

Corrected

**VILLAGE OF LAKE ZURICH**  
**ZONING BOARD OF APPEALS**  
**MAY 21, 2009**

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

**ROLL CALL:** *Present* - Commissioners Burch, Hagan, Kmiecik, Paulus, Rubin, and Shaw.  
*Excused* – Chairman McCormack. *Also present* - Building and Zoning Inspector Meyer.

**APPROVAL OF MINUTES:**

APPROVAL OF THE ZONING BOARD OF APPEALS APRIL 16, 2009 MINUTES:

MOTION was made by Commissioner Shaw, seconded by Commissioner Hagan, to approve the minutes of the April 16, 2009 Zoning Board of Appeals meeting as submitted.

Voice vote, AYES have it. MOTION CARRIED.

**PUBLIC HEARINGS:**

310 KNOX PARK – SCHUSTER RESIDENCE – SWIMMING POOL – VARIATION TO  
REDUCE THE REQUIRED INTERIOR SIDE YARD FROM 10 FEET TO 4 FEET AND TO  
REDUCE THE REQUIRED REAR YARD FROM 23 FEET TO 16 FEET

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

Curt and Lonnie Schuster, 310 Knox Park, presented their proposal to install an above-ground 21-foot round pool. Three of his neighbors signed a letter supporting the variance. A hardship exists because Commonwealth Edison installed the electric lines underground in a diagonal through his yard and the pool must be at least 5 feet away from the lines per the National Electrical Code. Additionally, they have a three-tiered deck and an unusually shaped yard. The Schusters stated in their letter to the Building and Zoning Department that they want a variance to come within 8-1/2 feet of the property line instead of the 23 foot setback that is required. Their second option would be a variance to come within 16 feet of the rear property line instead of the 23-foot setback and a variance to come within 4 feet of the side property line instead of the 10 foot guideline.

In a memorandum dated May 13, 2009, Engineer Technician Bureau said the proposed rear and side yard setback variation would place the pool within the 5-foot utility easement, which is not permitted. Building and Zoning Inspector Meyer asked that this statement be considered if approval of the variation is recommended.

The public hearing was closed at 7:39 p.m.

The two options in the Schusters' letter were discussed at length with the Zoning Board of Appeals asking for additional information from the petitioner. After considerable discussion it was decided that two motions would be proposed to give the petitioner and the Board of Trustees two options to choose from so the pool could be installed in a timely fashion.

MOTION made by Commissioner Burch, seconded by Commissioner Shaw, to recommend the Board of Trustees approve a variation to reduce the required interior side yard from 10 feet to 4 feet as stated in the memorandum from Building and Zoning Director Peterson dated May 14, 2009.

AYES: 5 Commissioners Burch, Hagan, Kmiecik, Paulus, and Shaw.

NAYS: 1 Commissioner Rubin.

MOTION CARRIED

MOTION made by Commissioner Hagan, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve a variation to reduce the required rear side yard from 23 feet to 8-1/2 feet.

AYES: 5 Commissioners Burch, Hagan, Kmiecik, Paulus, and Shaw.

NAYS: 1 Commissioner Rubin.

MOTION CARRIED

856 BROADWAY COURT – SARVADY RESIDENCE – ADDITION – VARIATION TO  
REDUCE THE REQUIRED CORNER SIDE YARD FROM 30 FEET TO 24 FEET AND TO  
REDUCE THE REQUIRED REAR YARD FROM 30 FEET TO 12 FEET

The public hearing was opened at 8:09 p.m. The court reporter swore in those wishing to testify.

Ken Sarvady, 865 Broadway, presented his proposal to construct an addition to allow a third stall attached garage. Building and Zoning Inspector Meyer stated in the Zoning Review dated May 14, 2009, that what appears to be their side yard is actually their rear yard according to Zoning Code definitions, so a 30-foot rear yard is required. The petitioner is proposing a 12-foot rear yard and encroachment into the required corner yard.

The Zoning Board of Appeals reviewed the proposal and made several recommendations where the addition could be constructed without a variation or with only minor variations. Building and Zoning Inspector Meyer clarified where the side and rear yards were and said the whole addition would encroach. Mr. Sarvady was not comfortable with one of the suggestions, which was a pull down stairway, because he weighs 270 pounds.

Andy Cholewa, 869 Broadway, said they have experienced drainage problems between their two properties, and he was concerned the addition would intensify the problem. He also had concerns about the aesthetics and said the addition would be visible and near his property, but installing nice landscaping could help the situation.

The public hearing was closed at 8:21 p.m.

Commissioner Burch suggested other options that would avoid encroaching in the rear yard. It was recommended that the petitioner work with his architect to come up with more options and this item be continued rather than risk denial. Mr. Sarvady agreed to the continuance.

MOTION made by Commissioner Burch, seconded by Commissioner Rubin, to table this item until the next regularly scheduled Zoning Board of Appeals meeting.

AYES: 6 Commissioners Burch, Hagan, Kmiecik, Paulus, Rubin, and Shaw.

NAYS: 0

MOTION CARRIED

193 FOXFIRE DRIVE – RYJKO RESIDENCE – PATIO – VARIATION TO REDUCE THE REQUIRED REAR YARD FROM 20 FEET TO 7 FEET 4 INCHES

The public hearing was opened at 8:31 p.m. The court reporter swore in those wishing to testify.

Heather Rylko, 193 Foxfire, presented their proposal to remove their deteriorating deck and replace it with a stamped concrete patio. Building and Zoning Director Peterson stated in his memorandum dated May 14, 2009, that the location of the existing deck does not comply with rear yard requirements so the patio also will not maintain this requirement. The petitioner proposes a 12.75 rear yard while a 20-foot rear yard is required.

Discussion followed on other options but Mrs. Rylko said they want to remove the deck because it has deteriorated and they want a different look plus they have had raccoons and skunks go under the deck. They do not want the patio to be in the center of the yard which is why they are requesting the variation.

Commissioners Rubin and Burch stated that there was no hardship and suggested other options. The Zoning Board of Appeals suggested she redesign the project and work with a professional to come up with more options and this item be continued rather than risk denial. Mrs. Rylko agreed to the continuance.

The public hearing was closed at 8:50 p.m.

MOTION made by Commissioner Burch, seconded by Commissioner Rubin, to table this item until the next regularly scheduled Zoning Board of Appeals meeting.

AYES: 6 Commissioners Burch, Hagan, Kmiecik, Paulus, Rubin, and Shaw.

NAYS: 0

MOTION CARRIED

**ADJOURNMENT:**

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

Voice vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 8:53 p.m.

*Submitted by: Janet McKay, Recording Secretary*

Approved: \_\_\_\_\_ 6/18/09