

Board of Zoning Appeals

Minutes of Public Hearing

January 5, 2021

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, January 5, 2021 at 7:30 p.m. electronically over Zoom. Chairman Robert Speckmann called the meeting to order at 7:30 p.m.

Present were:

Chairman Bob Speckmann

Len Adams

Ted Kuczek

Matthew Kustus

Karen Scott

Absent were:

Karen Bezman

Herb Kessel

Also present:

Clint Case, Building and Code Enforcement Supervisor

Andrew Lichterman, Assistant Village Manager (present at Village Hall)

Public Comment:

There was no Public Comment on non-agenda items. There were no emails submitted for Public Comment, no one on Zoom indicating they wish to speak at this time on a non-agenda item.

Business:

Public Hearing for 1133 Terrace Court – Minimum Accessory Structure – Principal Structure Separation

Ch. Speckmann noted this is a continuation of a Hearing that was originally scheduled for December 1, 2020. He confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioner, Daniel Dorfman, was sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 2.03-D, 3 of the Deerfield Zoning Ordinance for the property legally described as follows:

Lot 70 in Third Addition to Deerfield Park Unit No. 3, Being a Resubdivision of Lots “B” and “C” in the Third Addition to Deerfield Park Unit No, 1, Being a Subdivision in the West ½ of the South East ¼ of Section 32, Township 43, Range 12, East of the Third Principal Meridian, According to the Plat of Third Addition to Deerfield Park Unit No. 3, Recorded May 22, 1959, as Document 1031301, in Book 34 of Plats, Page 115, in Lake County, Illinois

Said Property is Commonly Known as 1133 Terrace Court, Deerfield, Illinois.

The request, if granted, would permit the construction of a carport attached to the existing detached garage. The garage and carport as proposed would be separated from the principal structure by approximately 3 feet and the side property line by not less than 5 feet. The carport addition to the existing garage would, at its closest point, be 3 feet from the principal structure in lieu of 10 feet as specified in the Deerfield Zoning Ordinance.

Mr. Dorfman explained they are seeking a variance to allow the installation of a carport on their detached garage. He indicated their property is west of Waukegan Road between Lake Cook Road and Deerfield Road. They live on a cul-de-sac with about six homes. Their detached garage is located on the rear of their property. They would like to construct a 20-foot car port that will extend within 3 feet of their home. Mr. Dorfman explained they will maintain 5 feet from the neighbor's property.

Mr. Dorfman explained they are utilizing their current garage for Covid-19 related uses including work and the ability to see family. After Covid, they would like to use the garage for more than holding cars as the carport would hold the vehicles. Mr. Dorfman explained they designed a carport for safety and it has a fire rating consistent with Village Code and appropriate for three feet from their house.

Mr. Adams noted the carport would be attached to the existing garage and open on three sides. He believes the carport is essentially a roof. Mr. Dorfman explained it would not be a roof with a pointed top; rather, it will have a flat roof which would better sustain structurally. Mr. Adams confirmed the carport would be open on the north, east and south sides. He questioned how the roof would drain. Mr. Dorfman indicated the roof would appear flat, but would have a pitch. He was unsure which direction it would drain but was open to the Village's preference. Mr. Dorfman explained the roof slope would be per Village code. Mr. Kustus noted the submittal indicates the draining would be to the north.

Mr. Kustus expressed concern about safety in regards to combustibility. It is a wood post clad in cement board with what he assumes is a 60-minute fire rating.

Ch. Speckmann asked whether the fire rating of structures within 10 feet was taken out of the Village Code. Mr. Case explained it was initially in the Municipal Code, and it allowed for a closing of a 10-foot separation as long as the closest walls in the principal structure and the garage were rated for at least an hour. The rating was never in the Zoning Ordinance.

Ch. Speckmann questioned Mr. Dorfman about the use of the garage. Mr. Dorfman noted the garage was used as a garage prior to Covid. He would now want the carport to be used to shield cars.

Ch. Speckmann asked if there is any concern for a change of use for the garage, in regard to the Village Ordinances. Mr. Dorfman explained there is no concern.

Craig Katz, 1106 Terrace Court, lives in the same cul-de-sac as the Dorfman's. He and his wife Nancy Katz support the petition. Mr. Katz noted the Dorfman's are wonderful neighbors and discussed the proposed carport with them before they started planning it.

Rachel Fischer, 1127 Terrace Court, lives next to the Dorfman's. She is in complete support of the petition.

Mr. Kuczek explained there are seven standards that need to be met in order for the BZA to send a favorable recommendation to the Board of Trustees. Mr. Kuczek noted the petitioner is using his garage for something other than housing cars, which is the typical use for a garage. He understands the reasoning behind it, but is unsure how it meets the standard of not being self-imposed. Mr. Dorfman believes Covid made it not self-imposed. How residents use a garage and other parts of their structure have become different because of Covid. Mr. Kuczek understands that but is unsure it is within the BZA purview. He believes it may have to be taken up at the Board level.

Ch. Speckmann closed the informational gathering portion of the meeting.

Ms. Scott asked if a variance is granted, would it be limited to a carport, or could sides be added to make it a garage. Ch. Speckmann explained the BZA could include in their motion that the structure would remain open on sides and a door would not be installed. Mr. Dorfman added that the carport with open sides maintaining a one-hour rating should also be included in the recommendation, as it addresses the expressed safety concern.

Mr. Case believes the motion should clearly state the recommendation has the limitation that the structure would not be enclosed beyond what would be considered a carport.

Mr. Adams believes the self-imposed issues is a legitimate question but the geometry of the site is relatively unique. As long as there is a motion that takes into account the open sides, he thinks it will be okay. Mr. Adams does not believe the BZA should make recommendations on a temporary situation (Covid confinement). The petitioner makes the point that some of these changes will become part of how people live and work both in the present and the future.

Mr. Adams moved to recommend approval of a variation to allow the construction of a carport attached to the existing detached garage separated from the principal structure by 3 feet and the side property line by not less than 5 feet. Ms. Scott seconded the motion. Ch. Speckmann amended the motion to clarify that the structure would be a roofed entity supported by columns with all sides open except for the one side that abuts the garage. The amended motion was accepted. The motion passed by the following vote:

AYES: Adams, Kustus, Scott, Speckmann (4)

NAYS: Kuczek (1)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their February 2, 2021 meeting.

Public Comment:

There was no one present at Village Hall or on Zoom and no emails were received during the meeting for additional public comment.

Adjournment:

There being no further business or discussion, Mr. Adams moved to adjourn the meeting. Ms. Scott seconded the motion. The motion passed by the following vote:

AYES: Adams, Kuczek, Kustus, Scott, Speckmann (5)

NAYS: None (0)

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jeri Cotton
Secretary