

## ZONING BOARD OF APPEALS

### MEETING MINUTES

Village of Roselle

August 20, 2008

Chairman Stare called the August 20, 2008 Zoning Board of Appeals meeting to order at 7:02 p.m. in the Village Hall Council Chamber.

Present: Members; Cliff Lewis, Terry Walloch, Bruce Berkshire, Paul Zinni, Hiren Patel and Chairman Stare

Absent Jamie Lombardi

Staff: Planner - Derek Rockwell  
Secretary - Debbie Pisano  
Community Development Director-Patrick Watkins

#### **August 20, 2008 Agenda Approval:**

**Motion:** *Member Zinni made a motion to approve the agenda as presented. Member Walloch seconded the motion. The Board approved the motion with a unanimous (6-0) voice vote.*

#### **July 16, 2008 Meeting Minutes Approval:**

**Motion:** *Member Lewis made a motion to approve the July 16, 2008 meeting minutes. Member Walloch seconded the motion. The Board approved the motion with a unanimous (6-0) voice vote.*

#### **Consideration of Petitions: ZBA 08-402**

**Cheri Bellino**

**654 Lakeview Court**

**Comprehensive Lot Coverage**

Planner Rockwell stated the petitioner requests a comprehensive lot coverage variation in order to construct a 240 square foot aboveground swimming pool and 506 square feet of decking in the rear yard of the property. The Village of Roselle Code of Ordinances allows for 35% maximum comprehensive lot coverage in the R-2 District. The petitioner's request would place the lot at 45% comprehensive lot coverage.

This petition was table at the July meeting as the Board because the petitioner was not in attendance. Thus, the Board directed Staff to communicate its concerns with the petitioner regarding the request. These concerns included the size of the decking as well as the potential for aggravated run-off and storm water issues arising for the proposed improvements.

Since that time, the petitioner has submitted three (3) items. These include:

- A revised plan (marked by the petitioner as “Plan B”) that includes a smaller pool and decking. This is the plan that Staff has used to calculate the revised figures included in this report.
- A rendering (marked by the petitioner as “Plan A”) that differs in configuration from “Plan B,” but offers no dimensions.
- A second, different rendering (marked by Staff as “Plan C”) that differs in configuration from either of the other plans, and provides no dimensions.

Because no dimensions are included with either of the renderings (Plan A or Plan C), Staff can only speak to Plan B regarding site calculations and how these differ from the plans submitted for the July ZBA meeting. Therefore, all figures and percentages presented in this report refer to the layout and dimensions shown in Plan B. (Staff informed the petitioner that Plan A and Plan C could not be reviewed without dimensions.)

The subject property currently contains a brick residence and concrete patio in the rear yard. As depicted on the attached plans, the proposed pool is 240 square feet in size. In addition, the petitioner proposes to add 506 square feet of decking in the rear yard to accompany the pool. The existing rear patio would be removed. In total, this would place the property at 639 square feet over the maximum allowable lot coverage for the property. This is a 28.7% variance.

Members questioned the height of the pool and if there is or was an existing drainage issue in the surrounding area. Also, if they could reduce the size of the deck.

**Petitioner** Vito Bellino, 654 Lakeview Ct., testified they purchased the property with the intention to put a pool in the back yard. He testified the homeowner’s association indicated that it would be allowed with out any problem told him. He stated they modified the existing proposal and reduced the square footage. The only drainage issue he was aware of was taken care of by the association.

After considerable discussion, Chairman Stare called for a “straw vote” to provide information to the petitioners.

**Audience Participation:** Mr. Stern, 650 Lakeview Court, testified of concerns about ongoing drainage issues.

**Motion:** *Member Walloch made a motion to continue the Public Hearing ZBA 08-402 until the next scheduled meeting, seconded by Member Lewis. The Board approved the motion with a unanimous (6-0) voice vote.*

**Consideration of Petition: ZBA 08-403****Don Ondrus 740 Berwick Place Comprehensive Lot Coverage, Building Lot Coverage and Side Yard Setback**

**Motion:** *Member Zinni made a motion to open the Public Hearing ZBA 08-402, seconded by Member Walloch. The Board approved the motion with a unanimous (4-0) voice vote.*

Planner Rockwell stated the petitioners would like to construct a new, 1,188 square foot detached garage in the rear yard.

The proposal would require a garage size variance, as the Zoning Code allows for a maximum garage size of 768 square feet, and the petitioner is requesting a variance to construct a 1,188 (34.75' x 34) square foot detached garage. This is 420 square feet greater than the Zoning Ordinance permits for detached garages. It is a 55% variation.

