

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**July 13, 2009**

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, Terry Howard, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: Scott Adams and Robert Guarnaccio.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

Board Member Robinson moved, seconded by Board Member Howard, to approve the May 18, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

Board Member Howard moved, seconded by Board Member Robinson, to approve the June 8, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

**OLD BUSINESS:**

**ZBA 09-09    Larry Bayliff and Melissa Whitecotton, Applicants  
                  420 Meadow Lane**

**Request is for a variation to reduce the minimum required side yard setback from 4.16 feet to approximately 1.5 feet in order to construct a detached garage in the rear of property located in an R-6, Single Family Residential District.**

**ZBA 09-12    Larry Bayliff and Melissa Whitecotton, Applicants  
                  420 Meadow Lane**

**Request is for a variation to increase the maximum permitted height for an accessory structure from 15 feet to approximately 18.75 feet in order to construct a detached garage in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner was before them at their June 8, 2009 meeting requesting variations to reduce the minimum required side yard setback and increase the maximum permitted height of a detached garage in order to construct a detached garage in the rear of property located in an R-6, Single Family Residential District located at 420 Meadow Lane.

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Mr. Smith stated that during the course of the June 8, 2009 meeting, the Zoning Board of Appeals continued the requests to the July meeting in order to give the petitioner an opportunity to revise their proposed plans in response to concerns expressed by the members of the Zoning Board of Appeals.

Mr. Kurt Schultz, architect for the petitioner, stated that he lives next door to the applicant at 426 Meadow Lane. He stated that the subject home located at 420 Meadow Lane is a 1930's home and that the petitioner is currently constructing a house addition that does not require a variation. He stated that the existing one car garage has a 1.22 foot setback from the east side property line. He stated that the proposed change is to remove the one car garage and to construct a new two car detached garage. He stated that the revised plans indicate that the new garage will be set back another 6 inches away from the side property line than previously shown. He stated that the petitioner is attempting to preserve the existing Honey Locust tree located a few feet to the northeast of the proposed new garage location. He stated that they have reduced the depth of the new garage by about one (1) foot in comparison to the previous plans. He stated that the roof will have a 10 inch to 12 inch pitch ratio.

Board Member Oakley stated that he is satisfied with the revised plans and supports the variation requests.

Board Member Moore asked what the existing one car garage depth is. Mr. Larry Bayliff, petitioner, stated that the existing garage depth is between 18 and 19 feet.

Board Member Moore asked what the rationale is for a detached garage to be 28 feet long. Mr. Shultz stated that the petitioner is trying to obtain additional depth for storage and this is justified because they do not have a storage shed on the property.

Mr. Bayliff stated that they have looked at alternative plans and that the current proposal is the best one for them.

Board Member Howard stated that the proposed length causes the garage to be closer to the east side property line.

Board Member Robinson stated that the proposed garage exceeds the average two car garage size and is self-creating the hardship.

Mr. Shultz stated that the proposed garage is a standard size garage.

Board Member Moore asked if the petitioner has looked at other alternative plans that were in compliance with the Zoning Code. Mr. Schultz stated that all the other alternatives that they looked at would not work.

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Mr. Bayliff stated that they recently finished their basement and that it is not appropriate for storage.

Mr. Schultz stated that most standard size garages are not as narrow as the one they are proposing. He stated that they also looked at parking the vehicles in a tandem arrangement inside the garage and that would not work very well.

Board Member Howard stated that his garage is 21' x 24' and the real estate agent referred to it as a 2½ car garage.

Chairman Cotey asked the petitioner if they will comply with the Staff comments listed in the DRC Staff report. Mr. Schultz stated that they will comply with the Staff review comments.

Chairman Cotey stated that it appears that the most contentious issue with the Zoning Board of Appeals members is the depth of the garage. He asked the petitioner what he would like for the Zoning Board of Appeals to do tonight. Mr. Schultz stated that he would like for the Zoning Board of Appeals to render their recommendation for approval for the requested variations.

*In the matter of ZBA 09-09, Board Member Moore moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 4.16 feet to approximately 1.5 feet in order to construct a detached garage in the rear of property located in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion failed 3 - 2.*

*Ayes: Cotey, Moore, Oakley*  
*Nays: Howard, Robinson*  
*Absent: Adams, Guarnaccio*

*In the matter of ZBA 09-12, Board Member Moore moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted height for an accessory structure from 15 feet to approximately 18.75 feet in order to construct a detached garage in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Howard, Moore, Oakley, Robinson*  
*Nays: None*  
*Absent: Adams, Guarnaccio*

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**NEW BUSINESS:** None.

**COMMUNICATIONS AND DISCUSSION:**

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

Motion carried 5 - 0.

Meeting adjourned at 7:30 p.m.