

Board of Zoning Appeals

Minutes of Public Hearing

May 16, 2023

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, May 16, 2023 at 7:30 p.m. at 850 Waukegan Road, Deerfield, Illinois. The meeting was called to order at 7:30 p.m.

Present were:

Chairman Pro Temp Len Adams

Michael Gold

Mark Horne

Herb Kessel

Matthew Kustus

Gary Thalheimer

Absent was:

Chairman Bob Speckmann

Also present:

Andrew Lichterman, Assistant Village Manager / Director of Community Development

Clint Case, Building and Code Enforcement Supervisor

Mr. Kessel moved to appoint Mr. Adams as Chairperson Pro Temp. Mr. Kustus seconded the motion. The motion passed unanimously on a voice vote.

Public Comment:

Mr. Adams explained a comment was received before the meeting.

Business:

Public Hearing for 855 Fair Oaks Ave. - Detached Accessory Structure Setbacks Variation

Mr. Gold moved to open the Public Hearing. Mr. Kessel seconded the motion. The motion passed unanimously on a voice vote.

Ch. Adams confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioner Tom Zelski and Andrew Venamore were sworn in.

Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 2.03-D (3) and (5) of the Deerfield Zoning Ordinance for the property legally described as follows:

PARCEL 1 LOTS 72, 73, 74 AND 75 IN BLOCK 4 IN DEERFIELD PARK LAND AND IMPROVEMENT ASSOCIATION SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 1898 AS DOCUMENT 70892, IN BOOK "D" OF PLATS. PAGES 64 TO 67, INCLUSIVE, IN LAKE COUNTY, ILLINOIS. PARCEL 2 THE WEST ½ OF THE ALLEY LYING EAST OF AND ADJOINING

PARCEL 1 AS VACATED BY ORDINANCE BY THE VILLAGE OF DEERFIELD, A COPY OF SAID ORDINANCE RECORDED FEBRUARY 12, 1915 AS DOCUMENT 157539, IN LAKE COUNTY, ILLINOIS.

Said property is commonly known as 855 Fair Oaks Avenue, Deerfield, Illinois.

The variation, if granted, would permit the demolition of the existing 12.25' x 18.45' garage currently separated from the principal structure by approximately 10.00' and replacing the previously mentioned garage with a new 22.00' x 26.00' garage separated from the principal structure by 6' in lieu of 10' and side and rear property lines by 2.0' in lieu of 5.0' as specified in the Deerfield Zoning Ordinance.

Mr. Venamore explained the project would provide a detached garage for the property at 855 Fair Oaks Avenue. There is currently no covered area to park their vehicles or a driveway to access the shed structure. The proposal would provide a garage with a driveway as well as a connection into the storm sewer. The variations include a reduction to the side and rear setbacks. Mr. Venamore explained the lot orientation requires the garage to be located in the proposed spot and would require the removal of fewer trees. The proposed design would mirror the house to create a sense the garage was built along with the house. The proposed width is 26 feet which will give the homeowners additional storage. The variation is tied to the orientation of the house and how the trees layout currently. Mr. Venamore believes this is the best location.

Mr. Zelski spoke with Mrs. Schneider, the neighbor to the south, who expressed concern about the drainage, which will be addressed through the Village's requirements. Another neighbor is in support of the project.

Mr. Thalheimer asked about the one-hour rating requirement. Mr. Venamore explained it is part of the Village Code. Mr. Thalheimer asked what would happen if the second floor would be used differently. Mr. Kustus explained they will need UL certification; however, the accessory building must be a storage space. The actual use does not actually come into context.

Mr. Gold asked if Mrs. Schneider was satisfied with the plan. Mr. Zelski presented the plan to Mrs. Schneider who was in favor of the proposal as long as the drainage was addressed. Mr. Gold noted a standard garage is 22' x 22' and asked if the size could be closer to compliance if the garage were made smaller. Mr. Venamore explained a standard size garage would still require a variance. He noted the smaller garage would not allow two vehicles to get inside the garage. The reason the garage was pushed to the back was to allow for additional storage. He looked for different locations, but did not find any other practical locations. The proposed location would still be difficult to enter and exit the garage. Mr. Gold asked about the staircase inside the garage. Mr. Venamore explained it leads to a second-floor attic.

