

Board of Zoning Appeals

Minutes of Public Hearing

March 2, 2021

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, March 2, 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

Karen Bezman

Herb Kessel

Ted Kuczek

Matthew Kustus

Absent was:

Karen Scott

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 1256 Rosewood Avenue – Minimum Accessory Structure Property Line Setback

Ch. Speckmann confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioner, Jonathan Strouse was sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 2.03-C of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 5 IN CHESTERFIELD'S LAUREL HILL UNIT 9 PHASE ONE. BEING A RESUBDIVISION OF LOT 5 [EXCEPT THE EAST 150 FEET AND EXCEPT THE NORTH 30 FEET THEREOF. LOT 6 [EXCEPT THE EAST 135 FEET AND EXCEPT THE SOUTH 40 FEET THEREOF]. LOT 36 [EXCEPT THE NORTH 30 FEET OF THE EAST 30 FEET THEREOF] AND ALL OF LOT 35 IN J.S.HOVELAND'S 1ST ADDITION TO DEERFIELD BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1924 AS DOCUMENT NUMBER 248380 IN BOOK 'N' OF PLATS PAGE 56, IN LAKE COUNTY ILLINOIS.

Said Property is Commonly Known as 1256 Rosewood Avenue, Deerfield, Illinois.

The variation, if granted, would permit the construction of a storage shed approximately 3.5 feet from the west side property line in lieu of the minimum 10 feet specified in the Deerfield Zoning Ordinance.

Mr. Strouse explained when the 10x12' storage shed on the side of their house, which has been there for decades, was deteriorating so they removed it. The 10x12' concrete slab remains in the same location. He would like to replace the shed with a new 8x11' shed with reinforced sides. Mr. Strouse spoke with Mr. Case, who indicated the shed has to be a minimum 10 feet from the house and 5 feet from the lot line. Mr. Strouse explained if he complied with the Ordinance, the shed would be only 5 feet wide because there is only 20 feet from the lot line to the house. He noted the request is for an 8-foot wide shed, which is smaller than the previous 10 foot wide shed.

Mr. Case explained they are asking for a shed that is 3.5 feet from the property line in lieu of 10 feet. Ch. Speckmann noted most of the Zoning Ordinance embraces a 5-foot clearance between the property line and an auxiliary structure. In the R1 PRD zone, it is supposed to be 10 feet; however, the Zoning Ordinance does not specifically address auxiliary structures in the R1 PRD District. Ch. Speckmann explained the petitioner is looking to push the shed back to where it would normally be in the other Zoning districts, except for a 2 foot variation.

Mr. Adams noted the submittal has information on fencing. Mr. Strouse explained the 6-foot high stockade fence that replaced a 6-foot high stockade fence is 2 years old. The fence hides the shed.

Mr. Case asked about the distance from the fence to the shed. Mr. Strouse explained the concrete pad is 10 feet wide. The shed can be moved anywhere within the 10 foot pad. Mr. Case explained the legal description was written as 3.5 feet. Mr. Kessel asked about the color of the shed. Mr. Strouse noted the shed will be hatbox brown with a delicate white trim. The roof will be shingled. Mr. Kessel asked about the height of the shed. Mr. Strouse believes the height will be 7.5 feet high. Mr. Kessel expressed concern as a portion of the shed will be visible from the street, over the fence. Mr. Strouse explained they have bushes and trees that will help obscure the shed.

Mr. Kustus noted sheds do not need to be placed on concrete slabs. It is convenient that you have an existing concrete slab. Mr. Strouse explained the shed has to be bolted down, but does not know whether it has to be placed on concrete.

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

Mr. Kessel moved to recommend the Board of Trustees approve a variation for relief from Article 2.03-C of the Deerfield Zoning Ordinance to allow the construction of a storage shed approximately 3.5 feet from the west property line in lieu of the minimum 10 feet specified in the

Deerfield Zoning Ordinance. Mr. Adams seconded the motion. The motion passed by the following vote:

AYES: Adams, Bezman, Kessel, Kuczek, Kustus, Speckmann (6)

NAYS: None (0)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their April 5, 2021 meeting.

