

MINUTES OF THE ZONING BOARD OF APPEALS
August 9, 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, Walter Oakley, and Kurt Schultz.

Members absent: Mark Moore and Andy Robinson.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

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

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 10-17 David and Nancy Lothspeich, Applicants
421 W. Cook Avenue

Request is for variations to: 1) reduce the minimum required side yard setback from 5 feet to approximately 0.93 feet as measured from the west wall; and 2) reduce the minimum required rear yard setback from 5 feet to approximately 1.5 feet for an accessory structure in order to construct a detached garage addition in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioners are requesting variations to increase the maximum permitted height for an accessory structure, and to reduce the minimum required rear and side yard setbacks in order to construct a detached garage addition to an existing detached garage in an R-6, Single Family Residential District at 421 West Cook Avenue.

Mr. Smith stated that the subject site is currently developed with a single family home and a detached single-car garage. Mr. Smith stated that the existing detached garage is currently a non-conforming structure due to its existing setback of approximately 0.93 feet from the west side property line and approximately 1.5 foot from the south rear property line. Mr. Smith stated that the petitioner is seeking to expand their existing one-car garage to 22 feet deep, 24 feet wide two car garage. Mr. Smith stated that the proposed height for the garage with its addition would be

Minutes of the August 9, 2010, Zoning Board of Appeals Meeting
Page 2 of 5

approximately 15 feet from adjacent grade. Mr. Smith stated that it is the petitioner's intent to keep the existing slab, west side wall and the south rear wall of the existing garage. Mr. Smith stated that the new construction includes a new garage roof, front elevation wall, east elevation wall and an extended slab with interrupted trench foundation to accommodate the adjacent tree root zone. Mr. Smith stated that the existing garage slab foundation currently rests on the roots of an adjacent Burr Oak approximately 40 inches in diameter that is in good condition.

Mr. David Lothspeich, petitioner, stated that they are seeking to expand their one car garage into a two car garage. He stated that the existing one car garage was built in the 1920's. He stated that he moved into his home in 1997. He stated that the addition to the existing garage will be a little deeper to allow space for his larger vehicle.

Board Member Oakley asked for clarification as to how the slab foundation can accommodate the new construction. Mr. Lothspeich stated that the existing foundation is a concrete slab. He stated that the expansion will incorporate a new modified trench foundation to avoid the adjacent tree roots. He stated that the work will be done with minimum excavation and compaction.

Board Member Schultz stated that the petitioner has a beautiful house. He asked if the petitioner considered moving the garage further to the east to avoid damage to the tree.

Mr. Lothspeich stated that he looked at multiple alternatives, but that the proposed plan is the best way to move forward. He stated that any alternative will have an impact on the trees. He stated that he has a modest size house with a built out basement.

Board Member Schultz asked for clarification as to how and where the expansion will occur on the garage. Mr. Lothspeich stated that the expansion will build out towards the east and a little to the north.

Board Member Schultz asked for clarification as to the impact upon the trees. Mr. Lothspeich stated that the garage expansion will bump forward about 2 feet towards the north and that the brick paver driveway apron at the garage door should minimize the impact upon the tree roots.

Board Member Oakley asked the petitioner if he is in agreement of the Staff review comments. Mr. Lothspeich stated that he agrees to comply with the Staff comments.

Chairman Cotey asked for clarification regarding the drainage on the property. Mr. Lothspeich stated that the water drains from the east to the west.

Chairman Cotey asked for clarification regarding the driveway replacement on the property. Mr. Lothspeich stated that they will replace it with the same concrete ribbon style and construct an apron at the garage doors.

Minutes of the August 9, 2010, Zoning Board of Appeals Meeting
Page 3 of 5

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do tonight. Mr. Lothspeich stated that he would like for the Zoning Board of Appeals to give their recommendation for the requested variations.

In the matter of ZBA 10-17.1, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required side yard setback from 5 feet to approximately 0.93 feet as measured from the west wall for an accessory structure in order to construct a detached garage addition in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

In the matter of ZBA 10-17.2, Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 5 feet to approximately 1.5 feet for an accessory structure in order to construct a detached garage addition in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

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

ZBA 10-18 Richard and Mary-Claudette Dombrowski, Applicants
416 Elm Drive

Request is for a variation to reduce the minimum required rear yard setback from 35 feet to approximately 13.5 feet in order to construct a house addition in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a variation to reduce the minimum required rear yard setback in order to construct a house addition in an R-6, Single Family Residential District at 416 Elm Drive. Mr. Smith stated that the existing home is currently a non-conforming structure due to its existing rear yard setback of approximately 13.5 feet from the south rear property line, a minimum of 35 feet is required for the rear yard. He stated that the petitioner is seeking to construct a second story addition over the existing first story without expanding the existing home footprint.

Minutes of the August 9, 2010, Zoning Board of Appeals Meeting
Page 4 of 5

Mr. Richard Dombrowski, petitioner, stated that their proposed addition will not change the house footprint at the rear of their home. He stated that they have obtained a tree preservation plan from a landscape company.

Board Member Guarnaccio stated that he would advise Staff and the Board to use caution when supporting these types of variations.

Board Member Schultz stated that the configuration of the lot and the location of the house makes it prohibitive to do an improvement as proposed without needing a variation. He stated that he is concerned about what the neighbor to the south will see when the addition is constructed.

Chairman Cotey asked if the lot was oriented differently so that the property line abutting Elm Drive was the front property line. Mr. Smith stated that the south property line would then change from a rear property line to a side property line therefore only requiring a 5 foot setback and the petitioner would then not need a variation from the south property line.

Board Member Schultz stated that in his personal opinion, the petitioner might consider designing the addition to architecturally soften the south end of the house in order to be less imposing upon the neighbor to the south.

Chairman Cotey asked the petitioner what he would like for the Zoning Board of Appeals to do tonight. Mr. Dombrowski stated that he would like for the Zoning Board of Appeals to render their recommendation tonight.

In the matter of ZBA 10-18, Board Member Adams moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 35 feet to approximately 13.5 feet in order to construct a house addition in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Cotey, Adams, Guarnaccio, Oakley, Schultz

Nays: None

Absent: Moore, Robinson

COMMUNICATIONS AND DISCUSSION:

Board Member Guarnaccio stated that he would be absent from the August 23, 2010 Plan Commission/Zoning Board of Appeals meeting.

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

Minutes of the August 9, 2010, Zoning Board of Appeals Meeting
Page 5 of 5

Motion carried 5 - 0.

Meeting adjourned at 7:47 p.m.