

MINUTES OF THE ZONING BOARD OF APPEALS
June 22, 2020

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

Members present: Vice Chairman Mark Moore, Amy Flores, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Chairman Matthew Krummick and Kurt Schultz.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner, Chris Sandine, Associate Planner; Heather Rowe, Economic Development Coordinator; and Jeff Cooper, Village Engineer.

Board Member Oakley moved, seconded by Board Member Steffe, to approve the June 8, 2020, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

OLD BUSINESS:

ZBA 20-01 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 18.6 feet from the Sunset Drive right of way property line in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District.

ZBA 20-02 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to increase the maximum permitted lot coverage from 40% to approximately 40.2% in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District.

ZBA 20-03 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to allow a fence to be located in the corner side yard with the fence line located beyond the rear building line of the principal structure in order to construct a fence for property located in an R-6, Single Family Residential District.

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ZBA 20-04 Johanna Corbin, Applicant
309 Forest Lane

Request is for a variation to allow for a fence to be located closer to the street than the front yard established for the abutting lot in order to construct a fence for property located in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the applicant's variation requests. He stated that the applicant has been before the Zoning Board of Appeals twice before seeking the stated variations but have been continued each time in order to provide the applicant the opportunity to revise their plans. He stated that the previous owners of the subject residence constructed a patio and fire pit without a permit in 2012 which caused them to go over the allotted lot coverage.

Mr. Sean Weppeler, attorney for the applicant, wanted to focus on the changes made to the plan from the last time they were presented to the Board. He stated that changes include the removal of one of two driveways located at the southeast corner of the lot and the front walkway. He stated that the overall lot coverage has been reduced to be less than the existing lot coverage.

Board Member Steffe stated that the petitioners were at 40.2% when the threshold is 40%. He asked if they had looked into a way to remove the .2%.

Mr. Jon Green, Civil Engineer representing the petitioner, stated that the homeowner has further reduced the overall lot coverage by an additional 0.4% for a proposed 40.2%.

Board Member Steffe asked what the distance from the edge of Sunset Drive to the fence is now on the revised site plan. Mr. Green stated that the petitioner has removed 3 feet of width from the pool and moved the fence back. Mr. Green stated that the proposed location for the fence is 16 feet from the lot line and approximately 28 feet from Sunset Drive.

Board Member Pyter inquired about the visibility of the intersection driving north to south on Sunset Drive. He asked how the new proposals would affect the visibility at the intersection of Linden Lane and Sunset Drive. Mr. Smith stated that the fence is far removed from the intersection and will not negatively affect visibility at the intersection.

Board Member Oakley stated he is fine with a fence variance, but still is concerned with the lot coverage and advises the petitioner to adhere to the 40% lot coverage.

Board Member Flores had no additional questions or comments.

Vice Chairman Moore stated that if the lot coverage could be reduced to 40%, he would be supportive of the request. He asked the applicant if she would like to move forward with the vote. Ms. Johanna Corbin, applicant, stated that she is unsure if there is anything left to remove from the property. She requested a straw poll vote to determine if they want to move forward with the formal recommendation or not.

Vice Chairman Moore stated that he would not support the lot coverage variation.

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Board Member Pyter stated that he would not support the lot coverage variation.

Board Member Steffe stated that he would support the lot coverage variation.

Board Member Oakley stated that he would not support the lot coverage variation.

Board Member Flores stated that she would not support the lot coverage variation.

Vice Chairman Moore stated that the straw poll revealed that the lot coverage variation would not pass based upon the straw poll vote.

Mr. Green stated that it might be possible to remove some of the terrace landscape walls in order to get the lot coverage down to 40%.

Mr. Weppler requested that they proceed with a recommendation from the Zoning Board of Appeals for the variations and plans as proposed.

In the matter of ZBA 20-01, Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 18.6 feet from the Sunset Drive right of way property line in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District, subject to the following condition: 1) That the applicant complies with the overall maximum permitted lot coverage of 40.0%.

Motion carried 5 - 0.

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

In the matter of ZBA 20-02, Board Member Steffe moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted lot coverage from 40% to approximately 40.2% in order to construct a swimming pool and pool deck for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion failed 1 - 4.

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

In the matter of ZBA 20-03, Board Member Pyter moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to allow a fence to be located in the corner side yard with the fence line located beyond the rear building line of the principal structure in order to construct a fence for property located in an R-6, Single Family Residential

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District, subject to the following condition: 1) That the applicant complies with the overall maximum permitted lot coverage of 40.0%.

Motion carried 5 - 0.

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

In the matter of ZBA 20-04, Board Member Pyter moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation to allow for a fence to be located closer to the street than the front yard established for the abutting lot in order to construct a fence for property located in an R-6, Single Family Residential District, subject to the following condition: 1) That the applicant complies with the overall maximum permitted lot coverage of 40.0%.

Motion carried 5 - 0.

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

STAFF COMMUNICATIONS AND DISCUSSION: None.

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

Motion carried 5 - 0.

Meeting adjourned at 7:38 p.m.