

VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
October 15, 2020

A regular meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, October 15, 2020 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

Chairman Martin called the public hearing to order at 7:30 p.m.

Upon roll call, the following persons were:

Present: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin.

Absent: Member Smetana

Also Present: Assistant Village Administrator Lisa Scheiner and Village Attorney Carmen Forte, Jr.

II. APPROVAL OF SEPTEMBER 10, 2020 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the minutes of the September 10, 2020 Zoning Board of Appeals meeting as amended.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None

Abstain: None

Motion passed.

III. VARIATION REQUEST – 7820 AUGUSTA AVENUE

Assistant Village Administrator Scheiner read the admonition and swore in all parties wishing to speak.

Chairman Martin called upon the applicant to present the variation requests.

Dan Lauber stated that Georgina Fabian and her husband are seeking two variations from the zoning code so that they can build a small addition to the rear of their house. The addition would house a therapy pool that is necessary for them to continue to live in their home due

to the disabilities of three of the members of their family. He stated the pool will still be needed once the pandemic is over.

Mr. Lauber stated one variation is sought from the setback regulations. They are seeking to reduce the rear yard setback by 6 feet, 8 inches, which would leave a rear yard setback of 5 feet, 6 and 3/8 inches from the wall of the proposed addition, and 3 feet, 7 and 3/8 inches from the fascia board of the proposed addition's roof. When the home was bought it was already a legal non-conforming use. He stated the purposes of setbacks will still be achieved despite the reductions in the yard setbacks, due to the unique juxtapositions of the surrounding properties.

Mr. Lauber stated that the second variation they seek is from the lot coverage provisions in Section 10-8-5 of the Zoning Code. He reiterated that the house, when they bought it, was already a legal non-conforming use, exceeding the 30% maximum by 1.68 percentage points. They are seeking a variation to allow them to exceed the limit by 6.4 percentage points—approximately 4.7 percentage points more than what is already in place.

Georgina Fabian, resident of 7820 Augusta, stated she lives at the property with her husband, Brad, their child, and her mother. The home is a one-story structure with a basement that was built on a lot that is 109 feet wide and 90 feet deep. The home has a screened porch at the rear end of the house.

Ms. Fabian showed photos of their screened porch and the rear of their house. She stated they are seeking the two variations in order to build a small addition to their house which will allow them to continue to live in their home. The addition will house a therapy pool that will give them the ability to treat the disabilities that Ms. Fabian, her husband, and her mother are facing. She stated that the details of their disabilities are explained in the submitted letter from Dr. Ned Zallik from Northwestern, which was included in their application.

Ms. Fabian stated that the addition would replace the existing screened porch, and it would expand to the east of the home. The location of the addition would allow them to retain accessibility and not lose any living space, which is important since her mother is now living with them. They cannot install the pool on the ground floor of the home or in the basement without losing accessibility or living space, which is needed and crucial. The basement has a low ceiling that will not allow them to be able to operate a chair lift, which would allow her mother to get in and out of the pool.

Ms. Fabian stated it is important for them that the existing layout of the house remains the same due to her mother's severe disabilities. Her mother is 86 years old and has several conditions with both knees, her heart, her lungs, and she also has memory conditions. She uses an oxygenator and a walker. She uses a wheelchair as needed because she can only walk short distances. Her mother is in constant pain whenever she walks and she is at risk of not being able to continue to walk unless she continues to move her legs. The only way

she can continue to move her legs without pain is by doing it in water. She requires a chair lift to get in and out of the pool.

Ms. Fabian stated the layout of the house is crucial to her, especially this year, due to her own severe walking limitations. She stated she has a disability and has been wheelchair-bound for over 2 months due to severe injuries she suffered in both of her ankles.

She stated that doctors have strenuously recommended that none of the members of the family use a public pool, even after the COVID pandemic ends. She said that they took their daughter out of school and now currently home school her because of her husband's condition and his immune system. He cannot be exposed to any virus or bacteria.

Ms. Fabian stated that when they bought their home 6 years ago, they never imagined they would be facing their current situation. When they brought the application, they were cautious to make sure they meet the standards and requirements for granting the variations. The granting of the variations is essential for them to be able to continue to use and enjoy their home.

