

**MINUTES OF A MEETING OF THE KENILWORTH ZONING BOARD OF APPEALS  
HELD IN THE VILLAGE HALL, 419 RICHMOND ROAD, KENILWORTH, ILLINOIS AT  
7:30P.M. ON MONDAY, JUNE 18, 2007**

The meeting was called to order by Chairman Frank Cavalier at 7:31 p.m., and upon roll call, the following persons were present:

Present:	Frank Cavalier Kristin Casas Mark Hinkamp Cary Johnson Vicki Thompson Kathy Wilson Dr. James Pollock	Chairman Member Member Member Member Member Member
Other Village Officials Present:	Susan Criezis Barbara Adams Bradly Burke	Community Development Director Attorney Village Manager
Others Present:	Beata Welsh Roger & Grace Peterson Wm. & Carol Jones Linda Forsberg Arlene & Frank Haynes Donna Lee Floeter Manon Seebeck Greg Kirrish Dick & Jean Patterson Marilyn & Marc Franson Joe Behles Bob Horne Barbara Mawicke Jessica Boudreau Steve Munson Mark Sereika Sandie Woo Dirk Danker Kathy & Curtis Barnett David Joyce Michael McCann John Vitt Grace & Tom Terrill Marion & Brian McDonagh Alfred Stepan Steve Munson John Andre Caroline Nash	Chicago 430 Sheridan Road 329 Ridge Road 521 Sheridan Road 427 Sheridan Road Evanston 523 Sheridan Road 534 Melrose Avenue 330 Sterling Road 324 Sterling Road Evanston Winnetka 381 Sterling Road Chicago Highland Park Evanston Chicago Chicago 626 Wayland Avenue 534 Wayland Avenue Chicago 312 Essex Road 122 Woodstock Avenue 336 Sterling Road 211 Abingdon Avenue Highland Park 315 Abbotsford Road Chicago

Approval of Minutes of April 16, 2007 Meeting

The minutes of the April 16, 2007 meeting were placed before the Board. **Member Pollock moved that the minutes be approved with no corrections. Member Casas seconded the motion, and upon voice vote, the April 16, 2007 minutes were approved 7-0.**

Chairman Cavalier outlined the procedure of the zoning meeting. He administered an oath to everyone who wished to speak on any items on the meeting agenda.

Public Hearing to Consider Variations from the Temporary Tent Erection Time Period Regulations and Any Other Zoning Relief as Required – 211 Kenilworth Avenue

Chairman Cavalier introduced the application for variation by the Kenilworth Union Church, 211 Kenilworth Avenue, to erect 2 tents, 2 canopies and 1 screen wall to be in place for 17 days but for a longer period of time than the 7 days the Zoning Ordinance allows.

Member Pollock said there has never been a problem with the church tents

**Member Thompson made a motion to approve the variation for the tents to be in place for 17 days at the Kenilworth Union Church which is longer than the 7 days permitted. Member Wilson seconded the motion, and a roll call vote was taken as follows:**

**Yea: Casas, Hinkamp, Johnson, Pollock, Thompson, Wilson, Cavalier**

**Nay: None**

**Absent: None**

**Abstain: None**

**The motion was approved 7-0.**

Chairman Cavalier asked if there is a way to make a change to the provision that pertains to this situation of the temporary tents.

Manager Burke said there could be an amendment to the Zoning Code to allow administrative approval of a temporary use.

Public Hearing to consider Variations from the Garage Location and Off-Street Parking Regulations and Any Other Zoning Relief as Required – 513 Sheridan Road

Dirk Danker, the architect for Barbara Dyson, 513 Sheridan Road, presented the variation request for a one story attached garage in front of the two story house and a turn around/drop off area in the front yard next to the driveway leading to the garage. Open space of 150 feet will be provided on the lake side of the property. The garage will be set back from Sheridan Road more than 300 feet. The garage will not be on the lake side. The garage will be one story with a green roof. The principal part of the house will be three pavilions. Mr. Danker explained the architectural layout of the house.

Member Thompson asked what a green roof is. Dirk Danker explained the solar energy features of the new house. He said the new house and garage are in the same location as the existing house and garage.

Member Wilson said all the houses on the lake have the garage in front, not on the lake side.