Public Hearing for 1 Waukegan Road – Monument Sign Modification

Ch. Speckmann confirmed the mailings were in order for this petition and the Public Hearing was properly advertised and listed. The petitioner, Art Solis from North Shore Sign, representing Anil Amiani, President of Fahd Amoco, was sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 9.02-b, 15, (2), (3) & (5) of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 1 IN JOHN A. MALLIN SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 43 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART TAKEN FOR WAUKEGAN ROAD PER DOCUMENT 1758241), IN LAKE COUNTY, ILLINOIS.

Said property is Commonly Known as 1 Waukegan Road, Deerfield, Illinois.

The modification, if granted, would permit the construction of a new light emitting diode (LED) ground sign with a single sign face area of 51.02 square feet in lieu of 32 square feet and an aggregate sign face area of 82.04 square feet in lieu of 64 square foot area specified in Article 9.02-b, 15, (2).

A ground sign height of 16 feet in lieu of 6 feet with a sign face separation of 13 inches in lieu of the 12 inches specified in Article 9.02-b, 15, (3) of the Deerfield Zoning Ordinance.

Two fuel price displays, one for unleaded and the second for diesel, in lieu of the one display limit specified in Article 9.02-b, 15, (5).

Mr. Solis explained the original sign on the corner was hit by a car, so there is a small aluminum sign that shows the fuel pricing. They are looking to install a new sign, similar to the other BP station in Deerfield. The only difference is the proposed sign would have the unleaded gas price as well as the diesel fuel price. Mr. Solis explained this is the only gas station in the Village that offers diesel fuel and the owner would like to ensure people are aware diesel fuel is available.

Mr. Case explained the petitioner is also seeking variations on the size of the face, the separation of the faces, the height of the sign and the additional price. He noted the BP station at 1460 Waukegan Road, visually, would be the same except for the additional price display.

Mr. Kessel asked about the location of the new sign. Mr. Solis explained the sign would be moved 5 – 8 feet south of the original location to keep it away from the traffic that turns within the driving area for the fuel pumps. They propose adding additional bollards to help protect the sign base. Mr. Kessel noted the sign would be very close to the intersection of Lake Cook and Waukegan Roads. Mr. Solis explained the site plan shows the sign is 27 feet away from the curb.

Ch. Speckmann confirmed the temporary sign was in the same location as the former sign. He indicated there are a number of distractions at that location, including power poles and the traffic control cabinet. Ch. Speckmann asked if the new sign would be high enough to miss what is currently there. Mr. Solis explained they determined the location so the main portion of the sign is above the traffic control cabinet. The traffic control cabinet is 6 feet high.

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

Mr. Kuczek noted the base of the sign is the same size as the top of the sign. Given the location on the corner, he finds the 3-foot-wide masonry sign base problematic. Mr. Solis noted the sign size is the same as the BP at 1460 Waukegan Road. Mr. Kuczek explained this is a corner, and vehicles making a right turn would have the sign as well as the electrical box and other things to potentially block the view. Ch. Speckmann does not believe the sign would be detrimental, but adding the sign to the power poles and traffic control cabinet could add to the challenge. Mr. Solis does not believe the proposed sign would be a hindrance; rather, it would be the existing three poles and electrical box. The proposed sign was moved so there would be clear visibility.

Mr. Kuczek moved to recommend the Board of Trustees approve the construction of a new LED ground sign for BP, including the sign size, separation, height, location and two fuel prices as presented. Mr. Adams seconded the motion. The motion passed by the following vote:

AYES: Adams, Bezman, Kessel, Kuczek, Kustus, Speckmann (6)

NAYS: None (0)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their April 5, 2021 meeting.

Public Hearing for 520 Brierhill Road – Minimum Established Front Yard Setback

Ch. Speckmann confirmed the mailings were in order for this petition and the Public Hearing was properly advertised and listed. The petitioners, Mike Hagenson, representing 520 Brierhill LLC, was sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 2.02-D, 1 of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 12 IN BRIERHILL SUBDIVISION. A SUBDIVISION OF THE WEST ½ OF THE EAST ½ OF THE NORTHEAST ¼ (EXCEPT THE NORTH 8.10 CHAINS THEREOF) AND THE

NORTH 594.60 FEET OF THE EAST 60 FEET OF THE EAST ½ OF THE WEST ½ OF THE NORTHEAST ¼ ALL IN SECTION 33, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1923 AS DOCUMENT 222755 IN BOOK “L” OF PLATS, PAGE 65, IN LAKE COUNTY, ILLINOIS.