Jon Bergstrom, architect for the project, addressed the members. He stated he was hired by the property owners to put in a therapy pool and therapy area for their needs. The home is already a legal non-conforming home. It is about 4 feet past the rear yard setback, with an existing one-story porch. He stated the lot depth is only 90 feet deep. With the setback in the front of the lot, it makes any plans problematic.

Mr. Bergstrom showed a bird's-eye view site plan of the house. He stated he initially told the owners that they would have to ask for a variance if they did not find an alternative way to install the pool. They considered putting the pool inside the home, within the footprint of the house. He said that did not work, because it took away usable space for the home, which was required as living space. They use every square foot of their home, including the first floor and basement. He said they considered putting the pool to the east, but there is no room to put in an addition at this location. They considered building to the west of the home. The area there is open, and has a small 3-foot sliver of land where an addition could be constructed. However, he said the proximity of the garage of the neighboring property is 3 feet off the property line. This addition would require variances for a side yard setback, a rear yard setback, and lot coverage. He added that an addition to the west would cause a circulation and location problem, since that side of the home consists of bedrooms and bathing areas. He stated that they determined what would work best is if the pool addition and therapy area is adjacent to the public living spaces of the home. He said this would allow one-level access into the pool area. The proposed pool is 60 inches deep, and designed to be set into the foundation of the crawlspace of the addition. The pool would be 16 to 18 inches above the ground, which allows ambulatory people to easily get into the pool. He said a chair lift would allow those who have mobility issues to easily get into the pool. There is an open area next to the pool which is designated for getting in and out of the pool, massages, and exercise equipment.

Mr. Bergstrom stated they considered putting the pool in the basement. The basement is 7 feet to 7.5 feet high. He stated the logistics did not work for a 60-inch-deep pool. They did not think putting the pool into the ground would help, either. He said they would lose living space by putting the 686 square foot pool into the basement. The biggest aspect of the basement placement was accessibility. He said placing it in the basement makes it no longer accessible to people with mobility issues.

Mr. Bergstrom showed the elevations of the proposed addition. He stated that their architectural plan follows the existing home. The existing home has a hipped branch, and the addition has the same siding, roofline, overhang, and pitch back. The roof slopes back, allowing a lot of light and air to get through to the property. He said they are going to be installing a gutter system across the addition to collect rain water. Presently, water is drained in three locations into the rear of the property. There has been no issue of water ponding on their property. The water is disconnected from the storm sewer system and percolates into the earth of the yard. Because of the closeness of the addition to the property line, they will take the downspouts and connect them underground to a trench drain on the west side of the property. This allows the water to collect underground in a graveled system and then percolate into the ground as it would on surface.

Mr. Bergstrom showed an aerial image from Google Earth. He said the northwest corner of the proposed addition is 54 feet from the neighbor's house to the north, as measured through Cook County's website. He stated that the purpose of setbacks is to provide light and vent for homes, to provide access to homes in the case of emergencies, and to reduce the risk of the spreading of fires. He said that they have met those purposes with their proposed addition. With the setbacks, there is "plenty of room" for emergency, medical, and fire personnel to get around the home and take care of a situation.

Mr. Bergstrom stated the pool is self-contained. There would be no external equipment or pieces of pool equipment going out of the addition. Public utilities and facilities would not be taxed any more than by any other outdoor pool in the area, of which there were several. The pool would be filled by a spigot from the inside and the water would be tempered by the pool itself. Drainage of the water would be done internally, as they would create a drain in the existing crawlspace which would go into the basement. With the pool going down 42 inches into the foundation, that the crawlspace will be insulated as well as the slab underneath. Not only would the pool and therapy area be a conditioned space, the crawlspace will also be conditioned.

Mr. Lauber asked about the purpose of setbacks to prevent the spread of fires from one house to another. He asked whether the 54 feet from the house to the north would be sufficient to prevent the fire from leaping from one house to another. Mr. Bergstrom responded that he is not an expert but that he believed it was sufficient space.

Mr. Lauber clarified that the addition would be one story like the rest of the existing house, and asked whether there was any chance that the addition would reduce the supply of light

and air to any of the neighboring properties or their backyards. Mr. Bergstrom responded that it would not.

