

MINUTES OF THE ZONING BOARD OF APPEALS
November 10, 2014

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, Dan Donahue, Amy Flores, Mark Moore, and Walter Oakley.

Members absent: Kurt Schultz and David Semmelman.

Village Staff present: David Smith, Senior Planner; and Linda Carlson, Project Engineer.

Board Member Moore moved, seconded by Board Member Oakley, to approve the October 13, 2014, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 14-13 Mark Waldick, Applicant
1134 Fairlawn Avenue

Request is for a variation to allow a fence line to extend beyond the rear building line of the principal structure in order to install a new six (6) foot fence in the corner side yard located in an R-5, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the applicant, Mark Waldick, is requesting a variation to allow a fence line to extend beyond the rear building line of the principal structure within the corner side yard in an R-5, Single Family Residential District located at 1134 Fairlawn Avenue. Mr. Smith stated that the applicant is proposing to replace his existing fence with a new fence of the same height, six (6) feet, and with Cedar wood material. He stated that the subject site is located at the northeast corner of Fairlawn Avenue and Butterfield Road.

Mr. Mark Waldick, petitioner, stated that his existing fence is in very bad shape and needs replacement. He stated that the Village issued a permit for it in its current location in 1994. He stated that he needs the fence for both privacy and security. He stated that without allowing it to go back in the existing location, the air conditioner, sump pump, gas meter, and PVC exhaust pipe would be visually exposed. He stated that he couldn't identify any other remedy without the requested variation and he stated that other similar fence variations have been approved.

Board Member Donahue stated that he suspects that the fences along Butterfield Road are exposed to harsh snow removal conditions.

Minutes of the November 10, 2014, Zoning Board of Appeals Meeting
Page 2 of 7

Mr. Waldick stated that he agrees that snow removal has stressed his fence line over the years.

Chairman Cotey asked for the proposed height of the new fence. Mr. Waldick stated that it will be the same height as the existing fence at six (6) feet.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do tonight. Mr. Waldick stated that he would like for the Zoning Board of Appeals to give a positive recommendation to the Village Board for his variation request.

In the matter of ZBA 14-13, Board Member Oakley moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to allow a fence line to extend beyond the rear building line of the principal structure in order to install a new six (6) foot fence in the corner side yard located in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

ZBA 14-14 Erik Cook and Jill Dendor, Applicants
308 West Maple Avenue

Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 54% in order to replace a wood deck for property located in an in an R-7, Single Family Attached 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 replace a wood deck with a composite material approximately 57 square feet larger than the existing deck for a total of approximately 220 square feet in area. He stated that the property is located in an R-7, Single Family Attached Residential District located at 308 West Maple Avenue and that the subject lot is approximately 5,420 square feet in area.

Mr. Smith stated that the site is currently developed with a two-story, single family residential structure with detached garage and that the existing coverage includes a driveway, concrete walks and patio, wood deck, and two other brick patios for a total coverage of 3,063 square feet which equals approximately 56.5% of lot coverage. He stated that only 45% lot coverage is allowed. He stated that the petitioner is proposing to replace their existing wood deck with a new deck, a portion of which will overlap their existing concrete patio behind their house. He stated that the scope of the work also includes removing one of the two existing brick patios and a portion of the second brick patio. The net coverage after completion of the work will reduce the overall lot coverage to 54%. He stated that even though there is a lot coverage reduction, the new construction shall require the petitioner to seek the variation as it is still above the maximum permitted of 45%.

Minutes of the November 10, 2014, Zoning Board of Appeals Meeting
Page 3 of 7

Mr. Smith stated that the petitioner is not seeking to increase the degree of the existing lot coverage, but merely to replace a deck and in effect reduce the existing lot coverage.

Mr. Eric Cook, petitioner, stated that the pop-up drain emitters already exist, but are not noted on the plan as existing.