Said property is Commonly Known as 520 Brierhill Road, Deerfield, Illinois.

The variation, if granted, would permit the razing of the existing residence currently located 144.38 feet from the front property line and reestablishment of a new home with a 106.38-foot front yard in lieu of the 166-foot setback established by averaging as specified by the Deerfield Zoning Ordinance.

Mr. Hagenson is seeking a variance to reduce the front yard setback from 166 feet to 106.38 feet in order to construct a new single-family home on the lot. He discussed pictures from his submittal that show the site conditions. The aerial photographs show a creek that runs through the west portion of the lot. The creek is at a relative low point in the local topography and serves as a drainage point for a significant portion of the Briarwood golf course. The lot experiences ponding during periods of heavy rain. Mr. Hagenson explained the creek cannot be relocated without causing potential water consequences to neighboring properties. He noted the 2500 square foot home’s existing front yard setback is legal non-conforming at 144.38 feet. During times of heavy rains, the creek has ponded enough to cause water to encroach up to the building line of the existing home.

The petitioner seeks a variance to move the home further east on the lot, away from the topographical high water mark which currently sits somewhere near the rear patio. Mr. Hagenson noted the site plan shows an overlay of the existing structure with the proposed new structure at the requested front yard setback. The site plan also shows the required front yard setback at 166 feet. Mr. Hagenson explained the Village has taken the position that any new home footprint cannot extend back (west) into the lot beyond where the current home’s rear building line sits. The required setback combined with the Village Engineer’s opinion would require the home to be no deeper than 27.5 feet, which would be unreasonable to construct. In addition, the rear building line would still be subject to the same water ponding issues that currently exist. The requested variance would allow the petitioners to build a reasonable home and move the rear building line in the front yard setback east beyond the high water line while maintaining the existing drainage patterns.

Mr. Hagenson showed an exhibit that shows the setbacks of the neighboring properties. The requested variance has precedents among the immediate neighbors as many of the properties have substantially reduced front yard setbacks that are substantially similar to the setbacks requested by the petitioner. The requested front yard setback is identical to the adjacent neighbor to the south at 510 Brierhill Road. Mr. Hagenson noted several other neighbors have front yard setbacks that are substantially less than the Ordinance required 166-foot setbacks.

Mr. Hagenson believes the petition meets the seven standards required under Article 13, Section 13.07-E of the Zoning Code. 1. The home with a reduced front yard setback is a permitted use in the R1 district. 2. The topographical and drainage features that burden the lot are unique to the property and deprive the site of its full beneficial use by causing water ponding to encroach on the building. 3. The creek drainage is detrimental on the lot and not self-imposed by the petitioner. He noted there may be some objections noting the water issues have occurred for decades, well before the petitioner purchased the property. 4. The strict application of the provisions in the Zoning Ordinance would deprive the petitioner of reasonable use of the land. Without the variation, the petitioner would be unable to construct a typical home with a typical rear yard, that is consistent with the area and not subject to the water issues caused by the creek. 5. The requested variation of a front yard setback of 106.38 feet is the minimum variation necessary to construct a reasonable and typical-sized home with a usable backyard without flooding and water issues. 6. The granting of the variation is not detrimental to the public welfare and is similar or identical to many other front yard setbacks including the adjacent house that is not affected by the water issues. 7. The proposed variation is not detrimental to the neighborhood and does not have a negative impact on traffic or pose a public safety concern. Mr. Hagenson noted the homes on the east side of the street have front yard setbacks substantially less than the requested 106.38-foot setback. Prior to purchasing the lot, the petitioners discussed the possibility of building a house on the property with the Village Engineer and a civil engineer. The parties consulted did not believe building a new home further east on the lot would have a negative impact on the flooding issues. The petitioner's civil engineer felt the new home would improve the current situation. Mr. Hagenson noted the Village is aware of the water ponding issues and concerns voiced by the neighbors.

