

CITY OF HIGHLAND PARK

Thursday, June 6, 2019

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

MEETING DATE: Thursday, June 6, 2019

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

I. CALL TO ORDER

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

Members Present: *Bay, Bina, Chaplik, Cullather, Henry, Putzel*

Members Absent: *Fettner*

Planner Burhop took the roll and declared a quorum present.

Staff Present: *Burhop, Davis, Passman*

Student Rep.: *Edheimer*

Council Liaison: None

II. APPROVAL OF MINUTES

1. May 16, 2019

The minutes of the May 16, 2019 meeting will be considered at the June 20, 2019 meeting.

2. Approval of minutes of the closed session of December 6, 2018

Chair Chaplik entertained a motion to approve the minutes of the closed session of December 6, 2018. Vice Chair Cullather so motioned, seconded by Member Bay. On a voice vote, the Chair declared the motion carried unanimously.

3. Approval of a resolution concerning the release of minutes of closed meetings of the Zoning Board of Appeals.

Mr. Passman stated the Illinois Open Meetings Act requires every public body that has closed session minutes to review them twice a year to determine whether there is a

Regular Meeting of the Zoning Board of Appeals

Thursday, June 6, 2019

continuing need for those minutes to remain confidential. Under Illinois law closed session minutes remain confidential and exempt from public inspection unless the body determines confidentiality is not longer important. He asked is there still a need for confidentiality for these minutes. He stated there is still a need for confidentiality for the December 6, 2018 minutes. The resolution would provide that the Board would concur.

Chair Chaplik entertained a motion to adopt the Resolution maintaining the confidentiality of the December 6, 2018 Closed Session Minutes. Member Bay motioned to approve the resolution concerning the release of minutes of certain closed meetings of the Zoning Board of Appeals, seconded by Vice Chair Cullather. On a voice vote, the Chair declared the motion carried unanimously.

III. PUBLICATION DATE FOR NEW BUSINESS: 5-22-19

IV. BUSINESS FROM THE PUBLIC: None

V. OLD BUSINESS:

1. #18-10-VAR-028
Property: 2140 Tanglewood Ct., Highland Park, IL 60035
Zoning District R4
Appellant: Paul & Leah Suellentrop
Address: 349 Thornwood Ln., Lake Bluff, IL, 60044

Planner Burhop made a presentation for the above item including project background, elevation plans, encroachment sought, request and additional notes.

Chair Chaplik stated the plans are conceptual and the only thing reflected the draft order is the building envelope.

Member Bina stated he had observed the video of last meeting.

Vice Chair Cullather stated he had observed the video and read the materials of the last meeting.

Chair Chaplik entertained a motion. Member Henry motioned to adopt the variation order submitted in draft, seconded by Member Putzel.

Planner Burhop call the roll:

Ayes: *Bay, Putzel, Bina, Henry, Cullather, Chaplik*

Nays: *None*

The Chair declared the Motion passed 6-0.

Ms. Brill (unintelligible).

Mr. Passman stated the Board closed the public comment and testimony portion at the last meeting and their actions tonight are compliant with the City Code and Illinois law.

Ms. Brill (unintelligible).

Chair Chaplik stated the Board has acted.

Ms. Brill (unintelligible).

Chair Chaplik stated they approved the drafting of an order at the last meeting and approved the order tonight.

Ms. Brill (unintelligible).

VI. NEW BUSINESS:

1. #19-03-VAR-009

Property: 1388 Forest Ave., Highland Park, IL 60035

Zoning District R5

Appellant: Maximillian Vitek

Address: 1388 Forest Ave., Highland Park, IL

Chair Chaplik stated the applicant is working out some tree issues and has requested a continuance.

Planner Burhop stated in the applicant's email it stated because of the rain, they have not been able to dig to see the roots. As a result, they have not been able to solve the issue with the heritage tree. They did not state which meeting they preferred but the next meeting is on June 20, 2019 and then July 18, 2019.

