

Board of Zoning Appeals

Minutes of Public Hearing

July 20, 2021

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, July 20, 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

Absent were:

Ted Kuczek

Matthew Kustus

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 1405 Hazel Avenue – Maximum front yard fence height modification

Ch. Speckmann confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioners Carlos Mercado and Elsa Sanchez were sworn in.

Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 2.04-h,3,a of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 1 IN RESUBDIVISION OF PART OF WEST DEERFIELD MANOR, VACATED PARK LANE AND VACATED PUBLIC PARK IN THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED 07/14/55 IN BOOK 1362 OF RECORDS, PAGE 537, AS DOCUMENT 873680 IN LAKE COUNTY, ILLINOIS.

Said property is commonly known as 1405 Hazel Avenue, Deerfield, Illinois.

The modification, if granted, would permit construction and installation of a fence within the required front yard 6-0 feet in height in lieu of the permitted maximum height of 3-0 feet specified in Article 2-04-h,3,a of the Deerfield Zoning Ordinance. Ch. Speckmann noted that as the request is for a modification rather than a variance, the BZA only has to consider four standards with regards to the fence height.

Ms. Sanchez explained they are asking for a 6-foot-high fence instead of the 3-foot-high fence on a main street. She noted there is a stop sign right behind their swing set. People often roll through the stop sign, which poses a threat to her children. She would like to ensure their safety. Ms. Sanchez noted they also have a larger pitbull mix and want a taller fence to keep the dog in their yard.

Mr. Case explained the front yard was determined before his time. Because the lot is triangular, the house was placed in the middle, facing west. The front yard, according to the definition, is the shortest lot line adjacent to an improved street, which is Hazel. Mr. Case noted it is unfortunate, but he had to say this was the front yard. The way the house is finished, that is their side yard. Mr. Case received an anonymous phone call from someone in support of the request.

Mr. Kessel asked how long the petitioners have lived at the property. Ms. Sanchez explained they have lived there for three years. Mr. Kessel asked when they decided to put up a fence. Ms. Sanchez explained they wanted to install a fence when they got the swing set, but did not have the opportunity due to Covid. Mr. Kessel noted they would extend the fence along Hazel av. 50 feet from the ne corner pin.

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

Mr. Kessel moved to recommend the Board of Trustees approve a modification to permit the construction and installation of a fence within the required front yard 6-0 feet in height in lieu of the required 3-0 feet specified in the Deerfield Zoning Ordinance. Mr. Adams seconded the motion.

The motion passed by the following vote:

AYES: Adams, Bezman, Kessel, Speckmann (4)

NAYS: None (0)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their August 16, 2021 meeting.

Public Hearing for 620 Carlisle Avenue – Minimum rear 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, James and Barbara Levie were sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 4.02-F,3,e of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 17 IN COLONY POINT UNIT NO. 1 BEING A SUBDIVISION IN SECTIONS 28, 33 AND 34, TOWNSHIP 43 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 10, 1964, AS DOCUMENT 1218503, IN BOOK 39 OF PLATS, PAGE 32, IN LAKE COUNTY ILLINOIS.

Said property is commonly known as 620 Carlisle Avenue, Deerfield, Illinois.

The variation, if granted, would permit the construction of a one-story, screen-in porch addition encroaching 3.5 feet into the minimum 40 foot required rear yard specified Article 4.02-F,3,e in the Deerfield Zoning Ordinance.

Mr. Levie explained they purchased the ranch house and plan on adding a screened in porch. Their existing house has a screened in porch and they spend a lot of time there. The new backyard is about 50 feet deep and the setback requirement is 40 feet which would allow a 9 foot inside dimension porch. Mr. Levie is requesting a 3.5-foot setback variation so they can have a 12-foot-deep porch. He noted the extra space makes a huge difference in the comfort, safety and usability of the porch. Mr. Levie explained there is very little impact to their backyard and no impact to the neighborhood. Their backyard is very isolated and there are only two houses that can barely see the porch. Mr. Levie noted they sent out 24 notices and received 12 responses back from neighbors in favor of the request. Ms. Levie noted the porch would be at the same level as their ranch house. They hope to stay in this house for the rest of their lives.

Mr. Adams noted the interior drawings show a 12-foot inside dimension. He asked what the outside dimension would be, as the BZA needs to be precise. Ch. Speckmann noted in the legal notice, the variance request was for 3.5-feet. If the petitioner is looking for a 12-foot porch, the variation would only be 2.5-feet. Mr. Levie explained they are looking for a setback of 36-feet rather than 40-feet. They want to ensure they can have a 12-foot inside dimension. Ch. Speckmann noted a 3.5-foot variance would allow a 12.5-foot inside dimension. Mr. Levie explained their backyard is not exactly square. At the shortest distance, the house is 49.5-feet from the rear of the property. They are requesting a 3.5-foot variation to make the setback 36-feet in lieu of the required 40-feet.

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

Mr. Kessel moved to recommend that the Board of Trustees approve a modification to permit the construction of a one-story, screen-in porch addition encroaching 3.5 feet into the minimum 40 foot required rear yard. Ms. Bezman seconded the motion.

Ch. Speckmann noted the petitioner has to satisfy the seven standards for a variance. He likes the proposal, but questioned the uniqueness of the property. There is room to add a screened in porch that is not as large as the petitioner would like, but would be similar to their neighbor's property. Ch. Speckmann asked the petitioner what makes their property unique. Mr. Levie explained their property is very isolated. They are asking for a screened in porch, not an enclosed addition. Ms. Levie noted they are putting in the patio furniture from their existing

screened in porch and it could present a tripping hazard. Ch. Speckmann noted the uniqueness could be that the backyard is isolated and not visible from neighboring properties and will not cause any hardship on the surrounding properties. Mr. Adams noted it is not the classic definition of uniqueness. He noted the property is unusually isolated.

The motion passed by the following vote:

AYES: Adams, Bezman, Kessel, Speckmann (4)

NAYS: None (0)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their August 16, 2021 meeting.

Public Comment:

Mr. Lichterman noted there was no additional public comment.

Document Approval:

Mr. Adams moved to approve the minutes from the June 15, 2021 BZA meetings. Mr. Kessel seconded the motion. The motion passed by the following vote:

AYES: Adams, Bezman, Kessel, Speckmann (4)

NAYS: None (0)

Ch. Speckmann noted the Mayor and Board of Trustees accepted the BZA's recommendation for the 330 Pine Street petition.

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, Speckmann (4)

NAYS: None (0)

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Jeri Cotton
Secretary