

Board of Zoning Appeals

Minutes of Public Hearing

June 15, 2021

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, June 15, 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

Herb Kessel

Ted Kuczek

Matthew Kustusich

Karen Scott

Absent was:

Karen Bezman

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 330 Pine Street – Minimum Side Yard Setback Variation

Ch. Speckmann confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioners, Joe and Sue Gutstein and architect Sam Kang with Airoom Architects & Builders were sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from the strict interpretation of Article 4.03-F,3,b of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 64 IN THIRD ADDITION TO DEERFIELD PARK, UNIT NO. 1, BEING A SUBDIVISION IN THE WEST ½ OF THE S.E. ¼ OF SECTION 32, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED DECEMBER 22, 1958 AS DOCUMENT 1015141, IN BOOK 34 OF PLATS, PAGE 96, IN LAKE COUNTY, ILLINOIS.

Said Property is Commonly Known as 330 Pine Street, Deerfield, Illinois.

The variations, if granted, would permit construction of a one-story garage addition, containing a one car stall, an office and a laundry room, to be located on the south side of the existing home, extending south to within 6.083 feet of the south side property line, in lieu of the minimum 8 feet, specified in the Deerfield Zoning Ordinance.

Mr. Kang explained the homeowners would like to reduce the size of the side yard setback on the south side of the property from the required minimum of 8 feet down to 6 feet 1 inches. The existing residence currently has a one-car attached garage. They propose adding a second one-car garage adjacent to the existing garage on the south side of the property. Mr. Kang explained the north side has a 14.15-foot setback, so with the requested setback reduction, they would still have a combined setback greater than the required 20 foot minimum.

Mr. Gutstein explained they are long-time Deerfield residents and their one-car garage is substandard to a normal size garage. They propose adding a second car garage where they can park a vehicle. To get a proper sized garage, they need to go to 6-foot, 1-inch toward their side yard in lieu of the required 8 feet. Mr. Gutstein explained there would be added benefits if they could add the garage, including increasing the value of the house and surrounding properties. Mr. Gutstein noted his neighbors have similar or lesser setbacks, so he does not believe it is unprecedented. He spoke with his neighbor to the south, who did not have any issues with the proposed garage addition. Ms. Gutstein explained their existing garage is not usable and would like a functional garage. Mr. Kang went through the seven standards for the variation.

Ms. Scott understands the need for a garage, but questioned the uniqueness of the property. A number of houses in that neighborhood have additions with additional garages, but they were originally built with one-car garages. Therefore, the property itself does not address the uniqueness of the property. How the garage is cited on the property, however, is unique. Mr. Gutstein noted the existing one-car garage is substandard as they cannot park a full-size vehicle. Mr. Case explained if the existing garage door has an 8-foot door and 1.5 feet on either side of the door, it would be considered a standard one-car garage. Ch. Speckmann explained in looking at the floor plan, if the existing garage is substandard at 11 feet, 3 inches, the new garage is even more substandard at 11 feet. The standard depth is 16 to 18 feet. Ms. Gutstein explained the depth of the garage has a raise concrete lip, so they cannot pull all the way into the garage. She believes their situation is unique because they are at a big disadvantage to their neighbors. Ch. Speckmann explained uniqueness rides with the property, not with personal desires or wishes. It has to be unique to the property that does not allow you to utilize the garage in the same manner your neighbors would be able to utilize their garages. Ch. Speckmann asked where the uniqueness is and how it stops the existing homeowner from using their property in a similar manner to their neighbors. He likes the proposed design features.

Ch. Speckmann noted in the submittal for variance it was noted, but it was never utilized. Ms. Gutstein explained when they moved into the house almost 25 years ago, they wanted a 2-car garage but fell in love with the house.

Mr. Kustus asked if there are alternatives that would not require a variance. He noted a tandem garage could be an option. That is an addition behind the existing garage, which could

be used for an additional car. He noted the existing architecture is different than the lot itself. Mr. Gutstein explained they could not go behind, as it would be disputed by their neighbor to the south. Their neighbor did not want the petitioners to go beyond their house, because they use their patio and do not want to look straight into a garage wall. Ms. Gutstein explained they love the look of their house and believe it changes the aesthetics and desirability of their house. Ms. Scott explained that is why she was trying to go with the uniqueness of the property rather than the uniqueness of the house rather than the garage does not meet your needs. Mr. Kustus explained the Board members have to be objective rather than subjective. Ms. Gutstein does not believe she is asking anything she is not seeing on other properties or anything fancy. Mr. Gutstein does not believe it is unprecedented. Ms. Gutstein noted their neighbors to the north asked for less space than they are requesting. Ch. Speckmann explained the Board members are wrestling with this, and that is why they have the seven standards.

