

*Village of Barrington
Zoning Board of Appeals
DRAFT Minutes Summary*

Date: July 5, 2011

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Victoria Perille, Commissioner
William Fitzpatrick, Commissioner
David Holtermann, Commissioner
Ryan Julian, Vice Chairperson
Patricia Pokorski, Chairperson

Staff Members: Jennifer Tennant, Planner
Kevin Kramer, Planner
Greg Summers, Director of Engineering and Building
Peg Blanchard, Director of Economic Development
Jean Emerick, Recording Secretary

Call to Order

Chairperson Pokorski called the meeting to order at 7:04 PM.

Roll Call noted the following: Peg Moston, absent; Victoria Perille, present; William Fitzpatrick, present; Michael Sepe, absent; David Holtermann, present; Vice Chairperson Ryan Julian, present; Chairperson Patricia Pokorski, present.

Chairperson's Remarks

Chairperson Pokorski gave the order of business and explained the process and duties of the ZBA. She swore in those members of the audience that may possibly speak during the meeting.

Old Business

New Business

ZBA 11-02: 819 Harriet Lane, Variation

Owner: Kevin Hebert
819 Harriet Lane
Barrington, Illinois 60010

Summary: The applicant seeks a variation from Chapter 6, Section 6.6, Subsection E (Minimum Yard Requirements), of the Village of Barrington Zoning Ordinance relative to a variation for a decrease in the required interior side yard setback for constructing an addition to the existing attached garage. The property is zoned R-5 Single Family Residential.

Mr. Kevin Hebert, 819 Harriet Lane, the petitioner, said they are requesting a variance. They have a ten-foot setback. They have a one-car garage and would like to extend it into a two-car garage. This would cause it to go into the setback 4 feet 10 inches. Another option would be a detached garage at the back of the lot. They would prefer an attached garage. It is more expensive to do a detached garage and there would be more hardscape. They will have to re-slope the downspouts to correct some drainage issues.

Jennifer Tennant, Planner, stated that they are requesting a sideyard variation to add on to the existing one-car attached garage. Staff supports the petition. There is concern about the drainage issues in between houses. If the garage extension is approved, the downspouts will have to be buried to go out further into the yard than they do now. Staff feels that the petitioner meets all the standards. There is not enough space currently. They have explored other options that they have looked at with Staff and these have not been found to be reasonable although Mr. Hebert stated on the record that the alternative would be acceptable. It goes along with the Comprehensive Plan and other ordinances. The Zoning Ordinance only permits one garage, so if they would build a detached garage, they would have to convert the existing garage into living space. A tandem garage would mean loss of living space. Staff feels that the variation is the most reasonable option. They intend to expand the garage to 18 feet wide, which is a minimal increase. Staff recommends approval with the condition that any future expansion would require a variation.

Mr. Scott Glickauf, 813 Harriet Lane, next door neighbor to the Heberts, opposes the variation to the Zoning Ordinance. There is currently 20 feet between homes. He does not believe that it is a "right" to have a two-car garage, as stated in the Staff Report. He does not object to an addition, but he wants his rights to be considered, too. The variance the Heberts are asking for is 50% variance of the setback. He believes that whether it is economical or not should not be a consideration of the Board. A couple of years ago, 808 Harriet Lane wanted a two-car garage. Neighbors objected and the Board did not allow the variance. They accomplished it by building into the home and expanding elsewhere. He presented photos of this property.

Chairperson Pokorski opened up discussion to the Board. The 808 situation was interesting and important, but it was not precedent and cannot be compared due to a number of different factors. She has a problem with two things in the Staff report. The number of other two-car garages in the neighborhood is not relevant, and she does not believe it is a "right" to have a two-car garage, although it is both more common than not and it is agreed to be highly desirable but not a "right" or a law. The Heberts bought the house with a one-car garage and probably paid less because of that fact. She also believes that the Commission should use their

judgment when considering the costs to the petitioner. The Commission tries to fairly balance the interests of the parties with everyone involved, most importantly applying the legal standards.

Commissioner Fitzpatrick asked if there are properties in the neighborhood that have distances as low as 17 feet between homes.

Ms. Tennant answered yes.

Commissioner Perille asked if there is living space behind the garage.