Mr. Horne asked if the existing shed would be removed. Mr. Venamore explained it would be removed. He spoke with the Village Engineers who are requiring boring underground to keep the existing trees. Mr. Horne suggested moving the garage closer to Springfield to eliminate the long driveway over the storm sewer. Mr. Venamore explained that would block the home and

some large existing trees would have to be removed. Mr. Kustusch explained that would require the homeowner to walk all the way around the house.

Mr. Kessel asked how the finished structure would appear. Mr. Venamore explained the homeowners want the new structure to compliment the home. He noted the proposed colors would mirror what exists on the home and the demolition and construction would take 2-3 months.

Mr. Kustusch was unable to find an alternate location. He noted the Village Engineering department will require additional impervious surface to make up for the additional unit. Mr. Kustusch suggested installing an 18' garage door rather than a 16' garage door for access.

Ch. Adams noted the one overriding issue is to determine whether this is the minimum necessary size. The proposal is larger than a standard garage and has a second story for storage. He reported there are a number of homes in Deerfield with a one-car garage. Mr. Venamore noted the second story is less important. Everything is compliant except the setbacks. The setback requirements are not impacted by the second story. The second story was added for storage and to get the garage to look similar to the existing house. The height is not as much of a factor. Ch. Adams noted the use would be for storage.

Mr. Kessel moved to close the information gathering portion of the Hearing. Mr. Kustusch seconded the motion. The motion passed unanimously on a voice vote.

Mr. Gold asked how the minimum necessary adjustment is addressed and what it means to have a goal of a minimum adjustment necessary. A one car garage could comply with the Village Code. Mr. Gold understands why the petitioner wants a covered garage but questioned how it is weighed. Ch. Adams asked if Mr. Gold believes the petitioner could get a two-car garage in the space but not as large or tall. Although the height is not a factor, it is part of the overall size. The question is whether the BZA believes the petitioner could create a garage in less space. The petitioner wants additional storage, so they are building up. Ch. Adams noted there is another garage on the property line from another property owner. The BZA should not be looking at it. Mr. Horne noted the adjacent property is a garage and the proposed garage would not be looking into the adjacent home. Ch. Adams believes it is a fire issue with the 2-foot setback. Mr. Kustusch noted in the City, it is not an issue. The code is if the property is within 10 feet, they need a fire rating. He does not believe the second floor is an issue and the roof design is appropriate and a 2-car garage is the standard. One-car garages are detrimental to property values. He does not look at the minimum as a one-car garage. The minimum size for a 2-car garage is 16', but the maneuverability does not allow two cars to comfortably enter and exit the garage. Mr. Kustusch believes a 24-25' width is warranted because of the condition and other factors. He believes the overall width is warranted because of the swing access to the garage. The second story is not a factor; rather, it is a comfortable design for daily use. An 18' garage door is a good idea as well.

Mr. Thalheimer is concerned about the total distance between two existing structures. He questioned whether this will set a precedent. Mr. Kustusch noted every case has to be considered

separately. Ch. Adams noted this case is a very unique situation. If the side and rear yard variations were granted, he questioned whether the distance between the house and garage could be increased. Mr. Venamore explained it would not be possible to access the structure if the garage were moved to the west. Mr. Horne asked if the depth could be reduced to 20'. Mr. Venamore explained a 20' garage would make it very difficult to maneuver.

Mr. Kessel moved to send a favorable recommendation to the Mayor and Board of Trustees. Mr. Horne seconded the motion. The motion passed by the following vote:

AYES: Gold, Horne, Kessel, Kustus, Thalheimer, Adams (6)

NAYS: None (0)

Mr. Lichterman explained the recommendation will go to the Village Board on June 5, 2023.

Document Approval:

Mr. Kessel moved to approve the minutes from the April 19, 2022 BZA meetings. Mr. Horne seconded the motion. The motion passed unanimously on a voice vote.

Adjournment:

There being no further business or discussion, Mr. Kessel moved to adjourn the meeting. Mr. Horne seconded the motion. The motion passed unanimously on a voice vote.

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Jeri Cotton
Secretary