

MINUTES OF THE ZONING BOARD OF APPEALS
September 9, 2013

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, and David Semmelman.

Members absent: 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 Donahue, to approve the August 12, 2013, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 13-07 Steven Ward, Applicant
600 East Rockland Road

Request is for variations to: 1) install a fence in a corner side yard that extends beyond the rear building line of the principal structure; and 2) install a fence in a 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 located in an R-6, Single-Family Residential District.

The applicant requested that this item be continued to the October 14, 2013, Zoning Board of Appeals meeting.

In the matter of ZBA 13-07, Board Member Oakley moved, seconded by Board Member Donahue, to continue this item to the October 14, 2013, Zoning Board of Appeals meeting.

Motion carried 6 - 0.

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

Nays: None

Absent: Schultz

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**ZBA 13-08 Joel and Jamie-Lynn Simmons, Applicants
1100 Lake Street**

Request is for a variation to increase the maximum permitted lot coverage from 30% to approximately 35.9% in order to construct a patio replacement, outdoor brick fireplace, and outdoor natural gas grill station in an R-3, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the petitioner is requesting to increase the maximum permitted lot coverage in order to construct a patio replacement, outdoor brick fireplace, and outdoor natural gas grill station in an R-3, Single Family Residential District located at 1100 Lake Street. Mr. Smith stated that the subject residence is located at the northwest corner of Interlaken Lane and Lake Street. Mr. Smith stated that the Zoning Code allows for maximum permitted lot coverage to not exceed 30% for corner lots in an R-3 District, but that the existing improvements on the subject lot at 1100 Lake Street comprise approximately 36.2% lot coverage which is non-conforming. Mr. Smith stated that the subject house was constructed in 1989. Mr. Smith stated that the petitioner is proposing to reduce that lot coverage to approximately 35.9% by removing a portion of the existing pool deck, while at the same time installing the proposed outdoor fireplace and grill station. Mr. Smith stated that although the petitioner is not seeking to increase the degree of the existing lot coverage, the proposed changes do not bring the lot coverage below the maximum allowed 30%, therefore a variation is required.

Mr. Joel Simmons, petitioner, stated that the existing pavers in both the front and rear yard weren't installed adequately. He stated that he needs to do some repairs to the stoop. He stated that he is also proposing to install an outdoor fireplace. He stated that they opted to not remove an existing hot tub which has lead to the location choice for the proposed outdoor fireplace. He stated that the separation between the fireplace and the house far exceeds the minimum requirement from the Village. He stated that the Village has already reviewed and approved the plans. He stated that he is also correcting an unsafe situation by removing an existing gas grill from within the screened in porch and installing a new grill station just outside the back door. He stated that that he didn't realize that his property was over the allowed lot coverage when he purchased the property. He stated that they are willing to remove some of the deck area from the existing swimming pool.

Board Member Oakley stated that it is a great project and that he has no questions.

Board Member Adams stated that it appears to be a nice plan.

Board Member Donahue asked for clarification regarding a letter submitted by the neighbor, Mr. Armando Saltiel, expressing concerns about the proposed project. Mr. Simmons stated that he has never met the neighbor and that he just received a copy of the neighbor letter last Friday.

Mr. Smith stated that Mr. Saltiel, who submitted the letter, previously stated to Staff that he would be unable to attend the public hearing. Mr. Smith stated that he informed Mr. Saltiel that he has the option of submitting his concerns in writing prior to the public hearing. Mr. Smith

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stated that the Building Division review comments found in the Development Review Committee Staff report are specific to outdoor fireplaces and that the Building Division has informed Mr. Smith that the petitioner's plans do indicate compliance with those review comments.

Chairman Cotey asked who the manufacturer is for the proposed fireplace. Mr. Simmons stated that he does not know who the manufacturer is, but he has used them before in Lake County. He stated that it is not a pre-fabricated construction. He stated that it will be comprised of concrete block and surrounded with stone or any other acceptable masonry that is chosen.

Chairman Cotey stated that the petitioner may need more detailed plans.

Mr. Spoden stated that the permit is actually ready to go. He stated that the Building Division has everything they need for the permit application.

Board Member Donahue asked how tall the fireplace is. Mr. Smith stated that the plans indicate that the height is 12 feet to the top of the chimney.