Dirk Danker said the driveway will be replaced with pea gravel and an edging. The floor area allowed for a new house is approximately 14,000 square feet and the proposed area is

approximately 5,000 square feet. He explained the inclusion of solar thermal panels on the roof which are 2½ feet above the roof.

Manon Seebeck, a neighbor to the property on the north asked how close the garage is currently to her property line. She said the lot is very wet and she does not want to have water problems.

Kathy Barnett asked if other speculative homes built in the future would be an issue as far as precedent. Member Thompson said a property located on Sheridan Road on the lake is a unique situation and does not set a precedent.

Linda Forsberg said she wanted to view the house but could not see well from where she was seated in the audience. Dirk Danker again presented the house design to the audience.

Roger Peterson asked how many cars can be parked in the turn around. Mr. Danker said the turn around is only 12 feet wide and will not be used for parking. It is only for turning around. There are some parking areas in front of the garage.

Roger Peterson asked for clarification of “and any other zoning matters”. Attorney Adams explained that this phrase is included in the public notice in the event that a minor item of additional relief that is within the spirit of the original application might be required.

Grace Peterson asked about the area of the house. Member Pollock said this house is 67% below the maximum floor area allowed.

***Member Hinkamp made a motion to approve the variation requests to locate the garage closer to the front lot line of the lot than the principal building setback line and to locate off-street parking in the front yard at 513 Sheridan Road. Member Casas seconded the motion, and a roll call vote was taken as follows:***

***Yea: Casas, Hinkamp, Johnson, Pollock, Thompson, Wilson, Cavalier***

***Nay: None***

***Absent: None***

***Abstain: None***

***The motion to approve the variation for 513 Sheridan Road was carried 7-0.***

Public Hearing to Consider Variations from the Floor Area, Side Yard Setback and Roof Overhang Regulations and Any Other Zoning Relief as Required – 315 Abbotsford Road

John Andre, owner of 315 Abbotsford Road, presented the request for variations of floor area; side yard setback and roof overhang regulations. He explained the reason for the requests was his desire to preserve the house and improve it with an addition.

Steve Munson, the architect for 315 Abbotsford Road, explained the architectural drawings and unusual siting of the house. He said on one side, the house is 5 feet from the side lot line and the cantilevered second floor is 2 feet from the side lot line. Mr. Munson explained the floor area issues of the house including the sunroom, living room, and hall. The kitchen is a large galley area, but not a family kitchen. The allocation of space in the old house is the reason for the request for a floor area ratio variation. Mr. Munson said most new spaces would not be visible from the street. The attached garage will be side loaded and will entail the removal of much of the impervious area.

Steve Munson explained the side yard setback provision for 6 foot setbacks for existing non-conforming setbacks in the Zoning Code.

Chairman Cavalier asked what the justification is for a 3 car garage? Steve Munson said it is a slightly larger 2 car garage with storage spaces.

Member Thompson asked if any trees have to be cut down. Steve Munson said no trees will be removed. He said this scheme will have the least impact on the existing trees and their root zone.

Mr. Andre said all the neighbors were positive and the neighbors to the north were in support of the plan. Member Pollock said there will be little impact on the neighbors due to the distance between the houses.

John Vitt said Mr. and Mrs. Andre have handled the project in a very professional manner and he supports their project.

**Member Hinkamp made a motion to approve the request for variations for additional floor area of 523.53 sq. ft. (9.7%), to reduce the side yard setback by 4.00 ft. and exceed the maximum allowable roof overhang in the required setback by 18 inches at 315 Abbotsford Road. Member Thompson seconded the motion, and a roll call vote was taken as follows:**

**Yea: Casas, Hinkamp, Johnson, Pollock, Thompson, Wilson, Cavalier**

**Nay: None**

**Absent: None**

**Abstain: None**

**The motion carried 7-0, and the variations were approved.**

Public Hearing to Consider a Special Use Permit for Two Single-Family Attached Dwellings and Any Other Zoning Relief as Required – 335 Ridge Road

Chairman Cavalier asked Community Development Director Susan Criezis to explain the process of the special use for 335 Ridge Road to allow the existing 4-unit apartment building to be converted into two single family attached dwelling units. Ms. Criezis explained the petitioner approached the Village Board earlier this year to request a text amendment to the Kenilworth Zoning Ordinance to allow single-family attached dwelling units as a special use in a limited area of the R-4 Zoning District on Ridge Road. The Village Board recently approved the text amendment to the Zoning Ordinance, and as a result, the petitioner submitted a formal application for a special use permit for consideration by the Zoning Board of Appeals. Director Criezis noted the Zoning Board of Appeals task tonight is to review the petitioner's application for special use and make a recommendation on this matter to the Village Board. The Village Board will then consider the special use permit application and related Zoning Board of Appeals recommendation to determine if the special use permit should be granted.