Mr. Kessel asked why a vehicle cannot fit into the existing garage. He assumed there was an inspection when they purchased their home. Mr. Gutstein explained their vehicle has been on the driveway for 24 years. Parking a vehicle is impeded by a raised lip not allowing them to pull a car fully into the garage. In addition, once a car is in the garage, there is barely enough room to open the door to get out and move around the car. They are also unable to open the house door. Mr. Kang explained most new garages are 19 feet to 19 feet 8 inches. This garage is between 15 and 16 feet. Most average size cars are 16 feet. He believes this substandard garage is unique to the house.

Mr. Kessel asked if the lip at the end of the garage would be removed when the new garage is constructed. Ms. Gutstein explained the lip would not be removed, but they would be able to use both spaces to go around the corner to the door. Mr. Kessel asked when this issue was discovered. Ms. Gutstein explained they found it easier to park on the driveway. Now that they are getting older, they found the need for a garage. They did not consciously think about it until they thought about adding the second garage. Ms. Gutstein noted they just lived with the challenge as they could not exit their vehicle. Mr. Gutstein explained when they originally bought the house, they were told an addition was an option.

Mr. Adams explained if you stand in their backyard and look north and east, there are garage portions that are clearly less than eight feet on both sides of the street. It may not have been unique when the house was built, but it is unique now. Mr. Adams believes the proposal is a good solution to a tricky problem. He does not believe there are many houses with tandem parking in Deerfield. Mr. Adams believes there is sufficient uniqueness. He looked at the possibility of having a single 16-foot garage door, but believes the roofline would be tricky. Ms. Gutstein would build an addition with a large garage door, but would like to keep the integrity of the house. Mr. Adams does not believe there is anything unreasonable about matching what other houses have. There are clearly houses that would not meet the side yard setback. The petitioner is asking for something and they are trying to be creative.

Jeff Andreson, 324 Pine Street, is the neighbor to the south. He asked about the previously approved variance. Ch. Speckmann noted he does not have the documentation, but that was a statement that was made. Mr. Andreson believes if it was approved over 24 years ago, he is

unsure why it will not be approved now as nothing has changed. He noted as the neighbor to the south, his home would be the most affected and he is okay with the requested two-foot variance. Mr. Andreson is okay with how far back into the property the addition would extend; however, he is strongly opposed to the possibility of a tandem garage. He is unclear why it is not okay to just allow the exception versus forcing a less desirable solution that fits within the Zoning Ordinance.

Mr. Kuczek noted the Board of Zoning Appeals is a recommending body. If the BZA's standards cannot be met, the petitioners can try to appeal to the Mayor and Board of Trustees. The BZA is restricted to uphold the standards. Ch. Speckmann also noted the petitioner would lose the huge tree that would have to be replaced. Ms. Gutstein explained they are not going to take down the tree. Ch. Speckmann explained the tree would probably not survive within a year after construction, and wanted the petitioners to be aware.

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

Mr. Kessel moved to recommend the Board of Trustees approve a variation to permit the construction of the proposed garage addition as presented.

Ms. Scott explained this initially looked simple. Although the Board does not necessarily follow a precedent for variances that have been approved in the past, they are held to seven standards. She asked if uniqueness of the property means land property or house property. Mr. Case explained it is a unique or unusual siting of the existing structure. Ms. Scott questioned whether siting includes the size of the one car garage. Ch. Speckmann noted the uniqueness of the property is that the house with the addition will be closer to the south property line than the north property line. If you take the aggregate of the north and south property setbacks and add them together, it would equal the 20-foot minimum required by the Zoning Ordinance. The problem is the minimum that one of the side yards has to be 8-feet. The request is for 6.1 feet. Mr. Kustus explained the uniqueness is that the garage is off center, so they do not have enough room for the minimum amount for the additional bay.

The motion passed by the following vote:

AYES: Adams, Kessel, 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 July 19, 2021 meeting.

Document Approval:

Mr. Kessel moved to approve the minutes from the May 4, 2021 BZA meetings. Ms. Scott seconded the motion. The motion passed by the following vote:

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

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NAYS: None (0)

Adjournment:

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

AYES: Adams, Kessel, Kuczek, Kustusch, Scott, Speckmann (6)

NAYS: None (0)

The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Jeri Cotton
Secretary