

ZONING BOARD OF APPEALS MEETING MINUTES

Wednesday, July 21, 2021

**Call to Order:** Chairman Zinni called the meeting to order at 7:02 p.m.

**Roll Call:**

Present: Members Chichirillo, Eckert, Eichholz, Kapsa-Priestley and Zinni  
Absent: Member Galante  
Staff: Caron Bricks, Village Planner

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

**Approval of the Minutes:** Member Priestly moved to approve the minutes, seconded by Member Chichirillo. The motion carried (4-1) by roll call vote; member Eckert abstained.

**Consideration of Petitions:**

*ZBA 21-465: Petition by Mr. Pawel Koperdowski of 275 Park Ln. for variation to a permit for a detached garage of 1,000 square feet in lieu of 768 square feet.*

Member Eckert made a motion to open public hearing for ZBA 21-465, seconded by Member Eichholz. The motion carried (5-0).

Village Planner Bricks presented the staff report, and restated the petition request by Mr. Pawel Koperdowski for a detached garage of 1,000 square feet in lieu of 768 square feet permitted by code. Planner Bricks stated the property is zoned R-1 single family residence with everything to the north, south, and west also being zoned R-1, and the properties to the east are zoned R-2. In an update to the original staff memo which stated the house was built without a garage but the original house plans are not available. It is known there was a 2-car attached garage which was converted to living space so this would be the only garage on the property. The zoning ordinance permits a detached garage of 768 square feet which typically would fit 3 cars; it is a standard 3-car garage size. Mr. Koperdowski is requesting 1,100 square feet for a building 40 x 27.5 which would fit two cars in tandem rather than 4 cars side by side. There is a 2-car garage bay in the front facing Park Ln. and an 8 foot garage door facing the rear yard. It would have a hardy board siding finish. The height of the garage and proposed setbacks meet all of the zoning ordinance requirements for detached accessory structures in the R-1 zoning district. In the staff memo is it noted that if the garage were attached to the house the homeowner would not need to request a variation. This was suggested to the petitioner to avoid a variation, however, because of the configuration of the rooms in the home to connect an attached garage he has decided to move forward with the request for variation. There are public comments received in advance of the meeting to be read into the record.

1. John Ness, 212 Park Ln. "The proposal to build a 6-car garage at 275 Park Ln. is, in effect, making the address a business property in a residential area. Increased traffic on Park Ln. and Thorndale where there is foot traffic and children on the streets creates a dangerous situation on streets with minimum streetlights, no sidewalks, and not even median street striping. I oppose this zoning change."
2. Anthony & Jean Bonavolanta "A 6-car garage addition should not be approved for this, or any residential district. The use, in effect, would allow a use not considered appropriate for a

residential district. If an owner desires a 6-car garage he should rent or buy a location in a business zone location, not in a residential district.”

3. John Ness “The proposal to build an 1100 square foot garage with front and back doors at 275 Park Ln. is, in effect, making the address a business property in a residential area. Increased traffic on Park Ln. and Thorndale where there is foot traffic with children on the street creates a dangerous situation on streets with a minimum of street lights, no sidewalks, and not even median street striping. I oppose this zoning variance.”
4. “Dear zoning board, thank you for the opportunity to comment on the petition from the owners at 275 Park Ln. in Roselle. My husband and I have lived at the property next door to the petitioner at 285 Park Ln. with our son for over 17 years. I remember how fortunate we felt to have purchased a home in Roselle, and to find a home in a very quiet cul-de-sac location with tree-lined streets and proximity to two walkable parks. Only after we moved in did we also realize many of our neighbors also grew up in Roselle, and many within the same homes their parents once occupied. Unfortunately, our former neighbors at 275 Park Ln. moved to Arizona and rented out their home to someone who did not maintain the property as well as the owner. The home eventually fell into bankruptcy and was purchased by the current owner at 275 Park Ln. According to public hearing notification letters ZBA 21-465 the current residents of the property at 275 Park Ln. have asked the Village of Roselle to approve a variance to Roselle zoning ordinances and any and all variations as may be required to construct a detached 1,100 square foot 4-car garage on the current lot which is zoned for a 2-car garage of 768 square feet maximum. The property was purchased by the current residents in 2016 with a pre-existing attached 2-car garage that was within Roselle zoning ordinances which allowed for green space between the current property lines in a manner consistent with maintaining appropriate water flow within the surrounding area, and was consistent with the amount of green space found on other residential properties in tis part of Roselle. Since the original purchase of the home the current owners sealed the attached 2-car garage and are now requesting the people of Roselle forego our Village standards and ordinances so they can build a 4-car detached garage of 1,100 square feet. The new structure requested is nearly 1-1/2 times the size of the 768 square foot maximum allowed by section 4.08(D)(1)b. of the Village of Roselle zoning ordinance. This large of a variation represents the addition of a new permanent structure that is more than half (as much more of) the size of the original square footage of the residence on this site, and essentially, eliminates the green space between our property and the property at 275 Park Ln. I would like to express my family’s strong opposition to this zoning variance and request the Village of Roselle deny this variance request, thereby maintaining current zoning ordinances and upholding the quality of the residential area surrounding the 275 Park Ln. property. Arguments for denial of this request include the following: The addition of this large permanent structure on the property is no within current zoning ordinances and exceptions of this significant magnitude should not be permitted by the Village. Village ordinances are in place and are to maintain quality of life, property values, and overall personal safety of residents within Roselle limits. The Village board and its elected officials should uphold the standards on behalf of all the residents of Roselle. The plans submitted for the garage include the addition of a garage door which would open to the back of the property east side. The need for a garage door to back of the property is inconsistent with standard residential use and allows for individuals to move and potentially park additional vehicles in the back yard area of the property which could create an unsightly collection of vehicles within property lines. This additional garage door opening is also suggestive of non-residential uses of the proposed garage. We mention this risk because we have witnessed

