

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

**MEETING DATE:** Thursday, 06/16/2016

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

**CALL TO ORDER**

At 7:35 p.m. the Vice Chairman called the meeting to order and asked Mr. Olson to call the roll.

**ROLL CALL**

Members Present: Chaplik, Fettner, Klasky, Henry

Members Absent: Bina, Muller, Hecht

Vice Chairman Henry declared that a quorum was present.

Staff Present: Eric Olson, Planner

Also Present: Randy Barinholtz, Court Reporter

**APPROVAL OF MINUTES**

*None available*

**ITEMS FOR OMNIBUS CONSIDERATION**

*None*

**BUSINESS FROM THE PUBLIC**

*None*

**SCHEDULED BUSINESS**

**1. Consideration of Case #16-06-VAR-019 – 116 Deere Park Court**

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.

The Commission then heard comments from the following individuals:

- David Demarest, owner and resident of the subject property, discussed his variation request and the overall need to replace a deteriorated deck regardless of the outcome of the public hearing. He stated that he has been working to improve the home over the last 11 years since his purchase, and that it is difficult to improve the property due to the prevalence of the ravine and that water and run-off management are major issues for ravine property owners. He discussed his request relative to the standards for hardship within the Code, adding that most properties within the area have much more usable tableland than does his property and that his proposal would reduce erosion currently occurring

on site, would be more stable as the new deck would be anchored to the home, and would more effectively divert run-off to the bottom of the ravine.

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

The following discussion then took place by the Board:

- Member Chaplik stated the property is highly limited with respect to the amount of usable table land and added that the work would improve drainage and slope stability. He then stated that the requested variation is a modest intrusion on what is a very challenging lot and expressed support for the request.
- Member Fettner stated that there is no better location to place the deck due to the minimal table land on the site and stated that he did not have a problem with the extension into the steep slope due to the use of a cantilever over the existing retaining wall. He then expressed his support for the request.
- Member Klasky agreed with his colleagues and stated he supports the request.
- Vice Chair Henry stated that he was initially concerned about the extension into the steep slope, but the use of a cantilevered design limits the impact to the ravine. He then added that the design will have a more positive impact of the ravine than did the previous deck. He then expressed support for the requested variation.

The Vice 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:* Chaplik, Fettner, Klasky, Henry  
*Voting Nay:*

**Vice Chairman Henry declared that the motion PASSED (4-0).**

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

## **2. Consideration of Case #16-06-VAR-021 – 2480 Sheridan Road**

Planner Olson provided a detailed presentation on the variation requested.

The Commission then heard comments from the following individuals:

- Aaron Rasty, owner and resident of the subject property, discussed his variation request and addressed the standards for variation enumerated in the Zoning Code. He stated that Moraine Park is across the street from his property, which has an off-leash dog park. He stated that many people and dogs trespass on the property, which is potentially unsafe for his family. He also added that many vehicles park on the street adjacent to his property and people often drive through his property rather than performing a Y-turn on the Moraine Road to turn around. He discussed the slope and ravine on his property. He stated that many properties within the area have similar pillars and fencing and provided a presentation with photographs supporting his claims of trespassing.

Member Fettner asked whether a 2'x2' pillar is necessary and whether smaller pillars would effectively serve the same purpose. Mr. Rasty stated that the pillars would be made of the same cobbles as the driveway, would contain the supporting post and some equipment to open gates, and need to be strong enough to hold the metal fencing that would be installed.

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

The following discussion then took place by the Board:

- Member Chaplik stated that he understands the hardship of living across from an off-leash dog park and the various types of traffic that creates. He stated that the 2'x2' columns are more attractive and in keeping with the neighborhood character. He then added that the fence height will provide additional protection from jumping dogs and then expressed his support for the proposal.
- Member Klasky agreed with Member Chaplik regarding the challenge of living across from the dog park. He then added that the small amount of fence height relief being requested will allow the applicant to have an even fence due to grade change on the property and then stated he supports the request.
- Member Fettner stated that he sees the hardship and the applicant's desire to increase safety on his property. He stated that the proposed location is appropriate for fencing, and though he was initially unsure about the size of the pillars he determined that the proposed size will provide better structural support for the fence. He then expressed his support for the request.
- Vice Chair Henry stated the applicant might still add security to his property with a smaller fence and smaller pillars. He stated that the request is generally de-minimis and was initially unsure whether the hardship standards were met, but that after the presentations and deliberation by the Board he was inclined to support the request.

The Vice 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.

*Voting Yea:* Chaplik, Fettner, Klasky, Henry  
*Voting Nay:*

**Vice Chairman Henry declared that the motion PASSED (4-0).**

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

**3. Consideration of Case #16-06-VAR-022 – 975 Sheridan Road**

Planner Olson provided a detailed presentation on the variation requested. He also discussed the Natural Resource Commission's consideration of the variation request. He then added that the applicant has removed the pool from the requested variation and that if in the future the property owner wants to install a pool in an area that would require zoning relief, the owner must then go through the variation process again at that time.