Board Member Moore asked Staff why a grading plan was requested if the net lot coverage is being reduced. Mr. Smith stated that it is standard procedure to ask for a grading plan whenever the variation request is relative to the maximum permitted lot coverage as a precaution.

Chairman Cotey stated that it seemed like a nice project. He asked the petitioner what he would like for the Zoning Board of Appeals to do tonight. Mr. Cook stated that he would like for the Zoning Board of Appeals to give a positive recommendation to the Village Board for his variation request.

In the matter of ZBA 14-14, Board Member Moore moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 45% to approximately 54% in order to replace a wood deck for property located in an R-7, Single Family Attached Residential District, subject to the following condition: 1) Review and approval of the topographic survey by the Engineering Division.

Motion carried 5 - 0.

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

ZBA 14-15 Century Bay Builders, Applicant
232 Sunset Drive

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 20 feet in order to construct a single family residence in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request. Mr. Smith stated that the petitioner, Patrick Shaver, is seeking approval for a variation to reduce the minimum required corner side yard setback in order to construct a new single family residence in an R-6, Single Family Residential District located at 232 Sunset Drive. Mr. Smith stated that the subject lot is currently vacant and is a corner lot at the southeast corner of Sunset Drive and Linden Lane. He stated that the subject site is identified as Lot 55 in the Oakwood Terrace Subdivision and records indicate that it was platted in 1924. Mr. Smith stated that as a vacant lot and owned by the adjacent property owner, it has served as an open corner side yard for the existing neighboring home on Lot 54.

Minutes of the November 10, 2014, Zoning Board of Appeals Meeting
Page 4 of 7

Mr. Patrick Shaver, petitioner, stated that Lot 55 is vacant and that the adjacent Lot 54 will be brought into conformity for its lot coverage per the Staff review comment. He stated that the proposed house will be approximately 2,600 square feet in floor area.

Commissioner Donahue asked how the proposed front yard setback compares to the adjacent existing house to the south. Mr. Shaver stated that it will be slightly setback further from the front yard as compared to the existing house to the south.

Chairman Cotey asked how the proposed corner side yard setback compares to the existing adjacent house to the east.

Mr. Shaver stated that the existing house adjacent and the east has a setback of approximately 22.9 feet from the Linden Lane right-of-way.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals do tonight regarding the requested variation. Mr. Shaver stated that he would like for the Zoning Board of Appeals to give a positive recommendation to the Village Board for their variation request.

In the matter of ZBA 14-15, Board Member Oakley moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 20 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 5 - 0.

Ayes: Cotey, Donahue, Flores, Moore, Oakley

Nays: None

Absent: Schultz, Semmelman

ZBA 14-17 Nick Lazzaretto, Applicant
204 Broadway

Request is for variations to: 1) reduce the minimum required corner side yard setback; and 2) reduce the minimum required front yard setback in order to construct a new single family residence in an R-7, Single Family Attached Residential District.

ZBA 14-18 Nick Lazzaretto, Applicant
204 Broadway

Request is for a variation to reduce the minimum required corner side yard setback in order to construct a new detached garage in an R-7, Single Family Attached Residential District.

Minutes of the November 10, 2014, Zoning Board of Appeals Meeting
Page 5 of 7

ZBA 14-19 Nick Lazzaretto, Applicant
204 Broadway

Request is for a variation to increase the maximum permitted lot coverage in order to construct a new single family residence and new detached garage in an R-7, Single Family Attached Residential District.

Mr. David Smith, Senior Planner, introduced the variations requested for property located at 204 Broadway. Mr. Smith stated that the petitioner, Nick Lazzaretto, is seeking approval for variations to reduce the minimum required corner side yard setback for both a new single family residence and a new detached garage, and to increase the maximum permitted lot coverage in order to construct a new single family residence with detached garage in an R-7, Single Family Attached Residential District located at 204 Broadway Street. Mr. Smith stated that the subject lot is currently improved with a two story frame residence and detached frame garage which the petitioner is seeking to demolish. Mr. Smith stated that the property is legally describe as Lot 12 in the C. Frank Wright's Subdivision, is a corner lot at 50 feet in width and 104 feet in depth with an area of approximately 5,225 square feet was platted in 1893.