Caroline Nash, attorney for Illini Development LLC, introduced the team for the project including property owner, Mark Sereika. Ms. Nash also explained the history of the property and noted the existing 4-unit apartment building was constructed prior to the property being annexed into the Village of Kenilworth. Ms. Nash explained that the apartment building is currently an

existing non-conforming use and explained that Mr. Sereika proposed to rehabilitate the property and convert the existing 4-unit building into two single-family attached townhouse units.

Donna Lee Floeter, architect for the applicant, explained the design of the structure with the two single family attached units. Ms. Floeter noted the proposed special use calls for the construction of a detached garage at the rear of the property to provide space for two vehicles for each unit. Ms. Floeter noted the proposed garage will be built as one structure; however, each townhouse unit will have a separate area to accommodate their respective vehicles.

Caroline Nash explained the parameters of the change to the zoning code previously approved by the Village Board and provided a review of the proposed changes to the property.

Mark Sereika, the owner of the property, presented an affidavit of ownership of the property which had been requested by Village Attorney, Barb Adams.

Mr. Sereika explained his concept of the project, and explained his intent to update the appearance of the existing structure to fit into the neighborhood. Mr. Sereika noted the price of the two units is anticipated to be somewhere between \$800,000 and \$900,000 for each townhouse. Mr. Sereika explained he is proposing a high quality project with quality finishes throughout. Mr. Sereika noted construction will be of the highest standards in accordance with the community character and expectations.

Attorney Caroline Nash said the sale and ownership of the attached dwellings will be a condominium structure.

Michael McCann, an appraiser for the petitioner, discussed the effect of the proposed development on surrounding properties. Mr. McCann noted such an appraisal is typically included as part of any due diligence process when applying for a special use permit. Mr. McCann noted there will be no adverse impact on the adjacent properties.

Beata Welsh, landscape designer, explained the concept of the rain garden which will occupy 240 square feet at the rear of the property to handle the water runoff from the garage structure. Ms. Welsh noted the rain garden will help to mitigate drainage concerns for such a steeply sloped site.

Carol Jones, the neighbor to the south, asked how much further the new addition at the rear of the existing apartment building will project into the rear of the property. Ms. Floeter noted the proposed addition will be nearly identical in size to the existing deck structure which is proposed to be removed.

Bill Jones asked about the color of the brick and the stucco. Mark Sereika said the brick will be painted a cream color and the stucco will be the same color as the brick.

Member Pollock asked about the slope of the land and any water issues.

Jean Patterson said she is worried about who will maintain the rain garden and the possibility of drainage problems as a result of the proposal. Attorney Nash said the Zoning Board of Appeals could include provision for maintenance of the rain garden as part of their recommendation for approval of the requested special use permit.

Jean Patterson asked about the term “and any other zoning relief” in the meeting notice. Attorney Adams explained this is a standard zoning notice term used for all zoning cases.

Brian McDonagh asked about the height of the garage. Donna Lee Floeter responded the proposed garage is designed to be 13 feet 10 inches tall.

Marilyn Franson said she is concerned that the rain garden will not be able to handle storm water runoff in a big rain event. Beata Welsh, landscape designer, said the rain garden will be able to accommodate the average rainfall on the property. Ms. Welsh noted there will be a mounding or berm of the soil created at the edge of the rain garden to contain the rain water and prevent it from running off onto adjacent properties.

Marc Franson said he recognizes the improvement but does not want any detriment to his property as a result of increased storm water runoff. Mr. Franson expressed his opinion he would like to see a drain or a retaining wall installed to protect the properties nearby. Additionally, Mr. Franson noted he does not want the condominium association to change required drainage improvements in the future.

