

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**July 27, 2020**

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, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Mark Moore and Kurt Schultz.

A quorum was established.

Village Staff present: David Smith, Senior Planner, and Jeff Cooper, Village Engineer.

Board Member Pyter moved, seconded by Board Member Flores, to approve the July 13, 2020, Zoning Board of Appeals minutes.

Motion carried 5 - 0.

**OLD BUSINESS:**       None.

**NEW BUSINESS:**

**ZBA 20-18   Evan and Jennifer Giacchino, Applicants**  
**512 Ames Street**

**Request is for a variation for increase the maximum permitted lot coverage from 45% to approximately 49.7% in order to construct a patio and walkway replacement for property located in an R-6, Single Family Residential District.**

Mr. Evan Giacchino, applicant, stated that he and his wife bought their house last year and have been renovating. He stated that they have been experiencing some flooding during heavy rains due to a break in the concrete patio and its sloping towards the house. He stated that this leads to water seeping into the basement. He wants to replace the patio, add a pad to the side door, and walkway to the back door to add value to the house and increase livability. He also wants to remove a concrete pad in the backyard and a curved walkway in the front yard. He stated that the removals would add up to about 909 square feet. He stated that with the new patio, walkway, and pad they would be adding about 516 square feet of concrete. He stated that this creates a net reduction of 383 square feet. He stated that with just the house, garage, and driveway the lot coverage is at 49%.

There were no public comments.

Board Member Oakley had no questions. He said it was a good move on reducing lot coverage.

Board Member Flores had no questions. She stated that it looks like a very reasonable project.

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Board Member Steffe stated he thinks it seems like a nice project and has no questions.

Board Member Pyter asked if there was a southern access point into the house from the driveway. Mr. Giacchino stated that there is a door leading into the house from the driveway which they consider the front door.

Board Member Pyter asked if there would be an impact on the neighbors once the water flow changes. Mr. Giacchino stated that he believes the water would drain into the soil and not move into the neighbors' yard.

Board Member Pyter asked if the applicants have had an expert look at the problem and if the applicants expect any major landscaping changes. Mr. Giacchino stated that an expert has looked at it and they don't expect there to be any significant landscape changes.

Chairman Krummick had a question for Staff regarding Building Division permits requiring stamped plans by an architect. Mr. David Smith, Senior Planner, stated that for patio and walkway replacements it is not typical to require stamped plans.

*In the matter of ZBA 20-18, Board Member Oakley moved, seconded by Board Member Steffe, to recommend the Village Board of Trustees approve a variation for increase the maximum permitted lot coverage from 45% to approximately 49.7% in order to construct a patio and walkway replacement for property located in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Krummick, Flores, Oakley, Pyter, Steffe*

*Nays: None*

*Absent: Moore, Schultz*

**ZBA 20-19 Matthew Moodhe and Mary Gibbs-Moodhe, Applicants**  
**752 Thomas Court**

**Request is for variations to: 1) reduce the minimum required front yard setback from 60 feet to approximately 49 feet; and 2) reduce the minimum required corner side yard setback from 60 feet to approximately 48 feet in order to construct a house addition for property located in R-3, Single Family Residential District.**

Mr. Matthew Moodhe, applicant, stated that he purchased his home a year ago. It is a ranch style house and they are before the Zoning Board of Appeals this evening requesting front yard and corner side yard setback variations in order to construct an addition on the west side of the house and change their front facing two-car garage to a side facing three-car garage. He stated that this would fit the character of the neighborhood. The applicant addressed all of the Staff comments and requests, stating that they would comply with all requests and work with Staff if there were any changes that needed to be made.

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There were no public comments.

Board Member Pyter asked how stormwater will get to the storm water retention area. Mr. Moodhe stated that according to his understanding of the attached report there will be drainage tiles, guiding water to the appropriate area.

Board Member Pyter re-phrased his question to ask how the stormwater will get to the drainage tiles. Mr. Jeff Cooper, Village Engineer, stated that they have reviewed a feasibility report on this issue and the applicant will need to either pitch the ground or add yard drains.

Mr. Moodhe stated that he expects the stormwater drainage issue to need a lot of work and will do his best to make sure the water drains properly.

Board Member Pyter asked if it is appropriate to forward a recommendation to the Village Board before the applicant can demonstrate that he is compliant with the Maximum Allowed Lot Coverage requirement on a revised plan. Mr. Moodhe referred to the Development Review Committee Staff report which indicated that the approximate lot coverage is 30.8% which is 0.8% over the maximum allowed, but that he will revise the site plan to comply with Code at time of building permit application submittal.

Mr. David Smith, Senior Planner, stated that the applicant will have to apply for a variance before getting a permit if the proposed lot coverage was not at or below 30%.

Board Member Steffe complimented the applicant's project. He had no questions.

Board Member Flores stated that she was concerned with the comment made about possibly going over lot coverage. She asked if there was a plan for the garage to the front door. Mr. Moodhe stated that there will be a walkway, but it is not in the plans yet. He emphasized that he will make sure the proposed lot coverage is at or under 30%. Board Member Flores proposed moving the driveway from Thomas Court to Paradise Lane. The applicant stated that idea was considered but too many mature trees would have to be removed.

Board Member Oakley had no questions.

Chairman Krummick asked about the setback and if there was a covenant established at the time the subdivision was created. Mr. Smith replied that in his research he could not find any covenants.

Mr. David Pardys, Village Attorney, stated that the stipulations on any setbacks in the title do not override the current Zoning Code and does not see an issue with this variation being requested.

Chairman Krummick asked if there was a need to have other parties in the neighborhood approve this and if there would be an encroachment on the title if the applicant were to sell. Mr. Moodhe stated that in his search in the title there was nothing requiring permission from other parties. He also referred to precedence in the neighborhood. He stated that he does not believe this would affect the transferability or marketability in the future.

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Board Member Pyter asked if the Board should consider adding a condition to the approval of the variance stating the proposed lot coverage must be at or under 30%. Mr. Pardys stated that would not be necessary because if the applicant does not meet the lot coverage then he would have to apply for a variance.

Chairman Krummick asked the applicant if he felt comfortable going forward with a vote today. Mr. Moodhe responded in the affirmative.

*In the matter of ZBA 20-19.1), Board Member Pyter moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 60 feet to approximately 49 feet in order to construct a house addition for property located in R-3, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

*In the matter of ZBA 20-19.2), Board Member Pyter moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 60 feet to approximately 48 feet in order to construct a house addition for property located in R-3, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

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

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

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

Motion carried 5 - 0.

Meeting adjourned at 8:00 p.m.