

MINUTES OF THE ZONING BOARD OF APPEALS
March 8, 2021

The regular meeting of the Zoning Board of Appeals was conducted virtually due to public health concerns and called to order by Chairman Matthew Krummick at 7:00 p.m.

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

Members absent: None.

A quorum was established.

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

Board Member Schultz moved, seconded by Board Member Flores, to approve the February 8, 2021, Zoning Board of Appeals minutes.

Motion carried 7 - 0.

OLD BUSINESS:

ZBA 21-01 Saegene Jung and Melissa Goldberg, Applicants
742 E. Lincoln Avenue

Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 48% in order to approve the construction of a detached garage for property located in an R-6, Single Family Residential District.

ZBA 21-03 Saegene Jung and Melissa Goldberg, Applicants
742 E. Lincoln Avenue

Request is for a variation to reduce the side yard setback from five (5) feet to approximately 3.77 feet in order to approve the construction of a detached garage for property located in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that the petitioner was before the Zoning Board of Appeals at their meeting of February 8, 2021, seeking variations to reduce the minimum required interior side yard setback and to increase the maximum permitted lot coverage in order to approve the construction of a detached garage. He stated that during the course of the February 8, 2021 Zoning Board of Appeals meeting, the petitioners requested a continuance to the March 8, 2021 Zoning Board of Appeals meeting agenda in order to make revisions to their plans to try to reduce the amount of lot coverage.

Mr. Saegene Jung, petitioner, stated that the made revisions to their site plan and were able to meet the maximum permitted lot coverage without the need for the lot coverage variation. Mr.

Minutes of the March 8, 2021, Zoning Board of Appeals Meeting
Page 2 of 5

Jung stated that the newly constructed detached garage is setback further from the side property line than the old single car garage was. He stated that the neighbor located on the east side of their property has conveyed support for the setback variation for the new detached garage.

Board Member Steffe stated that he appreciates the changes made by the petitioner by reducing the lot coverage. He stated that he is still concerned about the precedent being set by constructing the garage in a nonconforming location and asking for forgiveness after the fact.

Board Member Moore stated that he appreciates that changes made by the petitioner by reducing the lot coverage. He stated that he does not support the precedent being set, but notes that the degree of nonconformity of new detached garage side yard setback is less than what the old detached garage was.

Board Member Schultz stated that he supports the setback variation.

Board Member Pyter stated he is concerned about the precedent being set, but notes that it would not be practical to require the homeowners to rebuild the new detached garage because of the contractor's mistake.

Board Member Flores stated that she appreciates that the applicant revised their site plan and was able to remove the need to request the lot coverage variation. She stated that the new garage is setback from the side property line further than what the old garage was. She stated that if the garage were compliant by being set back five (5) feet from the side property line it would be more difficult to maneuver vehicles in and out of the garage safely. She stated that the lot size has an influence on how the garage should be located on the lot.

Board Member Oakley asked if the new detached garage is required to have fire rated wall construction. Mr. John Spoden, Director of Community Development, stated that the fire wall is a Building Code requirement due to the setback from the property line.

Chairman Krummick asked if the contractor proposed any other remedy to the situation. Mr. Jung stated that the contractor could only offer to add the fire rated drywall material to the garage.

Ms. Melissa Goldberg, petitioner, stated that they would have to demolish the entire newly constructed detached garage if their setback variation does not get approved.

Chairman Krummick asked the petitioner if they are ready for the Zoning Board of Appeals to vote and render their recommendation. Mr. Jung stated that he would like for the Zoning Board of Appeals to vote and render their recommendation.

In the matter of ZBA 21-03, Board Member Schultz moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to reduce the side yard setback from five (5) feet to approximately 3.77 feet in order to approve the construction of a detached garage for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Minutes of the March 8, 2021, Zoning Board of Appeals Meeting
Page 3 of 5

Motion carried 6 - 1.

