

CITY OF HIGHLAND PARK

Thursday, March 7, 2019

**REGULAR MEETING OF THE ZONING BOARD OF APPEALS
OF THE CITY OF HIGHLAND PARK, IL**

MEETING DATE: Thursday, March 7, 2019

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

I. CALL TO ORDER

At 7:30 PM Vice Chair Cullather called the meeting to order and asked Planner Burhop to call the roll.

Members Present: *Bay, Cullather, Fettner, Henry, Putzel*

Members Absent: *Bina, Chaplik*

Planner Burhop took the roll and declared a quorum present.

Staff Present: *Burhop*

Student Reps.: *Hoyt, Edheimer*

Council Liaison: None

II. APPROVAL OF MINUTES

December 6, 2018 Closed Session

Vice Chair Cullather entertained a motion to approve the minutes of the December 6, 2018 closed session meeting. Member Fettner so motioned, seconded by Member Bay. Member Putzel abstained, stating she had not been present at the Closed Session Meeting. On a voice vote the Vice Chair declared the motion carried unanimously.

February 7, 2019

Vice Chair Cullather entertained a motion to approve the minutes of the February 7, 2019 meeting. Member Bay so motioned, seconded by Member Henry. On a voice vote the Vice Chair declared the motion carried unanimously.

February 21, 2019

Vice Chair Cullather entertained a motion to approve the minutes of the February 21, 2019 meeting. Member Henry so motioned, seconded by Member Fettner. Members Bay and Putzel abstained, stating they were absent from this meeting. On a voice vote the Vice Chair declared the motion carried unanimously.

III. PUBLICATION DATE FOR NEW BUSINESS: 2-20-19

IV. BUSINESS FROM THE PUBLIC: None

V. OLD BUSINESS: None

VI. NEW BUSINESS:

1. #19-02-VAR-004
Property: 575 Euclid Court, Highland Park, IL 60035
Zoning District R5
Appellant: Solomon Maman
Address: 575 Euclid Court, Highland Park, IL 60035

Planner Burhop made a presentation for the above item including location map, application background, fence height variation, building permit request, aerial photos, additional notes and request.

Member Henry asked what they addressed in December.

Planner Burhop stated it was a separate application for an appeal submitted by the applicant. Staff had made a determination that Western is a street and a R.O.W. and therefore had a required front yard.

Member Henry asked if this was an appeal from the zoning administrator.

Planner Burhop stated the appeal was from the zoning administrator and the decision was stayed by the Board and Burhop referenced the Agreed Order.

Member Henry asked if this was for the closed session.

Planner Burhop confirmed this.

Member Putzel asked if from the red line east is the 6' high fence request and is it just 4' to the west.

Planner Burhop stated the applicant wants to entire fence to be 6', but he is allowed to do that to the left of the red line.

Member Putzel stated the 6' it is allowed because the west portion of lot is considered the rear yard.

Planner Burhop stated it was because it is either in the buildable area or in the side yard. Mr. Burhop stated that any fence within a required front yard can only be up to 4' in height.

Mr. Solomon Maman, 575 Euclid Ct., Highland Park, IL, Applicant, stated the variance is the product of an appeal took place in December, 2018 and is subject to an agreed order. He thought the variance was performed in order to be of notice to people so they are aware of what they are doing and if there are any issues there would be no question this process took place. There is a determination that this is a front yard and the process has been followed. He wanted to be clear that from his standpoint the 40' line does not exist as a setback and is not adjacent to a road.

Member Bay stated he thought the agreement was that Western was a street and was the front yard and he agreed to forego his right to appeal to the Circuit Court.

Mr. Maman stated the order says the Zoning Administrator will withdraw their determination if the ZBA approves.

Member Bay asked if this was correct.

Planner Burhop stated the ZBA did not enter any final decision on the appeal. The ZBA adopted the Agreed Order and in Section E. states "In the event that the ZBA enters an order approving the proposed variation within five calendar days after the entry of such order, without prejudice to the parties, (1) the zoning administrator withdraw in writing his determination signed on September 26, 2018 concerning the property at 575 Euclid Ct., and (2) the appellant withdraw in writing his appeal in this matter."

Member Bay asked if they grant the variance the point becomes moot.

Planner Burhop stated if the variation is granted then yes the zoning administrator withdraws their determination and the applicant withdraws the appeal.

Member Henry stated he remembered the case and the closed session. What they are addressing today is an application for a variation from the fencing standards and their assumption for that purpose is that it is a front yard. Given the unique nature of the property with two front yards and the front yard most of us would view as a backyard backs to vegetation and an unimproved but dedicated street. He thought the three standards set out for fences - that it contributes to the favorable environmental of the city, is compatible with the character of the neighborhood and zoning district, not detrimental to the harmonious and orderly growth of the City and it will not cause depreciation of property values. He would support the application.

Member Fettner stated he remembered this case and thought it met the fence standards for a variance and would support the variance.

Member Putzel agreed and thought this is why the ZBA exists and would support the application.

Member Bay agreed and supported the variance.

Vice Chair Cullather agreed and stated this is why the ZBA exists to help the City navigate these difficult issues. He thought the standards are met and would support the fence variation.

Vice Chair Cullather entertained a motion. Member Henry motioned to direct staff to draft findings of fact and an order approving the application as submitted, seconded by Member Bay.

Planner Burhop called the roll:

Ayes: *Bay, Putzel, Henry, Fettner, Cullather*

Nays: *None*

The Vice Chair declared the Motion passed 5-0.

