

MEETING MINUTES OF THE
PLAN COMMISSION/ZONING BOARD OF APPEALS
JULY 11, 2007
7:30 P.M.

LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN

MEMBERS PRESENT: Herbert Theisen, Kenneth Klint, Sue Auerbach, Mary Couzin, Anthony Pauletto, and Joanne Angarola

ABSENT: Mark Yohanna

OTHERS PRESENT: John Lebegue, Building Commissioner, Davorka Kirincic, Building Inspector.

I. APPROVAL OF PREVIOUS MINUTES:

Motion was made by Commissioner Pauletto, seconded by Commissioner Klint, to approve the minutes of March 28, 2007. Motion carried unanimously.

Motion was made by Commissioner Couzin, seconded by Commissioner Theisen, to approve the minutes of June 13, 2007. Motion carried unanimously.

II. ORDER OF BUSINESS

6733 Kedvale Avenue

Chairperson Angarola swore in Christopher and Georjean Nickell, owners.

Chairperson Angarola read the variation request into the record. A variation to increase the allowed building coverage by 2% (197-square feet) from the allowed 35% (3,155-square feet) to the proposed 37% (3,352-square feet).

Chairperson Angarola asked Building Commissioner Lebegue to explain the nature of the variation request. Building Commissioner Lebegue stated that the variation request is being sought in order to construct a partial second story addition and a two-story addition on the west, front side of the existing home. According to information provided by the applicant, the

proposed additions will provide a bathroom on the first floor and fourth bedroom on the second floor. The existing home complies with all required yard setbacks and the allowed floor area ratio.

The request to increase the allowed building coverage by 2% is relatively minor in nature, and given the existing floor plan of the home, is a logical means to provide the rooms that are being proposed. Also, the fact that the proposed home complies with all yard setbacks, provides evidence that the proposed additions will not project any further than the existing footprint of the home and will not adversely impact the properties to the north and south sides of the home.

Chairperson Angarola asked if there were any questions.

Commissioner Auerbach asked about the current layout of the house. Mrs. Nickell explained there are vaulted ceilings in the entry way and the living room and kitchen are on the first floor.

Commissioner Klint asked Building Commissioner Lebegue, other than the 2%, does the house comply. Building Commissioner Lebegue stated that yes, it does.

Motion to approve made by Commissioner Pauletto, seconded by Commissioner Klint. Ayes: Pauletto, Klint, Couzin, Angarola, Theisen. Nays: Auerbach. Motion passes and will go before the Board of Trustees on August 16, 2007.

4401 Estes Ave.

Chairperson Angarola read the variation requests into the record.

- 1) A variation to reduce the front yard setback by .3-feet from the required 25-feet to the existing 24.70-feet.
- 2) A variation to reduce the west, interior side yard setback by 2.13- feet from the required 7.13-feet to the proposed 5-feet.
- 3) A variation to reduce the rear yard setback by 26.82-feet from the required 33.52-feet to the existing 6.70-feet.
- 4) A variation to increase the allowed building coverage by 2% (204-square feet) from the allowed 35% (3,296-square feet) to the existing 39% (3,500 square feet).

- 5) A variation to increase the allowed total lot coverage by 5% (541-square feet) from the allowed 60% (5,650-square feet) to the existing 65% (6,191-square feet).

Chairperson Angarola asked Building Commissioner Lebegue to explain the nature of the variation requests. Building Commissioner Lebegue stated that the variation requests are being sought in order to construct a partial, second floor addition over the existing, non-conforming home. The variation requests to reduce the front yard setback, rear yard setback, allowed building coverage and allowed total lot coverage are all necessitated by existing nonconformities of the current home, and are not being exacerbated as a result of the proposed second floor addition. The variation request to reduce the west, interior side yard setback is necessitated by an existing nonconformity of the current home, but is also necessitated due to the fact that the proposed second floor addition would be constructed in alignment with the existing, nonconforming, exterior wall. Since the proposed second floor addition is being located toward the center of the existing home, it conforms to the required front and rear yard setbacks even though the existing home does not.

