

MINUTES OF THE ZONING BOARD OF APPEALS
February 13, 2017

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

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

Members absent: None.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Fred Chung, Senior Project Engineer.

Board Member Oakley moved, seconded by Board Member Flores, to approve the January 9, 2017, Zoning Board of Appeals meeting minutes.

Motion carried 7 - 0.

OLD BUSINESS: None.

NEW BUSINESS:

ZBA 17-04 Kevin and Samantha Schnell, Applicants
629 Kenwood Avenue

Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16.5 feet in order to construct a single family residence in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the variation request by the petitioner. He stated the petitioners, Kevin and Samantha Schnell, are requesting a variation to reduce the minimum required corner side yard setback in order to construct a new single family residence in an R-6, Single Family Residential District at 629 Kenwood Avenue.

Mr. Kevin Schnell, petitioner, stated that they are proposing to construct a two-story home with basement. He stated that he has reviewed the Staff review comments and that they agree with them.

Mr. Fred Chung, Senior Project Engineer, stated that the Village adopted the Lake County Watershed Development Ordinance Appendix P in 2015. He stated that he has been working with the petitioner regarding this requirement.

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Mr. Schnell stated that the net change in lot coverage does not exceed 200 square feet net increase over the existing lot coverage and therefore, will not trigger on-site storm water detention.

Mr. Adam Anuskiewicz, 618 Kenwood Avenue, asked about the trees on the property. Mr. Schnell stated that they are not seeking to change the front yard setback. He stated that they had an arborist look at the existing trees on the property and they want to keep all the healthy trees. He stated that there is a Crabapple that is in poor condition that is marked for removal, but they plan to replace it.

Board Member Moore asked they could find another plan option so that the fire place chimney would not have to encroach into the setback back. Mr. Schnell stated that they looked at a variety of options for their floor plan layout and decided that the others would not work out as well.

Board Member Krummick asked if there is anything in the Code to address the vertical massing of the structure. Mr. John Spoden, Director of Community Development, stated that Staff has studied various zoning methods to regulate structural massing for residential development including applying a floor area ratio regulation, but that this was rejected by the Village Board.

Board Member Krummick stated that regulating the massing of residential structures should be visited again in the future.

Board Member Schultz stated that the applicants' proposed new home is nice. He stated that consideration should be given to re-designing the footprint so that the chimney has less of an encroachment into the required yard.

Mr. Schnell stated that they feel strongly that the floor plan design including the location of the chimney can't be re-designed.

Chairman Cotey asked the petitioner if they would like for the Zoning Board of Appeals to go to a vote tonight. Mr. Schnell stated that they would like for the Zoning Board of Appeals to give their positive recommendation to the Village Board tonight.

In the matter of ZBA 17-04, Board Member Semmelman moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16.5 feet in order to construct a single family residence in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion carried 7 - 0.

Ayes: Cotey, Flores, Krummick, Moore, Oakley, Schultz, Semmelman
Nays: None
Absent: None

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ZBA 17-05 Christopher and Heather Lis, Applicant
267 Cypress Lane

Request is for a variation to reduce the minimum required rear yard setback from 25 feet to approximately 19.75 feet in order to construct an addition to an existing single family residence in an R-6, Single Family Residential District.

Mr. David Smith, Senior Planner, introduced the petitioners' variation request to the Zoning Board of Appeals. He stated that the petitioners, Christopher and Heather Lis, are requesting a variation to reduce the minimum required rear yard setback in order to construct a house addition to a two-story single family residence in an R-6, Single Family Residential District at 267 Cypress Lane.

Mr. Smith stated that the subject property is located in the Green Tree Subdivision in an R-6, Single Family Residential District. He stated that the Zoning Code requires a minimum rear yard setback of 35 feet from the rear property line for the principal structure however in 1971, the Village Board passed Ordinance No. 71-O-14 granting subdivision-wide variations which provided for the a rear yard setback not less than 25 feet. He stated that the petitioners are seeking to further reduce the rear yard to approximately 19'9" with the addition to the rear of their existing residence.

Ms. Heather Lis, petitioner, stated that they purchased the property approximately two years ago. She stated that the house was constructed in 1978 and it was in bad condition at the time of their purchase. She stated that they looked at various alternatives to construct a basement, but none were feasible without the house addition to the rear of the home that they are proposing tonight. She stated that their proposal was planned with the minimum amount of encroachment and still meets their needs. She stated that the intent was focusing on the basement. She stated that the encroachment into the required rear yard is only a little more than 5 feet.

Board Member Schultz stated that this proposal seems to have a self-created the hardship. He stated that consideration should be given to re-designing the addition. He asked how big is the house now and how will the additional basement space will be utilized. Ms. Lis stated that the width of the needed basement pushes the encroachment. She stated that this home is a four bedroom without the basement. She stated that the basement space will be used as storage and recreation.

Board Member Schultz stated that the home and the addition look nice, but he is concerned about the space between homes will decrease with this type of improvement.

Ms. Lis stated that that there are paths and greenspace between the properties. She stated that she has been working with an architect for two years. She stated that it wasn't going to work to have the addition added to the front of the house.

Board Member Krummick stated that the lot shape appears to narrow down. He asked how they will address a future patio as it seems that the proposed house addition is planned on top of the

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existing patio. Ms. Lis stated that they will put in some kind of patio, but this is not in their plan at this time. She stated that there is a green belt path behind their house.

Board Member Moore asked about the other addition that appears on the side of the house. Ms. Lis stated that the side addition is a shed.

Board Member Moore asked where they will install their air conditioning unit. Ms. Lis stated that it will go along the south side of the house.

Chairman Cotey asked Staff to explain the requirements of the Lake County Watershed Development Ordinance Appendix P. Mr. Fred Chung, Senior Project Engineer, explained the basic parameters of the Appendix P regulation.

Chairman Cotey advised the petitioner to be aware of the Appendix P requirements. He asked the petitioner if they are willing to make any revisions to their plans in order to reduce the encroachment. Ms. Lis stated that she would like to keep the proposed plans as they are.

Board Member Schultz asked what the size of the home is in terms of square footage. Ms. Lis stated that the home is approximately 2,400 square feet and the addition is another 800 square feet in floor area which is comparable to some of her neighbors' homes.

Chairman Cotey asked the petitioner what she would like for the Zoning Board of Appeals to do tonight. Ms. Lis stated that she would like for the Zoning Board of Appeals to render a positive recommendation for her variation request to the Village Board.

In the matter of ZBA 17-05, Board Member Semmelman moved, seconded by Board Member Krummick, to recommend the Village Board of Trustees approve a variation to reduce the minimum required rear yard setback from 25 feet to approximately 19.75 feet in order to construct an addition to an existing single family residence in an R-6, Single Family Residential District, in accordance with the plans submitted.

Motion failed 2 - 5.

Ayes: Krummick, Oakley
Nays: Cotey, Flores, Moore, Schultz, Semmelman
Absent: None

COMMUNICATIONS AND DISCUSSION: None.

Board Member Semmelman moved, seconded by Board Member Schultz, to adjourn the Zoning Board of Appeals meeting.

Motion carried 7 - 0.

Meeting adjourned at 7:37 p.m.