

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**November 9, 2009**

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

Members present: Chairman William Cotey, Robert Guarnaccio, Terry Howard, Mark Moore, Walter Oakley, and Andy Robinson.

Members absent: Scott Adams.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development.

Board Member Robinson moved, seconded by Board Member Howard, to approve the October 12, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 09-19 Andrew Stall, Applicant**  
**401 Hampton Terrace**

**Request is for a variation to increase the maximum permitted height for an accessory structure from 15 feet to approximately 18 feet in order to construct a detached garage for a single family home in an R-6 Single Family Residential District.**

Mr. John Spoden, Director of Community Development, reviewed that the setback for the proposed structure at 401 Hampton Terrace was reviewed at the October 12, 2009 meeting where the Zoning Board of Appeals recommended approval. The issue before the Zoning Board of Appeals at tonight's meeting is that of height. The petitioner is proposing to create a roof slope similar to the existing house. The proposed variation is to increase the permitted height of an accessory structure from 15 feet to approximately 18 feet.

Mr. Andrew Stall, petitioner, appeared before the Board and stated that the sole purpose of the request is for the new garage to have a similar slope of roof line as the house.

Commissioner Robinson inquired of Staff if the proposal is in line with the proposed Code amendment. Staff replied in the positive.

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The petitioner also agreed to comply with all Building Division comments listed in the Development Review Committee Report.

*In the matter of ZBA 09-19, Board Member Oakley 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 feet in order to construct a detached garage for a single family home in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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

**ZBA 09-20 Gregg and Kristine Thompson, Applicants**  
**739 Hillcrest Drive**

**Request is for variations to: 1) locate a 4 foot fence in a corner side yard so that the fence line extends beyond the rear building line of the principal structure; and 2) locate a 4 foot fence in a corner side yard that abuts a front yard of the adjacent residential lot with the fence line located closer to the street than the front yard established for the abutting lot in an R-4, Single Family Residential District.**

Mr. John Spoden, Director of Community Development, reviewed that the variation requested for this property is to locate a fence in the corner side yard in an R-4, Single-Family Residential District. Village Code does not allow a fence to be located beyond the rear building line of the principal structure or located closer to the street than the front yard established for the abutting lot. Staff noted that the petitioner was proposing a 4 foot fence and not the 6 foot listed in the Development Review Committee Report.

Mr. Gregg Thompson, petitioner, outlined the proposal before the Zoning Board of Appeals. He stated that he had received a permit for a temporary fence in line with the existing Code. However, that fence as shown in photographs presented to the Zoning Board of Appeals, cut off use of a significant portion of the back yard. He stated that the fence which would have a scalloped design, would be further screened by existing bushes and trees along the north property line. The fence would use 4-inch wide boards with 3-inch gaps between boards. He further stated that another reason for the fence is to provide security for his property. Mr. Thompson reviewed photographs of the fence located at the corner property of Sedgwick Drive and Lake Street. Staff clarified that a fence is allowed in that location as the properties on Sedgwick Drive and Hillcrest Drive back up to one another with no front yard along Lake Street. Mr. Thompson reviewed that the fence would be set back approximately 2 feet from the property line.

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Ms. Katherine Hall, 1384 Lake Street, stated that she was in favor of the proposal as the design of the fence enhances the property.

Board Member Moore reviewed the existing Sedgwick Drive fence and reasoned it was allowed to be located at that site.

Board Member Howard inquired of Staff if the petitioner would be allowed to go to a 6 foot fence without amending the variation if it was granted. Staff replied that the plans for the fence would be attached as an exhibit to the ordinance and no changes would be allowed without further review.

Board Member Robinson reviewed the landscaping area and how it would relate to the proposed fence.

Chairman Cotey also reviewed landscape, setback, and design of the fence.

Board Member Moore reviewed the Code and the reasons for the rear building line and front yard setback requirement.

*In the matter of ZBA 09-20.1), Board Member Robinson moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to locate a 4 foot fence in a corner side yard so that the fence line extends beyond the rear building line of the principal structure in an R-4, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 1.*

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

*In the matter of ZBA 09-20.2), Board Member Oakley moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to locate a 4 foot fence in a corner side yard that abuts a front yard of the adjacent residential lot with the fence line located closer to the street than the front yard established for the abutting lot in an R-4, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 1.*

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

**ZBA 09-21 Mark Okey and Kimberlee Meyer-Okey, Applicants**  
**201 N. Third Street**

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**Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to 21 feet as measured from the front steps to the front property line; and 2) reduce the minimum required corner side yard setback from 30 feet to 15.5 feet in order to construct a house addition to a single family detached home in an R-6, Single Family Residential District.**

Mr. John Spoden, Director of Community Development, reviewed the request for variations to reduce the minimum required front yard and corner side yard setbacks in order to construct a house addition at 201 N. Third Street. Staff noted that the existing lot is a legal, non-conforming lot at 50 feet in width.

Mr. Neal Gerdes, architect for the petitioners, presented plans and the request for the variations. Mr. Gerdes noted that the existing garage is a 1-story, flat roofed structure and that the construction on the front of the house includes a front entry gable. Mr. Gerdes noted that the setback from the front property line is approximately 23 feet, 9 inches, not including the stairs. A discussion ensued regarding clarification of the stairs as to whether they would be a part of the building structure. That was answered in the affirmative.

Board Member Robinson reviewed the existing grade of the site.

Mr. Gerdes noted that the setback on the corner side would not affect the proposed variation.

Board Member Moore inquired as to whether Staff had completed a Floor Area Ratio calculation for the site. Staff answered in the negative.

Board Member Oakley clarified that the property will be sprinklered. Mr. Gerdes replied in the affirmative.

Chairman Cotey reviewed the Building Division comments from the Development Review Committee Report. The petitioner agreed to comply with all comments in the Report.

*In the matter of ZBA 09-21.1) Board Member Oakley moved, seconded by Board Member Guarnaccio, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to 21 feet as measured from the front steps to the front property line in order to construct a house addition to a single family detached home in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

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

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*In the matter of ZBA 09-21.2) Board Member Robinson moved, seconded by Board Member Howard, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to 15.5 feet in order to construct a house addition to a single family detached home in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 6 - 0.*

*Ayes: Cotey, Guarnaccio, Howard, Moore, Oakley, Robinson*

*Nays: None*

*Absent: Adams*

**COMMUNICATIONS AND DISCUSSION:**

Staff noted that on Saturday, November 14, 2009, at 11:00 a.m., the Plan Commission, Staff, and concerned neighbors will be walking the 33-acre parcel of the St. Mary's of the Lake property. Members are to gather at the Pine Meadow Golf Course parking lot.

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

Motion carried 6 - 0.

Meeting adjourned at 7:45 p.m.