

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

MEETING DATE: Thursday, 07/07/2016

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: Fettner, Muller, Klasky, Hecht

Members Absent: Chaplik, Bina, Henry

Chairman Hecht declared that a quorum was present.

Staff Present: Eric Olson, Planner

Also Present: Randy Barinholtz, Court Reporter

APPROVAL OF MINUTES

Planner Olson stated that minutes for the June 2, 2016 Zoning Board meeting were not yet complete but anticipated that they would be available for review and approval at the next meeting.

Member Klasky moved to approve minutes for the Zoning Board of Appeals meeting held on June 16, 2016. Member Fettner seconded the motion. 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 #16-05-VAR-017 – 750 Kimball Road

Member Fettner declared that he would recuse himself from consideration of the item. Subsequently, based on the number of members in attendance, there were not enough members to consider the item.

Chairman Hecht declared that the hearing was continued to the July 21, 2016 meeting of the Zoning Board of Appeals.

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

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 discussed the variation request. He stated that the meandering of Sheridan Road increases effective setbacks as one moves south and that the homes along Sheridan Road do not line up. He also discussed the topography of the area. He then stated that the applicant has discussed the project with the neighbors to the north and stated that the proposed home is in keeping with the character of the neighborhood.
- Fred Wilson of Morgante Wilson Architects, architect of record for the property owner, discussed the existing setbacks on the property and in the area and the design intent to respect other setbacks that apply to the property and the views from neighboring properties. He stated that the pool has been re-added to the plans though it was reduced in size so that it will not require a variation. He then stated that the majority of the bulk, particularly that of the second story of the proposed home, lines up with the second story of neighboring residences. He then addressed the standards for hardship enumerated in the Zoning Code.

Member Fettner 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 Klasky stated that the applicants have responded to previous comments by the Board and reduced their variation request. He noted that the properties on the Lake along Sheridan Road don't have the same amount of table land and then stated he supports the request.
- Member Fettner agreed with Member Klasky and then expressed his support for the request.
- Member Muller agreed with his colleagues, noting that in addition to the reduction of the variation request the majority of the building bulk is set further back. He stated that it is a unique lot on a unique section of Sheridan Road and then expressed his support for the proposal.
- Chairman Hecht did not agree with his colleagues and stated that he does not see the hardship. He stated there is plenty of land on the property to build a very large home and added that the property is generally a rectangular lot on the lakefront. He stated the applicant may want to consider requesting a continuation which might allow the applicants to reconsider their plans and more specifically addressed all of the hardship standards.

Member Klasky moved to re-open the proofs and Member Fettner seconded the motion. The Chairman declared that the motion passed unanimously.

Mr. Bernstein then requested a continuation of the hearing to the next meeting of the Board, adding that he will further address the hardship standards at that time.

Chairman Hecht declared that the hearing was continued to the July 21, 2016 meeting of the Zoning Board of Appeals.

3. Consideration of Case #16-07-VAR-024 – 476 Lincoln Avenue West

Chairman Hecht stated that though he typically recuses himself for variation requests submitted by Mr. Andrew Venamore of Mach 1, Inc., the property owner Robert Simon will be representing himself directly at the meeting and as a result the Chairman would remain to consider the request.

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

- Robert Simon, owner of the subject property, submitted a document into the record:
 - Exhibit A – Site plan depicting the permitted building envelope and tree root zones

Mr. Simon then discussed the variation request stating that the general intent was to replace a deteriorated garage with a similar structure. He stated that the proposed garage is larger than the existing garage as he plans to use a portion as a storage area due to the lack of storage space elsewhere on the property. He stated that he discussed the project with his neighbors and that they are supportive. He then stated that the irregular shape of the lot and location of trees makes it difficult to move the proposed garage location elsewhere on the property and that a shift to the west would make access difficult due to the location of his home. He added that the garage is very old and that it has no slab.

Member Muller asked whether it could be moved to three feet from the property line to be more in spirit with the Code which requires garages in rear yards to be a minimum of three feet from the side and rear lot lines, noting that access between the garage and the property line would be improved if there were three feet of space.

Mr. Simon stated that the proposed location from the property line will not substantively change from the current condition and that moving the garage to the west would make garage access more difficult.