Chair Chaplik entertained a motion to continue. Member Henry motioned to continue to the next regularly scheduled meeting of the Board on June 20, 2019. Vice Chair Cullather seconded. On a voice vote, the Chair declared the motion carried unanimously.

2. #19-04-VAR-010

Property: 244 Pierce Rd., Highland Park, IL 60035

Zoning District R5

Appellant: Genevieve M. Daniels

Address: 244 Pierce Rd., Highland Park, IL

Planner Burhop made a presentation for the above item including site location, project background, site photos, existing survey, proposed site plan, aerial image, side yard relief, front and EBS relief, site plan, elevations, EBS exhibit, map of applicant's garage addresses, additional notes and request.

Member Henry asked about the front yard setbacks in the neighborhood.

Member Bay mentioned the front elevation and stated it looked like they were putting in windows on top, but not building a second story.

Planner Burhop concurred.

Ms. Genevieve Daniels, Applicant, made a presentation including it meets the standards for granting a variation, hardship is part of package, having a carport is hardship, no storage, security concern, no front door, looked at neighboring properties, expectation is attached garage, neighbors have either one or two car attached garages, confusion over front door as it is part of interior of carport, allowing them to build garage as proposed will let them move forward with front door, more attractive appearance, access to home from garage, extra space for storage, will not be detrimental to public welfare, or injurious to other properties, will be consistent with the neighborhood, proposed garage is adjacent to neighbor's garage, would be a garage next to a garage, no light or air issues, row of windows to allow light access.

Mr. Mark Trudeau, Architect, stated you have to walk through carport to access house, it is a dingy, odd entrance, bay window may have been entrance, want to pull entrance out so it is inviting, it will be a garage next to a garage.

Chair Chaplik asked about the steps on the right side and if was the other entrance. He asked if they had thought about making the entrance the other entrance and then slide garage over.

Mr. Trudeau stated right now it is a laundry room and it would be very awkward planning wise.

Ms. Daniels stated you would go through the mud room/laundry room and through the kitchen to gain access to the home.

Member Bina asked if there was any other feasible way to put a one-car garage on the property other than what they have done.

Mr. Trudeau started no.

Member Bina asked if they had talked with the neighbor.

Ms. Daniels stated initially they attempted to get on the May meeting and they went to neighbors personally and brought the notice and a copy of the plans. They were not able to get proof of notice. The neighbors received and the notice and the proposed change. The neighbor to the east is supportive and a neighbor across the street is also supportive.

Chair Chaplik asked if the neighbor to the east is adjacent to the garage.

Ms. Daniels stated no. The properties at 260, 235 and 245 are supportive. The property across the ravine is also supportive.

Member Bina asked if they had received notice from the property at 238.

Ms. Daniels stated they had asked for a signature on the notice and were not able to get it.

Chair Chaplik asked if there was any discussion with them.

Ms. Daniels stated she and her husband went together and the neighbor indicated she wanted a chance to review it and that was the last time they had contact with her. Her husband went over several times to have a discussion and they were not successful.

Member Bina asked if the neighbor had communicated to them.

Ms. Daniels stated no and she did not know what their position is.

Member Henry asked what exists between their house and 238. He asked if there is shrubbery or a fence.

Ms. Daniels stated what they have is the existing carport, and some built-in planters. They are looking to put the garage in that space.

Member Henry asked if there was a fence between their property and 238.

Ms. Daniels stated there was no fence.

Member Bay asked if that was the existing front door behind a carport and their plan is to bring it forward.

Ms. Daniels stated they would shift it over a bit and have an enclosed garage and move the front door. The existing brick wall would be an interior wall.

Member Bay asked if they would build an entrance way to accommodate the front door going directly into the house.

Ms. Daniels stated yes and they would have the brick wall with closet space.

Member Bay asked if it would be a standard size one-car garage.

Mr. Trudeau stated it would be a little wider.

Member Bay stated if they were willing to forego the entrance they could build a garage closer to the house.

Mr. Trudeau stated the entrance could not be any narrower.

Member Bay stated if the entrance remained in the garage. He asked if they could start the garage next to the house.