multiple vehicles (cars, motorcycles, and trailers) being dropped off at the property 275 Park Ln., some undergoing renovation and repair, observed individuals examining vehicles and ultimately leaving with those vehicles, behaviors which are consistent with the buying and selling of used vehicles at this property. The addition of a permanent 1,100 square foot structure on this site will significantly change the hardscape within this lot which has the potential to negatively impact water flow to surrounding neighbors and cause flooding to surrounding neighbors. The request for any and all other variations as may be required to construct this structure is too broad a request. All variations requested of Village ordinances that would be required to build this structure should be detailed to the Zoning board and neighbors should be informed so an accurate picture of the impact of this or any other permanent structure on this lot can be fully assessed. Surrounding neighbors purchased homes in this area with an expectation that Village ordinances would maintain green space and general neighborhood standards. To date the owners of 275 Park Ln. have demonstrated a consistent disregard for Village ordinances as shown in figures 3-5 below (in message) and the Village should not allow the owners of this property to continue to erode standards of living within Roselle.”

5. Jim Berg “Deny the zoning changes, need to maintain current zoning ordinances, the requested zoning changes will promote a commercial work zone not current with a residential neighborhood.”
6. Jerry Keller “After careful evaluation in visiting the proposed site on Park Ln. I strongly appeal to the board to decline this variance. It is apparent from the volume of cars and motorhomes continually visiting the property the petitioner is running a repair business which is not properly zoned for business. Traffic pattern has increased considerably since his possession of property. That said, this approval would devalue the property in the general area which would not be good for the neighborhood or the Village. Our ordinances have been created to help keep Roselle a place where families can rely on their properties to not only hold their value but build equity for the future. I would like to see all ordinances enforced. Higher property values mean increased taxes to provide better schools. Roselle needs to take pride in the Village and continue in making a better environment for our community. Additional cars, boats, motorhomes, trailers, etc. does not accomplish the intent to make Roselle better. The additional traffic must also be considered. If this request is passed it may also allow such petitioners to apply for (inaudible) consideration. I appeal off of you to vote ‘no’ on a variance.”
7. “Dear petitioner, we have never met but I understand for your closer neighbors you and your wife are very nice and their comments are not to be taken personally. I want to quote to you the zoning ordinance on the Village website. Village of Roselle zoning ordinance Appendix A exists primarily to protect and promote the health, safety, and welfare of our residents. It also serves to preserve and strengthen property values within the Village as well as to encourage appropriate uses which compliment and respect the surrounding neighborhood. Among many other means, zoning ordinance accomplishes these goals by defining, restricting, and setting standards for the type, size, intensity and character of uses and structures within the Village to ensure sound development and thoughtful planning. A member myself of the zoning and planning commission, most of my votes are weighed and based on this definition and guidance. As a resident I am grateful these ordinances are in place because they help to preserve and strengthen my property value, among other things. With that said I would like the zoning of appeals commission to consider the following: 1) In my own observation and assumptions this petitioner has been using his residence as some type of auto business or contracting business. I made a formal complaint on this property months ago when I was tired

of seeing the multiple cars, trucks, stacked tires, motorhomes, and other industrial materials in the driveway and street. The residence is not an appropriate land use for any type of auto, contracting, etc. business where materials for that business are being stored and used at the home, especially if there is an exchange of money and especially if there are customers who come and go. 2) I appreciate the petitioner wanting a garage to store his possessions, however, as our ordinances state on the Village website, we the Village accomplish and preserve property values by restricting and setting standards for the type, size, intensity, and character uses of structures. I feel this garage is too big for the site, too much hardscape, and it is not in character with the rest of the homes in this neighborhood. Will there be any drainage/water problems? I ask the zoning and appeals commissioners to please think about what precedent they will be setting if a structure of this size is granted. I also would like the zoning and appeals commissioners to ask the petitioner if he has been or is still running some type of auto contracting business from his residence, and if so, is it his intent to maintain that business once either his 4-car or 2-car garage is granted. I would like the zoning commissioners to also ask if he was granted a permit to convert his original garage into living space. In closing, I am against granting the 4-car garage, I would like to see a 2-car garage. I was born and lived in this neighborhood until I went away to college. After graduating college and getting married I still wanted to live in a neighborhood with large lots, big mature trees, and open spaces so that's why I came back to this neighborhood. It's a desirable and sought-out neighborhood to live in for those residents alone; let's keep it that way. Sincerely Beth Stein."