Member Fettner 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 Klasky stated that the garage is very old and that the existing and proposed location is the only realistic for a place for a garage on the property. He then expressed his support for the request.
- Member Fettner stated that the proposed location is ideal due to the irregular shape of the lot. He noted that even though a garage has already been there, it is important for applicants to make the case that any proposed location is appropriate and that each case is unique. He then expressed his support for the request.
- Member Muller stated that his concern was to try to get the applicant to move the garage to three feet away from the property line in the spirit of the Code. He stated that he understands the response of the applicant but is unsure as to the extent of the claim. He expressed his support for the proposal but recommended that the applicant try to make a three foot distance from the property line work for maintenance and circulation purposes.
- Chairman Hecht agreed with his colleagues that it is a unique lot and that there is no better alternative location for the proposed garage. He added that moving the garage to the west would negatively impact trees and limit the usefulness of the rear yard and then expressed 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: Fettner, Klasky, Muller, Hecht
Voting Nay:

Chairman Hecht 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.

4. Consideration of Case #16-07-VAR-025 – 1417 Eastwood Avenue

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

- Jeffrey Alexander, owner of the subject property, submitted two items into the record:
 - Exhibit A – Three color photographs depicting the improvements
 - Exhibit B – Example of netting used as part of the improvements.

Mr. Alexander then provided a summary of his request and his actions taken to date, stating that a former City staff member told him that he could build the improvement. He stated that he desires to follow the intent of the law and that his intent for the improvement is to reduce the impact on neighbors. He then stated that the children are safer in the rear yard than in the front yard. He stated that only the posts for the enclosure are permanent and then stated that the netting is down approximately 80% of the time. He then stated that he discussed his improvement with the neighbors and that most of the neighbors support his request.

- Mr. Dale Marcus, adjoining neighbor at 1440 Sherwood Road, gave a PowerPoint presentation detailing his opposition to the variation request and responding to the claims made by the applicant in his hardship letter and during his statement in the public hearing. He also stated that the netting associated with the improvement is up over 80% of the time. He then stated that if an accessory use and structure needs a variation to exist on a residential property, then perhaps the accessory use should inherently not occur on the property and that the use should be taken elsewhere, adding that the zoning regulations are in place to both protect neighbors and protect property values.

Mr. Alexander stated that he takes exception to the comments by Mr. Marcus regarding the amount of time the netting is up. He then stated that though zoning rules are intended to protect neighbors, his netting is also intended to protect neighbors and that he wants to enjoy his “back yard”. He then stated that the world is less safe than it had been in the past and that back yard recreation is safe for his family. He then reiterated that he had spoken to all of his neighbors and that he’d received no objections other than those by the Marcuses.

Mr. Marcus stated that the improvement is right near his property line and that it will negatively impact his property value and those of his neighbors, and it is not preferable to own a home where a neighbor has a batting cage right near the property line.

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 Klasky stated that he does not believe any of the hardship standards are met and cannot support the request.
- Member Fettner stated that he understands and respects the neighbor’s views. He then stated that the improvement does not seem to be a structure and that he was inclined to support the request.
- Member Muller stated that the improvement generally blends in with the landscape but that it is important to consider use. Tennis courts are not allowed so close to a property line. He stated that he is not sure that it meets any of the hardship standards.
- Chairman Hecht stated that Code restricts both accessory buildings and accessory uses in the required side yard, but does not explicitly prohibit accessory structures, noting that all three are separately defined by Code. He stated that he wants to refer the item to Corporation Counsel for clarification to ensure that a variation is in fact required for the improvement.

Member Klasky moved to re-open the proofs and Member Fettner seconded the motion. The Chairman declared that the motion passed unanimously.

Mr. Alexander stated that he would not be available for the next Zoning Board meeting in July, and then requested a continuation to the first meeting in August to allow for legal review of Code relative to his variation request.

Chairman Hecht declared that the hearing was continued to the August 4, 2016 meeting of the Zoning Board of Appeals.

MISCELLANEOUS

None

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 Chairman declared that the motion passed unanimously.

The Board adjourned its meeting at 9:35 p.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 _____
- WITH CORRECTIONS X
(SEE MINUTES OF 07/21/2016 MEETING FOR CORRECTIONS)

9104771