Mr. Trudeau stated they could not get into the house.

Ms. Daniels stated they have considered it.

Member Bina stated the one car garage is a little larger than standard and there might be some storage. He asked how much would be storage.

Mr. Trudeau stated there would be 2' of storage.

Member Bina asked if there was any way to minimize the encroachment to lose some of the storage.

Mr. Trudeau stated it was a modest amount of storage and some of it is to provide a coat closet.

Member Bina asked if that was the mud room.

Mr. Trudeau stated it was the front.

Member Bay asked if they would have a closet in the garage.

Mr. Trudeau (unintelligible)

Member Bay stated without the storage it would be 2' less of an encroachment.

Mr. Monte Mann, Representative for Whitney Mann, 238 Pierce, the house to the west, she is a single parent raising three children, current setback is 9", proposed to move to 3', one of the things leading to the project is that the mud room through the prior front door, architect testified the garage is wider than a standard one-car garage for the convenience of the owners so they can have additional storage, not a justifiable reason to request a variance and moving a garage so it is 3' from the property line. On this basis they object and are concerned about property being built closer the existing property line, will affect market value of property, rainwater may be pushed onto their property. They object to the garage portion and no objection to the other portions, e.g., the front setback or rear setback.

Member Bay asked is they would object if it were 2' narrower.

Mr. Mann stated they would have less of an objection and would be more understanding of the request.

Member Bay asked if they would support it.

Mr. Mann stated he would have to ask his sister.

Member Henry asked how far his sister's garage was from the property line.

Planner Burhop stated there is a 1974 survey which states it is 8.05'.

Member Bay asked if that was non-conforming.

Planner Burhop stated the minimum requirement for the district is 9' so it would be non-conforming. The survey did not have any setback listed on the west side.

Mr. Mann stated they bought the house knowing that.

Member Putzel asked if his sister currently has drainage and water problems.

Mr. Mann stated he thought there was ponding from rainstorms.

Member Putzel asked if he could expand on that.

Mr. Mann stated he just knew there was ponding from rainstorms now.

Member Putzel asked if it was in that specific area.

Mr. Mann stated in that area and other parts of the property as well.

Vice Chair Cullather asked where the water will go from the roof of the new garage.

Ms. Daniels stated once they go through the variance process the detailed plans will include a drainage plan that has to be prepared and approved.

Mr. Trudeau stated the plan is to spill onto the existing roof.

Chair Chaplik asked if the drain is tied onto the City sewer.

Mr. Trudeau stated he did not know.

Vice Chair Cullather asked if there would be a gutter pointed at the neighbor.

Mr. Trudeau stated no, it would not work.

Ms. Daniels stated they are not the ones who configured the property with the mud room. This is how they purchased the property with the side entrance that goes only to the mud and laundry room. Elevating the front of the home including an enclosed garage will improve the marketability of their home and of the surrounding homes, including 238 Pierce. It is not a detriment to the neighborhood. Regarding the water flow, they would work with the City for approval to make sure the drainage will not cause a hardship on anyone. There is a metal demarcation between the properties and they have never noticed any water ponding. There are planters there about 3' high so it is already being occupied.

Member Bina asked what portion of the neighbor's property would be closest to the garage.

Ms. Daniels stated it is their garage and there are weeds growing on both sides. The area is built in with planters and they think it will make the property look tidier and the garbage cans will be inside.

Member Bina asked if the structure to the left was the neighbor's garage.

Ms. Daniels stated yes.

Mr. Mann stated if they reduced this to a standard one-car garage and if it would be 2' less that would almost double the space to 5' instead of 3'. That would be a material give.

Member Henry stated it is an interesting application because the property is hampered by the fact that nothing in the back is buildable. The carport is already an impervious surface. He was struggling with the encroachment in the side yard which is not insubstantial and 3' is close. It is not an unreasonable ask and there has been no evidence that it impairs light or air. They are building on the same footprint with a little expansion and they have to conform to all the codes with respect to drainage and retention. He was sensitive to the neighbor's concerns, but he was not convinced by them particularly because there is a garage on that side. He thought it met the standards and would support the application as submitted.

