

**MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC  
HEARING HELD TUESDAY, JUNE 8, 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 7:30 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 Joe DiPino,  
W. Gene McAlester, Bryan McGonigal, Paru Thondavadi  
Absent: Carleen Kreider  
Also Present: Kris Lennon, Deputy Village Clerk  
Janis Menges, 145 Clover Hill Lane  
Mr. Scott Gilday, 240 Oxford 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 February 16, 2010 Meeting**

The Minutes of the February 16, 2010 Meeting were made available to the Board.

Chairman Nass asked the Zoning Board of Appeals if there were any revisions to the Minutes. No one wished to speak.

Motion: W. Gene McAlester moved that the Minutes of the February 16, 2010 Meeting be approved; seconded by Joe DiPino.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the February 16, 2010 Meeting approved and put on file.

**3. The following variations are requested in the petition submitted by  
Mr. & Mrs. Matthew Menges, 145 Clover Hill Lane, North Barrington, IL 60010:**

Vice Chair Cifonelli explained the variances to the code requested by Mr. & Mrs. Matthew Menges.

**ZONING VARIATIONS NEEDED:**

**The petitioner requests a zoning variation to allow the continued utilization of their lot compromising of 1.853 acres as a single family site. The minimum otherwise required by**

**the Zoning Ordinance is 2 acres. The Village entered into an annexation agreement in 1993 which provided that the subject property would be allowed to be 1.853 acres.**

Vice Chair Cifonelli invited the applicant to address the Zoning Board of Appeals (ZBA). Janis Menges, 145 Clover Hill Lane, addressed the Board. It was noted that Matthew Menges was not in attendance. Ms. Menges explained that they are seeking a zoning variation in order to eliminate the non-conforming status of their Lot 1 in Clover Hill Estates Subdivision. Lot 1 in Clover Hill Estates Subdivision is 1.853 acres in size rather than the 2 acres minimum required for properties in the R-2 Zoning District. A zoning variation should have been granted by the Village according to an Annexation Agreement entered in 1993 which provided that the property would be zoned R-2 (2 acre residential).

Ms. Menges stated that in the event of a catastrophe, such as a fire, they would not want to delay the re-build process with the requirement of a zoning variation.

Vice Chair Cifonelli asked the Board if they had any questions for Ms. Menges.

No one wished to comment.

Motion: Joe DiPino moved to recommend to the Village Board approval of the variance request for Mr. & Mrs. Matthew Menges to eliminate the non-conforming status for Lot 1 in the Clover Hill Estates Subdivision to the existing property located at 145 Clover Hill Lane; seconded by Bryan McGonigal.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair Cifonelli, Joe DiPino, W. Gene McAlester, Bryan McGonigal, Paru Thondavadi
Nays:	None
Absent:	Carleen Kreider
Abstain:	None

Vice Chair Cifonelli 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 June 23, 2010 at 7:30 p.m.

#### **4. Petition to extend Zoning Variation:**

**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. An extension of the zoning variation was approved by the Village Board on March 18, 2009 upon receiving a recommended approval by the Zoning Board of Appeals on March 10, 2009 however; Mr. & Mrs. Gilday did not secure a permit for the addition given the expiration date of May 28, 2010. A second 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.**

Vice Chair Cifonelli 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".

Vice Chair Cifonelli invited the applicant to address the Zoning Board of Appeals (ZBA). Scott Gilday, 240 Oxford Road, addressed the Board. It was noted that Mrs. Gilday was not in attendance. Mr. Gilday explained that due to a number of circumstances, they did not secure a permit for the addition after seeking an extension of the zoning variations before the Village Board on March 18, 2009. Mr. Gilday explained that the septic system needed to be installed prior to the issuance of the building permit however; they recently installed the septic system in May 2010, slightly before the deadline of May 28, 2010. Mr. Gilday requested a second six month extension with a new expiration date of November 28, 2010.

Joe DiPino asked Mr. Gilday if there had been any revisions to the previously approved plans. Mr. Gilday stated that there had been no revisions. Mr. Gilday added that Lake Cook Trenching recommended delaying the installation of the septic system due to the ground being saturated.

Chairman Nass asked if the installation of gutters on the house remains within the previously approved plans and if the runoff from the gutters would be directed toward the old septic field. Mr. Gilday acknowledged and stated that there is a new septic field. The old septic tank was removed although the old septic field remains in order to absorb drainage runoff from the gutters.

Chairman Nass asked who the party was that recommended that drainage runoff from the gutters flow into the old septic field. Mr. Gilday was unsure.

Chairman Nass asked if the Gilday's are planting a rain garden in their front yard. Mr. Gilday confirmed. He added that Mrs. Gilday sent a letter to the Village to inquire about the drainage issue on Drury Lane and Oxford Road; he noted that the sewers are not catching the drainage water during rainfalls and that it bypasses the sewers and flows onto his front yard property.

Chairman Nass recommended that Mr. Gilday bring up the drainage issue when he appears before the Board.

Vice Chair Cifonelli stated that he's noticed trees that have been recently planted. Mr. Gilday stated that pine trees and an oak tree have been planted in compliance with the original plans.

Motion: Joe DiPino 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 November 28, 2010; seconded by W. Gene McAlester.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes:	Chairman Warren Nass, Vice Chair Cifonelli, Joe DiPino, W. Gene McAlester, Bryan McGonigal, Paru Thondavadi
Nays:	None
Absent:	Carleen Kreider
Abstain:	None

Vice Chair Cifonelli 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 June 23, 2010 at 7:30 p.m.

## **5. Adjournment**

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

The voice vote was unanimous in favor.

At 7:43 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held September 13, 2010.

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