

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

MEETING DATE: Thursday, 05/05/2016

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, Henry, Hecht

Members Absent: Bina, Klasky, Muller

Chairman Hecht declared that a quorum was present.

Staff Present: Eric Olson, Planner

Also Present: Randy Barinholtz, Court Reporter
Alexis Satterwhite, Student Representative

APPROVAL OF MINUTES

A. Regular Meeting of the Zoning Board of Appeals

Planner Olson notified the Zoning Board that the audio recorder did not function during the previous meeting and that the videos would be necessary for the preparation of the meeting minutes. City staff are transferring meeting videos onto a new online platform which has delayed preparation of the minutes for April 7, 2016 and April 21, 2016, which are anticipated to be available for the June 2, 2016 meeting.

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 applicant's attorney has requested a continuation to the next meeting. Chairman Hecht stated that he would continue the case to the next meeting since only four Board members are present, but that it would not be continued further. The Chairman stated that he and staff discussed procedure for continuation with Corporation Counsel, and that he as the Chair can continue the matter unilaterally. The hearing was then continued to the May 19, 2016 meeting.

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

Chairman Hecht stated that he was unsure whether the proofs were closed during the previous meeting, and that there were currently no minutes to which the Board could refer with respect to the issue. Vice Chair Henry then moved to open the proofs, in case they had been closed during the previous meeting. Member Fettner seconded the motion. The Chairman declared that the motion passed unanimously.

Planner Olson provided a detailed presentation on the variation requested and noted that the same information would be provided during the previous meeting for the benefit of those who not in attendance during April 21, 2016 Zoning Board meeting.

The Commission then heard comments from the following individuals:

- Cristina Merlo, owner and resident of the subject property, submitted the following document into the record and read aloud for those in attendance:
 - Exhibit A – Letter from an attorney, Elliot Wiczer, addressing the project and the City’s hardship standards
- Robert Lawrence, neighbor at 418 Briarwood Place, submitted the following document into the record:
 - Exhibit B – Pictures from adjoining properties on the opposite side of the ravine from the subject property.

He stated that he and other neighbors in attendance have lived in the immediate area across the ravine for approximately the last 35 years. He stated that the proposed construction is in violation of the spirit and intent of Article 19 of the Zoning Code, often known as the Steep Slope Ordinance. He noted that the proposed deck is not considered an exempt improvement and that a compliant deck could be built elsewhere on the property without encroaching into the Steep Slope Zone. He stated that construction in the ravine would likely have a negative economic impact on all the surrounding homeowners and that the deck would serve as an “attractive nuisance”. He then discussed the City’s Ravine brochure and its information on ravine stewardship and stated that allowing the structure to be built would set a bad precedent for future ravine construction.

Member Fettner asked about the available table land on the property and whether there are any decks or patios currently on the property. Ms. Merlo stated that the tableland is very limited and that there are no decks or patios on the property.

Member Chaplik asked about the use of the lands to the east of the residence on the property and whether a deck could be put right off the back of the house. Ms. Merlo stated that the lands to the east are terraced and then stated that the environmental impact to install a deck off the back of the house would be large and that a variance would be required to do that anyway because so much of the property is located within the Steep Slope Zone. She then noted that the model for this deck is the deck that is located at the Heller Nature Center in Highland Park.

Mr. Lawrence stated that the area to the rear of the home is already utilized by residents of the subject property, in that there are bands mounted in the trees for youth recreation, and that those trees could potentially be used for a deck that is less far into the ravine.

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

The following discussion then took place by the Board:

- Member Fettner stated that relief is possible within the Steep Slope Zone per Code, but is uncertain as to whether the variation meets the required hardship standards. He acknowledged that much of the

property is located within the Steep Slope Zone. He suggested that the applicant explore construction of a deck that is attached to the home to minimize the encroachment.

- Member Chaplik stated that that he is unsure whether the variation requested was truly minimized and whether the proposed construction was in the spirit of the ravine protection that Article 19 of the Zoning Code is intended to provide.
- Vice Chair Henry stated that this request previously appeared at the Natural Resources Commission, which found that the request would have minimal environmental impact pursuant to their required standards in the Zoning Code. He then stated that he was uncertain whether a hardship, as defined by the Zoning Code, exists for the property in the context of the applicant's request and that it might be more of an inconvenience in not having the deck rather than a hardship.
- Chairman Hecht stated that he is unsure whether there is any other location to place a similarly sized deck on the property that does not encroach into the Steep Slope Zone, and that if there is not another location, then he'd see a hardship. He noted that the proposed deck is not very intrusive since it would not be anchored in the ground. Based on the current information and testimony, he stated he was not yet sure whether there is a hardship for the request.

The Chairman stated that he intends to continue the hearing so that more information regarding the amount of table land on the property. Member Fettner agreed with the request.

Ms. Merlo invited the members of the Zoning Board to visit her property to observe the property and proposed construction for themselves.

The item was then continued to the June 2, 2016 meeting of the Zoning Board of Appeals.

The Chairman then declared a five minute recess. After the recess, the meeting was resumed.

3. Consideration of Case #16-05-VAR-014 – 1189 Crofton Avenue N

Planner Olson provided a detailed presentation on the variation requested.

Vice Chair Henry asked for clarification regarding whether new construction would require the variance, or only by fact of connecting the house to the garage is the variation needed. Planner Olson stated that the connection of the house to the garage changes transforms a condition wherein an accessory structure is legally within the rear yard to a one where a principal structure encroaching into a rear yard.

The Commission then heard comments from the following individuals:

- Edward Cohn, of 1002 Keystone Avenue, Northbrook, Illinois and general contractor appearing on behalf of the property owner JGE Holdings, LLC, stated the owner found out at the last moment during building plan review that a variation would be needed to attach the existing garage to the existing home. The intent of the improvements are to not build a large addition or otherwise demolish and rebuild a home, but rather create a functional addition that would allow an individual to access the garage without going outside. He stated that the home has historic character and the proposed construction was planned to be unobtrusive.

Vice Chair Henry moved to close the proofs and Member Chaplik seconded the motion. The Chairman declared that the motion passed unanimously.

The following discussion then took place by the Board:

- Vice Chair Henry stated that this is a very straightforward request and that by virtue of connecting a

conforming home to a conforming garage does the variance become necessary. Nothing being constructed will otherwise require a variation. He noted that the proposed improvement makes sense as compared to demolition and new construction. He stated that the standards have been met and will support the request.

- Member Chaplik stated that a strict interpretation of the Zoning Code would effectively prohibit the applicant from building in what is otherwise a permissible building area. Tearing part of the garage off is not a feasible solution. He stated standards are met and will support the request.
- Member Fettner stated that he views this request as being similar to one wherein someone might request to rebuild an existing non-conforming structure in its exact same location. He viewed the nature of the new encroachment as a quirk in the Code and indicated he will support this request.
- Chairman Hecht stated that the proposed variation is a great example for why the City has a procedure in place for zoning variations. He then indicated his support for the request.

The Chairman then entertained a motion to approve the Item, as presented. Vice Chair Henry moved to direct staff to prepare findings of fact and an order to adopt the variation as presented. Member Fettner seconded the motion.

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

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

Member Chaplik then moved to approve the order as presented. Member Fettner seconded the motion. On a voice vote, the Chairman declared that the motion passed unanimously.

MISCELLANEOUS

None

ADJOURNMENT

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

The Board adjourned its meeting at 8:41 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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