Mr. Nick Lazzaretto, petitioner, stated that he is proposing to demolish the existing house on the subject lot and build a new home with detached garage. He stated that the house across the street is around thirteen (13) feet from the property line and believes that a precedent has been set.

Ms. Heidi Hyatt, 208 Broadway Street, stated that she lives next to the lot subject to Mr. Lazzaretto's proposal. She stated that she does not object to the setback of the new house from her property, but does object to the proposed height of the house.

Mr. Lazzaretto stated that a smaller 1½ story house, such as the one he is proposing to demo, is not large enough to sell in the current market.

Ms. Hyatt stated that a larger house would totally block the light and air from her house. She stated that her house is the oldest in the neighborhood.

Chairman Cotey stated that the proposal from Mr. Lazzaretto is within the permitted height for his proposal.

Mr. Bill Carlson, 128 Broadway Street, stated that he is disappointed with the Village because of the changes to the neighborhood. He stated that he is not against variations as long as the house is built within the footprint of the existing. He stated that the architecture of the new houses in the neighborhood are not conducive for the neighborhood. He stated that he opposes teardowns.

Ms. Diane Carlson, 128 Broadway Street, stated that the proposed house won't have a useful back yard. She stated that the proposed house will not fit into the neighborhood. She stated that it will change the surrounding land values.

Board Member Flores stated that an increase in the floor area may lose the quaintness of the residence.

Minutes of the November 10, 2014, Zoning Board of Appeals Meeting
Page 6 of 7

Mr. Lazzaretto stated that the existing home is about 1,000 square feet in floor area. He stated that it is not economically feasible to go smaller than what he is proposing

Board Member Oakley asked the petitioner if they are willing to move the proposed home further to the west in order to provide more of a separation between his proposed house and the neighbor to the east. Mr. Lazzaretto stated that he could move the house further to the west, but that would increase the encroachment into the corner side yard.

Ms. Hyatt stated that she is not concerned about how close the new house would be to her house, but she is concerned about the size of the new house and its height. She stated that the new house should be smaller than what is being proposed.

Chairman Cotey stated that the petition was missing elevation drawings for the detached garage. He stated that the petitioner needs to respond to the Staff comments with revised drawings including a response to the comments regarding the discrepancies between the documents regarding the tree survey. He stated that consideration should be given to replacing the trees that are proposed to be removed.

Chairman Cotey stated that this item should be continued in order to give the petitioner an opportunity to address the concerns expressed by Staff, the Zoning Board of Appeals, and testimony by the public attending the meeting tonight with revisions to the petition. Chairman Cotey asked the petitioner if he concurred with the motion for continuance. Mr. Lazzaretto stated that he does not object to the continuance.

In the matters of ZBA 14-17, ZBA 14-18, and ZBA 14-19, Board Member Oakley moved, seconded by Board Member Donahue, to continue these items to the December 8, 2014, Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Ayes: Cotey, Donahue, Flores, Moore, Oakley

Nays: None

Absent: Schultz, Semmelman

COMMUNICATIONS AND DISCUSSION:

Chairman Cotey stated that Staff should consider revisiting and amending the Zoning Code regulations for setback and other bulk requirements for undersized lots.

Mr. David Smith, Senior Planner, stated that Cedar Street will be back before the Plan Commission at their November 24, 2014, meeting regarding the Planned Development proposal to build out 34 dwelling units on the second and third floor of the Manchester Square building.

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

Minutes of the November 10, 2014, Zoning Board of Appeals Meeting
Page 7 of 7

Motion carried 5 - 0.

Meeting adjourned at 8:10 p.m.