

MINUTES OF THE MARCH 3, 2015 REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF OAK BROOK APPROVED AS WRITTEN ON APRIL 7, 2015

1. CALL TO ORDER: CALL TO ORDER

The Meeting of the Zoning Board of Appeals was called to order by Chairman Champ Davis in the Samuel E. Dean Board Room of the Butler Government Center at 7:00 p.m.

2. ROLL CALL: ROLL CALL

Gail Polanek called the roll with the following persons  
PRESENT: Chairman Champ Davis, Members Jeffrey Bulin, Natalie Cappetta, Baker Nimry, Steven Young and Wayne Ziemer  
ABSENT: Member Alfred Savino  
IN ATTENDANCE: Dr. Mark Moy, Trustee, Robert Kallien, Jr., Director of Community Development and Gail Polanek, Planning Technician

3. APPROVAL OF MINUTES: MINUTES

REGULAR MINUTES OF THE JANUARY 6, 2015 MEETING  
Motion by Member Bulin, seconded by Member Ziemer to approve the minutes of the January 6, 2015 Regular Zoning Board of Appeals meeting as written.  
VOICE VOTE: Motion carried.

4. UNFINISHED BUSINESS UNFINISHED BUSINESS

There was no unfinished business to discuss.

5. NEW BUSINESS NEW BUSINESS

A. PEMBROKE – 1715 YORK ROAD – VARIATION – FRONT AND REAR YARD SETBACK – CONSTRUCT NEW RESIDENCE PEMBROKE – 1715 YORK ROAD – VARIATION – FRONT AND REAR YARD SETBACK

Chairman Davis announced the public hearing and stated the requested relief had been before the Zoning Board of Appeals in 2003 and approved by the Village Board. Essentially the same relief approved in 2003 was being sought at this public hearing. The Siddiqi's had sought the previous relief so that they

could build a home and the approval gave them two years to build the new home, but when they did not, the ordinance expired. The applicant is seeking the same relief as was sought in 2003. All witnesses providing testimony were sworn in.

Steve Gawlik, S.G. Architects, Downers Grove, Illinois and John Pembroke, Island Construction, 10621 S. Kostner Ave., Oak Lawn, IL, applicant and contract purchaser of the property provided testimony at the hearing.

Mr. Gawlik reviewed the standards for a variation as follows:

1. a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

**RESPONSE:** The required setbacks and the unique shape of the lot would not allow a house to be built on the property.

1. b. The plight of the owner is due to unique circumstances.

**RESPONSE:** The lot has a unique shape and the required setbacks would not allow a house to be built or provide a reasonable return.

1. c. The variation, if granted, will not alter the essential character of the locality.

**RESPONSE:** The variation, will not alter the essential character of the locality, in fact a new house would enhance the current streetscape instead of a vacant lot.

2. a. The particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

**RESPONSE:** If the same variation were granted that was approved in 2003 there would not be a hardship due to the size and shape of the lot.

2. b. The condition upon which the petition for variation is based would not be applicable generally to the other property within the same zoning classification.

**RESPONSE:** It is not applicable unless there was another lot in the location with the same kind of configuration as this lot seeking the same relief.

2. c. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

**RESPONSE:** The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located and would in fact enhance the overall neighborhood when construction would be complete.

2. d. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

**RESPONSE:** The proposed variation if granted would not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. In fact it would enhance the value of the lot in the neighborhood.

2. e. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

**RESPONSE:** If the variation is granted based on the current unique size of the lot, a house would actually be able to be built. If not, nothing could be built on the lot at all, with the exception of a 20x20 garage.

2. f. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

**RESPONSE:** The hardship of the lot is based on angle of the lot and the setback requirements. Nothing has been done by the owners to increase that hardship.

Chairman Davis noted that when the variation was granted in 2003, one of the conditions was maintaining the tall trees in the rear of the property and asked Mr. Pembroke if he would accept that condition.

Mr. Pembroke agreed that he would accept that condition.

Chairman Davis noted that there appeared to be a substantial distance located within a vacated easement in front of the property.

Mr. Gawlik responded that there is a buffer between Wood Glen Lane and the actual property. Between Wood Glen Lane and the center of the lot there is almost 103 feet. The buffer has quite a bit of landscaping on it. He could only guess the buffer was there when Wood Glen Lane came through to York Road. Obviously it is not a buildable portion of the lot because it is located outside the lot lines.

Director of Community Development Kallien responded that the majority of the area in front is owned by the Village of Oak Brook and is excess right of way. York Road used to have a different alignment that angled off almost parallel to the original three lots. As noted in 2003 and in the current staff report, although they are seeking a reduction in the front yard to 20.5, there is another 120 feet between the roadway and the front of the property that will be retained by the Village.