Despite the number of variations that apply to this request, a majority of the variation requests pertain to existing nonconformities that were not of the creation of the applicant and that are not being intensified as a result of the proposed addition. The home that is the subject of the variation requests is a sprawling ranch home that, like many others in the community, significantly encroaches into the rear yard setback. The fact that the applicant is not constructing the second floor area at either the rear or front of the home where nonconformities exist demonstrates the applicant's attempt at minimizing the degree of nonconformity and impact on neighboring homes.

Building Commissioner Lebegue also noted that on the site plan that was submitted, there was an area on the east side of the building that was marked as existing. Building Commissioner Lebegue noted that this was incorrect, that there was currently nothing in that area and by proposing this area for buildup would greatly increase the building coverage by 4%. Building Commissioner Lebegue stated that currently it is 2% over the allowed building coverage. Building Commissioner Lebegue stated that for that area on the east side, that those calculations were not included in the Zoning Worksheet.

Sworn in by Chairperson Angarola were Rizwan Jussain of American Developers, petitioner and Mohammad Dawwod, home owner.

Mr. Jussain stated that he was confused over the discrepancies. Building Commissioner Lebegue stated that they did not supply calculations on the

zoning work sheet for the portion on the site plan that was being shown as existing, but in fact, was not existing.

Chairperson Angarola asked if there were any questions from the audience. Elly Mak of 4409 Estes came forward and was sworn in. Mrs. Mak stated that she lives next store to 4401 Estes. Mrs. Mak stated that she is concerned about two issues, the first being the noise and the second issue is flooding. Mrs. Mak stated that her husband is not well and needs rest. Mrs. Mak stated that when it rains the water from her neighbor house at 4401 Estes runs into her yard. Mrs. Mak stated that the downspouts from 4401 Estes are pointed towards her house. Mrs. Mak also stated that the front yard was elevated and that there is a big mound of dirt and water drains onto their property. Chairperson Angarola stated that the grading of the property does not affect the variation request. Building Commissioner Lebegue stated that he would have the Village Engineer look at these issues to see what needs to be corrected at 4401 Estes. Chairperson Angarola stated they are not increasing the footprint of the building, that they are only doing a second floor and going straight up.

Next Judy Penzle of 7034 Kostner Ave. came forward and was sworn in. Ms. Penzle only had positive things to say in regard to the proposed addition.

Ray Gilbert who lives on Estes came forward and was sworn in. Mr. Gilbert stated that he was there to support the Mak's. Mr. Gilbert noted where the downspouts were located.

Commissioner Pauletto asked Building Commissioner Lebegue about the balcony that was being proposed and if it was an enclosed balcony. Building Commissioner Lebegue stated that yes it was. Commissioner Klint noted about the same type of balcony that was proposed in the Towers and that the board denied that one. Building Commissioner Lebegue stated it was a similar situation.

Commissioner Auerbach noted that the first floor would be open but would be covered which would create drainage issues. Commissioner Auerbach stated that they could do the balcony on the north side instead and would then comply with the code. Commissioner Klint asked if this would create an issue for floor area ratio. Building Commissioner Lebegue stated that no, it would not.

Mr. Jussain stated that they would address the downspout issue and the front yard grading issue.

Building Commissioner Lebegue stated that the board still needed to consider variations four and five due to the fact they are existing conditions.

Motion to approve all variations made by Commissioner Pauletto, seconded by Commissioner Auerbach. Ayes: Klint, Pauletto, Auerbach, Angarola, Theisen, Couzin. Motion passes unanimously.

It is noted to Mr. Jussain to bring in revised drawings in regard to the re-designed balcony, to the Building Department before this item goes before the Board of Trustees.

Chairperson Angarola noted that this item would go before the Board of Trustees on August 16, 2007.

Motion to adjourn was made by Commissioner Klint, seconded by Commissioner Couzin. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Carrie Dick