

Village of Deer Park

Zoning Board of Appeals Minutes

June 9, 2008

1) CALL TO ORDER

The Zoning Board of Appeals of the Village of Deer Park met on Monday, June 9, 2008 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. Acting Chairperson Noll called the meeting to order at 7:05 p.m.

2) ROLL CALL AND DETERMINATION OF A QUORUM

Upon roll call, the following were present: Acting Chairperson Beth Noll, members Barbara Evans, Bill Michael, Russell Mills, and Randall Pinchot. Other Village officials present were Administrator Connors, Clerk Meyle, Attorney Spiegel, and Permit Coordinator Doniec. Chairperson Noll stated there was a quorum.

Petitioners Ned and Ellen Shaw of 15 Shady Lane were also present.

3) APPROVAL OF MINUTES

Chairperson Noll pointed out that there was a date error in the April 9, 2007 draft minutes; the minutes approved at that meeting were those of August 28, 2006, rather than August 28, 2007. The members agreed with this correction.

MOTION: by Member Evans to approve and release the minutes of the March 12, 2007; April 9, 2007 as amended; and October 1, 2007 Zoning Board of Appeals meetings. Upon voice vote: YES: (4) / NO: (0) / ABSENT: (0) Motion carries 4/0

4) PUBLIC HEARING FOR A TEN FOOT SIDE YARD VARIANCE AT 15 SHADY LANE

MOTION: by Member Mills to temporarily adjourn the Zoning Board of Appeals regular meeting. Upon voice vote: YES: (4) / NO: (0) / ABSENT: (0). Motion carries 4/0

MOTION: by Member Mills to open a public hearing for the purpose of considering a request for a variance at the existing residence at 15 Shady Lane, Lot 15 in Jon-Emair Woods subdivision, in Lake County, Illinois PIN: 14-32-405-021; the property lies in the R-1 Single-Family Residence District; the petitioner is seeking a ten-foot side yard variance to construct a garage. Upon voice vote: YES: (4) / NO: (0) / ABSENT: (0). Motion carries 4/0

Chairperson Noll addressed the petitioner asking her to explain the variance request; Chairperson Noll gave the Zoning Board members the opportunity to ask questions. A discussion ensued with the following points being made:

- ◆ The petitioner currently has a carport and would like to enclose that carport to create a third garage stall in which to store a boat; the boat is currently being stored in the existing carport.
- ◆ Enclosing the carport would require a sideyard setback of only 20-feet rather than the required 30-feet.
- ◆ The petitioner confirmed that she sent the required notifications to her surrounding neighbors; she submitted the Certified Mail Receipts to Clerk Meyle.
- ◆ Village Administrator Connors reported that he has the certification of publication for the public hearing on file at the Village Office.
- ◆ The home is 58 years old.
- ◆ The lot is approximately ½ acre in size with well and septic which makes locating a three car garage anywhere on the property within the setback requirements difficult.
- ◆ Village setback requirements were originally designed around the concept of a minimum lot size of one acre.
- ◆ The new garage will not extend beyond the footprint of the existing carport.
- ◆ Zoning Board Member Russell Mills, one of the neighbors receiving a certified letter from the petitioner, stated that he sees the enclosure of the carport as an improvement to the neighborhood.
- ◆ No members of the public were present to offer public comment with regard to the variance request.
- ◆ The petitioner has not received any negative feedback from her neighbors with regard to the proposed project.
- ◆ The variance request pertains to chapter 158 of the Village Zoning Ordinance, not chapter 150 as stated on the application.

- ◆ Members were concerned that approving the variance may set precedence for future requests. Attorney Spiegel confirmed that each variance request must be considered independently; precedence does not exist.
- ◆ The septic field is behind the house.
- ◆ The new garage would be all brick; the brick would be the same as that on the existing residence and garage.
- ◆ No specific hardship was identified; the general consensus was that enclosing an already existing carport that is already 20-feet from the lot line would improve the aesthetics of the neighborhood and that factor was more important than the issue of hardship.
- ◆ The Members considered requiring a letter of approval from the adjacent neighbor, but decided against it since the certified mail notification requirement had been met.

MOTION: by Member Mills to recommend approval of the request for a variance at the existing residence at 15 Shady Lane, Lot 15 in Jon-Emair Woods subdivision, in Lake County, Illinois PIN: 14-32-405-021 allowing the petitioner is a ten-foot sideyard variance to construct a garage. Upon roll call: YES: (4) Mills, Pinchot, Evans, and Michael / NO: (0) / ABSENT: (0). Motion carries 4/0

MOTION: by Member Pinchot to adjourn the Zoning Board of Appeals public hearing and re-open the regular meeting. Upon voice vote: YES: (4) / NO: (0) / ABSENT: (0). Motion carries 4/0

Chairperson Noll addressed Mrs. Shaw clarifying that, as an advisory board, the Zoning Board of Appeals will be recommending that the Board of Trustees approve the variance request at their June 16, 2008 regular Board meeting; the Shaw's should attend that meeting in order to answer any questions the Board may have and in order to hear the Board's final decision on the request.

5) ADJOURNMENT

MOTION: by Member Evans to adjourn the meeting. Upon a voice vote: YES: (4) / NO: (0) / ABSENT: (0) Motion carried 4/0

The meeting of the Zoning Board of Appeals was adjourned at 7:25 p.m.

Beth Noll, Chairperson

Susan Meyle, Village Clerk