Joseph Wilcox, CRA, from the Wilcox Company, the appraiser of the property, stated that he was hired to do an impact analysis of the proposed addition. He did a physical walk of the premises and a full review of the architectural plans. He took into account all the neighboring structures, and took video footage of the sidewalk. He testified that he made sure the improvement does not damage any of the neighbors' properties, whether financially or by impacting their use, functionality, or the enjoyment of their properties. He stated he examined whether the addition will encroach over the property line or cause undue duress to the neighboring properties. He examined safety issues, and things that will cause harm to the neighbors or the community as a whole. He also examined whether the addition is undesirable as an "ugly structure" or is incompatible for the property. He found that the structure that is currently on the property, a frame screened porch, currently functions as an outdoor space. He testified that the proposal is to enclose the same space, with some expansion, while keeping in character with the existing home. He stated the height of the proposed addition is the same height as the existing structure.

Mr. Wilcox stated that there will be no new draining issues. The addition's drains would be tied into an underground system and the gutters would be directed to the side of the property. He opined that draining would be improved by the addition. Functionally, there would be no impact on the neighbors' properties. There is a long fence along the northern line of the property that is heavily landscaped with bushes, trees and hardscape. The new structure will be facing this existing hardscape of "view-blocking" trees. He opined that the addition would not be able to be seen directly from the neighboring house to the north. The properties to the east and west would be able to see the addition, but it would not impede their light or air flow or create any sort of functional issues with their properties. The addition would not impact the value of any of the surrounding properties, neighborhood, or community. He did not see any impact it would have on the neighboring properties or communities, their safety, or property values.

Mr. Lauber asked whether the 54-foot distance would serve the purpose of keeping the houses apart in order to prevent the easy spread of fire, which is one of the purposes of side yard setbacks. Mr. Wilcox responded in the affirmative. He added that on the other side of the fence there is a "waste area" for water drain-off from the northern property's lot. He stated that there is no use to the space, in that it is not a play area or part of their pergola. It is "an area of hardscape." He stated the addition will be in front of this area, on the other side of the fence.

Chairman Martin asked Mr. Wilcox to talk about the mechanicals for the pool. He wanted to know how they arrived at the conclusion that the pool would create no noise for the neighbors. Mr. Wilcox responded that, according to the plan that he reviewed, all of the mechanicals for the therapy pool would be housed inside the enclosed structure. He stated there is an air conditioning condenser on the northwest corner of the property already, which, he opined, would be louder than an interior pump system inside the home. He did

not see any reason to think that there would be any loud noise coming out of the home due to the mechanicals of the pool.

Mr. Bergstrom stated the pool is self-contained. He said it was a pool that has therapy jets, a stream that can be set for resistance, and that one could also swim in it. All the equipment is within the pool itself. There would be a separate heating and cooling system for the addition. He said the existing heating and cooling system for the house itself could not be used for the addition. He said the heating and cooling system for the addition would probably be placed in the basement and inducted through the crawlspace into the new space. An additional, smaller air conditioning condenser would be placed on the property on the east side of the addition, toward the two-story garage.

Mr. Lauber asked whether one of the concerns addressed by having a separate ventilation system and heating and cooling system was to ensure that the odor of the chlorine and fumes of the pool did not circulate throughout the house. Mr. Bergstrom responded in the affirmative and added that there would also be a separate exhaust system for the addition to help circulate the air.

Konstantine Savoy, AICP, of Savoy Consulting Group, stated that he believes the variations are appropriate. The configuration of the property features a shallow depth which is unique to the property. He stated there are other lots in the neighborhood that have greater depths, and the traditional lot in the community is configured much differently. He stated the variations would not fundamentally alter the conditions of the adjacent properties. He stated that the testimony shows the care which the petitioners and professionals involved have taken to minimize the impact on adjacent property. He stated the separation from the nearest point of the addition to the house at 1011 Forest and other setbacks will not compromise the property to the north.

Mr. Savoy said that most of the homes in River Forest have been built much closer together than the proposed house, even with the addition. He said he surveyed nearby properties in a quarter mile radius and found five homes which had rear setbacks which were similar or less than the proposed addition's setback. He stated that the addition is not significantly physically proximate to the adjacent structures. He pointed out that the neighbor to the west has a much closer rear-to-side relationship to the home to their north than the addition would have.