Mr. Kessel asked how the 27.5-foot measurement for a home without the variance was determined. Mr. Hagenson explained with a front yard setback at 166-feet, the rear building line is the furthest west a new structure could extend. With the Ordinance setback at 166-feet and the building line at the existing structure location would allow a 27.5-foot-deep house. Ch. Speckmann noted a normal setback in the R1 District is 50 feet if there was not a unique situation of water in the backyard. If there was not a water challenge, there would be about 200 feet of possible building area with a front yard setback of 166-feet. The Village engineer's restrictions squeeze down the building pad of what would have been a normal opportunity to construct a house on the site.

Mr. Kustus asked about the anticipated total depth of the house if the variance were granted. Mr. Hagenson noted they are still in the planning stages, but anticipate the footprint of 4000 or 4200 feet with a normal-sized, usable backyard. The side yard setback requirements reduce the building envelope to 75-feet, so the house would be about 55-feet deep by 75-feet wide.

Mr. Lichterman noted the Village received several written comments prior to the meeting. The comments have been shared with the BZA members and the petitioner. The comments received prior to February 19, 2021 were posted online as part of the agenda. Comments received after February 19, 2021 will be read at this meeting.

Mr. Lichterman read a letter from Linda and Charles Dawe who live across the street and oppose the variation. Mr. and Mrs. Dawe built their home 20 years ago, consistent with the existing Zoning regulations. If a new structure is built 38 feet closer to the street, their enjoyment of air and light will be diminished, the sun will be obscured sooner in the west and much sooner if the two-story house is built where a distant one-story residence now exists. Mr. and Mrs. Dawe have worked hard to add plantings in the front yard and believe a new home looming over them will threaten their substantial investment in their property. The Dawes do not believe it is in anyone's best interest to have a temporary developer force the neighborhood to compress itself. They believe allowing the variations would establish a dangerous precedent that would lead to more water damage and have a negative effect on the neighbor's property values. Mr. and Mrs. Dawe asked the BZA to give careful thought to the property tax base represented by Brierhill Road Village economics as well as the aesthetics and healthy drainage. Mr. and Mrs. Dawe noted the petitioners made a deceptive statement in their February 8, 2021 registered letter in regard to the requested variations. They wrote that the 106-foot setback is "equivalent to the front yard setback of the property's immediate neighbor". That is a false equivalency as the neighbor's addition is less than 30-feet wide. The petitioner's plan is probably 3 times wider. Mr. and Mrs. Dawe believe the deception should disqualify the petition. They asked the BZA to recommend the Village Board reject the request for the sake of the Village's character, valuation and desirability.

Richard Sacks and Louise Todero, 510 Brierhill, are 22-year residents. He believes the petitioner's characterization of ponding is incorrect, as it is a flood that moved up to the property structure. The petitioner mixed the addresses to get front yard setbacks on both sides of the street, to make it appear more favorable for the petitioners. Mr. Sacks received a variance in 2004 for a garage extension that was parallel to an existing garage wall and is completely screened by a densely wooded area. He believes the idea of a new structure being moved within 160-feet of the block versus the variance he received is not comparable in any way, shape or form. Mr. Sacks noted the property was previously under contract, but the potential buyer backed out of the contract after having an engineering study completed. He is concerned that the existing structure has an underground basement that is less than 14-foot-wide. The structure would go from 2800 square feet to 4200 square feet with a regular, full-size basement causing an enormous amount of permeable soil to be displaced. Mr. Sacks provided photos that show a hard rain would cause runoffs to adjacent properties to the north and south. He expressed concern because the neighborhood does not know the proposed size or plans for the home and the displacement of the soil. Mr. Sacks has watched the flooding on the petitioner's property and thankfully it has stopped right at his property. He noted the builder acquired the property at a bargain price, knowing all of the inherent problems. Mr. Hagenson noted the characterization that he gave inaccurate addresses is not correct. The only odd address was a corner lot. Mr. Sacks noted the corner property also encountered drainage issues, but their drainage issues pale in comparison to the petitioner's property. There is a reason the petitioner's property sold for approximately \$200,000 below market value. Mr. Sack's asked how the neighbors will learn what steps are being taken to mediate or control the problem or confine it so the people who buy the newly-constructed house only have to live with water flooding their entire backyard.

