

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

MEETING DATE: Thursday, 06/02/2016

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

CALL TO ORDER

At 7:38 p.m. the Chairman called the meeting to order and asked Mr. Olson to call the roll.

ROLL CALL

Members Present: Chaplik, Fettner, Klasky, Henry, Hecht
Bina (*arrived late*), Muller (*arrived late*)

Members Absent:

Chairman Hecht declared that a quorum was present. Please note that Members Bina and Muller arrived late, and the time of their respective arrivals are noted within the minutes.

Staff Present: Eric Olson, Planner

Also Present: Kim Stone, City Council Liaison
Randy Barinholtz, Court Reporter

APPROVAL OF MINUTES

Member Fettner moved to approve minutes for the Zoning Board of Appeals meeting held on April 7, 2016. Member Chaplik seconded the motion. On voice vote, the Chairman declared that the motion passed. Member Klasky and Vice Chair Henry abstained.

Member Klasky moved to approve minutes for the Zoning Board of Appeals meeting held on April 21, 2016. Member Chaplik seconded the motion. On voice vote, the Chairman declared that the motion passed. Member Fettner and Vice Chair Henry abstained.

Member Fettner moved to approve minutes for the Zoning Board of Appeals meeting held on May 5, 2016. Vice Chair Henry seconded the motion. On voice vote, the Chairman declared that the motion passed. Member Klasky abstained.

ITEMS FOR OMNIBUS CONSIDERATION – *None*

BUSINESS FROM THE PUBLIC – *None*

SCHEDULED BUSINESS

Chairman Hecht asked the appellants for the Old Business agenda items if they'd like to wait for the two remaining Board members to arrive before considering their items. Member Klasky then moved to table the old business. Member Fettner seconded the motion. On voice vote, the Chairman declared that the motion passed.

Elliot Wiczer, attorney representing the applicant for 381 Woodland Road, then stated that they would be

willing to proceed with only five members present.

Chairman Hecht then entertained a motion to remove the 381 Woodland Road variation request from tabled business. Member Klasky moved as entertained by the Chairman. Member Fettner seconded the motion. On voice vote, the Chairman declared that the motion passed.

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

Planner Olson provided a detailed presentation on the requested variation and discussed the consideration and subsequent recommendation for approval provided by the Natural Resources Commission.

During Planner Olson's presentation, Member Bina arrived to the meeting. Immediately after the presentation, Member Muller arrived to the meeting.

The Commission then heard comments from the following individuals:

- Elliot Wiczner, 500 Skokie Blvd., Northbrook, IL, attorney of record for the property owner, submitted the following item into the record:
 - Exhibit C – Photographs of other improvements within the Steep Slope Zone in the vicinity of the subject property (two pages).

Mr. Wiczner then discussed the variation request and the hardship standards and noted that several exempt types of improvements are allowed within the Steep Slope Zone even though it is highly restricted by Code. He noted that the proposed construction received a unanimous vote to recommend approval by the Natural Resources Commission and stated that the project will have minimal-to-no impact on the ravine. He then stated that there are some neighbors oppose the request while others support the request, then stating that the property is a very unique ravine property and that it is effectively unbuildable without zoning relief.

- Robert Lawrence, neighbor at 418 Briarwood Place, submitted the following item into the record:
 - Exhibit D – Site Plan depicting three areas of potential deck construction and photographs of the subject property from the other side of the ravine (seven pages).

Mr. Lawrence then discussed his objection to the requested variation. He discussed the exempt construction types within the Zoning Code. He then stated that he did not know the Natural Resources Commission meeting was already held and that he would have attended then to object as well. He discussed three areas where he believes a Code-compliant deck could be constructed, including the northeast side of the property, the grassy area on the south side of the home, and the northwest side of the home. He then stated that the Steep Slope Ordinance is intended to protect the ravine and aesthetic quality and that approval of the variation would set a bad precedent.

- Cristina Merlo, owner and resident of the subject property, stated that there is no other place to build the deck platform on the property that would not also require a variance, and added that other locations would also require earth moving and disturbance of the landscape.

Member Muller asked what is triggering the need for relief as compared to other deck projects that might occur within the Steep Slope zone. Planner Olson stated that decks and patios of certain sizes are permitted as exempt activities, but only for those located within the 10 foot Steep Slope setback. The proposed improvement is not exempt because it is not in the setback, but rather in the ravine.

The Board then discussed the various locations where a deck might be constructed on the property and whether they could be constructed without a variation.