Board Member Donahue asked what the distance is to the neighboring house. Mr. Smith stated that the proposed fireplace construction will have a 20 foot setback from the side yard property line. He stated that the abutting property is required to have a minimum side yard setback of 20 feet.

Mr. Simmons stated that his fireplace will be setback 20 feet from the side property line. He stated that his neighbor's driveway runs along that side property line. He stated that he estimates that there may be a least a 40 foot separation between his neighbor's house and proposed location for his outdoor fireplace. He stated that his neighbor's back yard is on the opposite side from his property.

Chairman Cotey asked if the fireplace will be wood burning and not natural gas. Mr. Simmons stated that it will be a wood burning fireplace.

Chairman Cotey asked if he would like for the Zoning Board of Appeals to render their recommendation at this time. Mr. Simmons stated that he would like for the Zoning Board of Appeals to give their recommendation.

In the matter of ZBA 13-08, Board Member Semmelman moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 30% to approximately 35.9% in order to construct a patio replacement, outdoor brick fireplace, and outdoor natural gas grill station in an R-3, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

Ayes: Cotey, Adams, Donahue, Moore, Oakley, Semmelman
Nays: None

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Absent: Schultz

**ZBA 13-09 Mark Moore, Applicant
865 Country Club Drive, Unit F**

Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 27 feet in order to install a ground mounted air conditioning unit for property located in an R-8, Multiple Family Residential District.

(Board Member Moore recused himself from this item.)

Mr. David Smith, Senior Planner, introduced the requested variation petition. Mr. Smith stated the applicant is requesting a variation to reduce the minimum required front yard setback in order to install a ground mounted air conditioning unit on property located in an R-8, Multiple Family Residential District at 865 Country Club Drive. Mr. Smith stated that the petitioner is seeking to relocate an existing air conditioning unit from its current location at the rear of the townhome unit along the west side of the building to the south end of the building which by Zoning Code definition is the front yard. Mr. Smith stated that the subject townhome dwelling unit is one of six units and is located on the south end of the building. Mr. Smith stated that the building itself is located at the northwest corner of Country Club Drive and Golf Road. Mr. Smith stated that the front yard is between the subject end dwelling unit and the Golf Road public right-of-way.

Mr. Smith stated that the building itself is setback from the Golf Road right-of-way line approximately 31.05 feet in accordance to the plat of survey. Mr. Smith stated that by placing the 2.5' x 2.5' A.C. unit approximately 1.5 feet off of the south wall of the building, it will encroach into the required 30 foot yard approximately 3 feet for a setback of approximately 27 feet from the Golf Road public right-of-way line a.k.a. the front property line.

Mr. Mark Moore, petitioner, stated that in its current location, the unit is partially obstructing access into the basement window. He stated that it needs to be relocated both for safety reasons and as part of his basement renovation project. He stated that once it is relocated adjacent to the south wall, it will be properly screened per the Zoning Code regulations.

Board Member Adams stated that it also appears to hinder snow removal efforts in its current location.

Mr. Moore stated that he would not be able to move it any further west as the parking area is there.

Chairman Cotey stated that the proposal is an appropriate answer to the petitioner's safety concern. He asked the petitioner if he would like for the members of the Zoning Board of Appeals to render their recommendation tonight. Mr. Moore stated that he would like for the Zoning Board of Appeals to render their recommendation for his variation request tonight.

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In the matter of ZBA 13-09, Board Member Oakley moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 27 feet in order to install a ground mounted air conditioning unit for property located in an R-8, Multiple Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that Hanna Cylinder has decided to not renew their lease currently located on East Park Avenue, the same location in which Bridge Development is proposing Phase II of their two phased project, so it is more likely that Bridge Development may construct both warehouse distribution buildings concurrently.

Chairman Cotey stated that the Village may consider sending a letter to the State representative regarding the onerous requirement for petitioners to send public notice letters that are return receipt required in order to change this requirement.

Board Member Moore stated that consideration should be given to removing trees identified for removal by the Village to be done in the winter time in order to lessen the visual impact.

Board Member Donahue asked what the status is on the proposed Zoning Code text amendment regarding downtown roof top restaurant seating and its required parking. Mr. Spoden stated that it is being studied by Staff and will come back before the Plan Commission when it is drafted.

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

Motion carried 6 - 0.

Meeting adjourned at 7:31 p.m.