Mr. Savoy stated that the variations would not generally harm the public welfare. He said the addition is a limited and unique circumstance that is not pervasive. The addition would not be precedent setting, and therefore would not affect the public welfare generally. He stated the use of the property would stay the same, as would the elevation and character of the building. The proposed setbacks do not change the uses already allowed in the zoning district and do not undermine the yard setback regulations. Mr. Savoy testified that the granting of the variation would not change any of the provisions of the existing zoning ordinance.

Mr. Savoy stated the particular use and proposal are for the very specific need of people with disabilities. He stated that this addition was clearly not done for economic gain. The residents want to continue to live their lifestyle, and the proposal attempts to accomplish that.

Mr. Savoy added that, in his report, the five properties he mentioned have orientations that are similar to the orientation of the property in question. He stated that the proposal is not fundamentally different and that it is a very common condition in the neighborhood.

Mr. Lauber asked whether granting the variations would fundamentally alter the nature of the zoning ordinance. Mr. Savoy stated that it is a modest change to an existing use. He said there is no fundamental change. He asked whether the 4.7% increase in lot coverage would alter the nature of the zoning ordinance. Mr. Savoy responded in the negative, stating that there is a significant area of the lot left in green space. It is a minor change over existing conditions that would not significantly impact the zoning ordinance.

Mr. Lauber concluded the presentation. He stated that they established the variations are needed due to the unique lot size and the unusual shape of the shallow 90-foot deep lot. The two variations are needed because the rear of the house is the only practical location where the pool can be placed. The house is a relatively small one, which cannot afford to lose living space. The situation of Ms. Fabian's mother, who has memory issues, means the layout of the house must be maintained in such a way that she is able to get around. The addition is for a needed therapy pool that is essential for the family to be able to continue to live in the house, and it must be accessible to people with mobility limitations. They would not be able to live in their house if the strict letter of the zoning ordinance was carried out. He stated they would be forced to find new housing under very trying and risky health circumstances. He reiterated Ms. Fabian's comment that they never expected to be in these circumstances when they bought the house six years ago.

Mr. Lauber stated the lot size and the unusual shape were there decades before the Fabians bought the house. Mr. Savoy's report and the testimony showed that the 90-foot lot depth, which triggered the need for the variations, is generally not present in the R-2 zone. Other River Forest lots are more rectangular in shape and have a much greater depth with a width that is shorter than their depth.

Mr. Lauber stated the addition is proposed solely to provide for the health needs of the family. He referred to Dr. Zallik's letter, which establishes that the family members have disabilities as defined by the Americans with Disabilities Act and the Fair Housing Act, which require that reasonable accommodations be made for such people. Dr. Zallik's letter explained that the pool is critical to treat and prevent their disabilities from worsening. The Fabians cannot use public pools for aquatic therapy due to their reduced immune systems. He stated the COVID epidemic would continue for at least another year, and that the Fabians' immune systems are sufficiently low that going to public pools poses a serious health threat.

Mr. Lauber stated that the architectural renderings and testimony showed that the addition would blend into the existing home. The draining system with the underground trench drains would prevent drainage to any neighboring property. The proposed addition will not reduce the neighbors' privacy or interfere with the use of their properties. He said there is no evidence at all of any harm to public welfare. Allowing the addition will not compromise what side yard setbacks are intended to achieve; it still achieves its goal of preventing the easy transfer of fire from one house to another and preventing the reduction of light and air. The closest corner of the house to the north is 54 feet away from the addition, which is greater than any setback might require. He said if the addition was built on the west side of the house, then the addition would be very close to the house on the west, and they would not be able to achieve the goal of setbacks of preventing fire from easily transferring from one house to another. The proposed location prevents that possibility. Further, as the certified appraiser's report and the testimony shows, the addition would have no impact on the property values of the adjacent houses. None of the factors which cause property values to decline are present.

Mr. Lauber stated that Dr. Zallik's letter explains the need for the therapy pool that will enable the family to continue to live in their ADA-accessible house. The architect's testimony showed that the proposed location at the rear is the only feasible location for the addition. The location of the therapy pool is only possible if both variations are granted. The variations are needed to overcome the hardship posed by the rare, shallow lot depth, since the lot is wider than it is deeper.

In response to a question from Chairman Martin, Ms. Scheiner stated that there was no one else who indicated that they would like to speak on the matter.