Mr. Hebert answered that there is not.

Ms. Tennant commented that if they build the detached garage, they can build the driveway all the way up to the property line.

Commissioner Perille asked for more information regarding the drainage issue.

Mr. Hebert said that with the addition they would slope the gutters toward the center of the house and release it into the center of the yard.

Commissioner Holtermann asked if there is a current issue with drainage.

Mr. Hebert answered no.

Ms. Tennant said that the Village Engineer did not think there would be any further issue with drainage, even if the variation were granted.

Commissioner Perille also agreed that a two-car garage is not a "right". She has a concern with encroaching 50% into the setback. It will now be the closest in the neighborhood.

Commissioner Fitzpatrick said that the possible driveway associated to a detached garage would be considerable and have more impervious surface.

Commissioner Julian is not in favor of encroachments. He believes that right is too strong of a word, but having a two-car garage is desirable. He is also not a fan of detached garages. It negatively affects the petitioner's yard and that of the neighbors.

Mr. Glickauf said that another alternative is to do nothing.

Mr. Holtermann asked about the Glickauf's encroachment concern with the family's enjoyment of their own property. What would the impact be?

Mr. Glickauf said that they looked at many homes when they bought in Barrington. They settled on Barrington because it had a more rural feel to the community. If the variance is granted, they would lose some of that open feeling of space between homes. They built additional living space above their existing garage and the master bedroom is directly abutting the proposed location of the new structure.

Chairperson Pokorski said that denial is a possibility. Nonetheless, the Commission tries to work with the applicants and the surrounding residents to arrive with a solution that is acceptable to as many people as possible, while still applying the standards.

Commissioner Julian asked if the detached garage would require a variation.

Ms. Tennant said that, without looking at plans, it probably would not need a variance, but they would have to repurpose the existing garage.

Commissioner Holtermann said that the set back is a concern. It is not ideal to go to 15 feet, but understands the petitioner's desire to have a two-car garage.

Commissioner Julian moved and Commissioner Fitzpatrick seconded the motion to approve ZBA 11-02, a variation for a decrease in the required interior side yard setback for constructing an addition to the existing attached garage with the condition that they cannot further expand or develop the expanded area without obtaining another variation.

Roll Call Vote: Ms. Moston – absent; Ms. Perille –no; Mr. Fitzpatrick – aye; Mr. Julian – aye; Mr. Sepe – absent; Mr. Holtermann – no; Ms. Pokorski – no; the vote was 2 to 3. Chairperson Pokorski declared the motion denied.

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ZBA 11-04: 200 North Hough Street, Special Use

Applicant: Jim Hub
Motor Werks of Barrington
206 North Cook Street
Barrington, IL 60010

Owner: Oliver Goltra

Summary: The petitioner, Motor Werks Cadillac, seeks approval of a special use permit to allow a stand-alone parking lot at 200 N. Hough Street (Chapter 7, Section 7.5 E). No other variations from the zoning ordinance have been requested. The property is zoned B-4 Village Center District.

Mr. Tim Martin presented for Motor Werks Cadillac Saab. He said they are seeking approval of a special use permit so that they can park 23 cars adjacent to Hough Street, directly across the street from their current location. It would help to relieve some congestion they experience at their current location.

Mr. Kramer, Planner, said that that petitioner is requesting approval of a special use for a stand-alone parking lot in the B-4 Village Center District. The petitioner has a one-year lease agreement with the property owner at 200 North Hough Street for 23 parking spaces with frontage on Hough Street. A special use is requested for off-site parking and display for new Cadillacs and Saabs. Staff considered the parking situation for the current tenants and employees who occupy the Market Center building. The property does have sufficient parking for the uses in the Market Center, but granting the special use may cause the tenants, customers, and employees to park in the rear lot adjacent to the building. Another factor to consider is the effect of a special use on the pedestrian traffic from the rear lot to the main entrance. The stand-alone parking lot is a listed special use in the B-4 Village Center District. The site is already a parking lot. The special use will not provide excess noise, etc. The ingress and egress will remain the same. Staff recommends approval of ZBA 11-04.