Vice Chair Cullather entertained a motion to approve the approval order. Member Bay so motioned, seconded by Member Fettner.

Planner Burhop called the roll:

Ayes: *Bay, Putzel, Henry, Fettner, Cullather*

Nays: *None*

The Vice Chair declared the Motion passed 5-0.

2. #19-02-VAR-005
Property: 581 Washington Place, Highland Park, IL 60035
Zoning District R6 & SLOZ
Appellant: Jamie Atwell
Address: 581 Washington Place, Highland Park, IL 60035

Planner Burhop made a presentation for the above item including location map, project background, aerial photo, site photos, existing detached garage, proposed detached garage, proposed plans, elevation plans, floor plans, neighborhood floor area, additional notes and request.

Member Bay asked if the existing garage was non-conforming.

Planner Burhop stated yes both with respect to floor area and the front and side yards.

Member Bay asked about the existing garage.

Planner Burhop stated yes.

Member Bay asked if the new garage would be a one-car garage.

Planner Burhop stated essentially yes, a larger one car garage.

Student Rep. Hoyt asked if they wanted to build on the original garage without demolishing it would they need a variance.

Planner Burhop stated if you intentionally demolish it then whatever you build new has to comply, and if it does not you have to seek relief. Planner Burhop explained the regulations of Article 9, the nonconforming section of the Zoning Code, as it relates to rebuilding nonconforming structures.

Vice Chair Cullather asked if they were just to expand would they come to the ZBA.

Planner Burhop stated yes because of the floor area coverage.

Member Henry stated the only way they could rebuild it as of right would be if a tornado destroyed it and they rebuilt it exactly the same. He stated they have letters agreeing to the proposed variation from the neighbors at 583, 580, 561 and 588.

Planner Burhop confirmed this.

Mr. Mike Houser, 1715 Chancellor, Evanston, IL, Architect, made a presentation including the house is a split level, the 600 s.f. for the basement counts toward the FAR, house was built in the 1950s, some of the neighbors have higher FAR, request for one-car garage is a modest approach, storage, necessary for lawn equipment and other items, kept the design simple, applicants are teachers, resources are limited, have looked at bare minimum for what they need, looked at other garages in neighborhood to keep cohesive with the nature of the neighborhood.

Mr. Jamie Atwell, 581 Washington Place, Highland Park, IL, Applicant, stated they have a daughter with special needs who has a tricycle and stores it in the garage, they drive one car, the garage is intended for storage for outside furniture and other items and for their daughter to have access, they have an appreciation for the aesthetic in the neighborhood and respect what the neighborhood offers.

Student Rep. Hoyt stated they have talked about garages issues in the past and a two-car garage is a reasonable ask and this is not as severe an ask. They are just asking for more storage. The current garage is non-conforming and no matter what they do they need a variance.

Member Bay stated he thought it goes without question there is a hardship not caused by the applicant and it is a very reasonable ask to replace a one-car garage with a slightly larger one-car garage. He thought it met the standards and would support the variance.

Member Putzel agreed and stated if they had to adhere to all the restrictions regarding the FAR and setback they would be limited in not having much of a structure at all. She thought they met all the standards and the request is reasonable. She did not think they

would be able to get a reasonable return without doing it and would support the application.

Member Henry agreed and stated it is significant to note that the 3' setbacks are going to be more complied with the new construction than the old garage was. The neighbors are in favor and the request is modest. The fact that it is exceeding the FAR is something that is closely adhered to by the Board and it is already in excess of it. The neighbors are in agreement with it and that is significant. He thought it met the standards and would support the application.

Member Fettner agreed and stated he would support the application.

Vice Chair Cullather agreed and stated the applicant laid out the rationale behind it and the new design will provide the space they need and is not too much of an ask. He stated the other setbacks will be in compliance and they did not bring the storage area all the way out and make it one big box.

Vice Chair Cullather asked if there was a motion. Member Henry motioned to direct staff to draft findings of fact and an order approving the variation as submitted, seconded by Member Fettner.

Planner Burhop called the roll:

Ayes: Bay, Putzel, Henry, Fettner, Cullather

Nays: None

The Vice Chair declared the Motion passed 5-0.

Member Bay motioned to approve the variance approval order as submitted, seconded by Member Putzel.

Planner Burhop called the roll:

Ayes: Bay, Putzel, Henry, Fettner, Cullather

Nays: None

The Vice Chair declared the Motion passed 5-0.

VII. STAFF REPORT:

Planner Burhop stated he will try to reschedule the legal training for April and will confirm when a date has been finalized.

VIII. MISCELLANEOUS:

Planner Burhop stated the can keep the below items on the agenda or remove them.

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Vice Chair Cullather stated they could take them off until the meeting with Corporation Counsel.

1. Discussion on Curfew and Application Limit for Board Meetings
2. Discussion on Continuance Guidelines

IX. ADJOURNMENT

Vice Chair Cullather entertained a motioned to adjourn. Member Putzel so motioned, seconded by Member Henry. On a voice vote, the motion passed unanimously.

The Zoning Board of Appeals adjourned at 8:25 PM.

Respectfully submitted,
Karl Burhop

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

MINUTES APPROVED BY THE BOARD ON BLANK March 21, 2019

- WITH NO CORRECTIONS X
- WITH CORRECTIONS
(SEE MINUTES OF [x] MEETING FOR CORRECTIONS)

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