

Board of Zoning Appeals

Minutes of Public Hearing

May 4, 2021

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, May 4, 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

Ted Kuczek

Matthew Kustusch

Karen Scott

Absent was:

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 525 Lake Cook Road - Front Setback Variations for Current and Pending Zoning Reclassification

Ch. Speckmann confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioners, Scott Saef of Sidley Austin LLP and Darren Boundy, External Affairs Manager with ComEd, Chris Kaczor, Electrical Engineer with ComEd and Doug Gotham with Christopher Burke Engineering representing Commonwealth Edison, were 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:

PARCEL 1: LOT TEN (10) IN DOWNEY'S COOK COUNTY COUNTRY HOME ADDITION TO DEERFIELD, A SUBDIVISION OF THAT PART OF THE NORTH HALF OF SECTION FOUR (4), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWELVE (12) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SAID SECTION AND THE EAST LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD COMPANY; THENCE SOUTHEASTERLY ALONG THE SAID LINE OF SAID RIGHT-OF-

WAY ONE THOUSAND ONE HUNDRED SEVENTY-FOUR (1174) FEET; THENCE EAST EIGHT HUNDRED TWENTY-FIVE AND TWENTY HUNDREDTHS (825.20) FEET; THENCE NORTHWESTERLY ONE THOUSAND ONE HUNDRED SEVENTY-FOUR (1174) FEET TO THE NORTH LINE OF SAID SECTION; THENCE WESTERLY EIGHT HUNDRED TWENTY-FIVE AND TWENTY HUNDREDTHS (825.20) FEET ON THE NORTH LINE OF SAID SECTION TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS. EXCEPTING THEREFROM ANY INTEREST IN THAT PORTION THEREOF DESCRIBED AS FOLLOWS: THE NORTH SEVENTEEN (17) FEET OF SAID LOT 10 IN DOWNEY'S COOK COUNTY COUNTRY HOME ADDITION TO DEERFIELD, ACCORDING TO THE PLAT OF EASEMENT FOR HIGHWAY PURPOSES OF LAKECOOK ROAD IN SECTIONS THIRTY THREE (33), TOWNSHIP FORTY-THREE (43) NORTH, RANGE TWELVE (12) EAST OF THE THIRD PRINCIPAL MERIDIAN AND SECTION FOUR (4), TOWNSHIP FORTY-TWO (42) NORTH, RANGE TWELVE (12) EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED APRIL 3, 1930 AS DOCUMENT NUMBER 10627383, IN COOK COUNTY, ILLINOIS. ALSO EXCEPTING THEREFROM THE SOUTH 19.00 FEET OF THE NORTH 36.00 FEET OF LOT 10 IN DOWNEY'S COOK COUNTY COUNTRY HOME ADDITION TO DEERFIELD, A SUBDIVISION OF PART OF THE NORTH 1/2 OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE WESTERLY 1/2 OF VACATED FLORENCE AVENUE, LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 17.00 FEET OF SAID LOT 10 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 36.00 FEET OF SAID LOT 1, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 9 IN DOWNEY'S COOK COUNTY COUNTRY HOME ADDITION TO DEERFIELD, A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JULY 27, 1914, AS DOCUMENT 5464976 IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART THEREOF BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 89°56'31" EAST ALONG THE SOUTH LINE OF SAID LOT 9 A DISTANCE OF 66.28 FEET TO THE POINT OF BEGINNING FOR SAID PARCEL; THENCE NORTH 89°56'31" EAST ALONG THE SOUTH LINE OF SAID LOT 9 A DISTANCE OF 309.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 25°12'54" WEST ALONG THE EAST LINE OF SAID LOT 9 A DISTANCE OF 158.00 FEET; THENCE SOUTH 89°56'31" WEST A DISTANCE OF 133.10 FEET; THENCE SOUTH 37°23'50" WEST A DISTANCE OF 180.15 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3: THE SOUTH HALF OF VACATION FLORENCE AVENUE ACCORDING THE PLAT OF VACATION RECORDED JULY 6, 1975, AS DOCUMENT NUMBER 23142100 EXCEPTING THEREFROM THAT PART LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 36.00 FEET OF LOT 10 IN DOWNEY'S COOK COUNTY COUNTRY HOME ADDITION TO DEERFIELD, A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 4, TOWNSHIP 42 NORTH,

RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JULY 27, 1914, AS DOCUMENT 5464976. ALSO EXCEPTING THEREFROM THAT PART LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF AN EXCEPTION TO LOT 9 IN SAID DOWNEY'S COOK COUNTY COUNTRY HOME ADDITION TO DEERFIELD, AS DESCRIBED IN WARRANTY DEED RECORDED AUGUST 3, 1967 AS DOCUMENT NUMBER 20218486, IN COOK COUNTY, ILLINOIS.