Ms. Peggy Sobolewski, House of Hope ("HOH") manager, spoke in opposition of the special use and said that HOH has been a tenant since 2003 and occupy approximately one third of the retail space. The rear parking lot is designated for another tenant, Kids in Action (although it is not clear if designated by their lease or by custom). Both tenants have large customer bases. To help alleviate the parking problem. HOH has asked the volunteer staff to park off the premises or in the back lot. There is no safe pedestrian walkway from the rear lot to the primary mall entrance. HOH has seen a decline in sales and an increase in customer complaints regarding lack of available parking. She believes the safety issues will be compounded in the winter with snow and ice. HOH urges the Village to consider the negative impact this special use will have on safety and reduction of business for mall tenants.

Mr. Franz Mauser Jr., 300 North Hough Street, affiliated with Volvo, supports the Motor Werks variation. He believes that the snow removal contractor is very good and he does not believe there will be space reduction in the winter. House of Hope has been a good neighbor. He thinks there are only a few hours a week when there is a heavy use of the parking lot. Motor Werks is asking to use spaces that are already there.

Ms. Sobolewski said that the back lot is strictly for Kids in Action. If their employees and patrons park there, they have quite a long walk to the entrance. She said that snow removal left piles covering a few of the parking spaces last winter.

Chairperson Pokorski commented that what the Commission is looking at is whether they will grant a special use for a stand-alone parking lot that currently zoning does not permit. Though the ZBA sympathizes with the tenants, it is not anything that the Board has authority over.

Chair Pokorski suggested that the service concerns facing HOH are landlord-tenant issues and she suggests that HOH should seek a real estate attorney to look at their lease to better understand their rights against the landlord.

Commissioner Julian asked if off-site parking requires a special use regardless of where it is. Is the parking lot okay with the number of spaces for the building? Are there any safety violations at this time?

Mr. Kramer said yes, off-site parking requires a special use wherever it is and yes, for the types of uses that are in the mall, there are enough parking spaces. There are no safety issues that we know of at this time.

Commissioner Julian said that it seems that a stand-alone parking lot is a use that we want to see because it already fits in.

Commissioner Fitzpatrick said that Standard #4, safety, use and enjoyment of surrounding property is not met. This does not consider other tenants.

Chairperson Pokorski said according to Staff there is sufficient parking. Public safety is a bigger issue. She does not think there is a problem with #4 except in the tenant-landlord arena. The criteria for the special use has been met.

Commissioner Holtermann said he believes that the proposed use is consistent with the criteria for a special use. There does seem to be a tenant-landlord issue. He supports granting the permit.

Commissioner Perille asked Motor Werks if the additional parking spaces were for display purposes rather than storage and if there were any restrictions for signage.

Mr. Martin said there will be no sales person in the stand-alone parking lot and there will be no signs on the cars, just as there are no signs in their cars at their primary location.

Commissioner Julian moved and Commissioner Perille seconded the motion to approve ZBA 11-04, a special use permit to allow a stand-alone parking lot at 200 N. Hough Street.

Roll Call Vote: Ms. Moston – absent; Ms. Perille – aye; Mr. Fitzpatrick – no; Mr. Julian – aye; Mr. Sepe – absent; Mr. Holtermann - aye; Ms. Pokorski – aye; the vote was 4 to 1. Chairperson Pokorski declared the motion approved.

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Other Business

None

Approval of Minutes

June 1, 2010

The June 1, 2010 minutes were not able to be approved at this time.

June 7, 2011

Commissioner Fitzpatrick moved to approve the minutes of the June 7, 2011 meeting as amended; Commissioner Perille seconded the motion. Voice vote recorded all ayes. The minutes were approved.

Planner's Report

Mr. Kramer said there are a couple of cases coming up in August. For 303 East Main Street, the petitioner submitted an application for a three-story office building; the first floor has been 75% vacant for two years. He is petitioning for an office on the first floor. Then 141 South Northwest Highway will be petitioning for a special use for recreation indoor.

Adjournment

As there was no additional business to come before the Board, Commissioner Fitzpatrick moved to adjourn; Commissioner Perille seconded the motion. Voice vote recorded all ayes.

Chairperson Pokorski adjourned the meeting at 8:38PM.

Respectfully submitted,

Jean M. Emerick
Recording Secretary



Ms. Patricia Pokorski, Chairperson
Zoning Board of Appeals

Approval Date: