

MINUTES OF THE ZONING BOARD OF APPEALS
April 8, 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, Mark Moore, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Matthew Krummick.

A quorum was established.

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

OLD BUSINESS:

ZBA 19-07 Torrance Ramaker, Applicant
433 E. Sunnyside Avenue

Request is for a variation to increase the maximum permitted lot coverage from 45% to approximately 51.75% in order to construct a patio, grill, fireplace and wood box at the rear of a single family residence for property located in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, stated that there are two letters from neighbors that support the variation request.

Mr. Torrance Ramaker, applicant, stated that their house was a speculative construction development completed towards the end of 2004 and they were not involved at that point in time. He stated that sometime between the completion of the initial construction and when the house was put on the market, the builder added an additional 762 square feet of driveway and walkway to the property after the final inspections were complete. He stated that this increased the lot coverage from 45% to approximately 56%.

Mr. Ramaker stated that they had moved from the city and were not aware of the patio permit requirement at the time they had moved in and had contracted with someone to install a patio. He stated that they had hired a landscaper to install their brick patio and he did so in broad daylight as they were not trying to hide anything, but did so with applying for a permit. He stated he did not know at that time that he needed to apply for a permit. He stated that their lot ended up with approximately 59% lot coverage after the patio was installed and that this happened around 2005.

Mr. Ramaker stated that last summer he had decided that the patio was dilapidated and in need of replacement. He stated that the new landscape contractor that they hired for their new patio informed them that they needed to apply for a permit and that they exceeded the maximum

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permitted lot coverage. He stated that they had worked on a variety of plans for their patio and determined that it was not feasible to meet the 45% and have patio at the same time.

Mr. Ramaker stated that the original builder had a plan with a driveway that was only seven (7) feet wide and with no walkway to the back door from the driveway. He stated that the geometrics of the driveway as shown on the approved plan would have been non-functional for vehicles to get in and out of the garage. He stated that the builder built a house too big for the lot.

Mr. Ramaker stated that they are proposing to remove over 300 square feet from the driveway and replace the rear walkway with stepping stones in order to increase permeable area on the lot. He stated that the proposed patio will be smaller than the existing patio they have currently. He stated that these improvements will include the outdoor grill and fireplace. He stated that the proposed improvements would bring the lot coverage down to 51.75% which is the maximum lot coverage that the Village Board has the authority to grant for a variation request.

Chairman Schultz asked the petitioner to explain what the hardship is for this variation request. Mr. Ramaker stated when homes are purchased at the price point similar to his home on Sunnyside Avenue, they would expect to be able to have patio and functional driveway that allows reasonable access into the garage. He stated that if his variation request is not approved, then they would be allowed to have a patio or a functional driveway. He stated that this would have a negative impact on the home value.

Chairman Schultz asked the petitioner if he has reviewed the Staff comments in the DRC Staff Report. Mr. Ramaker stated that he cannot do the engineering plans or the detention as indicated in the Engineering Division review comments due to the associated costs.

Board Member Oakley stated that it is unfortunate that the petitioner will be subject to the WDO storm water management regulations, but is unavoidable. He stated that he recognizes that the applicant has made significant efforts to reduce the existing lot coverage as part of his variation request.

Board Member Flores asked Staff what will be required of the applicant if his variation is not approved. Mr. John Spoden, Director of Community Development, stated that he will be required to bring the property back into compliance.

Board Member Steffi stated that he likes the proposed plan. He stated that the applicant is in a tough dilemma.

Board Member Pyter asked for clarification as to what the structure is over the proposed patio area. Mr. Joey Rossa, JMR Landscape and agent for the applicant, stated that they are proposing a pergola over the patio and that the pergola is not considered lot coverage.

Board Member Moore asked for clarification of the storm water management regulations in this case. Mr. Jeff Cooper, Village Engineer, explained the WDO Appendix P requirements and that they have to be enforced in this case.

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Mr. Ramaker stated that he feels that the Village has some culpability in this case by approving a house so big that it has left no space for a reasonable driveway or patio without exceeding the maximum permitted lot coverage. He stated that he is trying to correct the situation for the next buyer of his house.

Chairman Schultz stated that he recognizes that the applicant is trying to improve the situation. He asked the applicant if he is ready for the Zoning Board of Appeals to make a recommendation to the Village Board. Mr. Ramaker stated that he would like for the Zoning Board of Appeals to make their recommendation tonight.

In the matter of ZBA 19-07, 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 51.75% in order to construct a patio, grill, fireplace and wood box at the rear of a single family residence for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion failed 3 - 3.

Ayes: Moore, Oakley, Steffe
Nays: Schultz, Flores, Pyter
Absent: Krummick

NEW BUSINESS:

ZBA 19-14 Bruce and Amy Barrington, Applicant
927 Cambridge Drive

Request is for a variation to reduce the minimum required rear yard setback from 40 feet to approximately 36.5 feet in order to construct a house addition to the rear of a single family residence for property located in an R-5, Single Family Residential District.

Mr. Bruce Barrington, applicant, introduced his variation request to the Zoning Board of Appeals. He stated that he is proposing to construct the three-season room over the existing patio. He stated that there is a net increase of 172 square feet.

Board Member Oakley stated that the encroachment is only 3.5 feet into the required rear yard.

Board Member Pyter asked for clarification on the lot coverage. Mr. Barrington stated that the proposed net increase in the lot coverage is approximately 172 square feet so he should not be subject to the WDO Appendix P detention requirement.

Chairman Schultz asked the petitioner if he would be willing to meet the Zoning Code setback requirement and not need the variation. Mr. Barrington stated that he believe that his proposal will not make a negative impact on neighboring properties.

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Chairman Schultz asked the petitioner if he is ready for the Zoning Board of Appeals to make a recommendation to the Village Board on this case. Mr. Barrington stated that he would like for the Zoning Board of Appeals to vote tonight.

In the matter of ZBA 19-14, Board Member Steffe moved, seconded by Board Member Pyter, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 40 feet to approximately 36.5 feet in order to construct a house addition to the rear of a single family residence for property located in an R-5, Single Family Residential District, in accordance with the plans submitted.

Motion carried 4 - 2.

Ayes: Flores, Oakley, Pyter, Steffe
Nays: Schultz, Moore
Absent: Krummick

STAFF COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 6 - 0.

Meeting adjourned at 7:39 p.m.