

APPROVED  
**VILLAGE OF LAKE ZURICH**  
**ZONING BOARD OF APPEALS**  
**JULY 16, 2009**

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

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

**APPROVAL OF MINUTES:**

APPROVAL OF THE ZONING BOARD OF APPEALS JUNE 18, 2009 MINUTES:

Zoning Inspector Meyer asked that the motion for 193 Foxfire Drive be changed to a variation for a patio and not a deck.

MOTION was made by Commissioner Shaw, seconded by Commissioner Kmiecik, to approve the minutes of the June 18, 2009 Zoning Board of Appeals meeting as corrected.

Voice vote, AYES have it. MOTION CARRIED.

**PUBLIC HEARINGS:**

870 Savoy – Mollohan Residence – Deck - Variation from Zoning Code Subparagraph 3-111E6(1) to reduce the required rear yard for a deck from 15 feet to 7 feet and Variation from Zoning Code Subparagraph 3-111C2 to reduce the required interior side yard for a deck from 5 feet to 2 feet

The public hearing opened at 7:30 p.m. Chairman McCormack swore in those wishing to testify.

Erin and Mark Mollohan, property owners of 870 Savoy Court, presented their proposal to construct a deck that will encroach into the required rear and interior side yards. The lot was developed as a single-family cluster lot size, so the building yards and setbacks do not meet the minimum zoning code requirements. The Mollohans submitted a letter dated June 15, 2009 to the Building and Zoning Department stating their house abuts the water pumping station and no one lives directly behind them, so no one would be affected by going deeper into the rear yard setback.

Chairman McCormack referred to the memorandum from Public Works Director/Engineer Heyden dated July 7, 2009, which states that the proposed rear yard setback variation encroaches into the 15' public utility and drainage easement, and the homeowner would be responsible for repairing any damage to their deck as a result of the utilities being accessed. Additionally, Public Works Director/Engineer Heyden stated that the existing foliage along the rear lot line shall be maintained during and after construction.

Mrs. Mollohan said they like the shrubbery and would not object to putting up a temporary fence or taking whatever steps are necessary to protect the foliage. They understand about the

encroachment into the utility easement. She said they will probably bring the deck in one foot at that point to avoid any future issues.

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

MOTION made by Commissioner Rubin, seconded by Commissioner Hagan, to recommend the Board of Trustees approve a variation from Zoning Code Subparagraph 3-111E6(1) to reduce the required rear yard for a deck from 15 feet to 7 feet and a variation from Zoning Code Subparagraph 3-111C2 to reduce the required interior side yard for a deck from 5 feet to 2 feet for 870 Savoy.

AYES: 7 Chairman McCormack, Commissioners Burch, Hagan, Kmiecik, Paulus, Rubin, and Shaw.

NAYS: 0

MOTION CARRIED

**ADJOURNMENT:**

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

Voice vote, AYES have it. MOTION CARRIED.

The meeting adjourned at 7:39 p.m.

*Submitted by: Janet McKay, Recording Secretary*

Approved: \_\_\_\_\_ 8/20/09