

MINUTES OF THE ZONING BOARD OF APPEALS
May 10, 2010

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:07 p.m. at the Village Hall.

Members present: Chairman William Cotey, Scott Adams, Robert Guarnaccio, Mark Moore, and Walter Oakley.

Members absent: Andy Robinson.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

Board Member Oakley moved, seconded by Board Member Adams, to approve the April 12, 2010, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

**ZBA 10-10 Jeffrey and Jennifer Criel, Applicants
600 Meadow Lane**

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 new single-family home in an R-6, Single-Family Residential District.

Mr. David Smith, Senior Planner, stated the petitioners, Jeffrey and Jennifer Criel, are requesting a variation to reduce the minimum required front corner side yard setback in order to construct a single family detached home. Mr. Smith stated that their property is located in an R-6, Single Family Residential District at 600 Meadow Lane at the northeast corner of Meadow and Fourth Avenue in the Sunnyside Park Subdivision. Mr. Smith stated that the existing one story home faces Meadow Lane with a detached frame garage with driveway to Fourth Avenue. He stated that the existing home is currently set back from the front property line approximately 29.6 feet and from the corner side yard property line (Fourth Avenue r.o.w. line) approximately 21.6 feet.

Mr. Smith stated that the petitioner is proposing to demo the existing house and garage and construct a new two story single family home with an attached 3-car garage. He stated that the garage will have a two-car bay opening with a third car tandem space inside. He stated that the petitioner is proposing to construct the home with a 20 foot corner side yard setback which will be 1.6 feet closer

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to the Fourth Avenue r.o.w. property line than the existing home. He stated that a minimum of 30 feet is required per the Zoning Code regulation.

Mr. David Gillespie, petitioner's architect, stated that the existing house has a detached garage and both structures are currently non-conforming with their setback from the corner side yard property line. He stated that the lot is only 65 feet wide which forces a narrower building envelope which makes it more challenging to design a house to meet the corner side yard setback. He stated that other corner lots are wider than this lot. He stated that the height of the house will be reduced to 31'7" and changed in the plans accordingly.

Mr. Jim Wachenheim, 616 East Lincoln Avenue, stated that he objects to the plan to encroach closer to the sidewalk.

Mr. Ted Barber, 626 East Lincoln Avenue, stated that he is concerned about a precedent being set.

Chairman Cotey asked for clarification as to how the trees on the property will be addressed. Mr. Gillespie stated that they are proposing to take down two trees. He stated that one of the trees is in poor condition and the other is in the path of the new driveway. He stated that the existing parkway trees are too tight to weave the driveway between them and it would also cause the driveway to be too close to the intersection.

Board Member Oakley stated that he supports the variation request. He stated that he would like to see some form of additional material to break up the architecture as the proposed new house may appear to be too close to Fourth Street.

Board Member Adams stated that he would like to see the parkway tree replaced.

Board Member Moore asked for clarification of the fence regulations.

Mr. Smith explained the fence regulations.

Board Guarnaccio stated that the elimination of the curb cut along Fourth Street is good. He asked for clarification which elevation of the house is facing the neighbor. Mr. Gillespie stated that the west elevation is facing the adjacent neighbor.

Chairman Cotey stated that the petitioner should consider carefully the future location of the ground mounted AC units. He asked if the petitioner wanted to request a continuance or request a vote tonight. Mr. Gillespie stated that they would like for the ZBA to render their recommendation for approval tonight contingent upon approval to relocate the parkway tree.

In the matter of ZBA 10-10, Board Member Adams moved, seconded by Board Member Guarnaccio, 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 new single-family home in an R-6, Single-Family Residential District, subject to the following conditions: 1)

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Approval based upon plans dated May 10, 2010; 2) Petitioner shall relocate the parkway tree to a location approved by the Engineering Division.

Motion carried 5 - 0.

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

ZBA 10-08 Maura Kennedy-Batesky, Applicant
140 Homewood Drive

Request is for a variation to reduce the minimum required front yard setback from 22.5 feet to 20.75 feet in order to construct an addition to a single-family home in an R-6, Single-Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner, Maura Kennedy-Batesky, is requesting a variation to reduce the minimum required front yard setback in order to construct an addition to a single family detached home. Their property is located in an R-6, Single Family Residential District at 140 Homewood Drive.

Mr. Neil Gerdes, architect for the petitioner, stated that they are seeking a front yard setback. He stated that the improvements shall enhance the appearance of the home. He stated that the porch is only four feet deep in front of the front door and there is very little space to recess the front steps. He stated that there is also second floor cantilever extension as well.

