

**MINUTES OF A REGULAR MEETING OF
THE ZONING BOARD OF APPEALS
OF THE CITY OF HIGHLAND PARK, ILLINOIS**

MEETING DATE: Thursday, 04/07/2016

MEETING LOCATION: Council Chambers, City Hall
1707 St. Johns Avenue, Highland Park, IL

CALL TO ORDER

At 7:30 p.m. the Chairman called the meeting to order and asked Mr. Olson to call the roll.

ROLL CALL

Members Present: Chaplik, Fettner, Bina, Hecht

Members Absent: Muller, Klasky, Henry

Chairman Hecht declared that a quorum was present.

Staff Present: Eric Olson, Planner

Also Present: Kim Stone, City Council Liaison
Randy Barinholtz, Court Reporter
Alexis Satterwhite, Student Representative

APPROVAL OF MINUTES

A. Regular Meeting of the Zoning Board of Appeals

Member Fettner moved to approve minutes for the regular meeting of the Zoning Board of Appeals held on March 17, 2016. Member Bina seconded the motion. Chairman Hecht indicated that he will abstain. On voice vote, the Chairman declared that the motion passed.

ITEMS FOR OMNIBUS CONSIDERATION

None

BUSINESS FROM THE PUBLIC

None

SCHEDULED BUSINESS

1. Consideration of Case #16-01-VAR-003 – 1046 Crofton Court

Planner Olson notified the Zoning Board that the applicants requested a continuation to the April 21, 2016 meeting in hopes of obtaining a vote from the full Board. Chairman Hecht noted that the hearing has been continued numerous times already. He then asked staff whether cases can be continued indefinitely or there is a finite number of continuations that can occur. Planner Olson stated he was unsure but will obtain an answer from Corporation Counsel. The hearing was then continued to the April 21, 2016.

2. Consideration of Case #16-04-VAR-011 – 1265 St. Johns Avenue

Planner Olson provided a detailed presentation on the variation requested. The Commission then heard comments from the following individuals:

- Johnathan Happ, owner and resident of the subject property, stated that he is intending to replace a deteriorated garage with a newer, smaller garage, which would be further from the property line. He stated that the garage could not be moved further to the south due to the presence of a large Heritage Oak tree and that his intent beyond building a garage is preservation of the tree. He then added that the proposed garage would be more in line with the garage on the adjoining property to the north and noted that by moving the garage further to the east, he would improve drainage issues at the northeast of the property.
- Andy Sawula, neighbor at 1284 Forest Avenue, asked about the location of the garage, and stated that the proposal would result in less impervious area and improve drainage in the immediate area. He stated that it would increase green space and would likely improve property values in the area. He then stated his support for the proposal.
- Eric Leon, neighbor at 1267 St. Johns Avenue, asked whether the proposed garage would in fact be closer to the street and further from his property. He then asked whether Building Code would prevent the petitioner from building a garage at its proposed location based on the distance between structures.
- Myrna Leon, 1267 St. Johns Avenue, expressed concern about the distance of the proposed garage to their residence and attached garage and questioned whether the Plat of Survey submitted by the applicant was accurate with respect to the location of the tree.
- Mario Leon, 1267 St. Johns Avenue, stated that he consulted a building inspector who stated that modern construction typically requires approximately 10 feet between structures and expressed concern that the garage would be too close to his home in case of fire. He asked whether it would be possible for the applicant to move the garage to the other side of the rear yard.

Chairman Hecht asked staff whether there are any variations on record, and Planner Olson stated that no variations were found in the City's records.

Councilwoman Stone noted that the proposed garage will be smaller than the existing garage and will be further from the property line separating the subject property from the adjoining 1267 St. Johns property to the north. Chairman Hecht then discussed how the Zoning Board utilizes a set of standards established in the Code in their evaluation of zoning variation requests.

Member Chaplik then noted that the views from the rear of the Leon's home would be improved by the movement of the garage

Member Bina moved to close the proofs and Member Fettner seconded the motion. The Chairman declared that the motion passed unanimously.

The following discussion then took place by the Board:

- Member Chaplik stated that the applicant is proposing a smaller garage that will encroach less than the existing garage and is placed in a manner to protect the Heritage tree on the property. He stated that there are no other better locations on the site and that the standards for variation are met.
- Member Fettner stated that a hardship exists and that there are several issues appropriately addressed by the proposed location, including tree protection and drainage. He noted that the garage will encroach less than the existing garage and that he supports the variation request.
- Member Bina agreed with his colleagues in that the proposal ameliorates the existing conditions and

meets the hardship standards. He then expressed his support for the request.

- Chairman Hecht stated that the applicant could have instead chosen to repair the existing garage without a variation, but instead proposing a smaller garage and smaller encroachment. He stated that the applicant has made an effort to thoughtfully minimize his request. He then noted that the City's Forestry Division did not oppose the request. He then indicated his support for the request.

The Chairman then entertained a motion to approve the Item, as presented. Member Bina moved to direct staff to prepare findings of fact to adopt the variation as presented. Member Chaplik seconded the motion.

Voting Yea: Chaplik, Fettner, Bina, Hecht
Voting Nay:

Chairman Hecht declared that the motion PASSED (4-0).

Member Chaplik asked whether conditions regarding tree preservation could be added, but Chairman Hecht stated that a motion to approve the variation as presented has already been passed.

Chairman Hecht then entertained a motion to reconsider the prior approval. Member Fettner moved to reconsider, which was seconded by Member Bina. After a voice vote, the Chairman declared that the motion passed.

The Chairman then entertained a new motion. Member Fettner then moved to approve findings of fact and the variation as requested subject to the implementation of a tree preservation plan. Member Bina seconded the motion.

Voting Yea: Chaplik, Fettner, Bina, Hecht
Voting Nay:

Chairman Hecht declared that the motion PASSED (4-0).

Mr. Happ asked how he would obtain and implement a tree preservation plan. Planner Olson stated he can contact the City's Forestry Division.

MISCELLANEOUS

Planner Olson presented two revised granted orders for the properties located at 430 and 436 Burton Avenue for signature by the Chairman. The orders were approved, subject to the addition of language addressing existing structures in rear yards, as directed during the March 17, 2016 Zoning Board meeting.

ADJOURNMENT

The Chairman entertained a motion to adjourn the meeting. Member Fettner moved to adjourn. Member Bina seconded the motion.

On a voice vote, the Vice Chair declared that the motion passed unanimously.

The Board adjourned its meeting at 8:18 p.m.

Respectfully Submitted,

Eric Olson
Planner

THE FOLLOWING IS TO BE COMPLETED AFTER THE MINUTES ARE APPROVED:

MINUTES APPROVED BY THE BOARD ON 06/02/2016

- WITH NO CORRECTIONS **X**
- WITH CORRECTIONS _____
(SEE MINUTES OF [date] MEETING FOR CORRECTIONS)

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