Member Putzel stated she agreed and thought they had met the standards. 3' is a tight spot but there is no fence there and no one is utilizing that portion of the yard. She asked if they could make the garage a little smaller. Having an enclosed garage is necessary in this climate and a one-car garage is not a big ask. They are limited in what they can do. She thought they met the criteria and she was a little hung up on the 3'.

Member Bina agreed and was struggling with the amount of space and he was hung up on the storage issue. He was inclined to support the application and would like to a reduction in the amount of space.

Member Bay agreed and was aligned with what Member Bina had expressed. He was a little troubled with the standard that requires a hardship. It distinguishes a mere inconvenience. He thought the storage fell within the inconvenience category and did not know if it met the standard. He would support it if the ask was modified. He thought it was a reasonable ask and a good presentation.

Student Rep. Edheimer stated it was a valid ask and what it comes down to is garage on garage.

Vice Chair Cullather stated it is a mostly reasonable ask and the 3' bothered him. It is hard to tell if there would be enough space if they brought in the west wall in by 18" to 2'. He was trying to identify the depth of the garage and whether there would be storage room at the rear of the garage and whether it would suffice.

Chair Chaplik agreed and his thoughts are most aligned with Member Henry expressed. He stated it was a tough site and no opportunity to put a garage in the back. There is a clear hardship. He thought much of the storage space is on the internal side and he was not convinced there was opportunity to reduce the size of the garage. He was sensitive to the neighbors and was prepared to support the application. It takes four affirmative votes to approve a variance on this Board. Ms. Daniels had heard what they had to say and

there were some concerns and support. They can entertain a motion, but she may want to consider taking some additional time, get a continuance and re-thinking the plans and maybe having a conversation with the neighbor. She may want to re-think or they can proceed.

Ms. Daniels stated she appreciated the comments and understood the neighbor's position. It was a little disappointing that she is finding about it tonight when they attempted to talk with the neighbor and she is not even here to have the discussion. They gave her plans and not just a notice. She was happy to talk with her architect and neighbor directly. She was open to talking explore this. It sounds like the request for storage is wouldn't it be nice to have the storage. It is having an enclosed space for the garage which is the expectation of homeowners. It is the ability to have a functioning doorway. She did not know how changing the dimensions would have a material effect on the doorway.

Chair Chaplik stated if she preferred a continuance they can discuss it.

Ms. Daniels stated with the comments about 3' or a little less she did not know what the final vote would be. She thought the prudent thing would be to ask for a continuance. She asked that the neighbor speak with her.

Member Henry stated a continuance is an option and he thought the Board would view it favorably. She can come back with the same application. He thought the Board was encouraging her to have a conversation with the neighbor and see if they can resolve the differences.

Ms. Daniels stated she would support that.

Chair Chaplik asked when she can back if she could have a visual of the floor plan so they can see what the configuration looks like.

Planner Burhop stated the applicant did submit floor plans but they did not want to make them public.

Chair Chaplik stated only because it is at issue.

Ms. Daniels stated she was a little hesitant about that.

Chair Chaplik stated it was her decision.

Chair Chaplik entertained a motion to continue to June 20, 2019 ZBA Meeting. Vice Chair Cullather motioned to continue to the next meeting. Member Putzel seconded. On a voice vote, the Chair declared the motion passed unanimously.

3. #19-05-VAR-011

Property: 1394 Glencoe Ave., Highland Park, IL 60035

Zoning District R6

Appellant: Debra Jo Dietrich

Address: 1394 Glencoe Ave., Highland Park, IL

Regular Meeting of the Zoning Board of Appeals

Thursday, June 6, 2019

9 of 14

Planner Davis made a presentation for the item including site location, aerial photo, project background, site photos, existing survey, proposed site plan, site plan relief review, elevations, review of garages along block, additional notes and request.

Planner Burhop stated it is a non-conforming structure, the applicant states the structure is falling apart, and they want to rebuild the same thing.