Chairman Davis noted that if the trees are maintained at the rear of the lot, it appears that there is substantial landscaping on the lot directly behind the rear yard.

Mr. Gawlik responded that there was a substantial amount of landscaping, including shrubbery and trees on the neighbors property.

Director of Community Development Kallien added that at the far end of the lot, the small triangular piece of land missing is a wooded area also owned by the Village of Oak Brook. A couple of calls were received from people in the area that want it cleaned up. The message has been given to the Public Works Department and after the snow melts the area will be cleaned. The Village is also responsible for the maintenance of property in front of the lot.

Chairman Davis question whether any other calls were received.

Gail Polanek, Planning Technician responded that two people were just curious as to what was going on. The neighbor that lives directly behind the subject property was concerned about some debris and dead shrubbery and trees on the lot. That was his only concern that the area be taken care of.

Mr. Pembroke responded that he had not heard anything from the neighbors. There were no comments or questions from the audience.

Member Nimry questioned whether the next door neighbor new that the new house would be sticking out about 20 feet more than their house.

Gail Polanek responded that notices were sent to all of neighbors and no one called stating that it was a concern.

Member Young questioned whether there was any construction debris was there that should be a concern, such as burned or buried on the site.

Director of Community Development Kallien responded that a demolition permit was issued and the house was taken away not buried.

Member Ziemer questioned that it was difficult in the winter to determine what landscaping is alive or dead and asked that they would be willing to remove the dead landscaping and replace it with something appropriate.

Mr. Pembroke responded that they would.

Mr. Gawlik added that they would try to maintain any of the large mature trees located back there. Some may need some pruning.

Member Bulin noted that the previous site plan had shown tree locations and the current site plan did not.

Mr. Gawlik noted that he did not know whether some of those trees had been damaged or come down over time. He said that when the final site plan was submitted to the Village for building permit they would have all of the trees located as part of that.

Director of Community Development Kallien said that if the Zoning Board and ultimately the Village Board places that as a condition it would be noted at the time of building plan review. They would make sure that the trees to be saved are saved.

Member Bulin questioned the applicant's preference to the site plans submitted.

Mr. Gawlik responded that it would probably be the side load garage in order to limit the garage view from the front.

Director of Community Development Kallien suggested that the larger be chosen so that either house could fit in the footprint. The front yard would be 20.5' and the rear yard would be 24.9'

Mr. Gawlik responded that either option could then fit into the larger setback.

Member Cappetta noted that as a Village we would be better off with the lot improved. They were not seeking to overbuild the lot, especially with all the property the Village owns around it.

Mr. Gawlik noted that there was so much excess land owned by the Village abutting the property.

Director of Community Development Kallien noted that the house proposed is a very small house, although a very nice house and in scale with the property.

Member Bulin questioned why the first ordinance expired in two years.

Chairman Davis questioned the plans for construction.

Mr. Pembroke responded that once approved by the Village they would move forward with building plans.

Gail Polanek added that part of it back then was that there was a burnt out house on the property and wanted to be removed.

Director of Community Development Kallien noted at that time the old house was still standing on the property.

Chairman Davis said that it made sense they would have wanted something done on the property, and based on that would not suggest a provision unless the members felt the need to include it as a condition.

Chairman Davis noted that the Standards for a variation were addressed verbally and in writing on page C of the case file. Sufficient facts had been presented to enable a vote on the matter.

Motion by Member Bulin, seconded by Member Ziemer that the applicant had satisfied the requirements for a variation and to recommend approval of the variation to allow the construction of a new residence with a front yard setback of 20.5 feet and a rear yard setback of 24.9 feet, subject to the following conditions:

1. Maintain and preserve the existing large trees on the property;
2. The footprint on proposed elevation B provides for the larger setbacks to be used;

3. The proposed development shall be constructed in substantial conformance to the approved plans as submitted or as will be approved;
4. Add the condition "Notwithstanding the attached exhibits, the applicant shall meet all Village Ordinance requirements at the time of building permit application except as specifically varied or waived."

ROLL CALL VOTE:

Ayes: 6 – Members Bulin, Cappetta, Nimry, Young, Ziemer and Chairman Davis

Absent: 1 – Member Savino. Motion carried.

6. OTHER BUSINESS

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Director of Community Development Kallien reviewed possible upcoming cases.

There was no other business to discuss.

7. ADJOURNMENT:

ADJOURNMENT

Motion by Member Ziemer, seconded by Member Bulin to adjourn the meeting at 7:28 p.m. VOICE VOTE: Motion carried.

ATTEST:

/s/ Robert L. Kallien, Jr.  
Director of Community Development  
Secretary