

APPROVED
**VILLAGE OF LAKE ZURICH
ZONING BOARD OF APPEALS
APRIL 19, 2007**

The meeting was called to order by Chairman McCormack at 7:30 p.m.

ROLL CALL: *Present* - Chairman McCormack, Commissioners Burch, Hagan, Luby (7:31), Paulus, Rubin, and Shaw.

Also present - Building and Zoning Inspector Meyer and Assistant Village Engineer Lebbos.

APPROVAL OF MINUTES:

APPROVAL OF THE ZONING BOARD OF APPEALS AUGUST 17, 2006 AND
FEBRUARY 15, 2007 MINUTES:

MOTION was made by Commissioner Paulus, seconded by Commissioner Rubin, to approve the minutes of the August 17, 2006 Zoning Board of Appeals meeting as submitted.

Voice vote, AYES have it. MOTION CARRIED.

MOTION was made by Commissioner Rubin, seconded by Commissioner Hagan, to approve the minutes of the February 15, 2007 Zoning Board of Appeals meeting as submitted.

Voice vote, AYES have it. MOTION CARRIED. Commissioners Paulus and Shaw abstained.

PUBLIC HEARINGS:

257 WEST LANE – LOGAN RESIDENCE – VARIATION FROM ZONING CODE
PARAGRAPH 3-11C2 TO REDUCE THE REQUIRED SIDE YARD FROM 10 FEET TO
4.88 FEET FOR AN ADDITION

The public hearing was opened at 7:31 p.m. The court reporter swore in those wishing to testify.

Mr. Logan, owner of 257 West Lane, presented his petition for a variation to reduce the required side yard from 10 feet to 4.88 feet for an addition. The area was annexed into the Village in 1994, and has a 7 foot side yard setback, which is not in compliance with current Lake Zurich zoning standards. He described his proposal to extend the existing attached garage and the living space above it, which would further reduce the side yard to 4.88 feet. The north wall of the garage will be moved an additional two feet into the side yard to compensate for a curve in the driveway that allows for an existing oak tree. The curve will be minimized once the garage is moved. Darryl and Rose Retrum, 259 West Lane, support the variance.

Assistant Village Engineer Lebbos said he had some concerns about the existing overhead wires which will be approximately five feet from the wall. He and Building and Zoning Inspector Meyer meet with the homeowners, and they agreed to extend the north wall to one foot without a two-foot overhang. Approval would be subject to providing verification from the utility companies on the stating the absence of an easement or the location and size of the easement in

the location of the expansion. Assistant Village Engineer Lebbos' concern is with the electric wires and not with telephone lines.

Mr. Logan said he had contacted the utility company and they did not have a record of the easement. There is no easement recorded on his title deed.

Chairman McCormack asked if the location of the downspouts would affect the drainage. Assistant Village Engineer Lebbos said if the water remains within his property and goes into a swale it is permitted.

Discussion followed on the type of wires and the proximity to the proposed addition. Building and Zoning Inspector Meyer reaffirmed that the Village would require verification from Commonwealth Edison that there is no easement and the wires are a safe distance from the building.

The public hearing was closed at 7:42 p.m.

Commissioner Luby said he visited the property and thought the addition would be too close to the property lines.

Commissioner Paulus was concerned about the possibility of a utility easement and drainage issues. Assistant Village Engineer Lebbos said the drainage issues had been addressed.

Commissioner Burch said he would not support the variation because there was no hardship, there were other options, and the addition would encroach on the neighbor's yard and view. He said there are zoning laws and they should be followed. Commissioner Burch said this project will be expensive to build and possibly could impact the neighbor in the future even if he did not realize it.

Commissioner Rubin said his main concern was the utilities. He was not pleased with a 4.8-foot side yard and did not understand why they could not build on the existing property line.

MOTION made by Commissioner Rubin, seconded by Commissioner Shaw, to recommend the Board of Trustees grant a variation from Zoning Code Paragraph 3-111C2 to reduce the required side yard from 10 feet to 4.88 feet for an addition on the house contingent on the utility companies granting approval of the project and upon meeting the requirements agreed upon at a meeting between the petitioner and Building and Zoning Inspector Meyer and Assistant Village Engineer Lebbos on April 6 which are the eaves on the north side of the home be limited to one foot and the north edge of the driveway be moved from the north property line one foot as stated in Mr. and Mrs. Logan's letter dated April 11, 2007.

AYES: 6 Chairman McCormack, Commissioners Hagan, Luby, Paulus, Rubin, and Shaw
NAYS: 1 Commissioner Burch

MOTION CARRIED

ADJOURNMENT:

MOTION was made by Commissioner Rubin, seconded by Commissioner Shaw, to adjourn the meeting.

Voice vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 7:56 p.m.

Submitted by Janet McKay, Recording Secretary

Approved: _____ 7/19/07