

**MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC  
HEARING HELD TUESDAY, MARCH 10, 2009 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, Ginger Das Gupta,  
Joe DiPino, Carleen Kreider and Bryan McGonigal

Absent: W. Gene McAlester

Also Present: Kris Lennon, Deputy Village Clerk  
M/M Scott Gilday, 240 Oxford Road  
Lawre Weiner, 261 Kimberly Road  
Terri P. Tepper, 261 Kimberly Road

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 9, 2008 Meeting**

The Minutes of the December 9, 2008 Meeting were made available to the Board.

Carleen Kreider stated that two minor corrections were needed to the December 9, 2008 Minutes. The Deputy Village Clerk noted the errors and agreed to revise the Minutes accordingly.

Motion: Joe DiPino moved that the Minutes of the December 9, 2008 Meeting be approved as amended; 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 December 9, 2008 Meeting approved and put on file.

**3. Ordinance No. 1144 was approved by the Village Board of Trustees on May 28, 2008 upon receiving a recommended approval by the Zoning Board of Appeals on April 8, 2008. Mr. & Mrs. Gilday did not secure a building permit for the addition within 6 months of the grant of variation. An extension of the following zoning variations previously granted by Ordinance No. 1144 has been requested by Mr. & Mrs. Scott Gilday, 240 Oxford Road, North Barrington, IL 60010.**

Chairman Nass explained the variances to the code previously requested by Mr. & Mrs. Scott Gilday.

**ZONING VARIATIONS NEEDED:**

**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). Chairman Nass noted that Mr. & Mrs. Gilday did not secure a building permit within six months of the grant of variation. Mr. & Mrs. Gilday submitted an updated request letter on 3/6/09 requesting that the Village extend the term of the zoning variation from their original request of two years to three years from the original grant date with an expiration of May 28, 2011.

Chairman Nass stated that Mr. & Mrs. Gilday voluntarily cooperated with the Village to accommodate drainage concerns associated with their property with modifications such as installing a pervious driveway, planting a rain garden, and installing gutters on the existing house and new addition. Chairman Nass further stated that he is reluctant to grant a three year extension due to changes that could possibly transpire during a three year period such as the sale of the property and new property owners. Chairman Nass asked the applicants if they would consider a six month extension.

Mr. Gilday stated that they desired to extend the period as long as possible due to their finance situation and the state of the economy.

Chairman Nass asked the ZBA if they had questions and/or comments for the applicants.

Carleen Kreider proposed that the term be extended for a period of one year due to the unusual circumstances of the economy.

Vice Chair Cifonelli referenced the Memorandum dated 1/28/09 from Village Building and Zoning Officer Kelly Rafferty explaining that the Village Zoning Ordinance provides that: "the term of a zoning variation may be extended by the Board of Trustees upon recommendation by the ZBA for a period or for periods not to exceed a total of three years from the original grant of variation, whether or not such extension is sought within the initial six month period".

Carleen Kreider summarized that the ZBA at their discretion may extend the variation date for a period not to exceed a total of three years from the original grant of variation.

There was discussion among the ZBA about whether or not the variation would be applicable to new owners if the property was sold.

Motion: Carleen Kreider moved to recommend to the Village Board approval for the extension of the zoning variation requests for Mr. and Mrs. Scott Gilday granted by Ordinance #1144 with an expiration date of March 18, 2010; seconded by Ginger Das Gupta.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair John Cifonelli, Ginger Das Gupta, Joe DiPino, Carleen Kreider and Bryan McGonigal
Nays:	None
Absent:	W. Gene McAlester
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 March 18, 2009 at 7:30 p.m. and encouraged Mr. & Mrs. Gilday to attend.

**4. The following variations are requested in the petition submitted by Mr. Lawrence Weiner & Ms. Terri P. Tepper, 261 Kimberly Road, North Barrington, IL 60010:**

Chairman Nass explained the variances to the code requested by Mr. Lawrence Weiner and Ms. Terri P. Tepper.

**ZONING VARIATIONS NEEDED:**

**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 because it encroaches into the required front yard zoning setback.

**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 80 foot wide right-of-way established for Kimberly Road, the required front yard setback shall be 20 feet as measured from the front property line.

- The existing house is located approximately 17.09 feet from the

front property line, representing an existing front yard encroachment of approximately 2.91 feet.

- The proposed front entry addition will be located approximately 14.65 feet from the front property line, representing a new front yard encroachment of approximately 5.35 feet.
- The proposed Dining Room addition will be located approximately 18.5 feet from the front property line, representing a new front yard encroachment of approximately 1.5 feet.

Chairman Nass invited the applicants to address the Zoning Board of Appeals (ZBA) and explain their variation requests. Ms. Terri P. Tepper explained that the existing house is non-conforming. They are proposing to construct a front entryway and dining room addition. The proposed front entry addition will create a new front yard encroachment of approximately 5.35 feet and the proposed dining room will create a new front yard encroachment of approximately 1.5 feet. Mr. Lawrence Weiner added that the existing deck in the back yard will be taken down, re-located and constructed into a smaller deck.

Ms. Tepper explained their hardship is that the topography of the property does not allow them to make alterations or improvements to the back of the house which is why they have requested zoning variations to the front of the house.

Chairman Nass asked the applicants how long they have lived at the property. Mr. Weiner stated that they have lived in the house since 1972; the original construction was in 1954 and an addition was added in 1964.

Vice Chair Cifonelli asked applicant for the record to state the total area of their property.

It was noted that the site contains approximately 2.35 acres and is located in the R-3 Zoning District (Single Family Residential 40,000 Sq. Ft. Minimum Lot Area).

Carleen Kreider referenced comments provided by Village Forester Susan Allman in her Memo dated 2/25/09 regarding the "Trash Storage". Ms. Tepper stated that they are working on an area to place their trash cans and have not decided on a location and/or design. Mr. Weiner stated that they would like to enclose their trash cans in order to keep them from visibility. It was noted that a tree removal permit is not required.

It was noted that the Village Health Officer has no objection to the application and that there were no objections from adjacent neighbors to the variance request.

Motion: Vice Chair Cifonelli moved to recommend to the Village Board approval of the zoning variation requests for Mr. Lawrence Weiner & Ms. Terri P. Tepper to construct a front entryway addition, a dining room addition, and back yard deck to the existing home located at 261 Kimberly Road using the plans as prepared by Karen Keating, AIA last dated 1/30/09; seconded by Carleen Kreider.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair John Cifonelli, Ginger Das Gupta, Joe DiPino, Carleen Kreider and Bryan McGonigal
Nays:	None
Absent:	W. Gene McAlester
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 March 18, 2008 at 7:30 p.m. and encouraged Mr. Weiner & Ms. Tepper to attend.

#### **4. Adjournment**

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

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 October 13, 2009.

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