Planner Burhop stated on the slide he put a star for each garage that was close to the side yard.

Member Bay asked if they wanted to rehab the entire garage including new siding, new roof, repair the floor inside could they do that as a matter of right.

Planner Burhop stated yes, there is a rule in the building code as to what constitutes a demolition. 50% may constitute a demolition. As long as they stay below that they can do all the repairs they want, unless it is a demolition, then new construction must comply with setbacks and zoning codes.

Member Bay stated they could rebuild it 25% at a time until they rebuilt the whole garage without ever demolishing it.

Ms. Debra Jo Dietrich, Applicant, stated she has been a resident for 30 years, the garage is decrepit and in bad shape, foundation has deteriorated, wants to build same thing they have today, will need to come into side yard another 4' and into the back yard another 6' so cars can access the garage, has to take away from green in the yard and has to add asphalt, appeal was a yard for kids, is a gardener and wants to be able to work in yard, hardship is there is a sun porch behind the house and garage it to the side, the sun porch has windows and if she has to move the garage it will detract from the view, neighbors on both sides support it and as well as the neighbor across the street, wants to be able to rebuild, asphalt is not pleasing and detrimental to value.

Member Bay stated this was one of the easier matters that has come before the Board. He thought it met the standards for granting a variation and the presentation was good and he would support the application.

Member Bina stated he agreed and he would support the application.

Member Putzel agreed and stated it was very straight forward and thought it met the standards.

Member Henry stated he agreed with Member Bina would support the application and thought it met the standards. The material submitted was very helpful.

Vice Chair Cullather stated he agreed with the other members and thanked Alex for the presentation

Chair Chaplik stated he agreed and understood the need because maybe there are certain non-conformities that should be cleared out over time.

Chair Chaplik entertained a motion. Member Putzel motioned to adopt the approval order as drafted, seconded by Member Bina.

Mr. Passman stated staff had prepared a draft approval order.

Planner Burhop called the roll:

Ayes: *Bay, Putzel, Bina, Henry, Cullather, Chaplik*

Nays: *None*

The Chair declared the Motion passed 6-0.

VII. STAFF REPORT:

1. Discussion of Amendments to Article 19 Steep Slope Zone of Zoning Code

Planner Burhop stated City Council made changes to several of the commissions and boards and the Natural Resource Commission does not exist anymore. There is a new group, the Sustainability Advisory Group (SAG). They currently perform the roll of providing recommendations on steep slope zone variations. Council has directed staff to look at making amendments to the zoning code to basically the update SAG's rule which may include terminating their role as a recommendation body for zoning applications. There is no proposed final language and the City is asking for feedback from the ZBA regarding this change. The SAG took this up on May 8th and provided feedback. The SAG makes recommendations on two zoning applications. One is for beach structures and revetments. The other one is they make recommendations on the steep slope zone variations. The SAG was unanimous in their feedback that they relish their role in making recommendations on steep slope zone applications.

Member Henry stated he was not in favor of the way Council changed the commission and board system in Highland Park. As he understands what is being proposed, rather than the technical information being brought to the SAG, that technical information would come to the ZBA. He asked if that was the direction this was moving.

Planner Burhop stated there is no consideration to change the code other than remove the SAG's recommendations. The basic technical standards and all those requirements still have to be met. It could go to a third party review and they would provide a review and feedback.

Member Henry asked if the SAG already received that kind of information.

Planner Burhop stated to an extent, yes, they do get review from the City Forester and from the City Engineer.

Member Henry asked if what is being considered is the technical information rather than going to the SAG, it would skip that step and come directly to the ZBA or to a third party consultant.

Planner Burhop stated that is one option. Another option is there is talk the SAG would serve in an ex-officio capacity to write down comments and take to Council. He will summarize tonight's comments and give Council feedback from the ZBA and SAG so they can direct staff.

Vice Chair Cullather asked how many SSZ cases there had been that had gone through the SAG.

Planner Burhop stated two to four a year.