Board Member Moore stated that although there is a 1.9 foot difference between the existing setback and the proposed new setback, he stated that the hardship is based upon a self-creation.

Mr. Gerdes stated that the existing porch is currently a nonconforming structure and that the proposal will improve the facade substantially.

Chairman Cotey asked the petitioner if they would like for the ZBA to render their recommendation tonight. Mr. Gerdes stated that he would like for the ZBA to render their recommendation tonight.

In the matter of ZBA 10-08, Board Member Oakley moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 22.5 feet to 20.75 feet in order to construction an addition to a single-family home in an R-6, Single-Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

ZBA 10-09 Sean and Sara Gourley, Applicants
610 S. Butterfield Road

Request is for a variation to reduce the minimum front yard setback from 30 feet to approximately 18.9 feet in order to construct an addition to a single-family home in an R-5, Single Family Residential District.

Mr. David Smith, Senior Planner, that the petitioners, Sean and Sara Gourley, are requesting a variation to reduce the minimum required front yard setback in order to construct an addition to a single family detached home. He stated that their property is located in an R-5 Single Family Residential District at 610 Butterfield Road.

Mr. Neil Gerdes, architect for the petitioner, stated that the proposal will help to address a safety issue and improve the appearance of the home.

In the matter of ZBA 10-09, Board Member Moore moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum front yard setback from 30 feet to approximately 18.9 feet in order to construct an addition to a single-family home in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

ZBA 10-11 David and Elizabeth McKenna, Applicants
326 McKinley Avenue

Request is for a variation to reduce the minimum front yard setback from 30 feet to approximately 19 feet in order to construct an addition to a single family home in an R-7, Single Family Attached Residential District.

Mr. David Smith, Senior Planner, stated the petitioners, David and Elizabeth McKenna, are requesting a variation to reduce the minimum required front yard setback in order to construct a front porch gabled overhang to an existing single-family home. He stated that their property is located in an R-7, Single Family Attached Residential District at 326 McKinley Avenue. He stated that the petitioner is proposing to construct a gabled eave overhang over the existing front porch and will

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extend out from the house towards the front property line approximately 6 feet thus be set back approximately 19' feet.

Mrs. Beth McKenna, petitioner, stated that they have a raise wood porch and without an overhang over the porch there is a substantial amount of ice that builds up upon the porch landing making it hazardous to walk in and out the front door. She stated that her home and front porch are in line with many of the other homes along the street. She stated that the house originally had a gable, but was removed at some point in time in the past.

Chairman Cotey asked if the petitioner's house is a Sears house. Mrs. McKenna answered that it is a Sears house.

Chairman Cotey asked if there is any exterior light fixtures near the front door. Mrs. McKenna stated that there are currently two exterior lights, one on both sides of the front door.

In the matter of ZBA 10-11, Board Member Oakley moved, seconded by Board Member Adams, to recommend the Village Board of Trustees approve a variation to reduce the minimum front yard setback from 30 feet to approximately 19 feet in order to construct an addition to a single family home in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

ZBA 10-12 Patrick and Carrie Paden, Applicants
781 Meadow Lane

Request is for a variation to increase the maximum allowed 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 petitioners, Patrick and Carrie Paden, are requesting a variation to increase the maximum permitted height for an accessory structure in order to construct a detached garage in an R-6, Single Family Residential District at 781 Meadow Lane. Mr. Smith stated that the subject site is currently vacant. He stated that a building permit was issued on May 3, 2010 to develop a two-story single family frame home facing Meadow Lane with a detached garage located towards the rear of the property behind the principal residential structure with access from a rear drive accessing Seventh Street. He stated that the rear drive is proposed to cross the neighboring property's rear yard by way of a cross access easement.

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Mr. Kurt Schultz, architect for the petitioner, stated that the request for the taller garage is so that the roof pitches for both the home and the detached garage will be compatible.

Board Member Adams asked for clarification as to the slope of the property grade. Mr. Schultz stated that grade is fairly flat.

Chairman Cotey asked how deep the new garage will be. Mr. Schultz stated that the proposed garage is 22 feet deep.

Board Member Guarnaccio stated that the Staff recommendation to require that the petitioner submit an ingress/egress easement provision to establish the shared driveway access at the rear of the property and a maintenance agreement between the lot owners to the Village for review prior to final occupancy should be removed from the ZBA recommendation.

In the matter of ZBA 10-12, Board Member Oakley moved, seconded by Board Member Guarnaccio, to recommend the Village Board of Trustees approve a variation a variation to increase the maximum allowed 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, Adams, Guarnaccio, Moore, Oakley
Nays: None
Absent: Robinson

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 5 - 0.

Meeting adjourned at 8:20 p.m.