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

The following discussion then took place by the Board:

- Member Bina stated that there doesn't appear to be any other locations for the improvement on the property and that the request appears to be de minimis. He also noted that this request was approved by the Natural Resources Commission. He questioned whether the property could obtain a reasonable return without the variation stating that it likely could, and stated that he was unsure whether he could support the request.
- Member Klasky stated that he believes the hardship standards are met and expressed his support for the request.
- Member Chaplik stated the Zoning Code establishes a specific location for a deck on ravine properties and that the location of the proposed deck does not seem consistent with the spirit of the Zoning Code. He stated that he sees the inconvenience but not the hardship as other locations for the deck may exist on the property.
- Member Fettner stated that the Zoning Board is bound to the hardship standards in the Code and is not sure that the hardship standards are met. Other locations for the deck may exist on the property.
- Member Muller stated that the NRC reviewed the request and unanimously recommended approval, so environmental issues are not of concern. With no environmental concern, the request is more of a "structure encroaching into a rear yard" issue, and the Zoning Board has approved several variations of that type in the past. He stated that outdoor recreation space is important for one's enjoyment of their property and then stated he supports the request.
- Vice Chair Henry stated that he was initially unsure whether the standards were met and whether he could support the request and then noted that Member Muller's comments were compelling.
- Chairman Hecht stated that an owner is unlikely to be able to build anything on the property without a variation. He stated that a home being on a ravine is not inherently a hardship, and stated he was unsure whether a home is not truly functional without a deck in the present day.

The Chairman notified those in attendance that if a motion to approve does not carry, that it doesn't mean that item is denied. Four votes would be required either way to approve or deny.

Member Muller moved to direct staff to prepare findings of fact and an order to adopt the variation as presented. Member Klasky seconded the motion.

Voting Yea: Klasky, Muller, Henry, Hecht
Voting Nay: Chaplik, Bina, Fettner

Chairman Hecht declared that the motion PASSED (4-3).

The Board then took a two minute recess, after which the meeting resumed.

Member Klasky moved to approve the order as presented. Member Chaplik seconded the motion. Prior to a vote, Vice Chair Henry stated that conditions from the Natural Resources Commission should be included in the approval. Planner Olson stated that the conditions were not approved by default since it is within the purview of the Zoning Board to add conditions to an approval.

Member Klasky then amended his motion to include the conditions recommended by the Natural Resources Commission. Member Chaplik seconded the amended motion.

Voting Yea: Klasky, Muller, Chaplik, Bina, Fettner, Henry, Hecht
Voting Nay:

Planner Olson stated that the order will be revised and presented during the next meeting of the Board.

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

Planner Olson provided a detailed presentation on the variation requested and the plan revisions that have occurred since its previous consideration. The Commission then heard comments from the following individuals:

- Calvin Bernstein, attorney of record for the applicant, submitted the following item into the record:
 - Exhibit A – Letter of support from the neighbor located at 1047 Crofton Court (one page).

He then discussed the variation request and addressed the standards for variation enumerated in the Zoning Code. He stated that when the home was built, there were no combined side yard and Floor Area Ratio (FAR) regulations. He stated that the home is not eligible for Bonus FAR due to the existing non-conformity and that the entire neighborhood was built without FAR regulations. He stated that the hardship is created because the regulations have changed and that neighbors in the immediate area are supportive

- Jeffrey Warren, neighbor of the subject property, thanked the Zoning Board for being willing to reconsider the applicant's request. He agreed with the May 26, 2016 hardship letter and stated there would be no change in footprint. He stated that other homes in the immediate neighborhood are already larger and that this seems like a "non-issue".

Member Muller 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 he is not yet certain if a hardship exists but does not otherwise object to the proposed improvement.
- Member Klasky stated that he appreciates the reduced variation request and is inclined to support.
- Member Fettner stated that he supported the earlier iteration of the request and still supports it now. He noted that the footprint will stay the same and that the home would have been eligible for Bonus FAR if the rule establishing combined side yard regulations did not come into place after the home was built.
- Member Muller was pleased to see the reduced variation request. He stated that the request will not substantially change the existing mass and bulk of the home and then stated he supports the request.
- Member Bina stated that he did not originally support the request and is uncertain whether the hardship standards are met, but is more inclined to support it now based on the reduced variation request.
- Vice Chair Henry stated that the footprint will not change and noted that no neighbors oppose the request. He stated that the standards are met and that he supports the request.
- Chairman Hecht stated that he appreciates the reduced request but he does not believe the standards regarding reasonable return and the uniqueness of the property are met. He added that many homes within Highland Park are considered legal non-conforming structures and that is not unique.

