

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC HEARING HELD TUESDAY, DECEMBER 11, 2007 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 7:35 P.M. Chairman Nass called the Public Hearing to order and the Deputy Village Clerk called the roll:

Present in Person: Chairman Warren Nass, Carleen Kreider, W. Gene McAlester,
Bryan McGonigal and Janis Menges
Absent: Vice Chair Cifonelli and Joe DiPino
Also Present: Kris Lennon, Deputy Village Clerk
Thomas O'Connor, 249 Biltmore Drive

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 November 13, 2007 Meeting

The Minutes of the November 13, 2007 Meeting were made available to the Board.

Motion: W. Gene McAlester moved that the Minutes of the November 13, 2007 Meeting be approved as presented; seconded by Bryan McGonigal.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the November 13, 2007 Meeting approved and put on file.

3. The following variations are requested in the petition submitted by Mr. Thomas O'Connor, 249 Biltmore Drive, North Barrington, IL 60010 for the property located at: 239 Beachview Lane, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. Thomas O'Connor.

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, lot width and existing building setback.

ZR-10-6-3(A):

R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet, a lot width of at least 115 feet at the front lot line and an average width of 130 feet.

The subject property has a lot area of approximately 11,870 square feet, a lot width of 100 feet at the front lot line and an average width of 100 feet.

ZR-9-2(C): From the rear property line, the setback shall not be less than 40 feet.

The proposed wood deck will be located approximately 19.18 feet from the rear property line, representing an encroachment of approximately 20.82 feet.

The existing dwelling is located 23.53 feet from the rear property line, representing an existing encroachment of 16.47 feet.

Chairman Nass stated that Mr. O'Connor is proposing to convert the existing screen porch into a kitchen/breakfast area along with the construction of two wood decks. Chairman Nass noted that the Environmental and Health Commission recommended approval of a septic variance to VC-4-5A-7E6.

Chairman Nass invited the applicant to address the Zoning Board of Appeals (ZBA) and asked if Mr. O'Connor if he was living in the house and, he if was aware of the current violations. Mr. O'Connor stated that he is not living at the house and is aware of the current violations.

Chairman Nass asked Mr. O'Connor what his plans were for purchasing the house. Mr. O'Connor explained that the existing house does not have a functional kitchen due to the existing kitchen being located in the basement. He would like to move the kitchen upstairs and convert the screen porch into a kitchen/breakfast area. Mr. O'Connor additionally explained that he lives in the Biltmore subdivision and purchased the house mainly as an investment. He admitted that he is not a builder or developer and was unaware of the non-conforming zoning violations prior to purchasing the house. He is currently putting a pitched roof on the house to replace the flat roof.

It was noted that an elderly man, who recently retired, lived at the property prior to Mr. O'Connor purchasing the house.

Mr. O'Connor stated that he is not adding to the square footage of the home and that it will continue to be a 3 bedroom, 2 bathroom house. There is a steep bank at the back of the property which he cut down to allow the water to drain around the house instead of into the house. A retaining wall was installed to keep the dirt in place and Mr. O'Connor plans to build a ground-level deck to provide enjoyment to the back of the property.

Janis Menges asked if the kitchen in the basement will remain as is. Mr. O'Connor stated that he is unsure of his plans for the existing kitchen; he may make it into a bar area.

There was discussion among the ZBA about the basement area. Mr. O'Connor stated that he will not be remodeling the basement area. The existing basement has a concrete floor and a tile ceiling. There are no windows; only window wells.

Janis Menges stated that the concern of the ZBA is that a future bedroom will be added to the basement. If a number of people occupy the house, problems may occur with an overused septic system.

Chairman Nass stated that he was under the impression that the house was still owned by the prior owner. He was not aware Mr. O'Connor purchased the house in order to invest, sell or rent the property and additionally noted that once the house is sold, it is hard to control the number of people who occupy the house.

Mr. O'Connor stated that there were many families who were looking at buying the house before he purchased it. He has been a resident in the Village since 1989. He understands the septic issues within the area and noted that the septic field failed at his current residence, 249 Biltmore Drive, however, an aerator was installed which solved the problem.

Carleen Kreider confirmed with Mr. O'Connor that existing screen porch will be the new kitchen area/breakfast nook.

Janis Menges asked where the laundry facilities were and commented that if there are two operating kitchens, there is the potential for more water flow. Mr. O'Connor stated that it appeared the previous washer and dryer were downstairs in the mechanical room.

Mr. O'Connor stated that there are no current septic violations.

W. Gene McAlester noted that if the septic failed, the current owner would have to repair the failure.

Bryan McGonigal inquired about the location of the back yard deck. Mr. O'Connor reiterated that that the back deck is being built to provide enjoyment to the back of the property.

It was noted that there were no objections from adjacent neighbors to the variance request.

Motion: Carleen Kreider moved to recommend to the Village Board approval of the variance requests for Mr. Thomas O'Connor to convert an existing screen porch into a kitchen/breakfast area and to construct a front and rear deck using the plans as prepared by Burch, Burch, & Burch A.I.A. Ltd., last dated 11/19/07 to the existing home located at 239 Beachview Lane; seconded by Bryan McGonigal.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Carleen Kreider, W. Gene McAlester, Bryan McGonigal and Janis Menges
Nays:	Chairman Warren Nass
Absent:	Vice Chair John Cifonelli and Joe DiPino
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 December 17, 2007 at 7:30 p.m. and encouraged Mr. O'Connor to attend.

4. Adjournment

There being no further business to come before the Board, Bryan McGonigal moved to adjourn the Public Hearing; seconded by Carleen Kreider.

The voice vote was unanimous in favor.

At 7:55 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held April 8, 2008.

Attest: _____
Kris Lennon, Deputy Village Clerk