Ch. Speckmann explained the BZA is considering the request for a front yard variation. If the true application of the Ordinance is placed on the property, there will not be any building pad left to construct the house.

Steven Schwartz lives at 532 Brierhill, immediately north of the subject property. He believes the petitioner's request is totally unreasonable in regards to the character of the neighborhood. It impairs and deprives his property of light and air. The existing property has a single-story home that is set back similar to his property. By moving the home up 60-feet would deprive his front yard of light and air, which is against the Ordinance and in contradiction of why he bought his home. Mr. Schwartz has a beautiful front yard. Allowing the petitioner to construct a structure more than one story would impair the light and negatively affect the value of his home. He noted the petitioner acquired the home with full knowledge of the Zoning restrictions and believes there are engineering solutions that can be implemented. Mr. Schwartz believes the petitioner needs to comply with the Ordinance and have 166-foot setbacks and a 50-foot backyard. If they want to construct a new home, it should be within the existing footprint. Mr. Schwartz noted the variations should be denied because they not only deprive himself, but also at least 20 additional neighbors who have objected to the granting of the variance. He noted the petitioner stated he is entitled to a normal backyard. The existing home may not have a normal backyard but has a front yard that is more gracious than most of the street. Mr. Schwartz questioned why the petitioner is entitled to more than anyone else on the street.

Susan Spinello, 511 Brierhill, noted the variance granted for 510 Brierhill was only for a garage. Comparing bringing an entire house forward with a property that only built a garage is not a fair comparison. Ms. Spinello does not believe the setbacks on the east side of the street are equal to those on the west side of the street. In addition, the petitioner is not taking into account the fact that the houses are 300 feet deep and his proposed property is 400 feet deep. Ms. Spinello explained she built her house in 2004 and complied with all of the rules and regulations that were in effect at that time. She believes bringing the petitioner's house forward would crowd the street and deprive the neighbors and those walking down the street of enjoyment. Ms. Spinello noted the property values of all of the homes will decrease. She noted the house at 95 Brierhill received a variance and everyone can see the house is too close to the street. She urged the BZA not to make the same mistake again.

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

Mr. Adams asked if Mr. Schwartz was planning on selling his home. Mr. Schwartz noted his home is currently for sale. Mr. Adams noted the dimensions of Mr. Schwartz' property is 150-feet by 400-feet. Mr. Schwartz explained he acquired the adjacent lot and subdivided it to give him additional space; but that is the size of his lot. Mr. Schwartz noted the footprint of his house is a little less than 4000 square feet.

Mr. Case asked if the members of the BZA were comfortable granting the petition considering the drainage issues. Ch. Speckmann is comfortable because the Village's engineering department would look at the petition carefully to ensure the properties to the north and south would not be adversely impacted by the drainage occurring from the property at the present time.

He noted the Village could recommend adding compensatory storage, digging a pond so the front yard setback remains at the Ordinance required 166-feet.

Mr. Adams noted the petitioner currently does not have a reasonable economic use of the property. The property is unique and he believes the level of water retention on the site is the highest in the neighborhood.

Ch. Speckmann noted this petition is similar to a previous petition. If the petitioner builds further to the west, there will be a need for compensatory storage and some restriction for release of water as it flows to the northeast.

Mr. Adams noted the BZA has received variation requests from three or four homeowners on the west side of Brierhill and does not remember turning any of them down. The difference may be that the flooding is more severe. He questioned why the neighbors did not object in the past. Mr. Adams believes there is a precedent to provide some relief to homeowners on the west side of Brierhill. Mr. Adams is not convinced the solution is allowing a 106-foot setback, but does not believe a 27-foot-wide house is realistic.

Ch. Speckmann noted if a variation is not granted, the petitioner could build a house that is 35-foot tall, 27-foot wide and 75-foot long. The neighbors would not be happy with that outcome. Mr. Adams suggested asking the parties to negotiate something in the middle. Ch. Speckmann noted the BZA has to rule on the petition as presented.