The Chairman then entertained a motion to approve the Item, as presented. Member Muller 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: Klasky, Muller, Chaplik, Bina, Fettner, Henry
Voting Nay: Hecht

Chairman Hecht declared that the motion PASSED (6-1).

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

3. Consideration of Case #16-05-VAR-015 – 875 Timber Hill Road

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

- Scott Sheahen, owner and resident of the subject property, discussed the variation request. He stated that shifting the shed to the south would negatively impact mature trees and that the proposed location is the most unobtrusive location possible. He then stated that he hand-delivered notices to his neighbors and that they were supportive of his request.

Member Klasky 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 proposed location is most ideal due to the presence of a utility easement and the two side yards and that he will support the request.
- Member Klasky stated that there is no better location to place the shed. He then stated that the standards for hardship are met and that he supports the request.
- Member Bina agreed with his colleagues and indicated his support for the request.
- Member Fettner stated that he believes the standards are met and will support the request.
- Member Muller agreed with his colleagues and indicated his support for the request.
- Vice Chair Henry agreed with his colleagues and indicated his support for the request.
- Chairman Hecht agreed with his colleagues and 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 and an order to adopt the variation as presented. Member Fettner seconded the motion.

Voting Yea: Klasky, Muller, Chaplik, Bina, Fettner, Henry, Hecht
Voting Nay:

Chairman Hecht declared that the motion PASSED (7-0).

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

4. Consideration of Case #16-05-VAR-016 – 431 Oakland Avenue

Member Muller recused himself from consideration of this agenda item. Planner Olson then provided a detailed presentation on the variation requested. The Commission then heard comments from the following individuals:

- Ryan Daniels, property owner and applicant, submitted the following item into the record:
 - Exhibit A – Letter of support from the Linda Crispell, neighbor at 425 Oakland Drive (one page).

He stated that he purchased the home for his in-laws to live in, which will allow them to be closer to their home. He stated that the ranch design was ideal for what will be elderly residents and that Mark Muller of the Zoning Board is their architect. He stated that there is no other location to place a garage on the property and that a modest two-car garage is important for modern living.

Member Bina moved to close the proofs and Member Klasky 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 property is an irregularly-shaped lot and that there is currently no garage. A garage in the rear yard would not be accessible without a major modification to the home. He noted that it is a modest request, that the standards are met, and that he will support the variation request.
- Member Fettner stated that that it is a modest request for a one-story ranch home and that the standards are met. He indicated his support for the request.
- Member Klasky agreed with his colleagues and indicated his support for the request.
- Member Bina agreed with his colleagues and indicated his support for the request.
- Vice Chair Henry agreed with his colleagues and indicated his support for the request.
- Chairman Hecht agreed with his colleagues and indicated his support for the request.

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

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

Chairman Hecht declared that the motion PASSED (6-0).

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

5. Consideration of Case #16-05-VAR-017 – 750 Kimball Road

Member Fettner recused himself from consideration of this agenda item. Planner Olson then 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, discussed the variation request and addressed the standards for variation enumerated in the Zoning Code. He stated the plans were originally developed upon guidance from City staff establishing that the east property line was a 12 foot side yard rather than a rear yard. However, during plan review it was determined that the east side of the property was a 35 foot rear yard setback instead. He then stated that the property is a corner lot and it is next to another corner lot, which makes that a rear yard and that it is an uncommon situation in Highland Park. He stated that the property is very large but due to an easement for the road and the applicable setbacks, the buildable area is very small, which limits the ability of a property owner to obtain a

reasonable return for the property.

- Christopher Walsh, architect of record for the applicant, stated that the applicant explored design alternatives with the City in 2015 and states that side-to-side corner lots is a unique condition. He then stated that it is a challenging site due to the surrounding roads and associated setbacks and that if the footprint were shifted to the west it would encroach into the established front setback along Kimballwood Lane. He then described the home as a “ranch”-style structure and then stated there is a portion that is two stories in height.

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 stated that the plans were prepared with the guidance of the City and then questioned what could be done to reduce the encroachment. He noted that there was no neighborhood opposition and then stated that he was unsure whether all the standards are met and whether he would support the request.
- Member Klasky stated that the buildable area is very small relative to the size of the property. He then noted that the rear yard, rather than the side yard that would exist if there were an interior lot to the east of the site, appears to be a quirk of the Code. He noted the large amount of vegetation along the eastern property line and expressed his support for the request.
- Member Chaplik stated that a literal interpretation of the Zoning Code makes it challenging for both the subject property and the adjoining corner lot to the east, as their shared lot line creates rear setbacks instead of side yard setbacks. He stated he was unsure whether he would support the request.
- Member Muller states that the home could be moved to the west, but that would require established front setback relief. He then stated there may be options to modify the footprint to reduce the variation request. He stated that he was unsure whether he would support the request.
- Vice Chair Henry stated that there appears to be plenty of space to construct a home within the buildable area and questioned whether the applicants have made sufficient efforts to do so. He then stated that it is rare for a corner lot to have two side yards which makes development more challenging given that there are two front setbacks. He stated that he is unsure whether he would support the request.
- Chairman Hecht stated that the lot is not particularly unique and that if the property did not include the Kimballwood Lane easement then the Board would not likely consider the buildable area small. He then stated that there is plenty of room within the buildable area to construct a large home without a variation and is unsure whether a hardship exists.

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

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

Chairman Hecht declared that the motion FAILED (1-5).

Mr. Bernstein asked for clarification on the current status of the request. Chairman Hecht stated no motion to deny the request was made and that the matter remains open.

The Board then took a two minute recess, after which the meeting resumed.

Mr. Bernstein then asked whether new notice would be required if the plans were revised that create an established front setback encroachment that is not in the current iteration of the plans. Planner Olson stated that new legal notice would be required if the plans were revised in that matter. Mr. Bernstein then requested a continuation to July 7, 2016 to allow time to revise the request.

Chairman Hecht declared that the item was continued to July 7, 2016.

Member Fettner then rejoined the proceedings.

Member Muller departed the meeting at 10:45pm.

Chairman Hecht then stated that the final two agenda items would be heard out of order as one would likely take much longer than the other.

6. Consideration of Case #16-05-VAR-020 – 1345 St. Johns Avenue

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

- Larry Magill, property owner and applicant, discussed his variation request. He stated that there is already a deck at the location of the proposed addition, so the apparent change is less than it may seem. He then stated that the home is 1.5 stories, while most homes in the area are two stories, and that not all of his interior living space is functional. He stated that the proposed improvement is the most modest improvement possible. He stated that the adjoining neighbor to the north was concerned about the impact on landscaping while a neighbor further north wanted to ensure there was no impact on her yoga studio.
- Chelsea Maxwell, adjoining neighbor to the north at 1351 St. Johns Avenue, stated that she is generally concerned about the impact of construction, specifically with respect to trees and the potential for construction workers going onto her property. She stated that the improvement would limit views from her property and would potentially impact property values.

Chairman Hecht and Vice Chair Henry asked how the request might be impacted if the tree is determined to be a Heritage tree. Vice Chair Henry noted that the Board often receives a memo when Heritage trees may be impacted. Planner Olson stated that the tree may not be on the subject property and that the removal of the tree was not proposed. Member Fettner stated that there would be fencing and other tree protection requirements established by the City Forester during construction.

Mr. Magill stated that he is fairly certain that the tree is not a Heritage tree and that the permitting process will be the appropriate venue for tree review. Chairman Hecht asked whether the item would have to come back to the Zoning Board if the tree is determined to be a Heritage tree. Member Klasky stated that they'd only need to come back if it were to be removed and that the removal of the tree was not part of the proposal.

Member Klasky then 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 Bina stated that the request is minimal and that the encroachment into the side yard is not increased. He agreed that the tree will be reviewed by the City Forester and Building Division. He stated that the hardship standards are met and indicated his support for the request.
- Member Klasky agreed with Member Bina and indicated his support for the request.
- Member Chaplik agreed with his colleagues and indicated his support for the request.

- Member Fettner agreed with his colleagues and indicated his support for the request.
- Vice Chair Henry agreed with his colleagues, adding that the property is a small lot and that the request is minimal. He then indicated his support for the request.
- Chairman Hecht agreed with his colleagues and 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 and an order to adopt the variation as presented. Member Klasky seconded the motion.

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

Chairman Hecht declared that the motion PASSED (6-0).

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

7. Consideration of Case #16-05-VAR-018 – 1291 McDaniels Avenue

Planner Olson provided a detailed presentation on the requested variation requested. He also discussed the approval of a subdivision for the subject property by City Council and the conditions associated with the approval, including a restrictive covenant recorded against the property that limits the amount of zoning relief that could be requested by the property owner.

The Commission then heard comments from the following individuals:

- Calvin Bernstein, attorney of record for the applicant, discussed the variation request, the history of the site and consolidation of two parcels to create the subject property, and addressed the standards for variation enumerated in the Zoning Code. He stated the requested variation represents the final hurdle in the redevelopment of the property. He then stated that the requested relief is consistent with the amount of relief that the subdivision and restrictive covenant permits a property owner to request and that the City Council had contemplated a structure of the proposed size on the property when approving the subdivision. Mr. Bernstein discussed neighbor outreach efforts and stated that those efforts did not appear to sway their opinions on the variation request during the subdivision process or during the zoning variation process. He then discussed lighting diagrams that were prepared as part of a study performed in response to neighbor concerns that the structure would impact light on neighboring properties. He then stated that a large cube-like home could be constructed on the property if no variation were granted but that option did not seem to be preferred by the City Council.
- Mark Stanwood, adjoining neighbor at 1040 Bob-O-Link Avenue, provided a PowerPoint presentation detailing his objection to the variation request. He objected to the applicant's calculation of the established front setback and the applicant's claim of the size of the home that was historically on the subject property.
- Ethan Berghoff, adjoining neighbor at 1283 McDaniels Avenue, stated that he is a ten year resident of the adjoining property to the south. He stated that many neighbors are in attendance and wrote to object. He then stated that the requested variations are very large and inappropriate. He stated that it would set a bad precedent for redevelopment in the area with respect to setbacks and density. He discussed the hardship standards in the Code and cited case law. He then raised safety concerns due to traffic at the intersection of Bob-O-Link and McDaniels Avenue. He stated that though his home is large, his property is over double the size of the subject property.
- Lorry Charak, neighbor at 1055 Bob-O-Link Avenue, stated that he is a long-time resident of the area

and that he originally purchased the home across from the subject property because he believed that the subject property would remain undeveloped. He stated that development of the subject property would negatively impact property values in the neighborhood.

- Dean Lurie, 868 Thackeray Drive, submitted the following item into the record:
 - Exhibit A – Diagram depicting mass and bulk of “cube” structure that could be built by right on the subject property without variation (one page).

Mr Lurie then stated that the owners of the subject property are planning to live within the home to be built on the property, rather than just developing the site and selling to another party. He then discussed the hardship standards for the request.

- David Schwartz, 1428 Sheridan Road, stated he is unsure why anyone would go to so much trouble to develop the site. He expressed concern that the house is too large and would become an “albatross” for the neighborhood and then indicated that he does not support the variation request.
- Michael Shardich, neighbor at 1101 Bob-O-Link Avenue, discussed traffic problems in the area and believes that the proposed development may create visibility issues. He noted that the housing stock in the area was generally built in the 1920s and 1960s. He then stated that development should conform to the existing regulations.
- Gerald Tenner, neighbor at 1101 McDaniels Avenue, stated that the Zoning Board has the power to grant zoning relief but impose conditions to reduce the size of the home on the property.

The Chairman then entertained a motion to close the proofs. 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 stated that this is a very unusual case, but believes that the property cries out for zoning relief. He believes that the standards for hardship are met and stated that the objections were more appropriately made to the City Council. He stated that the request is reasonable and expressed his support for the request.
- Member Klasky agreed that the property is ripe for zoning relief but that the applicant has not made the case that the request meets the hardship standards. He stated the applicant assembled the parcels into a lot knowing that zoning relief would be needed and that he does not support the request.
- Member Chaplik stated that he sees the points made by both Members Bina and Klasky. He stated that he is uncertain whether the hardship standards are met and questioned whether the applicant should be maxing out the amount of relief established in the resolution approved by City Council for the subdivision.
- Member Fettner stated that he leans toward support of the variation, noting that the Council resolution approving the subdivision contemplated a structure similar in size and area to that being requested by the applicant.
- Vice Chair Henry agreed with Member Fettner and leaned toward support, adding that the neighbors’ expectation of no development is unrealistic. The consolidation of two smaller lots to make a larger lot is reasonable. He noted that the subdivision was a very contentious process.
- Chairman Hecht stated that several of the objectors would be okay with a home of a similar size to that of the adjoining residence to the east. He stated that the property is effectively unbuildable in strict conformance with the Code and that a cube-like structure would not be ideal for the neighborhood, adding that the proposed home is not out of character with other homes in the immediate area. He stated that the proposed improvement is reasonable but was uncertain whether the hardship standards are all met.

The Chairman then entertained a motion to approve the Item, as presented. Member Bina 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: Bina, Chaplik, Fettner, Henry
Voting Nay: Klasky, Hecht

Vice Chairman Henry declared that the motion PASSED (4-2).

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

MISCELLANEOUS – None

ADJOURNMENT

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

The Board adjourned its meeting at 12:35 a.m.

Respectfully Submitted,

Eric Olson
Planner

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

MINUTES APPROVED BY THE BOARD ON **07/21/2016**.

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

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