

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

MEETING DATE: Thursday, 04/21/2016

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, Bina, Klasky, Muller, Hecht

Members Absent: Fettner, 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

Draft minutes for the April 7, 2016 meeting were not available for consideration and review.

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 May 5, 2016 meeting. The attorney of record for the applicants, Calvin Bernstein, stated the applicants wish to obtain a vote from the full Zoning Board and discussed comparable rules of order in other jurisdictions.

Chairman Hecht then discussed the previous consideration of the matter, during which a previous motion to approve did not pass and as a result the matter remains open. Chairman Hecht stated that he is not comfortable with the numerous continuations without the Board voting on the matter, though Corporation Counsel indicated that the Chair could otherwise unilaterally decide to continue the hearing.

Member Klasky then moved to continue the hearing to the May 5, 2016 Zoning Board meeting. Member Bina

seconded the motion. On a voice vote, the motion passed.

Member Muller expressed his opposition to the continuation of the meeting, noting that it has been continued many times already and that full Board attendance for any one meeting is uncommon. He stated his concern that a precedent could be set in which applicants will request continuations until they believe they have the right number of affirmative votes in attendance.

Chairman Hecht declared that the hearing was continued to the May 5, 2016 meeting.

2. Consideration of Case #16-04-VAR-012 – 381 Woodland Road

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

- Cristina Merlo, owner and resident of the subject property, stated that her property is very unusual in that over half the property is located within the Steep Slope Zone. She said that the size of deck they are proposing to construct is a similar size that would otherwise be an “exempt” activity on a property that has sufficient table land. She added that the deck is primarily for family use for deck appreciation and elaborated on the engineering and design of the deck and proposed re-seeding of the slope

She noted that she worked with a slope engineering consultant during the purchase of the house and some other property improvements, and started work on the tree-mounted deck because she was unaware that such a project that was not on the ground needed a permit. She then stopped work once notified by the City in order to go through the appropriate City review and approval processes.

She then stated that several of the adjoining neighbors are supportive of their project and then noted that the objecting neighbors seemed to be opposed to change in the ravine altogether, feel it would be unattractive, and also they feel the project might be an “attractive nuisance”, and then added that there are many things on ravine properties through the City, including their own properties, that might be considered an attractive nuisance.

Councilwoman Stone noted that this request was heard at the Natural Resources Commission, who reviewed the Member Chaplik asked whether a copy of the Steep Slope Zone ordinance was included in the meeting packet. Planner Olson stated that it is an entire section of the Zoning Code, so it was not included, though printouts could be made available in the future.

Member Chaplik then asked about exempted activities in the Steep Slope Zone. Planner Olson stated that there are number of activities are considered exempt, but that the proposed construction did not qualify as the proposed deck construction is located within on the ravine slope itself, and not within the 10 foot ravine setback. He then stated that a similarly-sized deck could be built per Code within that setback on the property, but was unsure whether sufficient land was available on the site for such an improvement.

Ms. Merlo stated that the lands on the west side of the home are unusable for such a deck due to the presence of the ravine and an associated retaining wall. Planner Olson then added that the City’s Engineering Division determined that the top of the ravine slope is the 658-foot topographic contour. Ms. Merlo then stated that land on the east side of the home is also limited, and that a deck there would likely have the same problems with respect to encroachment into the Steep Slope Zone.

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

The following discussion then took place by the Board:

- Member Bina compared this request to a recent variation request consisting of the installation of solar panels on a property. He stated that issues of hardship and convenience are challenging, and noted that it is a unique ravine property. He was uncertain whether the hardship standards are met and noted that an objecting neighbor requested continuation to a later date so that he could attend.
- Member Chaplik also compared to the request to the solar panel variation request and noted that the proposed tree deck construction is very visible from the properties across the ravine. He stated that he was unsure that the request could meet the City's hardship standards.
- Member Muller stated that adding a deck or patio is not inherently different than adding another bedroom or garage, as they all are linked to one's enjoyment of their property. He stated that the proposed construction has a small footprint and would blend into the ravine environment within a few years. He noted that the Natural Resources Commission found that there will be minimal environmental impact and noted that overall, the requested variation is minimal.
- Member Klasky stated that the lot is very unique and the request is minimal. He noted that there is very little space for recreation. He stated belief that it meets the hardship standards and expressed his support for the request.
- Chairman Hecht stated he is unsure if the request is more than a convenience, but added that there is no other feasible place to put the deck. He stated that the property is a typical ravine lot and is uncertain as to whether the request meets the hardship standards for variation.

The Chairman then asked whether the applicant would like to continue the hearing to a later date during which time there may be more members in attendance to consider the matter. Ms. Merlo Member Bina then moved to continue the hearing to the May 5, 2016 Zoning Board meeting. Member Klasky seconded the motion. On a voice vote, the motion passed. Ms. Merlo asked if she would need to re-advertise for the subsequent meeting and Planner Olson notified her that no additional notification would be necessary.

Chairman Hecht declared that the hearing was continued to the May 5, 2016 meeting.

3. Consideration of Case #16-04-VAR-013 – 1720 Spruce Avenue

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

- Calvin Bernstein, attorney of record for the applicant, noted that the property already received a variation for Heritage Tree removal and that the applicant at the time was not aware of the established setback issue, which resulted in the current variation request. He stated that pushing the home further away from the street would result in additional tree loss. He also noted that there are wetlands on the north of the property that also limit the ability to place the building footprint on the site. He then stated that Spruce Avenue is a very long street without a uniform setback, with some homes having very small setbacks and others having very large setbacks. He stated that the neighbors do not object to the proposal and would like to coordinate landscaping improvements. He then reviewed the plans and determined that the home is over 6,500 square feet in size.

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

The following discussion then took place by the Board:

- Member Klasky stated that it would be a challenge to place the home anywhere on the lot other than

where it is proposed, due to the trees and wet areas. He stated that he believes the standards for variation are met and supports the request.

- Member Bina stated that the large variance in existing setbacks along Spruce Avenue make the established setback very restrictive, even though the proposed construction would be no closer to the street than the existing home. He stated that the hardship standards are met and supports the request.
- Member Chaplik stated that the Board is familiar with the wetlands and tree issues on the site and that there is no better location for the home on the site. He stated the hardship standards are met and that he supports the variation request.
- Member Muller agreed with his colleagues, stating that the majority of the bulk for the proposed home is set further back than the existing non-conforming home on the site. He then stated that the hardship standards are met and indicated support for the request.
- Chairman Hecht stated that he disagreed with his colleagues and did not believe that a hardship exists. He stated that a large home could already be built on the property without a variation and then stated that he does not support the request.

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

<i>Voting Yea:</i>	Bina, Chaplik, Muller, Klasky
<i>Voting Nay:</i>	Hecht

Chairman Hecht declared that the motion PASSED (4-1).

Chairman Hecht then stated that it generally does not reflect well when applicants cannot appear at their own public hearing for a variation request. Attorney Bernstein noted that this was an unusual request as the need for a variation arose during building plan review.

MISCELLANEOUS

Planner Olson presented the granted order for the property located at 1265 St. Johns Avenue for signature by the Chairman. The order was approved during the March 17, 2016 Zoning Board meeting.

ADJOURNMENT

The Chairman entertained a motion to adjourn the meeting. Member Klasky moved to adjourn. Member Muller seconded the motion. On a voice vote, the Vice Chair declared that the motion passed unanimously.

The Board adjourned its meeting at 8:38 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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