Attorney Adams explained that the approval procedure of the special use with the condominium declaration and noted the condominium covenants and restrictions can contain special conditions that the property must be maintained. These declarations can also be written to permit the Village to remedy any storm water management system maintenance issue that does not get addressed by the property owner.

Member Pollock said he walked to the back of the property and saw the existing conditions of the site.

***Member Pollock noted engineers have been consulted and the owner has maximized what can be done with existing land. He made a motion to recommend approval of the requested special use permit to allow the existing four unit multi-family building to be converted to two single-family attached dwellings as presented subject to the engineering plans to be reviewed and approved by the Village’s consulting engineer, storm water detention is maximized to the greatest extent possible, and that language is included in the condominium declarations regarding drainage facility maintenance. Member Casas seconded the motion, and a roll call vote was taken as follows:***

<b>Yea:</b>	<b>Casas, Hinkamp, Johnson, Pollock, Thompson, Wilson, Cavalier</b>
<b>Nay:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>
<b>Abstain:</b>	<b>None</b>

***The motion carried 7-0, and the special use application for 335 Ridge Road received a unanimous favorable recommendation to be forwarded to the Village Board for consideration.***

**Public Hearing to Consider Variations from the Building Height and Parking Regulations and Any Other Zoning Relief as Required – 512 Green Bay Road**

Bob Horne of Dodge Capital LLC, the contract purchaser of 512 and 516 Green Bay Road, presented the application for variation for building height and parking regulations for 512 Green Bay Road. He said Joe Behles is the architect for the project, and Al Stepan is his co-worker at Dodge Capital.

Bob Horne said the parking requirement is based on an increase of new first floor office space. He discussed on-street parking for employees and visitors. There is an abundance of on-street parking to accommodate the additional 8 parking spaces required by the Zoning Code.

Joe Behles explained the other zoning variation request for a 10" increase above the height permitted to accommodate a new elevator.

Greg Kirrish said he lives ½ block from the building and feels the northern building is an eyesore. He has no problem with the 10-inch height variation but is concerned with the parking requirements and feels it is an issue.

David Joyce said he is president of the 534 Wayland townhouse association. They feel the property is an eyesore and in general this will be an improvement. He said another neighbor, Chuck Swanson of 531 Melrose who was unable to attend the meeting, spoke with him and said the alley is heavily traveled and there is a concern with cars accessing the alley. Mr. Swanson also told David Joyce about the issue of mold remediation and wanted to know how it would be handled. Mr. Joyce wants to make sure this will be handled correctly. Mr. Joyce was also concerned with the handling of the printing press that was in the basement.

Community Development Director Criezis explained the permit process for remediation of asbestos and other contaminants, and the demolition of the building.

Kathy Barnett asked about the parking layout and the ingress and egress from the alley. She is concerned with children walking down the alley and the parking areas on Wayland on both sides.

Chairman Cavalier said the Zoning Board of Appeals needs to focus on the zoning issues and not the issues of the alley. He asked staff for clarity of the Zoning Board of Appeals' role in reviewing the parking lot.

Manager Burke explained the history of the layout of the site plan, its relation to the draft Comprehensive Plan, and the provisions that the Architectural Review Commission will review the parking lot layout.

Member Johnson said he is going to vote no because he does not want an open parking lot.

Member Thompson said parking is the issue in all of these communities.

***Member Pollock made a motion to approve the variation requests to exceed the maximum allowable height by 10 inches and to provide 8 parking spaces less than the required 33 parking spaces subject to a recommendation that there be no through traffic to the alley for safety only ingress/egress onto Green Bay Road. Member Casas seconded the motion, and a roll call vote was taken as follows:***

<b><i>Yea:</i></b>	<b><i>Casas, Hinkamp, Johnson, Pollock, Thompson, Wilson, Cavalier</i></b>
<b><i>Nay:</i></b>	<b><i>Johnson</i></b>
<b><i>Absent:</i></b>	<b><i>None</i></b>
<b><i>Abstain:</i></b>	<b><i>None</i></b>

***The motion carried 7-0, and the variations were approved.***

Member Casas made a motion to adjourn. Member Hinkamp seconded the motion which was unanimously carried, and the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Susan Criezis