

MINUTES OF THE ZONING BOARD OF APPEALS
December 12, 2011

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, Scott Adams, Dan Donahue, Mark Moore, Walter Oakley, Kurt Schultz; and David Semmelman.

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and David Smith, Senior Planner.

Board Member Oakley moved, seconded by Board Member Adams, to approve the November 14, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

Board Member Oakley moved, seconded by Board Member Semmelman, to approve the February 14, 2011, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS:

ZBA 11-16 Michael Kerrigan, Applicant
129 N. First Street

Request is for a variation to increase the maximum permitted lot coverage in order to construct a house addition to a single family home and a detached garage in an R-6, Single Family Residential District. (Withdrawn)

ZBA 11-17 Michael Kerrigan, Applicant
129 N. First Street

Request is for variations to: 1) reduce the minimum required front yard setback from 30 feet to approximately 11 feet in order to construct a front covered porch addition; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 7.7 feet in order to construct a front covered porch addition and building addition to the rear of a single family detached residence for property located in an R-6, Single Family Residential District.

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ZBA 11-19 Michael Kerrigan, Applicant
129 N. First Street

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 4.6 feet in order to construct a detached garage for property located in the R-6, Single Family Residential District

ZBA 11-20 Michael Kerrigan, Applicant
129 N. First Street

Request is for a variation to increase the maximum permitted height in order to construct a detached garage for property located in the R-6, Single Family Residential District. (Withdrawn)

Mr. David Smith, Senior Planner, stated that the petitioner was before the Zoning Board of Appeals at their October 24, 2011 meeting requesting variations for front yard setback and corner side yard setback in order to construct a front porch and house addition to the rear of a single family home; a variation for lot coverage; and variations for corner side yard setback and height in order to construct a detached garage. Mr. Smith stated that the property is located in an R-6, Single Family Residential District at 129 N. First Street at the southwest corner of Hurlburt Court and First Street.

Mr. Smith stated that during the course of the October 24, 2011 meeting, the Zoning Board of Appeals listened to testimony, deliberated the issues, and recommended that the petitioner seek a continuance of the matter in order to provide the petitioner an opportunity to revise their plans to address Staff and Zoning Board of Appeals review comments.

Mr. Smith stated that the petitioner has revised their plans and by so doing have eliminated the need for variations for lot coverage and detached garage height by bringing those aspects of the proposed improvements into conformity. Mr. Smith stated that the petitioner is still seeking variations for front yard setback for the front porch, and corner side yard setback for the house and detached garage.

Mr. Robert Bleck, architect for the petitioner, stated that the proposed additions to the house line up evenly with the existing north wall of the house therefore not increasing the degree of nonconformity from the corner side yard property line. He stated that they have revised the proposed height for the detached garage and still are keeping the architectural design of the garage commensurate with the home. He stated that they have reduced the lot coverage of the property by replacing a concrete walkway from the back of the house to the garage with stepping stones. He stated that additional lot coverage reductions include the removal of some hard surfaces and replacing it with planting beds near the garage and alley way. He stated that he will comply with the Planning Division comments found in the DRC Staff Report.

Board Member Schultz asked if the petitioner has revised the detached garage size to be smaller.

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Mr. Bleck stated that only the proposed height has been reduced, but the floor area is to remain the same. He stated that he rear room addition may be reduced further.

Board Member Semmelman stated that he supports the changes made by the petitioner.

Board Member Donahue stated that he supports the changes made by the petitioner.

Chairman Cotey stated that he supports the changes made by the petitioner and thanked the petitioner for listening to the Zoning Board of Appeals. He asked the petitioner what action he would like for the Zoning Board of Appeals to take tonight. Mr. Bleck requested that the Zoning Board of Appeals make their recommendation to the Village Board tonight.

In the matter of ZBA 11-17.1), Board Member Schultz 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 30 feet to approximately 11 feet in order to construct a front covered porch addition for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 11-17.2), Board Member Schultz 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 7.7 feet in order to construct a front covered porch addition and building addition to the rear of a single family detached residence for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 11-19, Board Member Schultz moved, seconded by Board Member Donahue, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 4.6 feet in order to construct a detached garage for property located in the R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

NEW BUSINESS:

ZBA 11-21 Dixon and Felicia Brandt, Applicants
720 Meadow Lane

Request is for a variation to increase the maximum permitted Lot Coverage from 45% to approximately 49.8% in order to construct a detached garage in an R-6, Single Family Residential District.

The applicants requested that this item be continued to the January 9, 2012, Zoning Board of Appeals meeting.

In the matter of ZBA 11-21, Board Member Semmelman moved, seconded by Board Member Schultz, to continue this item to the January 9, 2012, Zoning Board of Appeals meeting.

Motion carried 7 - 0.

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

COMMUNICATIONS AND DISCUSSION:

Mr. John Spoden, Director of Community Development, stated that the Village has sent a letter to property owner Peter Tosto, owner of the State Farm Insurance branch office, located at 339 N. Milwaukee Avenue. He stated that the letter has advised Mr. Tosto that he is in violation of an illegal occupancy at this location, but that he can apply for a variation.

Mr. David Pardys, Village Attorney, explained the basic principal of Ordinance No. 05-O-77, which limits office and financial institution uses on Milwaukee Avenue with the C-1 District.

Board Member Oakley stated that consideration should be given to re-visiting this ordinance to possibly further clarify or amend it.

Mr. Spoden stated that he is pleased with the resulting positive effect that this ordinance has had on the downtown.

Chairman Cotey stated that he would like to have a copy of the ordinance included with Mr. Tosto's application when he applies for his variation.

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

Motion carried 7 - 0.

Meeting adjourned at 7:22 p.m.