr. Smith stated that Staff has determined that the front yard is located at the southeast corner of the lot closest to the terminus of Florence Court and is 30 feet in depth from those property lines that abut the Florence Court right-of-way. Mr. Smith stated that the rear yards are located along the westerly property line that runs in a north-south orientation and along the northerly property line that runs in an east-west orientation and both yards are 25 feet in depth from said property lines. Mr. Smith stated that the remaining side yards are located along the easterly property line that runs in a north-south orientation and there is short segment along the south property line that is also considered the side yard, both are five (5) feet in depth. Mr. Smith stated that these required yards create a building envelope that is unique in shape and not like most other rectangular lots, but is a result of the terminus of the Florence Court right-of-way at the southeast corner of the lot and are caused by how the Zoning Code defines lot lines and required yards.

Mr. Alexander Radojevic stated that he is the son of the petitioner, Mr. Milum Radojevic. He stated that he will live in one of the two dwelling units after the improvements are complete. He stated that his parents, Milum and Jelica Radojevic, will live in the other unit.

Mr. Steve Kolber, architect for the petitioner, stated that the intent of the proposed house addition plan was to make use of the existing structure without tearing it down. He stated that they want to add two wings to the front of the house, each shall accommodate two car garages. He stated that the garages are in front of the house in order to minimize coverage by the driveway. He stated that the owner wanted to save the existing building. He stated that the proposed plan will comply with the lot coverage limit. He stated that because of the effort to keep the existing building, there is some sacrifice on design.

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Mr. Burl Nader, 262 Florence Court, stated that he has been a resident in his house for 43 years. He stated that the proposed house units should front towards the south. He stated that the intent of allowing variations is to still require development to be in substantial conformance with the Zoning Code. He stated that the proposed dwelling unit orientation needs a Zoning Code text amendment. He stated that street frontage should not dictate setbacks. He stated that the petitioner is not meeting the Standards for a Variation because there is not hardship or practical difficulty in meeting the Zoning Code regulations. He stated that there is another remedy and that is to tear down the existing house.

Mr. Howard Pratt, 236 Florence Court, asked how the proposed home improvements will re-orient the house. Mr. Kolber, architect, answered Mr. Pratt's question and showed him the site plan.

Mr. Pratt stated that he objects to the removal of the trees.

Mr. Kolber stated that the driveway will be 12 feet wide.

Board Member Oakley asked how long has the petitioner owned the property. Mr. Radojevic stated that his father has owned it for about 10 years.

Board Member Cotey asked if the petitioner would be willing to redesign the house addition in order to shorten up the size and reduce the encroachment by the family room. Mr. Kolber stated that his client might be willing to reduce the family room portion of the addition.

Board Member Hezner stated that the front yard setback is a 66% variation. He stated that the rear yard setback is a 68% variation. He stated that the addition brings the structure substantially further forward towards the south than the other homes on the street. He stated that the petitioner should stay closer to the Zoning Code regulations. He stated that the hardship is self-created.

Board Member Jaffe asked if the petitioner will comply with the Engineering Division comments. Mr. Kolber stated that they will solve the engineering issues.

Board Member Jaffe stated that if the house were torn down, they may not need a variation if a new house was constructed.

Mr. Kolber stated that he has not done a cost-benefit analysis to compare the proposed project with a scenario that includes a teardown.

Board Member Howard asked how close to the fire hydrants is the proposed addition. He stated that it seems too close to the existing fire hydrant. He stated that he cannot support it.

Board Member Robinson stated that he is concerned about the development of a shared drive and shared front porch after the owners sell and move out. He stated that he cannot support it as presented.

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Chairman Moore stated that the proposed design is problematic. He stated that the petitioner should consider requesting a continuance in order to allow the petitioner an opportunity to consider a new design.

In the matters of ZBA 07-37 and ZBA 07-38, Board Member Hezner moved, seconded by Board Member Jaffe, to continue these items to the January 14, 2008, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

ZBA 07-42 Adam and Gail Lyons, Applicant
325 First Street

Request is for a variation to reduce the minimum required rear yard setback in order to construct a house addition to an existing single-family home in an R-7, Single-Family Attached Residential District.

ZBA 07-43 Adam and Gail Lyons, Applicant
325 First Street

Request is for a variation to increase the maximum permitted lot coverage in order to construct a house addition to an existing single-family home in an R-7, Single-Family Attached Residential District.

Due to improper notification by the applicants, these items will be re-noticed for the January 14, 2008, Zoning Board of Appeals meeting.

ZBA 07-44 Terence and Nancy Grupe, Applicants
311 E. Rockland Road

Request is for variations to: 1) reduce the minimum required corner side yard setback; and 2) reduce the minimum required rear yard setback in order to construct a house addition to an existing single-family home in an R-6, Single-Family Residential District.

Due to improper notification by the applicants, this item will be re-noticed for the January 14, 2008, Zoning Board of Appeals meeting.

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 7 - 0.

Meeting adjourned at 8:08 p.m.