

**MINUTES OF A SPECIAL MEETING OF THE ZONING BOARD OF APPEALS OF THE  
VILLAGE OF NORTH BARRINGTON HELD MONDAY SEPTEMBER 13, 2010,  
AT 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL,  
111 OLD BARRINGTON ROAD,  
IN SAID VILLAGE**

**1. Call to Order & Roll Call**

At 7:45 P.M. Chairman Nass called the Special Meeting to order and the Deputy Village Clerk called the roll:

Present in Person: Chairman Warren Nass, Vice Chair John Cifonelli, Joseph DiPino, and Bryan McGonigal  
Absent: Carleen Kreider, W. Gene McAlester, Paru Thondavadi  
Also Present: Village Attorney J.W. Braithwaite  
Andrea Pracht, Village Engineer  
Kelly Rafferty, Village Building and Zoning Officer  
Natalie Karney, Village Health and Sanitation Officer  
Mark Kolar, Village Trustee  
Kris Lennon, Deputy Village Clerk  
Nicole Keiter, Deputy Village Clerk  
Bill Bishop, Plan Commission Chairman  
Janis Menges, Plan Commission  
Martin Pais, Plan Commission  
Denis Taillon, Plan Commission  
John Busse, 517 Larkins Lane  
Tom Benson, 180 Rainbow Road  
Nick Capaccio, 640 Masland Court  
Janice Faulkner, 28272 West Savannah, Lake Barrington  
John Rackow, 4207 Farmington Lane, Johnsburg  
Pat Rozzano, 635 Signal Hill Road  
Scott Perkins, 635 Signal Hill Road  
Sonia Beranich, 609 Sioux Drive  
Paula Lucchesi, 120 Mohawk Drive  
M/M Matthew Shemluck, 593 Signal Hill Road  
David Dastur, 513 Larkins Lane  
Rich Politowicz, Professional Home Services, Chicago

**2. Approve Minutes from the June 8, 2010 Meeting**

The Minutes of the June 8, 2010 Meeting were made available to the Board.

Chairman Nass asked the Zoning Board of Appeals if there were any revisions to the Minutes. There were none.

Motion: Vice Chair Cifonelli moved that the Minutes of the June 8, 2010 Meeting be approved; seconded by Joseph DiPino.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the June 8, 2010 Meeting approved and put on file.

### **Legal Notice**

Chairman Warren Nass requested that a copy of the published notice of the public hearing be incorporated into record. Village Attorney J. W. Braithwaite swore in everyone in the audience that may be speaking during any portion of the public hearing.

### **3. Public Hearing, Scott Perkins and Patrick Rozzano, 635 Signal Hill Road**

- a) Petitioners request certain zoning variations to run with the land to allow for a lot area of approximately 3.105 acres rather than the 5 acre requirement of the R-1 District and allow for an average lot width of approximately 216 feet rather than the 300 feet required for properties in the R-1 District

It was noted that information was presented to the Plan Commission relative to requested rezoning of subject property at a meeting attended by the members of the Zoning Board of Appeals.

#### **1) Presentation by Petitioners**

Chairman Nass invited the petitioners to address the Zoning Board of Appeals.

Mr. Scott Perkins, 635 Signal Hill Road addressed the Board on behalf of the petitioners and explained that east parcel of land is zoned R-3 (40,000 sq. ft.) while the west parcel is zoned R-1 (5 acre). The total area of both parcels is approximately 3.105 acres and is therefore non-conforming to either zoning. At a hearing this evening before the Plan Commission, the petitioners requested rezoning of the east parcel from R-3 (40,000 sq. ft.) to R-1 (5-acre) so that the entire property will be zoned R-1 and was requesting a zoning variation to run with the land to address the non-conformance issues.

#### **2) Questions and Comments by Audience**

There were no questions or comments by the audience.

#### **3) Questions and Comments by Zoning Board of Appeals**

Chairman Nass stated that the existing house on the property is non-conforming.

