

ZONING BOARD OF APPEALS MEETING MINUTES

Wednesday, February 16, 2022

Call to Order: Chairman Zinni called the meeting to order at 7:00 p.m.

Roll Call:

Present: Members Galante, Eichholz, Nasiadka and Zinni

Absent: Member Chichirillo, Eckert, Kapsa-Priestley

Staff: Caron Bricks, Village Planner

Approval of the Agenda: Member Eichholz moved to approve the agenda as presented. Member Galante seconded the motion and the motion carried (5-0) by roll call vote.

Approval of the Minutes: Member Galante moved to approve the minutes, seconded by Member Eichholz.

Consideration of Petitions:

ZBA 21-469: Bhatti, 142 Linden Ave., Medinah for variation to a permit for a four-foot, 50% open picket fence in the front yard in lieu of the three-foot 70% open fence.

Member Eichholz made a motion to open public hearing for ZBA 21-469, seconded by Member Galante. The motion carried (5-0).

Village Planner Bricks presented the staff report and restated the petition request by Mr. Kashif and Christina Bhatti for a four-foot picket fence that is 50% in front of the home in lieu of the three-foot fence that is 70% in front of the home permitted by code. Planner Bricks clarified that this property was annexed into the village but keeps it Medinah address due to postal concerns. Planner Bricks stated the permit application showed the fence was in front of the yard, and it was approved with the condition the fence is not installed in front of the house. The permit was issued, which typically includes the memo but through miscommunication was not received. In an inspection it was found that the fence exceeded the three-foot limit, after speaking to the homeowner the miscommunication was realized. In lieu of the removal of the fence there was a request for a variation.

Chairman Zinni swore in the petitioner, Christina Bhatti of 142 Linden Ave. Ms. Bhatti stated that as a first-time permit requestor, they wanted to ensure it was done correctly. They contracted Peerless Fence a registered company with the village. This section of the fence was an additional cost, and if they had known of the conditional approval, they would have not done it. Now as they are required to remove the fence, the Peerless Fence Company requires them to pay to remove it.

Chairman Zinni asked for additional public comment. Chairman Zinni swore in Ray Kvbalewski 7N444 Linden Ave. He stated that as the next-door neighbor and only one effected by the fence he likes it. He continued to say that it improves the area and everyone's property values in the area.

There was discussion among members about the fence. Member Eichholz stated that the owners did not create the fence maliciously. The permit was an error on the Village end.

Member Eichholz made a motion to close the public hearing for ZBA 21-469, seconded by Member Galante. The motion passed (5-0).

Member Nasiadka made a motion to approve the findings of fact for ZBA 21-469, seconded by Member Galante. The motion passed (5-0).

Member Galante made a motion to approve the variance for ZBA 21-469, seconded by Member Nasiadka. The motion passed (5-0).

Chairman Zinni stated the motion passed so the fence can remain up.

ZBA 22-470: Babicz, 616 White Oak Dr. for variation to a permit for a driveway set back of zero feet in lieu of two feet required.

Member Galante made a motion to open public hearing for ZBA 22-470, seconded by Member Nasiadka. The motion carried (5-0).

Village Planner Bricks presented the staff report and restated the petition request by Mr. Babicz to set back a driveway zero feet in lieu of the two feet set back permitted by the zoning ordinance. Planner Bricks stated the property owner requested this variance to widen his driveway, as demonstrated in plat survey. The southern property line is at an angle, so the additional request will assist in moving the vehicle around the corner of the house. The petitioner also submitted pictures of his vehicle on the driveway. There are public comments received in advance of the meeting to be read into the record.

James and Susan Berry, 620 White Oak Dr. "Our concerns are as follows: 1. Drainage of north-east side of garage. We have spent thousands on drainage remediation such as French drains around the perimeter of our garage and at times of extreme heavy rain and snow melting, we still experience water seeping into our garage. Our property is slightly lower than 616's (grass is sloped towards our garage). We are concerned that this will become even more problematic with the removal of grass being replaced by concrete as excess water would have nowhere to go. 2. Snow removal. We remove all of our driveway snow on the northeast side of our property. With reduction of grass where will the snow go? We also do not want neighbors snow removal to go against the NE side of our garage. 3. Overall safety concerns."

There was discussion from member Galante about the possibility of a retaining wall to prevent the overflow onto the neighbor's property.

Chairman Zinni swore in the petitioner, Damian Babicz of 616 White Oak. Mr. Babicz stated he is aware that the drive slope, but in the proposed plan it would have a retaining wall to redirect the water towards the front of the drive. The driveway is currently against the brick of his house, so he plans to lower the driveway about four inches from the brick to prevent seepage into his home. It is a very narrow driveway and there has been difficulty with backing out of the driveway and slipping getting out of the car. A new garage is not feasible according to the current zoning as it would not be wide enough.

Member Galante asked about where the details were about the driveway curb, and Mr. Babicz approached to show the members. Chairman Zinni asked about the plans for snow removal and grading plans.

Chairman Zinni asked for additional public comment. Chairman Zinni swore in Margaret Taylor, 336 E. Walnut St. She stated that her concern was about ground water and wants to keep the grass. Her concern was some houses are affected by flooding, and this effects property values.

There was discussion among members about the driveway. Member Nasiadka asked about how to get a better idea of the impact of water. Village Planner Bricks responded that it would need an engineering review, and if this variation moves forward, it would be reviewed as it is an enlargement from the 40% of ground coverage of their lot. Part of the petitioner's job is to show the Village Engineer documentation to ensure it is not negatively impacting the neighbors.

Member Eichholz asked about how much of pitch/grading was towards the street and backyard. Clarification was received the curb is going south from garage to property and pitched towards yard away from neighbor, pending engineering approval. Members proposed the possibility of an alternative that would redirect the water to the property owner's backyard and covered patio area. This plan would remove the neighbor's flooding concerns.

Member Galante made a motion to close the public hearing for ZBA 22-470, seconded by Member Nasiadka. The motion passed (5-0).

Member Eichholz made a motion to approve the findings of fact with the understanding the curbing goes along the south to the garage and the pavement will slope towards the petitioner backyard towards the covered patio, with condition of engineer approval for ZBA 22-470, seconded by Member Nasiadka. The motion passed (5-0).

Member Galante made a motion to approve the variance for ZBA 22-470 with the findings of fact, seconded by Member Nasiadka. The motion passed (5-0).

Chairman Zinni stated the motion passed if all the conditions are met. Planner Bricks is forwarding a copy of the image drawn to the petitioner to work with the engineer.

Old Business: There was no old business.

New Business: There was discussion about next month's meeting agenda, but nothing has been received.

Adjournment: Member Galante made a motion to adjourn the meeting, seconded by Member Eichholz. The motion passed (5-0). The meeting concluded at 7:53 p.m.