Mr. Kustus expressed concern that the details are not there. He thinks not understanding the three-dimensionality of the house is an issue. The neighbors have brought up the issues of blocking light, an overbearing front elevation and the proximity to the street, but we do not understand what the structure is really going to be. Mr. Kustus has had to deal with compensatory storage on client's properties and understands the economic impact. He asked if the Village Engineer has said the house could not be built beyond the western part of the existing house, even if an outside engineer designs a compensatory storage system. Mr. Case explained the Village Engineer is pretty firm that the house will not move any further west. Mr. Kustus noted that is a physical hardship and the lot is far more impacted by the Village Engineer than any of the neighbor's properties. Working within the boundaries, a 27-foot house may not seem feasible, but a 106-foot setback is equally unfeasible. From a legal standpoint, he believes there should be some adjustment, but without any details on what is being proposed, he has a difficult time granting the variation.

Mr. Case noted the Village Ordinance is clear about practical difficulties, hardships and reasonable use of the land. Mr. Kuczek noted his one-story house is 25-feet by 75-feet. It may not be conducive to the neighborhood, but people can live in a 27-foot-wide house.

Mr. Case noted one of the BZA's standards is that any consideration cannot be wrapped around a monetary base. Mr. Adams senses the BZA does not want to grant the entire petition. Ch. Speckmann asked if the BZA could make an approval contingent upon an actual design that would be more conducive to the neighborhood. Mr. Case explained the Village does not have an

architectural review board and consideration of the architectural design of the structure would not be a reason to make a decision.

Mr. Schwartz noted compensatory storage can be constructed in accordance with the Village Engineer. Mr. Case noted the BZA does not do engineering. Mr. Schwartz noted the height of the proposed house would certainly deprive his lawn from light. Mr. Case explained the height would be governed by the Zoning Ordinance and would not exceed 35-feet to the ridge. He noted the 166-feet is the average setback of all the houses on the west side of Brierhill Road. Mr. Schwartz noted a 27-foot by 75-foot, single story house could be built in the existing footprint. He does not believe a variance should be granted because the petitioner understood the restrictions and economics when he bought the property. Allowing any sort of variance opposes and impairs the value of his lot and the neighborhood.

Charles Dawe explained he and his wife wrote the letter that was read. He believes it is dangerous to accept the variance request without knowing what they want to do. He believes if the variance is granted, a mc mansion would be moved closer to the street and would compromise the property values of all the homes on the street which is contradictory to the well-being of the residents. If the BZA makes this street less desirable it may compromise the tax base of Deerfield.

Mr. Lichterman suggested if the BZA does not believe they have enough information, they could continue the Public Hearing.

Ch. Speckmann moved to accept the petitioner's request to reduce the required 166-foot setback to 106.38-feet and create a buildable footprint. Since the Village engineering department identified they would not allow the construction of anything past what is the west face of the existing residence. Mr. Kessel seconded the motion. The motion did not pass by the following vote:

AYES: Speckmann (1)

NAYS: Adams, Bezman, Kessel, Kuczek, Kustus (5)

Ch. Speckmann noted this would be passed on to the Mayor and Board of Trustees as a failure to recommend approval. Mr. Adams asked if the petitioner could reapply with a reduced footprint. Ch. Speckmann explained the petitioner could also reapply with an actual design that identifies the configuration of the house rather than just a block where they would set up a facility. Mr. Kessel believes the petitioner should provide evidence of what a potential structure would look like. Ch. Speckmann noted the petition would go to the Mayor and Board of Trustees on April 5, 2021.

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.

Ch. Speckmann noted the BZA members are required to complete a Statement of Economic Interest. He suggested checking with the Village if it has not been received.

Ch. Speckmann asked what Oracle has built along the Spur. Mr. Case explained Oracle has a completely separate building with a construction site in the building for the demonstration of software, planning and designing sales.

Document Approval:

Mr. Kuczek moved to approve the minutes from the December 1, 2020 and January 6, 2021 BZA meetings. Mr. Kessel seconded the motion. The motion passed by the following vote:

AYES: Adams, Bezman, Kessel, Kuczek, Kustus, Speckmann (6)

NAYS: None (0)

Adjournment:

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

AYES: Adams, Bezman, Kessel, Kuczek, Kustus, Speckmann (6)

NAYS: None (0)

The meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Jeri Cotton
Secretary