

MINUTES OF THE ZONING BOARD OF APPEALS
February 11, 2019

The regular meeting of the Zoning Board of Appeals was called to order by Chairman Kurt Schultz at 7:00 p.m. at the Village Hall.

Members present: Chairman Kurt Schultz, Amy Flores, Matthew Krummick, Mark Moore, and Walter Oakley.

Members absent: Richard Pyter and Eric Steffe.

A quorum was established.

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

Board Member Oakley moved, seconded by Board Member Flores, to approve the January 28, 2019, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 19-01 Susan Spinell, Applicant
618 Buckingham Place

Request is for variations to: 1) reduce the minimum required front yard setback from 36 feet to approximately 28.6 feet; 2) reduce the minimum required corner side yard setback from 36 feet to approximately 17.5 feet; and 3) reduce the minimum required rear yard setback from 41 feet to approximately 5.4 feet in order to construct a new single family residence for property in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the minimum required setbacks are increased for lots with single family homes with heights above 32 feet. He stated that this is the case here with this application.

Mr. Steve Spinell, petitioner, stated the setback from the corner side property line for his new home proposal is 20 feet as measured from the foundation and 17.5 feet as measured from the chimney. He stated that there are at least four existing homes along Glendale within the same block with setbacks from the property line that range between 16 and 17 feet and that his proposed residence will be setback further than those other homes along Glendale.

Mr. Spinell stated that the adjacent house to the north that fronts Buckingham has a 25 foot setback. He stated that they did not provide this information with their initial application

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submittal, but would now like to take advantage of the front yard setback averaging between their lot and the lot to the north in order to have their minimum required front yard setback reduced. He stated that he can provide the survey for the property to the north as part of their revised documents.

Mr. Spinell stated that the proposed height of the house is currently at 35 feet, but that they are willing to reduce the height some amount.

Mr. Spinell stated the existing retaining wall the crosses both the subject lot and the lot to the north serves to retain ground material for the neighboring property. He stated that it was not included in the lot coverage calculation, but it will be in the revised documents. He stated that although the retaining wall serves the neighboring property he has no objection to allowing the wall to remain on the subject lot. He stated that the retaining wall also helps to stabilize the root system of the existing trees that are in close proximity.

Mr. Spinell stated that attached garage to the house is designed to be not part of the main body of the home. He stated that the attached garage is on slab and only connected to the main body of the residence by a mud room. He stated that the main body of the residence has a basement. He stated that although the mud room connects the main body of the residence to the garage, the garage design functions like a detached garage. He stated that this justifies the rear yard encroachment by garage. He stated that there are other examples of this throughout the Village and that the precedent has already been set.

Mr. Spinell stated that they will redesign the plans so that they will not need the front yard setback. He stated that their corner side yard setback is in line with the other homes along Glendale Road. He stated that he still wants to have the garage attached to the proposed residence and be approved for the rear yard setback variation.

Ms. Haley Spinell addressed the Standards for the Variation. She stated that the placement of the existing house currently is non-conforming in terms of its setbacks from the property lines. She stated precedent has already been established by other homes in the area and their reduced setbacks. She stated that the proposed attached garage does not increase the proposed living space of the new residence.

Mr. Sean Gay, 643 Glendale Road, stated that he is concerned about the storm water management as the area has been subject to drainage issues.

Mr. Tobin Junas, 619 Buckingham Lane, stated that he is concerned about the impact that the construction phase will have in the area. He stated that Buckingham Lane is in dire need of reconstruction. He stated that during past construction projects along Buckingham Lane the contractors park their vehicles on both sides of the street and often block traffic. He stated that he is concerned that the proposed new residence for 618 Buckingham will create a line of site obstruction for vehicles navigating the Glendale Road and Buckingham Lane intersection if it is built too close to Glendale Road.

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Mr. Jeff Cooper, Village Engineer, stated Rockland Road is currently under study for reconstruction at this time and is taking priority over Buckingham Lane under the current Capital Improvement projects list, but understands that the road condition of Buckingham is a concern for the residents. He stated that construction projects are required to keep both lanes clear at all times and that if any of the neighbors see or experience a violation of this requirement to contact the Public Works Department and report it.

Mr. Naresh Tanna, 612 Buckingham Lane, stated that he is concerned about the power lines located along the back yards during construction and requests that the proper safety precautions are taken.

Board Member Oakley stated that the applicant should consider lowering the proposed height of the house which may help to alleviate some of the variations.