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

NEW BUSINESS:

ZBA 21-04 Lawrence and Christine Genge, Applicants
811 S. Fifth Avenue

Request is for variations to: 1) reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet for a landing; 2) reduce the minimum required corner side yard setback from 30 feet to approximately 22 feet for a raised planter; and 3) reduce the minimum required corner side yard setback from 30 feet to approximately 7 feet for a retaining wall that is part of the reconstruction of outdoor landings, stairway and retaining wall for property located in an R-5, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation requests. He stated that the petitioner is requesting variations to reduce the minimum required corner side yard setback in order to construct a stoop, stairway, and retaining wall for property located in an R-5, Single Family Residential District at 811 S. Fifth Avenue.

Mr. Lawrence Genge, petitioner, described the proposed scope of work. He stated that the existing stoop in front of the door to the house is very narrow and makes it difficult to get in and out of the house and they need a larger stoop in order to enter the home more safely. He stated that the steps currently have no guard rail along the outdoor steps that lead up to the stoop. He stated that the design of the new steps that access the stoop have been realigned so that they lead straight out to the public sidewalk and not the driveway to improve safety. He stated that the new design is more attractive and needed as the existing stoop, steps and retaining wall are sagging, water damaged, dilapidated and are in need of replacement.

Board Member Oakley stated that the proposed work is a nice addition.

Board Member Flores asked for clarification of the retaining wall dimensions. Mr. Genge stated that the retaining wall replacement extends along the full length of the new steps.

Board Member Flores stated that by redirecting the steps will require visitors who park in the driveway to exit out of their vehicle and walk back away from the house before being able to access the steps that lead up to the stoop. Mr. Genge stated that the new design of the steps is safer.

Board Member Flores stated that the new design contemplates the incorporation of two (2) landings and asked if they could combine the two into one landing in order to reduce the number

Minutes of the March 8, 2021, Zoning Board of Appeals Meeting
Page 4 of 5

of stair steps. Mr. Genge stated that the proposed design is intended to reduce the amount of concrete and to make the proposed improvements more attractive.

Board Member Pyter stated that the proposal is a nice plan, but does not agree that the proposed step configuration is safer than the existing step configuration.

Board Member Schultz stated that the proposed design is a nice solution. He asked with the proposed stoop size is. Mr. Genge stated that the stoop/landing outside the entrance into the house is approximately 5' by 5'.

Board Member Moore asked what the length of the retaining wall is that is intended to support the concrete steps and landings. Mr. Smith stated that the retaining wall is approximately 25 feet long from the house to the last step.

Board Member Moore stated that consideration should be given to using a lighter material such as wood for the steps and landings configuration as the proposed retaining wall will be required to hold a lot of concrete mass and weight. He stated that it will be a lot of stress on the retaining wall.

Chairman Krummick stated that contemporary concrete design standards have evolved over time and have improved in order to address the freeze and thaw cycles. Mr. Genge stated that the proposed design is better.

Board Member Steffe stated that it is a nice plan.

Chairman Krummick stated that this particular property has a lot of unique topography creating a practical difficulty to comply with the Zoning Code and that is a situation that is not self-created. He asked the petitioner if he would like the Zoning Board of Appeals to vote for the variations and render their recommendation to the Village Board. Mr. Genge stated that he is ready for the Zoning Board of Appeals to vote tonight.

In the matter of ZBA 21-04.1), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet for a landing that is part of the reconstruction of outdoor landings, stairway and retaining wall for property located in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 21-04.2), Board Member Steffe moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 22 feet for a raised planter that

Minutes of the March 8, 2021, Zoning Board of Appeals Meeting
Page 5 of 5

is part of the reconstruction of outdoor landings, stairway and retaining wall for property located in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

In the matter of ZBA 21-04.3), Board Member Pyter moved, seconded by Board Member Moore, 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 feet for a retaining wall that is part of the reconstruction of outdoor landings, stairway and retaining wall for property located in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

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

STAFF COMMUNICATIONS AND DISCUSSION:

Board Member Flores inquired about the status of the Foulds' property. Mr. John Spoden, Director of Community Development, stated that it has recently been sold to a new owner, but currently no new development plans for the property have been submitted to the Village as of yet.

Board Member Steffe moved, seconded by Board Member Schultz to adjourn the meeting.

Motion carried 7 - 0.

Meeting adjourned at 8:05 p.m.