

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC HEARING HELD TUESDAY, APRIL 8, 2008 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order & Roll Call

At 7:30 P.M. Chairman Nass called the Public Hearing to order and the Deputy Village Clerk called the roll:

Present in Person: Chairman Warren Nass, Vice Chair Cifonelli, Joe DiPino, Carleen Kreider, W. Gene McAlester, Bryan McGonigal and Janis Menges
Absent: None
Also Present: Kris Lennon, Deputy Village Clerk
Al Pino, 110 Hillandale Court
Dario Tainer, Tainer Associates Ltd.
Nicole Plenge-Gilday, 240 Oxford Road
Scott Gilday, 240 Oxford Road
Robert Nelander, 237 Beachview Lane

Chairman Nass welcomed the audience to the Zoning Board of Appeals Public Hearing and asked that any person wishing to speak during the meeting, stand in order to be sworn in. The witnesses were sworn in.

2. Approve Minutes from the December 11, 2007 Meeting

The Minutes of the December 11, 2007 Meeting were made available to the Board.

Motion: Bryan McGonigal moved that the Minutes of the December 11, 2007 Meeting be approved as presented; seconded by Janis Menges.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the December 11, 2007 Meeting approved and put on file.

3. The following variations are requested in the petition submitted by Mr. Scott Gilday and Mrs. Nicole Plenge-Gilday, 240 Oxford Road, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. Scott Gilday and Mrs. Nicole Plenge-Gilday.

ZR-10-1-2(B) and

ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

The existing house is non-conforming due to encroachments into the required front and side yard zoning setbacks.

ZR-10-9-2(A,3): From all roads or streets, the setback to any building or structure shall not be less than sixty (60) feet from the established centerline of the road right-of-way.

Based on the 50 foot wide right-of-way established for Oxford Road, the required front yard setback shall be 35 feet as measured from the front property line.

- The northwest corner of the existing garage/bedroom is located approximately 27'-10" feet from the front property line, representing an existing front yard encroachment of approximately 7'-2".
- The northwest corner of the proposed garage/bedroom addition will be located approximately 31'-6" from the front property line, representing a new front yard encroachment of approximately 3'-6".
- The front wall of the proposed Kitchen addition and wing wall extension will be located approximately 31'-5" from the front property line, representing a new front yard encroachment of approximately 3'-7".

ZR-10-9(2,B): From each side line that does not border a road or street, the setback shall not be less than 10% of the average width of the lot or 10 feet, whichever is greater.

Based on an average lot width of approximately 345 feet, the required side yard setback shall be 34.5 feet.

- The east side of the existing house is located approximately 31'-5" from the side property line, representing an existing side yard encroachment of approximately 3'-1".
- The existing deck and front wing wall are located approximately 22'-2" from the side property line, representing existing side yard encroachments of approximately 12'-4".
- The east side of the proposed Kitchen addition will be located approximately 31'-5" from the side property line, representing a new side yard encroachment of approximately 3'-1".
- The new front wing wall extending off the east side of the house will be located approximately 22'-2" from the side property line, representing new side yard encroachments of approximately 12'-4".

ZR-10-9-2(C): From the rear line, the setback shall not be less than 20% of the depth of the lot or 40 feet, whichever is greater.

Based on an average lot depth of approximately 125 feet, the required rear yard setback shall be 40 feet.

- The southeast corner of the proposed bedroom addition will be located approximately 37'-8" from the rear property line, representing a new rear yard encroachment of approximately 2'-4".

Chairman Nass invited the applicants to address the Zoning Board of Appeals (ZBA). Mr. and Mrs. Gilday were accompanied by their architect, Dario Tainer, President of Tainer Associates, Ltd.

Chairman Nass inquired about the distance of the slope located in the backyard of the existing house.

Mr. Tainer stated that there is approximately a twenty foot drop located behind the applicant's house. He described the house as one-story, with a walk out basement located on the south side; the backside of the house is two-story. Mr. Tainer further explained that the Gilday's are proposing additions and alterations which upon completion will include 5 bedrooms, 3 ½ baths, and a 5-car garage. The existing house is non-conforming and, as built, encroaches on the side and rear setbacks. Due to the configuration and geometry of the existing lot, which is narrow and long, the buildable area is restricted due to setback requirements. Additionally, as part of the project, the applicants are proposing to install a new septic field using available land located on the western side of their property.

Chairman Nass asked where the encroachments of the proposed addition will be located. Mr. Tainer replied that the north and south corners of the new addition will encroach on the front and rear setbacks.