Mr. Spinell stated that they have spent considerable amount of time designing the proposed residence and would like to maintain as much of its design character as possible. He stated that there are other homes along Glendale with reduced front yard setbacks.

Board Member Oakley asked if public sidewalks will be installed. Mr. Spinell stated that they will propose a cash payment-in-lieu of required sidewalks.

Board Member Oakley asked if the applicant is addressing the Lake County Watershed Development Ordinance requirements. Mr. Cooper stated that the proposed plans show compliance with the impervious coverage requirements and that the petitioner is required to maintain the existing drainage patterns.

Board Member Flores stated that if the height of the proposed residence comes down then the variations would not be as extreme. She stated that consideration should be given to detaching the garage or bringing it closer to the house.

Board Member Krummick stated that he needed additional clarification of the front yard setback variation request.

Mr. Spinell stated they can take advantage of the existing front yard setback of the adjacent house that fronts Buckingham Place and average the distance with 30 feet to determine their front yard setback. He stated that this should reduce their requirement and enable them to be compliant with the minimum required front yard setback and eliminate the variation.

Board Member Krummick stated that he does not support the height as proposed.

Board Member Moore stated that the applicant needs to take into consideration the location of the air conditioning unit. He stated that the applicant should consider obtaining the setbacks of the other homes along Glendale Road to show the relationship between the proposed setback for the subject site and the other homes. He stated that he does not support the proposed height of the house. He stated that a detached garage would be better.

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Mr. Spinell stated that the mud room connection between the garage and the main part of the house would be better for them.

Chairman Schultz read letter from neighboring resident from 649 E. Glendale Road, Matthew and Katie Deans, which states that they oppose the requested variations and it expressed their concern about the flooding in the area and for any modifications to the current requirements.

Mr. Spinell presented their proposed grading and storm water management plan.

Chairman Schultz stated that the proposal is substantially outside the lines of what is permitted. He stated that the hardship is self-created. He stated that the petitioner should consider bringing back the setback encroachments. He stated that the north elevation of the house only has four windows on the wall and was not architecturally aesthetic.

Mr. Spinell stated that he agrees with the Staff recommendation to continue the application to the March Zoning Board of Appeals meeting.

In the matters of ZBA 19-01.2.3), Board Member Oakley moved, seconded by Board Member Flores, to continue these items to the March 11, 2019, Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Ayes: Schultz, Flores, Krummick, Moore, Oakley

Nays: None

Absent: Pyter, Steffe

ZBA 19-02 Daniel Timm, Applicant
518 N. First Street

Request is for a variation to reduce the minimum required front yard setback from 23.2 feet to approximately 13.5 feet in order to construct a new front covered porch for property located in an R-7, Single Family Attached Residential District.

ZBA 19-03 Daniel Timm, Applicant
518 N. First Street

Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 49.8% in order to construct a new front covered porch for property located in an R-7, Single Family Attached Residential District.

Mr. Daniel Timm, petitioner, introduced his variation requests. He stated that he is requesting approval for a variation to construct a front covered porch. He stated that although the new construction requires a lot coverage variation, he is proposing to reduce the coverage in various selected areas on the property. He stated that his new porch is in line with the neighbor's setback to the north and slightly behind it.

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Board Member Flores stated that it looks great.

Board Member Moore stated that he recognizes that the net lot coverage is being reduced overall and commends that effort.

Chairman Schultz asked the petitioner what he would like for the Zoning Board of Appeals to do this evening. Mr. Timm stated that he would like for the Zoning Board of Appeals to give a positive recommendation to the Village Board for his variation requests.

In the matter of ZBA 19-02, Board Member Flores moved, seconded by Board Member Moore, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 23.2 feet to approximately 13.5 feet in order to construct a new front covered porch for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Schultz, Flores, Krummick, Moore, Oakley
Nays: None
Absent: Pyter, Steffe

In the matter of ZBA 19-03, Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 45% to approximately 49.8% in order to construct a new front covered porch for property located in an R-7, Single Family Attached Residential District, in accordance with the plans submitted.

Motion carried 5 - 0.

Ayes: Schultz, Flores, Krummick, Moore, Oakley
Nays: None
Absent: Pyter, Steffe

STAFF COMMUNICATIONS AND DISCUSSION: None.

Board Member Oakley moved, seconded by Board Member Flores to adjourn the meeting.

Motion carried 5 - 0.

Meeting adjourned at 8:05 p.m.