The Commission then heard comments from the following individuals:

- Fred Wilson of Morgante Wilson Architects, architect of record for the applicant, discussed the variation request. He stated that the current garage is only 39 feet from the west property line and that as one travels south along Sheridan Road the average setback increases and added that the property immediately to the north received a similar variance in October 2015. He stated that pushing the home further east would block the oblique views of neighbors and that most of the proposed building façade would be in the vicinity of the established front setback. He then added that the applicants would ultimately like to construct a pool on the east side of the home, which adds to the challenge of siting the home further to the east. He then discussed the project relative to the hardship standards in the Code.

- Steve Shapiro, applicant and property owner, stated that he has lived in Highland Park for the last 13 years and runs his business within the community. He noted that there are not many opportunities for people to build homes on the lakefront and that this was a great opportunity for his family to do so.

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

The following discussion then took place by the Board:

- Member Chaplik stated it would be ideal if the extent of the encroachment were reduced by moving the building footprint further to the east and was unsure whether the hardship standards are met.
- Member Klasky stated that he agrees with the architect that the increased setback as one travels to the south along Sheridan Road is a hardship for development of the site. He noted that the proposed home is not further west than the existing home. He stated that he believes the hardship standards are met and that he supports the request.
- Member Fettner acknowledged that some degree of encroachment into the established front setback may be appropriate and appreciated the attempt to prevent impact the neighboring properties. He then stated that he was unsure about the extent of the proposed encroachment and that the building footprint could be moved further to the east.
- Vice Chair Henry stated that he understands the desire to build a large home on the lake front. He then stated that more could be done to minimize the encroachment and stated that Sheridan Road does not begin curving until one is several properties south of the subject property. He then stated that he does not support the variance as requested.

Mr. Wilson then asked whether he might ask questions of the Board. The Vice Chairman then entertained a motion to reopen the proofs. Member Klasky moved to re-open the proofs and Member Fetter seconded the motion. On a voice vote, the motion carried.

Mr. Wilson then asked how the variation might be reduced in a manner that is acceptable to the Board. Vice Chair Henry stated that the Board cannot tell applicants exactly what to do and that an applicant must submit revised plans that consider the comments of the Board during the public hearing that can be considered at a later date. He then notified the applicant that he may request a continuation of the hearing to a future ZBA meeting.

Mr. Shapiro then requested a continuation to the next meeting of the Zoning Board.

**Vice Chairman Henry declared that the hearing was continued to the July 7, 2016 meeting of the Zoning Board of Appeals.**

#### **4. Consideration of Case #16-06-VAR-023 – 1226 McDaniels Avenue**

Planner Olson provided a detailed presentation on the variation requested. He also discussed a previous variation for the subject property involving a fence encroachment into the required front yard and subdivision setback of the property that excluded the area of the proposed fence.

The Commission then heard comments from the following individuals:

- Bin Li, applicant and resident of the subject property, discussed the variation request and the general need to repair the existing non-conforming fence. She stated that the home was purchased a few years ago and that she is working with her neighbor to the south to improve landscaping in the area. She

then stated that the same neighbor had received a similar variation in 2014 in order to building a garage addition to the front of their home and that the garage replacement would enhance privacy.

- Robert Vigneau, neighbor at 1212 McDaniels Avenue, stated that he lives in the adjoining property to the south was the recipient of the 2014 variation discussed by the applicant. He stated that he supports the variation and that the fence replacement benefits both properties.

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

The following discussion then took place by the Board:

- Member Chaplik stated the fence is existing non-conforming and that the hardship exists because of the highly restrictive building line and the fact that the portion of the existing fence was excluded from the previous fence variation. He stated that the fence would have needed to be replaced eventually and that the previous variation may have been short-sighted. He then expressed his support for the request.
- Member Klasky agreed and expressed his support for the request.
- Member Fettner agreed and expressed his support for the request.
- Vice Chair Henry agreed and expressed his support for the request, adding that the photos demonstrate that the deteriorated fence truly does need replacement and that it was positive to see the agreement and cooperation between neighbors.

The Vice 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:*                      Chaplik, Fettner, Klasky, Henry  
*Voting Nay:*

**Vice Chairman Henry declared that the motion PASSED (4-0).**

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

## **MISCELLANEOUS**

Staff presented the approval order for a variation for the property located at 381 Woodland Road approved by the Zoning Board on June 2, 2016 subject to the inclusion of approval conditions recommended by the Natural Resources Commission. The Board reviewed the modified order. Member Chaplik moved to approve the modified order, as presented by staff. Member Klasky seconding the motion. On a voice vote, the motion passed unanimously.

## **ADJOURNMENT**

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

The Board adjourned its meeting at 8:15 p.m.

Respectfully Submitted,

**Eric Olson**  
Planner

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

MINUTES APPROVED BY THE BOARD ON 07/07/2016

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

# 9104771