It was noted that Village Health Officer Natalie Karney is awaiting approval from the Lake County Health Department prior to issuing the permit regarding the applicant's septic field plan.

Chairman Nass inquired about the exterior materials to be used for the addition. Mr. Tainer stated that the exterior materials consist of siding and brick. The siding on the existing house will be continued onto the addition and a layer of brick will be added to any existing brick giving it an improved appearance. There is an existing low pitch roof; plans are to increase the roof pitch slightly. There are no gutters on the existing house and; the applicants have not decided if they will place gutters on the new addition.

It was noted that Mr. and Mrs. Gilday have lived in the house for approximately four years. Mrs. Gilday stated that there is only one gutter located on the house which is located across the back deck.

Chairman Nass asked about the proposed plans to change to the existing driveway. Mr. Tainer stated that the access to the garage will be the same though the existing driveway will be removed. The proposed driveway will have less of a slope than the existing driveway.

Mrs. Gilday added that their plans include landscape to be planted in the area where the existing driveway is located. She anticipates that the landscape/grass will absorb some of the drainage coming off of Drury Lane onto Oxford Road and her property. She noted that there is a drainage problem on Drury Lane and that Cuba Township is aware of the drainage problem. Mr. Gilday added that Cuba Township had completed drainage work off of Drury Lane however; water issues remain as runoff bypasses the drain on Drury Lane and runs into their yard.

Chairman Nass stated that due to the existing drainage issues within the area, he has concern for excess water draining onto the neighbors' properties as a result of the construction and lack of gutters.

Mrs. Gilday stated that they would be open to the idea of adding gutters. Mr. Gilday added that when they purchased the house, their inspector told them that the foundation was cracked due to a lack of gutters on the house.

Mr. Tainer noted that the civil engineer was looking into using the existing septic field as a means to collect water.

Chairman Nass noted for the record his concern of the drainage issue in lieu of approval by the Village's Engineer.

Vice Chairman Cifonelli asked about the existing square footage and the square footage being added. Mr. Tainer stated that the existing square footage is approximately 1,600 square feet and an additional 1,000 square feet of structure will be added.

Mr. Tainer added that he did not perform site inspections on the properties located behind the applicant's house, however, believes that the drainage flows east and west. He stated that he is aware of three (3) neighbors located behind the applicant's house who have retaining walls being used to divert drainage water.

Chairman Nass asked the applicants if there is water damage on their property from the drainage problem on Drury Lane. Mrs. Gilday stated that there is probably some erosion, especially on the driveway. She added that the water flows off of Drury Lane, crosses Oxford Road, and pools on their property.

Using the Boundary Survey submitted, Joe DiPino asked the applicants to describe the numbered lots on their property affected by drainage runoff. Mr. Gilday stated that the water crosses onto lots 8 and 9 and; Mrs. Gilday added that the drainage pitches across lots 6 through 8 as well.

Joe DiPino asked which lots will contain the drainage upon completion of the addition. Mr. Tainer stated that the drainage will be contained in lots 10 through 12.

Mr. Tainer restated that he would revise the plans and add gutters in an effort to divert the water to a specified location however, it would be necessary to know the direction of where the water is to be routed.

It was noted that Janis Menges provided an aerial photo of the property from the Lake County Geographic Information System for the ZBA to view.

Chairman Nass invited any neighbors in the audience to address the ZBA.

Robert Nelander, 237 Beachview Lane, addressed the Board and stated that he and his family moved into their house 6 ½ years ago and that their property is located directly behind the applicant's property. He stated that they were aware of water issues in the area when they moved in, however, did not know the extent of the drainage problems. Mr. Nelander explained that since they moved in, a french drain, a 2nd sump pump and a concrete retaining wall have been installed to keep water out of their house/basement totaling approximately \$25,000.00. He explained that during a normal rain, their two sump pumps operate about every two minutes. Following a rain storm, the sump pumps can continue to operate up to 2 days after the rain stops. The land in the area contains a clay undercarriage below its surface which during a rain storm contributes to a constant flow of water not only from the applicant's property but from the hill on Drury Lane.

Mr. Nelander stated that his roofline is level with the applicant's foundation. The slope and distance from the applicant's property is short and steep. During a heavy rain storm, the concrete retaining wall does not divert the water which eventually ends up in their back yard and rests against the foundation. He is very concerned about the proposed addition and the 60% increase in impervious area. He additionally added that a swale and drainage ditch was installed on Beachview Lane (approximately one year ago) due to an increased amount of flooding. Mr. Nelander noted that flooding issues continue despite the road work completed.