Chair Chaplik stated there are some complicated issues in the applications, and having read those packages, there seems to be back and forth between the SAG and they are a work in process. There is a very detailed understanding of what someone is proposing to do. For the Board to see these materials cold without being steeped in that process, makes it difficult for the Board to make decision in a vacuum. The SAG's reports and recommendations along with the technical information have made the job easier to understand because they are complicated and often somewhat contentious.

Member Henry stated we are a decision making body and not a consultative body. People come to the Board with applications they have to decide. He has found it helpful when they have SSZ issues, is the material and information they receive from SAG. They are a recommending body and frequently work with the applicants. They are more of a collaborative group with applicants of terms of meeting the requirements of the SSZ. He thought it was advantageous for the Board because they have the benefit of their wisdom. If it came directly to the Board it puts us at a disadvantage because they would have to sift and winnow through that information in order to come up with a decision. The Board deliberates carefully and thoughtfully on everything that comes before us. The guidance they have received in the past from this group has been invaluable in helping us in making appropriate decisions.

Member Bina stated he opposed what they are trying to do and it would be foolish. He agreed with what his colleagues said and found it compelling that the SAG members concluded they desired it. He might think different if they decided it is waste of the Board's time. He thought they enjoyed what they are doing and find it helpful. He would be upset if this was foisted on the Board to have to include and resolve complex information. He thought they had a valuable purpose and would oppose any reorganization in that way.

Member Bay asked if there were any known pros or cons as to proceeding one way or the other.

Planner Burhop stated there are no applicants at this meeting to address how long it takes it get through the application process, and one of the pros would be to streamline the process but still maintain the integrity of the code by still making sure basic technical

standards are reviewed by an expert entity and the information is presented to this Board. There is still a public hearing and a decision has to be made to the relief requested.

Member Bay stated the cons have been stated by the other board members. They are not being asked to advise on anything specific, but just in a general sense.

Planner Burhop stated there is no motion requested. They are just asking for feedback. This will go to the committee of whole meeting. Once they direct a text amendment it goes to the Plan Commission for a public hearing and they make a recommendation and then it goes to Council.

Member Bay stated if they had citizens who are willing to spend the time and effort to go through the information and present it he would be in favor of keeping it the way it is.

Member Putzel stated she agreed.

Vice Chair Cullather stated he agreed. He thought the SAG served a similar role as the Forester and Historic Preservation Commission in being another set of eyes and providing input so they have as much info as possible. He did not think it was that much more burdensome of a process.

Chair Chaplik stated the ravines are special and it is tough for the ZBA.

Member Putzel stated she did not think it was the expertise of the ZBA.

Chair Chaplik stated there would be a third party engineering report but it may not have the same sensitivity as neighbors who do this.

Member Bina stated for a Board who has been debating how to better manage time and dockets, these additional requirements would make it more difficult.

Planner Burhop stated he will summarize this and include the minutes. The Board will probably have a chance to approve the minutes before it goes to Council.

Member Henry asked Planner Burhop if he could be kept apprised of the calendar as it proceeds through the Council process.

Planner Burhop stated if this goes to the PDC for a public hearing it would have to be noticed. There are two elements to this and the second element is the Lake Michigan protection overlay zone which is referred to as beach structures and revetments.

Vice Chair Cullather asked why the PDC is involved.

Planner Burhop stated to amend the zoning code the PDC is required to hold a public hearing and provide recommendation – it is the process that has to be followed.

VIII. MISCELLANEOUS:

1. Discussion on ZBA guidelines for continuances and late submissions.

Chair Chaplik stated he recalled they were in favor of handing out the materials to prospective applicants so they could understand late submissions and continuances and posting on the website. He understood they did not need a formal directive other than agreeing to do his.

Planner Burhop stated this was correct.

Chair Chaplik stated Member Bay did fine job in drafting this.

IX. ADJOURNMENT

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

The Zoning Board of Appeals adjourned at 9:10 PM.

Respectfully submitted,
Karl Burhop

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

MINUTES APPROVED BY THE BOARD ON July 18, 2019

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

9104771