Chairman Martin noted that letters from neighboring property owners were received and would be included in the record for this matter and considered by the Board and passed on along with their recommendation.

Chairman Martin asked Mr. Lauber to address the ADA and Fair Housing Act regulations that he raised during his presentation.

Mr. Lauber responded that they are a contingency that need only be considered if the ZBA declines to grant the two variations sought. He stated that they included the information to inform the ZBA about the requirements under the Fair Housing Act that jurisdictions are to make reasonable accommodations for people with disabilities so they may fully enjoy and occupy a property. The FHA provides two basic balancing acts. First, as a threshold question, there is the determination that the person or people at issue have disabilities. Then, the question is whether the accommodation is reasonable. He stated that it boils down to whether the change would fundamentally change the zoning ordinance, which, in this case, it would not. Another factor is whether it would pose an undue financial or administrative burden on the Village. He stated it is hard to imagine how the variations could pose any greater financial or administrative burden on the Village beyond that which is present with any other variation. He stated that the ZBA does not have to look at the reasonable

accommodation portion of the submission if the ZBA approves the variations. He stated a reasonable accommodation would be to grant the variations by using the standards of the reasonable accommodations process rather than by the eight zoning ordinance standards.

Mr. Lauber stated he would like to address comments from Jeff and Mary Stoker that the addition would increase density. He stated that density refers to the number of dwelling units per acre, which the addition does not affect. The Stokers also state that the addition addresses a temporary inconvenience due to COVID-19. Mr. Lauber responded that the health issues are long-term and that, even if the pandemic could be under control in a year, it would be unfathomable to make the family members in question deteriorate physically for a year. He added that the immune system issues will continue, as will issues of the Ms. Fabian's mother's immobility. He stated the pool is a necessity and that the rest of the Stoker's comments are speculation and not backed by expert testimony.

In response to a question from Member O'Brien, Mr. Bergstrom stated that the dimensions of the addition are 16 feet, 1 and 1/8 inches deep and 39 feet, 8 and 1/4 inches wide.

Mr. Lauber clarified that there is no longer a home office proposed as part of the addition.

In response to a question from Member O'Brien, Mr. Bergstrom stated that the current screen porch is 224 square feet. He said the addition is the width of the recess and goes out 9 feet, 5 inches from the house. He said the addition goes 6 feet, 8 inches past the screen porch to the north. Thus, the addition increases the square footage by 472 square feet, making it a total of 686 square feet.

Ms. O'Brien asked if the addition could be any smaller. Mr. Bergstrom replied that they determined, through analysis and design studies, that they needed a minimum of 3 feet around the pool. He said the pool is 7 feet, 10 inches wide and 17 feet, 11 inches long. He said they also needed additional space for the chair lift and accessibility. From the breakfast room/kitchen area there will be a sliding glass door that people go through, and there will be additional space there of 4 feet, 9 inches for people to be able to maneuver in a wheel chair and be able to get into the chair lift and into the pool. To the west is the therapy area for additional therapy and exercise. He said it is an area where people can congregate and move into the pool area. It is separated by a triple sliding glass door to create openings and accessibility to the pool and therapy area.

Chairman Martin said that he sees the one-story framed addition, which he assumes is the 686 square foot addition. However, he stated that, to the west of that, they have other dimensions. He asked what those dimensions were. Mr. Bergstrom replied that the area to the west was the therapy area. He said the 686 square foot consists of the entire footprint of the addition and that it includes the two rooms. They separated the pool from the therapy area because they knew that there would be smells and moisture. He said they wanted to keep the therapy room separate with sliding glass doors when the pool is in use.

Ms. Fabian stated one of the reasons why they wanted to enclose the pool as much as possible is because she has a 7-year-old and an 86-year-old with memory problems. She said she needs to carry a wheelchair, walker, and oxygenator wherever they go. Thus, she needs space in order to maneuver, seat, and assist her mother. For security reasons, she needs space in order to care for her mother without fearing for her safety. She stated that, while assisting to her mother, she needs a lot of space and the ability to maneuver.

In response to a question from Member Berni, Mr. Bergstrom stated that construction would take approximately 5 to 8 months to complete. Mr. Berni asked if they examined any available alternative pool sizes. Ms. Fabian responded that her husband is tall and also that someone will need to assist her mother. She stated at least two people would have to be there when her mother is using the pool. The size is appropriate in that her husband can use it and there is additional space for someone else to be able to get in and out. She said she looked into several pools, and that this is the one that fits her mother's needs.

Mr. Berni asked if the pool would fit into the existing footprint of the screened-in porch. Mr. Bergstrom replied in the negative. He said the porch is the wrong shape and that they need three feet of accessibility around the pool. He stated the room is 24 feet, 5 inches long. The existing porch is only 11 feet deep and not more than 13 feet in length. Therefore, the plan does not fit in the existing footprint.

Mr. Berni stated he has concerns about lot coverage. Mr. Lauber replied that the purpose of the lot coverage restrictions are due to stormwater concerns, and the applicant has mitigated that issue with a drainage system. Any rain water will be drained to the underground system, which will percolate in a natural disbursal system. He said the size of the addition is the smallest sized pool that will meet their needs, and that they would need space around the pool for accessibility.

Ms. O'Brien asked if the therapy area of the addition could be smaller. Mr. Bergstrom stated that it flows with the architecture of the home, where it is recessed instead of having a niche. The space is needed to address the mobility issues of Ms. Fabian's mother and also provides circulation space to get to the exterior of the home. He said that when the pool is in use, they will need circulation space.

In response to a question from Member Lucchesi, Mr. Bergstrom confirmed that they have examined all alternatives and that it does not work anywhere else in the house because it would take up living space. He said the basement is not feasible due to accessibility and mobility issues. He explained that the existing areas of the house are currently utilized space that would be impractical for the pool.

Mr. Lauber stated that essential living spaces cannot be eliminated, and that, even if they were building the pool inside the footprint of the house, expansion would still be necessary to provide for the lost essential living spaces. He added that the chlorine odors would spread throughout the house if the pool was built within the footprint of the house.

Ms. Fabian stated that the basement ceiling is too low to accommodate the pool. Mr. Lucchesi agreed that the basement space would not work.

Hearing no further testimony, Chairman Martin closed the public hearing.

Chairman Martin asked Village Attorney Forte to give the ZBA some input as to what the impact might be if they were not prepared to recommend the variation based on the typical standards against which they always measure variation requests. He expressed concern as to the requirements of the Fair Housing Act or the Americans with Disabilities Act.

Village Attorney Forte stated that if the ZBA finds that the standards for the variation requests have been met, that the ZBA need not consider the standards of the FHA and ADA. Mr. Forte was not prepared to provide an opinion as to the applicability of FHA and ADA standards to the application before the ZBA, but stated that he could, upon the ZBA's request, review the case law and provide a thorough analysis on those standards before the ZBA makes a decision. He recommended that the ZBA discuss the standards first and decide, through a straw poll or other informal discussion, whether they would approve the variations without considering the requirements of the FHA and ADA. He stated that the applicants could bring a request for reasonable accommodations to the Zoning Ordinance under the FHA and ADA, but that it would not be prudent for him to comment on the specific facts of the application since he has not had a chance to review the case law and analyze the accommodation standards as they apply to this specific application.

Mr. Forte added that if the variation was granted under the FHA and ADA standards that it would not have any effect on any other property within the Village and would not be a change to the zoning code.

Member Berni asked Mr. Forte to clarify that if they did not vote in favor of the variations, that review of the ADA and FHA standards would then become appropriate. Mr. Forte stated he was not prepared to provide an opinion on the issue that night, but stated that the accommodation process under the FHA and ADA is another means for the applicants to obtain the requested relief, outside of the variation process in the Village Code.

Chairman Martin stated they could either vote on the application that night or continue the matter to allow the Village Attorney time to review the FHA and ADA standards to see whether they are applicable to the requests before the ZBA.

Member Dombrowski said he would like to vote that night. He stated the problem he has with the variations is that the addition is very close to the property line. However, he noted the strange nature of the lot and the fact that the neighbors have structures close to the property lines.

Ms. Scheiner commented that if the applicant was proposing an accessory structure, they could place it within 3 feet of any property line. The applicant is not proposing an accessory

structure, but she stated it is informative that they would, as of right, be able to propose one very close to the property line.

Member O'Brien stated she was prepared to vote on the application that night. She was not sure what putting the matter off for the future would do for the applicant, the Board, or the Village.

Member Schubkegel stated she was prepared to vote that night, but asked what other concerns, other than drainage, were relevant to lot coverage standards. Ms. Scheiner responded that there are bulk standards to control how much building can be built. She stated drainage is a concern, but that there are also building permit reviews and an engineer's review of lot drainage and lot grading.

Member Berni stated that he has a problem with the general area because it is clustered already with structures. He said that the plan gives a lot of mass to the rear of the house.

Member Lucchesi stated he is prepared to vote.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that the proposed zoning variations be approved.

Ayes: Members Dombrowski, O'Brien, and Schubkegel.
Nays: Members Berni, Lucchesi, and Chairman Martin.

Assistant Village Administrator Scheiner and Village Attorney Forte explained that because the variation failed to receive four affirmative votes the matter would be forwarded to the Village Board of Trustees as a negative recommendation.

In response to a question from Ms. Fabian, Chairman Martin said the ZBA will submit findings of facts at the next meeting, which will set out the reasons for the votes.

Chairman Martin stated that the hearing on the variation application is concluded and that they would hear the next request.

IV. VARIATION REQUEST – 210 GALE AVENUE

Laura Maychruk stated that she lives at 210 Gale with her husband and four children. They are seeking a height variation to build a historically appropriate garage for their 1894 Victorian home. She stated that they spent a lot of time, effort, and money restoring the home, which has been awarded a Historic Preservation Award by the Village. Her architect told her that, in order to build a garage that matches the house, the garage would be higher than the Village Code allows because of the pitch of their roof.

Ms. Maychruk stated that she is seeking a variation from the ordinance that allows for an accessory structure to be no taller than 18 feet. She said that duplicating the roof pitch and triangle shape of the house causes the proposed, matching garage roof to be 23 feet tall.

Member O'Brien asked if they intended to put anything in the above area of the garage. Ms. Maychruk answered in the negative but stated that they would possibly use it for storage.

In response to a question from Member Berni, Ms. Maychruk confirmed that the requested area of the garage would not be used for living space. She stated that her neighbors have no issues with the proposed addition. She added that the garage they are proposing is smaller than their existing garage. Their existing garage is a three-car garage, and they are proposing a two-car garage. She added that the proposed garage would reduce the lot coverage and move the garage further away from the property line. She stated the proposed variation would increase the property value of their house.

Chairman Martin reviewed previous applications and stated that in at least one of the applications they recommended that there be no variation, which the Board of Trustees opted not to accept. He stated the Board of Trustees had created a standard that is not part of the Code whereby they consider the architectural significance of the proposed addition, both from a historical and architectural viewpoint.

Chairman Martin asked Ms. Maychruk to state the basis of the hardship. Ms. Maychruk stated she could not build a garage that matched the house, otherwise. Instead, it would be a normal looking garage that did not have "anything to do" with the house. She confirmed that it would subtract from the architectural significance of the house and stated she wants to improve the value of her house. The garage as it is now holds back the value potential of the house.

Ms. Schubkegel asked whether the variance was primarily for economic gain and whether Ms. Maychruk intends to move. Ms. Maychruk responded that it is not their intention to ever move and that they applied for long-term care so that they can live in their house forever.

Hearing no further testimony, Chairman Martin closed the public hearing.

A MOTION was made by Member Lucchesi and SECONDED by Member Berni to recommend to the Village Board of Trustees that the proposed zoning variation be granted.

Ayes: Members Lucchesi, Berni, Dombrowski, O'Brien, Schubkegel, and Chairman Martin.

Nays: None.

Chairman Martin stated he voted aye based on the previous actions that the Board of Trustees have taken.

Motion passed.

Ms. Scheiner stated the ZBA must meet again in November to adopt findings of fact. She said the next meeting of the ZBA will be November 12, 2020.

V. PUBLIC COMMENT

None.

VI. ADJOURNMENT

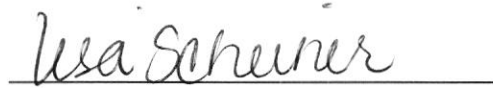
A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to adjourn the meeting at 9:18 p.m.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Chairman Martin

Nays: None.

Motion passed.

Respectfully Submitted:



Assistant Village Administrator Lisa Scheiner, Secretary



Frank Martin, Chairman
Zoning Board of Appeals

Date: 11/12/2020