Mr. Nelander requested assurance that the water falling off the applicants proposed roof will be directed away from his property and has concerns that gutters may not be the entire solution. He further asked the ZBA to be extremely careful about what they approve. He is concerned about the number of expansions/additions within the subdivision and the increased drainage issues. Of the 5 houses that surround his house, three have added additions and increased in size.

Mr. Nelander stated that the property owner of 239 Beachview Lane also experiences drainage issues.

Mrs. Gilday stated that they do not wish to compound the drainage problem in the area with their addition.

There was discussion among the ZBA, applicants, and audience members about workable solutions to the drainage issues and the proposed construction plans.

Mr. Nelander discussed the possibility of installing a swale between the properties of 237 Beachview Lane and 239 Beachview Lane in order to re-direct water draining off of the applicant's property.

Chairman Nass asked Mr. Nelander what percentage of water drains off of the applicant's property onto his property. Mr. Nelander stated that all of the water that his property experiences drains from the applicant's property, particularly due to the absence of gutters.

Chairman Nass recommended having an engineer review the plans and drainage issues.

Carleen Kreider stated that it seems like many residents within the Village could benefit by correcting the drainage problem on Drury Lane however, questioned the position of the ZBA to address those issues.

Janis Menges stated that the applicants should not have to wait 6 months to begin construction while the Village addresses drainage issues. Ms. Menges additionally stated that the request for additional footage is minor considering the existing non-conforming residence. She has concerns about individuals remedying their own drainage issues consequently exasperating their neighbor's drainage issues.

There was continued discussion among the ZBA, applicants and audience members about workable solutions to the drainage issues and the proposed construction plans.

It was noted that the applicants are willing to work with the neighbors to attain a workable solution.

There was discussion among the ZBA about having an engineer review the plans/drainage issue and who the responsible party would be for incurred costs.

Vice Chair Cifonelli stated that the matter should go to the Village Board if approval is needed for additional costs. Chairman Nass agreed.

Mr. Tainer stated that the drainage issue is a Village and neighborhood issue. The applicants happen to have property on a lot affected by Village drainage problems. The issue before the ZBA is a zoning issue and not a drainage issue, and feels that the applicants should not be paying for additional engineer costs. Mr. Tainer added that civil engineering drawings were submitted.

Janis Menges asked for clarification as to the party responsible for additional engineering costs. Chairman Nass stated that the applicants would be responsible for additional costs associated with their property.

Mr. Tainer stated that the issue of gutters is a building code issue. If the ZBA recommends approval, the next step would be to submit the drawings for a building permit. The issues of the gutters would be addressed during the building permit review.

There were questions about the procedure of the building permit process.

In reference to the property located at 237 Beachview, Carleen Kreider stated that it is not clear where the drainage is coming from in regards to drainage from the applicant's property.

Chairman Nass noted the importance of addressing drainage issues within the Village especially when reviewing addition and construction plans.

It was noted that Village Forester Susan Allman submitted a memo stating that a tree permit will be required. The trees are listed on the tree survey submitted by The Care of Trees dated 11/30/07.

It was additionally noted that Village Engineer Andrea Pracht submitted a memo dated 2/27/08 approving the proposed plans with intentions of issuing a Watershed Development Permit.

Motion: Carleen Kreider moved to recommend to the Village Board approval of the variance requests for Mr. and Mrs. Scott Gilday to construct additions and alterations using the plans as prepared by Tainer Associates Ltd., last dated 7/15/07 to the existing home located at 240 Oxford Road; seconded by Janis Menges.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:

Ayes:	Vice Chair John Cifonelli, Joe DiPino, Carleen Kreider, W. Gene McAlester, Bryan McGonigal and Janis Menges
Nays:	Chairman Warren Nass
Absent:	None
Abstain:	None

Chairman Nass declared the motion approved and that the recommendation for approval would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for April 23, 2008 at 7:30 p.m. and encouraged Mr. and Mrs. Gilday to attend.

4. Adjournment

There being no further business to come before the Board, Vice Chair John Cifonelli moved to adjourn the Public Hearing; seconded by Carleen Kreider.

The voice vote was unanimous in favor.

At 8:35 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held June 10, 2008.

Attest: _____
Kris Lennon, Deputy Village Clerk