8. "Dear Ms. Bricks, I have lived on Park Ln. in Roselle for over 40 years. As a long term resident I am requesting the Village of Roselle deny the request for a variance at 275 Park Ln. The current zoning ordinances were established to help maintain the personal safety of residents. The addition of an 1,100 square foot structure to be utilized on the site is not appropriate for a residential area. The potential increase in traffic to and from this building on Park Ln. would be a direct threat to myself as a senior citizen, the young children in the neighborhood, and the children who utilize Lion Park. Safety must be a top priority in the Village therefore the request should be denied."

There was discussion among the members about garage sizes whether attached or detached and lot coverage limits. This discussion also included a residence retrofit for an attached garage which would trigger the need for a sprinkler system because of size.

Planner Bricks read Member Priestley's previously submitted inquiry as follows: "I have a question about 275 Park Ln. as per the sales history. The home was sold in 2016 with a 2-car garage and per the tax records there was an attached 2-car garage listed on file. Do we know what happened to the existing garage?" This question was previously answered during the staff memo presentation.

Chairman Zinni swore in the petitioners, Pawel & Anna Koperdowski of 275 Park Ln. Ms. Koperdowski stated the information provided concerning the property and the variance request are correct, and has reviewed some of the stated concerns which she wanted to address. She stated there is no business at the property, the 4-car garage is for personal use because they collect cars and for storage of materials, their goal is to make the property look better, 3 cars would need to be tandem. Traffic being generated is from family and would not change regardless. The petitioners have a business with trucks, trailers, and RVs which are owned and stored in a commercial parking lot. The garage is not intended to devalue any property. Some of the trees removed from the property were dead and new trees were planted for the green space.

A member asked why one of the vehicles onsite has dealer plates and was advised Mr. Koperdowski used to own an auto business. A member asked why a second garage door. Ms. Koperdowski stated it was for convenience and easy access to lawn implements, but it has been removed from the plan because of elevation issues. A member asked if the petitioner would consider reducing the size of the garage to a true 4-car garage because the requested size is a 6-car garage. Mr. Koperdowski stated the plan is to include shelves and storage. There was discussion among the members concerning the size regardless of the current planned use.

Chairman Zinni asked for additional public comment. Chairman Zinni swore in Theresa Vera, 285 Park Lane who stated she is in agreement with Village upholding ordinances and with maintaining safety at her home.

Chairman Zinni swore in Diana Stewart, 212 Park Lane who stated she is opposed to the size of the proposed garage because it is in appropriate and detrimental to the neighborhood.

Chairman Zinni swore in Tony B., 845 Butternut Ct. who stated he is opposed to the size of the garage.

Chairman Zinni swore in Paul Vera, 285 Park Lane who stated he his concerns about the size of the garage at this time and what could happen if the property is sold. He stated he is concerned about the increased traffic and driving inconvenience by trailers dropping off cars which he has seen, safety, and value to homes.

There was additional discussion by the petitioners and by the owner at 285 Park Ln concerning the parking of trailers and campers. Members asked about a breezeway connection between the home and a detached garage, and it was suggested for staff to investigate since if such a structure is sharing a roof would it be considered attached.

Chairman Zinni asked for additional public comments. Hearing none, he asked for a motion to close the public hearing for ZBA 21-465, made by Member Eckert seconded by Member Chichirillo. The motion carried (5-0).

There was discussion among the members about some garage sizes in the neighborhood, lot coverage, and other options for a garage including a breezeway or reducing the planned size. In reading the online Village definition a detached structure has no party wall or common wall with another structure, and a breezeway is not considered to constitute a party wall or common wall. There was discussion about an existing nearby garage of 1,200 square feet but not making variances the norm, the value impact is unknown, and it does not appear there is owner hardship for this project since there are other options available.

Member Chichirillo made a motion to approve the findings of fact for ZBA 21-465, seconded by Member Eichholz. The motion failed (0-5).

Member Eckert made a motion to approve the variance for ZBA 21-465, seconded by Member Chichirillo. The motion failed (0-5).

Chairman Zinni stated the motion failed based on size but there are other options available for garage size, a possible attached garage up to the size of the existing home structure, or other detached garage of 768 square feet, and meeting the lot coverage allowance.

**Old Business:** There was no old business.

**New Business:** There was discussion about next month's meeting agenda but nothing has been received. There was discussion about zoning ordinance update committee.

**Adjournment:** Member Eichholz made a motion to adjourn the meeting, seconded by Member Eckert. The motion passed (5-0). The meeting concluded at 8:25 p.m.