Said Property is Commonly Known as 525 Lake Cook Road, Deerfield, Illinois.

The variations, if granted, would permit the construction of a battery enclosure structure serving the microprocessors within the adjacent substation control building, approximately 21 feet from the northern (front) property line. Both the battery enclosure and the control building would encroach 14 feet into the required R-1, 35 foot front setback and would encroach 29 feet into the required C-2, 50 foot front setback when the C-2 rezoning is completed. The petitioner is seeking front setback variations for both the R-1 and C-2 district specified by the Deerfield Zoning Ordinance.

Mr. Saef explained they have applied for the rezoning to C-2. The proposed battery enclosure is part of a multi-part substation improvement plan. The Appearance Review Commission and Plan Commission were favorable to the improvements. The battery enclosure is needed because the substation is being upgraded as part of ComEd's smart grid initiative. The existing transformers operate on two settings (high and low). The new initiative will allow the transformers to operate more flexibly, in response to demand, which will optimize the voltage flow through the distribution circuits as efficiently as possible. If the power goes out, there needs to be a battery backup to make the equipment work. There is not enough room in the existing substation control building for the batteries.

The substation needs to be close to the existing control building as further distance makes the equipment and voltage flow more cumbersome and inefficient. The battery enclosure has been set back from the buried northern electrical power feed pipeline as far as possible. It is approximately 5 feet from the fence line.

Mr. Saef showed the landscape plan, which shows a two-phased screening plan the north and east side of the facility.

Mr. Gotham of Christopher Burke Engineering explained they have five varieties of shrubs that will go in at 3-4 feet and grow to 8-10 feet. The northern portion will be phase 1 and the eastern portion will be phase 2. There will be a row of arbor vitae at the south property line, which have been offset 10 feet from the fence line for security reasons. Mr. Gotham explained they are as close to the sidewalk as possible.

Mr. Saef explained they have spoken with Mr. Blittstein from the shopping center to the east, who expressed concern about the corner shrubs on the northeast corner causing a visual impact.

Mr. Saef explained they provided the Plan Commission with an alternate landscaping plan, which was included in their recommendation.

Ms. Scott asked if the Board was voting on the variations or the rezoning as well. Mr. Case suggested considering the variations separately. He asked if the landscaping change would go back to the ARC. Mr. Saef explained they did not receive that direction.

Ch. Speckmann asked why the battery enclosure was not attached to the existing building, and made a more permanent structure out of masonry. Mr. Kaczor explained the battery enclosure would take up real estate in the control building that is already being utilized.

Ch. Speckmann expressed concern that the building materials of the battery enclosure may be easily compromised. Mr. Kaczor explained the thickness of the building is robust.

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

Mr. Adams moved to recommend the Board of Trustees approve a variation to permit the construction of a battery enclosure structure serving the microprocessors within the adjacent substation control building, approximately 21 feet from the northern (front) property line. Both the battery enclosure and the control building would encroach 14 feet into the required R-1, 35 foot front setback. Ms. Scott seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Mr. Adams moved to recommend the Board of Trustees approve a variation to permit the construction of a battery enclosure structure serving the microprocessors within the adjacent substation control building, approximately 21 feet from the northern (front) property line. Both the battery enclosure and the control building would encroach 29 feet into the required C-2, 50 foot front setback when the C-2 rezoning is completed. Mr. Kustus seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their June 7, 2021 meeting.

Document Approval:

Mr. Kuczek moved to approve the minutes from the March 2, 2021 BZA meetings. Mr. Kustus seconded the motion. The motion passed by the following vote:

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

NAYS: None (0)

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Adjournment:

There being no further business or discussion, Mr. Kuczek moved to adjourn the meeting. Ms. Scott 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 7:58 p.m.

Respectfully submitted,

Jeri Cotton
Secretary