

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS
PUBLIC HEARING HELD TUESDAY, JANUARY 11, 2005 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 8:00 P.M. Chairman Nass called the hearing to order and the Village Clerk called the roll:

Present: Chairman Nass, Vice Chairman Cifonelli, Janis Menges, Bryan
McGonigal, W. Gene McAlester, Joe DiPino and Carleen Kreider
Absent: None
Also Present: Kathy Nelander, Village Clerk
Kelly Mazeski, Village Trustee
Steve & Beth Benck, 301 Glen Circle
Warren Habib, 150 Century Oaks Drive
Steve and Linda DiVito, 140 Century Oaks Drive

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

2. The following variations are requested in the petition submitted Mr. & Mrs. Steve Benck, 301 Glen Circle, North Barrington, Illinois 60010.

Chairman Nass noted that all requirements had been met by the applicants and explained the variances to the code requested by Mr. & Mrs. Steve Benck.

Section 10-1-2(B) and
ZR-10-4-2(A1b):

A non-conforming building or use shall not be expanded.

yard

The existing house is non-conforming due to front yard and side building encroachments.

Section 10-9-2(A3):

From all other public roads or streets the setback shall not be less than 60 feet from the established centerline.

line.

Based on the 60 foot right-of-way established for Glen Circle, the required setback shall be 30 feet as measured from the property

at

The existing house is located 18.7 feet from the front property line its closest point, representing an existing front yard setback

encroachment of 11.3 feet.

house The proposed 2nd floor addition is located above the end of the having the existing setback encroachment. As such, the 2nd floor addition will similarly encroach approximately 11.3 feet into the required front yard setback.

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

required Based on an average lot width of approximately 195 feet, the side yard setback shall be 19.5 feet as measured from the side property line.

at The existing house is located 10.65 feet from the side property line its closes point, representing an existing setback encroachment of 8.85 feet. The existing wood deck along the side of the house is located approximately 7 feet from the side property line, representing an existing setback encroachment of approximately 12.5 feet.

house The proposed 2nd floor addition is located above the end of the having the existing setback encroachment. As such, the 2nd floor addition will similarly encroach approximately 8.85 feet into the required side yard setback.

Chairman Nass asked that the applicants to address the Board explaining their request. Mr. Benck displayed the preliminary architectural plans and explained that they would like to remove the roof of the two-car garage, and add a master bedroom, bath and laundry to the second floor. He explained that the home had not been renovated since the 1970's and required updating. Additionally, two small bedrooms would be converted into one bedroom, and a screened in porch would be converted to a sunroom. Mr. Benck said that that the alterations would be within the existing footprint of the house. He explained that by building the addition over the garage, and moving several internal walls, they would be able to update the home while maintaining the characteristics and esthetics of the home.

There were some questions from the Board.

Motion: Vice Chairman Cifonelli moved to recommend to the Village Board approval of the requested variances for Mr. & Mrs. Steve Benck to construct additions and alterations to the home at 301 Glen Circle, using the preliminary plans prepared by Shaffer, Coath & Potter Architects. dated 8/12/04, and that final architectural drawings would be required for review and permitting purposes; seconded by Gene McAlester.

Discussion: There was some discussion.

Vote on Motion

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

Chairman Nass declared the motion approved and that the recommendation would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for Monday, January 24, 2005 at 7:30 p.m. and invited Mr. & Mrs. Benck to attend.

3. The following variations are requested in the petition submitted by Mr. & Mrs. Warren Habib, 150 Century Oaks Drive, North Barrington, Illinois 60010.

Section 10-9-2(B): Setbacks: From each side line that does not border a road or street, the setback shall be not less than 10 percent (10%) of the average width of the lot or plot, or ten feet (10'), whichever is greater; provided, however that incidental buildings, detached from the main building, shall have a minimum setback of ten feet (10') from the side and rear lot lines.

The existing playground equipment is located approximately three feet (3') off of the side lot line.

Chairman Nass asked that the applicant address the Board explaining his variance request. Warren Habib explained that his property was initially surveyed in 1999 by Continental Engineering in order to build the existing home, and that when the swing set was installed, it was installed far enough from the marked property line. Mr. Habib explained that later that year, the DiVitos at 140 Century Oaks Drive ordered a survey, and their survey showed that the original survey was incorrect and the property line was moved closer to the swing set. Mr. Habib said that he was unaware of the ten foot requirement, until it was brought to his attention in October of 2004. Mr. Habib said that for the last five years the swing set has been in place, with both families, his children as well as the DiVito children, using the swing set. Mr. Habib said that he would like to keep the swing set in his current position as he feels it is in the best placement to supervise the children, as well as the costs involved to relocate it.

Chairman Nass asked Mr. Habib if he had contacted the neighbors who were complaining about the swing set, the DiVitos, if there was anything he could do to remedy the situation without moving the swing set. Mr. Habib said that the neighbors don't like the location of the swing set. Chairman Nass invited the Mr. & Mrs. DiVito to address the Board. Linda DiVito passed out a packet of information to each of the Zoning Board of Appeals members explaining their

objections to the swing set. Mrs. DiVito explained that the property line has been surveyed five (5) times to verify the property line. Mrs. DiVito explained that they would like to install a fence along the property line and that they are concerned about the proximity of the swing set to the proposed fence as well as liability issues if someone were to fall off the swing set onto the fence. The DiVitos also feel that the swing set and its location are affecting the marketability of their home. There was lengthy discussion about the possibility of screening the swing set as well as relocating the swing set.

It was noted that in order to comply with the Village's Zoning Variation, they swing set would have to be moved approximately seven (7) feet further onto the Habib property from the property line.

Motion: Janis Menges moved to recommend to the Village Board denial of the requested variance for Mr. & Mrs. Warren Habib to maintain the swing set in the existing location at 150 Century Oaks Drive and that the swing set be relocated according to Section 10-9-2(B) of the Village Zoning Ordinance; seconded by Bryan McGonigal.

Discussion: There was lengthy discussion.

Vote on Motion

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

Chairman Nass declared the motion approved and that the recommendation for denial would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for Monday, January 24, 2005 at 7:30 p.m. and invited Mr. & Mrs. Habib to attend.

5. Adjournment

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

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 Hearing held February 8, 2005.

Attest: _____

Kathy Nelander, Village Clerk

ZBA 1/11/05