

MINUTES OF THE ZONING BOARD OF APPEALS
July 11, 2011

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:02 p.m. at the Village Hall.

Members present: Chairman William Cotey, Scott Adams, Dan Donahue, Mark Moore, Walter Oakley, and David Semmelman.

Members absent: Kurt Schultz.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; Fred Chung, Senior Project Engineer; and Linda Carlson, Project Engineer.

Board Member Oakley moved, seconded by Board Member Semmelman, to approve the June 13, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 11-07 Vito Mariani, Applicant
204 S. Second Avenue

Request is for a variation to reduce the minimum required corner side yard setback in order to construct a house addition to a single family home in an R-6, Single Family Residential District.

Due to improper notification by the applicant, this item will be re-noticed for a future Zoning Board of Appeals meeting.

ZBA 11-10 Lawrence and Mary Slight, Applicants
774 Meadow Lane

Request is for variations to: 1) reduce the minimum required corner side yard setback from 30 feet to approximately 20 feet in order to construct a single family detach home; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 20 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 is requesting variations to reduce the

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minimum required corner side yard setback in order to construct a new single family detached home with a detached garage to the rear of the lot in an R-6, Single Family Residential District located at 774 Meadow Lane. He stated that the subject lot is located at the northwest corner of Meadow Lane and Seventh Avenue. He stated that the corner side yard is adjacent to the Seventh Avenue street frontage.

Mr. Smith stated that the petitioner is proposing to construct a 3,300 square foot two-story single family home (not including basement) with a corner side yard setback of approximately 20 feet from the corner side yard property line for both the house and the detached garage.

Ms. Mary Slight, petitioner, stated that there is a tree with a 60 foot wide canopy in the middle of her property. She stated that an arborist has stated that the tree is in excellent health. She stated that in order to preserve the tree, they are forced to locate their new house and detached garage in such a way as to encroach into the required corner side yard. She stated that the proposed house size is not asking for more than what other neighbors can enjoy in that neighborhood.

Chairman Cotey asked if the recent storms did any damage to the tree. Ms. Slight stated that one branch was damaged.

Board Member Oakley stated that Staff should give consideration to amending the Zoning Code to address these types of corner side yard encroachment issues so that homeowners won't have to always apply for variations in cases like this.

Mr. John Spoden, Director of Community Development, stated that Staff attempted to address this issue once before, but the Plan Commission at that time did not want to change the Code as it was written.

Board Member Adams stated that he supports the variation in order to preserve the existing tree.

Chairman Cotey asked how the petitioner intends to preserve the tree during construction. Mr. Brad Meyer, agent for the petitioner, stated that they will install construction fencing around the tree.

Chairman Cotey asked the petitioner if they will comply with the Building Division Staff review comments provided in the DRC Staff report. Mr. Meyer stated that they will comply with the Staff comments.

Chairman Cotey asked the petitioner what action they would like for the Zoning Board of Appeals to take tonight. Ms. Slight stated that she would like for the Zoning Board of Appeals to render their recommendation to the Village Board.

In the matter of ZBA 11-10.1), Board Member Oakley moved, seconded by Board Member Semmelman, 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

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construct 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, Adams, Donahue, Moore, Oakley, Semmelman
Nays: None
Absent: Schultz

In the matter of ZBA 11-10.2), Board Member Semmelman moved, seconded by Board Member Oakley, 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 detached garage in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

ZBA 11-11 Frank and Kearstie Grenier, Applicants
218 S. Second Avenue

Request is for a variation to install a fence in the corner side yard forward of the rear building line for property located in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner is requesting a variation in order to replace a fence within the corner side yard and in front of the rear building line for property located in an R-6, Single Family Residential District located at 218 S. Second Avenue. He stated that the subject lot is located at the northeast corner of Meadow Lane and Second Avenue. He stated that the corner side yard is adjacent to the Second Avenue street frontage.

Mr. Smith stated that the petitioner is proposing to replace their fence with a combination 6 foot tongue and groove privacy fence and a four foot picket fence predominately in front of their home, all of which is forward of their rear building line.

Mr. Frank Grenier, petitioner, stated that his intent is to replace their fence in the same location and they intend to add an arbor.

Board Member Semmelman asked if the proposed fence is the same height as the existing fence. Mr. Grenier stated that it will be the same height.

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Board Member Oakley stated that Staff should give consideration to amending the Zoning Code in order to alleviate homeowners from going through this process if replacing a structure in its same location. Mr. John Spoden, Director of Community Development, stated that it would take an amendment to the non-conforming section of the Zoning Code to address Board Member Oakley's concern.

Chairman Cotey asked what the material of the proposed fence is. Mr. Grenier stated that the new fence will be a painted vinyl.

Chairman Cotey asked the petitioner what action they would like for the Zoning Board of Appeals to take tonight. Mr. Grenier stated that he would like for the Zoning Board of Appeals to render their recommendation to the Village Board.

In the matter of ZBA 11-11, Board Member Moore moved, seconded by Board Member Semmelman, to recommend the Village Board of Trustees approve a variation to install a fence in the corner side yard forward of the rear building line for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 6 - 0.

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

COMMUNICATIONS AND DISCUSSION:

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

Motion carried 6 - 0.

Meeting adjourned at 7:19 p.m.