Village Building and Zoning Officer Kelly Rafferty noted that the zoning variations are for the entire property

Village Attorney J.W. Braithwaite stated that if the Zoning Board of Appeals recommends approval of the variances, it would be subject to the entire property becoming zoned R-1.

Chairman Nass asked the Zoning Board of Appeals if there were any questions.

Bryan McGonigal asked why the petitioners are seeking an R-1 classification and not an R-3 classification due to the total area of both parcels being approximately 3.105 acres. Village Attorney J.W. Braithwaite stated that if the property were to be zoned R-3, there would be the potential for splitting the property and creating two home sites; therefore; it would be in the best interest of the petitioners as well as the Village for the property to be zoned as R-1.

Vice Chair Cifonelli inquired whether the proposed side setbacks are in conformance with R-1 zoning.

Village Building and Zoning Officer Kelly Rafferty stated that the required side yard setback is 21.6 feet which is 10% of the average width of the lot so that it is in conformance with R-1 zoning.

Chairman Nass noted that there were no objections from any neighbors.

#### **4) Close Public Hearing**

Motion: Vice Chair Cifonelli moved to close the Public Hearing; seconded by Joseph DiPino

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Public Hearing Closed.

#### **5) Recess Special Meeting**

Motion: Vice Chair Cifonelli moved to recess the Special Meeting; seconded by Joseph DiPino

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Special Meeting recessed at 7:57 P.M.

#### **4. Public Hearing, John Rackow and Janice Faulkner**

Motion: Vice Chair Cifonelli moved to re-convene the Special Meeting; seconded by Joseph DiPino

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Special Meeting re-convened at 9:10 P.M.

- a) Petitioners request a zoning variation to permit lot sizes of 1.94 and 1.93 in the R-2 District pursuant to a proposed two lot subdivision, if rezoned from R-1 to R-2

It was noted that information was presented to the Plan Commission relative to requested rezoning of subject property. The Plan Commission recommended that it would be beneficial for the petitioners and the concerned neighbors in the Pennington Ponds Subdivision to schedule a meeting for all parties to discuss the proposed Rackow Subdivision and potential covenants.

Chairman Nass stated that the matter would be continued to November and that the Zoning Board of Appeals would meet on the date of the November Plan Commission meeting to re-visit the matter.

Joseph DiPino noted that he could not publicly commit to the November meeting but would check his schedule.

**5. ZBA Discussion and recommendation re: Perkins/Rozzano, 635 Signal Hill**

Motion: Joseph DiPino moved to recommend to the Village Board approval of the variance request for Mr. Scott Perkins and Mr. Patrick Rozzano allowing zoning variations to run with the land to allow for a lot area of approximately 3.105 acres rather than the 5 acre requirement of the R-1 District and; allow for an average lot width of approximately 216 feet rather than the 300 feet required for properties in the R-1 District; seconded by Vice Chair Cifonelli.

Discussion: There was no discussion.

Vote on Motion

By Roll Call:

- Ayes: Chairman Warren Nass, Vice Chair Cifonelli, Joseph DiPino, and Bryan McGonigal
- Nays: None
- Absent: Carleen Kreider, W. Gene McAlester, and Paru Thondavadi
- 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 September 22, 2010 at 7:30 p.m.

**6. ZBA Discussion and recommendation re: Rackow/Faulkner, 195 Rainbow Road**

Chairman Nass re-stated that the matter would be continued to November and that the Zoning Board of Appeals would meet on the date of the November Plan Commission meeting to re-visit the matter.

**Legal Notice**

Chairman Warren Nass requested that a copy of the published notice of the public hearing be incorporated into record. Village Attorney J. W. Braithwaite swore in everyone in the audience that may be speaking during any portion of the public hearing.

**7. Public Hearing, Mr. & Mrs. Matthew R. Shemluck, 593 Signal Hill Road**

a) Petitioners request zoning variations:

**ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.**

The lot area of the subject property (East ½ of Lot 3 and all of Lots 4,5,6 and 7 in Block 4 in Unit No. 3 of Biltmore Country Estates Subdivision) is approximately 33,512 square feet.

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

The subject property is non-conforming due to lot area.

Chairman Nass explained the variances to the code as requested by Mr. & Matthew R. Shemluck and invited the applicants to address the Zoning Board of Appeals (ZBA).

Mr. & Mrs. Matthew Shemluck addressed the Board. They were accompanied by their general contractor, Rich Politowicz. Mrs. Shemluck stated that they would like to renovate the existing house for use as their primary residence. The renovation would involve remodeling the existing home and removing the poorly built addition in order to build a new one story addition.

Chairman Nass explained that the property is deemed as non-conforming, as the area of the property is less than the 40,000 sq. feet required for properties located in the R-3 Zoning District. The Village Zoning Ordinance provides that a non-conforming building or use may be continued and maintained but not expanded. The Zoning Ordinance prevents the proposed addition until variations are granted.

Chairman Nass asked the petitioners if they were the owners of the property and if they paid their real estate taxes. Mrs. Shemluck stated that their real estate taxes are current. It was noted that current tax records were submitted to the Village.

Mrs. Shemluck stated that the proposed addition will not be the same footprint but a similar configuration; the number of bathrooms (2) and bedrooms (3) remains the same. The roof line will be altered.

Rich Politowicz, Professional Home Services, addressed the Board. Mr. Politowicz explained the renovations and noted that the overall square footage is slightly over the existing square footage of house. The new addition will be approximately 1,228 square feet.

Chairman Nass verified that the front of the house will remain as a ranch in appearance however; the home will be a one story brick addition. Mr. Politowicz noted that the back of the house will be made of brick.

Chairman Nass stated that the renovation is a significant improvement to the existing house. Chairman Nass asked Mr. Shemluck if the chain link fence located to the west of the property was going to be removed. Mr. Shemluck stated that he would remove the chain link fence located to the west of his property.

Sonia Beranich, 609 Sioux Drive, addressed the ZBA and asked the petitioners how far they plan to extend the house toward the south. Mr. Politowicz stated the addition will not extend any further south than existing addition.

It was noted that:

- there were no objections from any neighbors
- the proposed reconstruction was approved by Village Health Officer Natalie Karney
- Village Forester Susan Allman noted that a tree permit will be required to remove tree #5, a multi-trunk maple. The Village Forester noted stipulations outlined in her Memorandum dated 8/5/10 regarding the proposed reconstruction.
- if the zoning variations are granted by the Village Board, Mr. & Mrs. Shemluck understand that they will need to prepare and submit final architectural plans for review by Building and Zoning Officer Kelly Rafferty.

Motion: Vice Chair Cifonelli moved to recommend to the Village Board approval of the variance requests for Mr. & Mrs. Matthew Shemluck for the additions to the existing home by using the site plan as prepared by Vanderstappen Surveying & Engineering, Inc. last revised 8/18/10 and the preliminary architectural plans as prepared by Mark T. Golan Architect, Ltd., dated 9/2/10; seconded by Joseph DiPino.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

|          |  |
|----------|--|
| Ayes:    | Chairman Warren Nass, Vice Chair Cifonelli, Joseph DiPino, and Bryan McGonigal |
| Nays:    | None   |
| Absent:  | Carleen Kreider, W. Gene McAlester, and Paru Thondavadi                        |
| 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 September 22, 2010 at 7:30 p.m.

## **8. Other Business**

There was no other business to discuss.

## **9. Adjournment**

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

The voice vote was unanimous in favor.  
At 9:40 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Special Meeting held March 14, 2011.

Attest: \_\_\_\_\_  
Kris Lennon, Deputy Village Clerk