Planner Rockwell stated the petitioners request a public hearing to consider their petition for comprehensive lot coverage, building lot coverage and side yard setback variations in order to construct a 250 square foot driveway addition and a 96 square foot shed in the side yard of the property. The Village of Roselle Code of Ordinances allows for 25% maximum building coverage and 35% maximum comprehensive lot coverage in the R-3 District. The petitioner's request would place the lot at 27.8% building lot coverage and 42.5% comprehensive lot coverage

The homeowners wish to construct the proposed excess driveway to accommodate more vehicles. The current driveway is in extreme disrepair due to heavy vehicle usage. Along with replacing the existing, conforming driveway, the petitioners would like to expand the driveway by 250 square feet. The homeowners state that the shed location is a result of this area being the only remaining level area of the property, other than the middle of the rear yard.

**Petitioner** Don Ondrus, 740 Berwick Place, testified his back yard is on a slope and he feels the only place he could place a shed would be on the side of his house. He submitted pictures of sheds he took from yards in the areas around his house. He would like to extend the width of his driveway because it is need of replacement, as he has a heavy work van that he uses for work along with other cars.

**Audience Participation:** Peter Barkho, 744 Berwick, stated he opposed the petition for the shed because of the location.

Members concerns were with the placement of the shed in side yard. Also, with the request for width of the driveway to property line.

**Motion:** Member Patel made a motion to close the Public Hearing ZBA 08-403, seconded by Member Lewis. The Board approved the motion with a unanimous (6-0) voice vote.

**Motion:** Member Walloch made a motion to accept the findings of fact for ZBA08-403 with a comprehensive coverage that allows the driveway to be built up to 18 inches of the property line and a 96 square feet shed built somewhere in a conforming location on the property seconded by Member Lewis.

**AYES:** Members; Walloch, Lewis, Zinni, Patel, Berkshire and Chairman Stare

**NAYS:** None

**ABSTAIN:** None

Motion Carried.

**Motion:** Member Lewis made a motion to grant the variance for comprehensive lot coverage with the modification of the driveway to 18 inches and maximum shed size of 96 square feet for ZBA08-403, Member Patel seconded the motion.

**AYES:** Members: Lewis, Patel, Berkshire, Zinni, Walloch and Chairman Stare

**NAYS:** None

**ABSTAIN:** None

Motion Carried

**Motion:** Member Berkshire made a motion to grant the variance for Side Yard Set Back for ZBA08-403, Member Walloch seconded the motion.

**AYES:**

**NAYS:** Members Berkshire, Walloch, Patel, Zinni, Lewis and Chairman Stare

**ABSTAIN:** None

Motion did not pass.

**Consideration of Petition: ZBA 08-404**

**Dan Bucci**

**25 W. Pine Avenue**

**Detached Garage Size**

**Motion:** Member Zinni made a motion to open the Public Hearing ZBA 08-403, seconded by Member Walloch. The Board approved the motion with a unanimous (6-0) voice vote

Planner Rockwell stated the petitioners request a public hearing to consider their petition for a detached garage size variance in order to construct a detached garage, 1,188 square feet in size, in the rear yard of the property. Roselle's Zoning Ordinance allows for a 768 square foot garage maximum in residential districts. The petitioners would like to construct a new, 1,188 square foot detached garage in the rear yard. The proposal would require a garage size variance, as the Zoning Code allows for a maximum garage size of 768 square feet, and the petitioner is requesting a variance to

construct a 1,188 (34.75' x 34) square foot detached garage. This is 420 square feet greater than the Zoning Ordinance permits for detached garages. It is a 55% variation.

**Petitioner** Dan Bucci stated he has a lot of vehicles and other items and a work van that he would like to keep inside in a safe place. He will not have any plumbing installed in the proposed garaged.

**Motion:** *Member Lewis made a motion to close the Public Hearing ZBA 08-403, seconded by Member Patel. The Board approved the motion with a unanimous (6-0) voice vote.*

**Motion:** *Member Berkshire made a motion to accept the findings of fact as valid presented by planning staff for ZBA08-404, seconded by Member Patel.*

**AYES:** Members; Berkshire, Patel, Zinni, Lewis, Walloch and Chairman Stare

**NAYS:** None

**ABSTAIN:** None

Motion Carried.

**Motion:** *Member Lewis made a motion to grant the variance for a Detached Garage Size for ZBA08-404, Member Zinni seconded the motion.*

**AYES:** Members: Lewis, Zinni, Berkshire, Patel, Walloch and Chairman Stare

**NAYS:** None

**ABSTAIN:** None

Motion Carried

**Old Business: none**

**New Business: The Community Development Director updated the members about an upcoming text amendment for (FAR) Floor Area Ratio.**

**Motion:** *Member Lewis made a motion to adjourn the Public Hearing ZBA 08-402, seconded by Member Zinni. The Board approved the motion with a unanimous (6-0) voice vote.*

**Adjournment:** meeting adjourned at 8:55 p.m.