

Long Grove Plan Commission & Zoning Board of Appeals (PCZBA) Regular Meeting Minutes ---November 5, 2013

Present: Commissioners Jeff Kazmer, Charles Cohn, Shelly Rubin and Bill Peltin.

Absent: Fred Phillips, Chairman, and Commissioners Michael Dvorak and Wendy Parr.

Also Present: Village Planner James Hogue, Victor Filippini, Village Attorney, Jodi Smith, PCZBA Secretary, and members of the public.

1. Appointment of Chairman *pro tem*. Commissioner Cohn nominates Commissioner Kazmer as Chairman *pro tem* for purposes of this PCZBA meeting. Seconded by Commissioner Peltin. On a voice vote, all ayes: no nays.

2. Call to Order: Chairman *pro tem* Kazmer called the meeting to order at 7:30 p.m.

3. New Business: Consideration of a request for variation of the front and side yard setback requirements from the required 100 feet down front yard down to 76 feet and the required side yard from 50 feet down to 41 feet for Lot 16 in Bennington Subdivision and zoned under the R-1 Zoning District classification for the construction of an addition (garage) to an existing single family dwelling for property located at 3514 RFD, submitted by Richard J. Levy.

Chairman *pro tem* Kazmer read the request into the record and swore in witnesses who were to give testimony.

Planner Hogue summarized his staff report and its conclusions, clarifying that the petitioner is seeking a variation authorized under the Village Code and further clarifying that the request is only for an addition of an attached single-car garage to an existing single-family residence. The report emphasizes the minimal impact of the addition on the surrounding landscape. He also indicated that other options were considered but were determined to have a greater impact on the environment. Planner Hogue asked that consideration be given as to the height of the structure being within the standards as well as considering standards for hardship as outlined in the staff report. He also noted that he has not thus far received any neighbor complaints or concerns regarding the petition.

Petitioner Levy gave testimony regarding his purchase of the property and garage concerns. He indicated that they originally planned construction of a detached garage in the back of the property, which yielded slope and environmental issues including encroachment on several trees. He noted his favorable arborist report and minimal driveway changes with regard to the petition. He also stated that he sent certified letters to all of his neighbors regarding this petition.

Joanne Rosenberg, Bennington HOA President, advised the Petitioner that any additions such as the one being proposed must be approved by the Association under its Bylaws.

Cy Young Park, 3516 RFD, next-door neighbor of Petitioner, raised an objection to the variation request. Ms. Park has concerns due to the proximity of her home to the Petitioner's home and the proximity of the addition to her property. A discussion ensued between Ms. Park and Mr. Levy regarding the exact location of the addition as shown on the survey.

Attorney Filippini clarified that the addition will not be closer to Ms. Park's property than the already existing home. Commissioner Cohn added that the existing home already encroaches more than the proposed change. Commissioner Rubin and Planner Hogue also confirmed that the variance is not asking for a change to the existing part of the structure that already encroaches by virtue of the original construction.

Ms. Park stated that her concern is with the proximity of the already existing driveway and that she has a "concept problem" with the addition and the Levy property appearing to be closer to her home than it already is.

A discussion ensued regarding other options which could satisfy Ms. Park's concerns. Attorney Filippini, referring to the survey, clarified that other possible locations of the garage would not be satisfactory due to the impact on the trees and the property grading. Chairman *pro tem* Kazmer agreed that the proposed option has the least impact on Ms. Park's property and the site overall.

Chairman *pro tem* Kazmer closed the public hearing and requested comments from the Commissioners.

Commissioner Cohn stated that he understands the necessity for a 3rd car garage and considers this an appropriate request and agrees that it is the least intrusive option. He also noted that Ms. Park has not articulated a valid basis for opposition.

Commissioner Peltin stated that 3-4 car garages are the norm and a detached garage would be impractical. He has no objection to the improvement.

Commissioner Rubin agrees that the attached garage addition seems to be the best option, but cautions that all objections be seriously considered.

Chairman *pro tem* Kazmer agrees that this is the least intrusive option for the property and the site.

Final comment from Mr. Levy is that they will continue with the option of a detached garage if the petition fails. Commissioner Cohn inquired as to whether any

conditions were necessary and Planner Hogue responded that there are none, other than following the plans submitted.

Commissioner Cohn made a motion to find that the requests for variations to the front yard and north side yard requirements meet the standards for variations under Section 5-11-15 of the Zoning Code and to recommend (i) a variation to the front yard setback from 100' to 76' and (ii) a variation to the north side yard from 50' to 41', for purposes of constructing a garage addition pursuant to the plans submitted.

Commissioner Peltin seconded the motion. On a voice vote; 3 ayes and 1 nay; motion carried.

Planner Hogue stated that the Village Board would review the PCBZA's recommendation of this petition at the Board meeting scheduled for November 12th at 7:00 pm.

4. Approval of Minutes: May 7, 2013 meeting.

A motion was made by Commissioner Rubin, seconded by Commissioner Peltin, to accept the May 7, 2013 minutes with any grammatical corrections. On a voice vote; all aye.

5. 2014 Calendar. Planner Hogue presented the 2014 PCZBA meeting calendar and reviewed the dates. No Holiday conflicts were evident. He also presented a meeting roster for the Village Board meetings. A motion was made by Commissioner Cohn, seconded by Commissioner Peltin, to approve the 2014 calendar. On a voice vote; all aye.

6. Adjournment

Commissioner Rubin made a motion to adjourn, seconded by Chairman *pro tem* Kazmer. On a voice vote; all ayes. Meeting was adjourned at 8:15 pm.

7. Next Regular Meeting: December 10, 2013

Respectfully Submitted,

Jodi Smith, PCZBA Secretary