



# CITY OF PARK RIDGE

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DEPARTMENT OF COMMUNITY  
PRESERVATION AND DEVELOPMENT

## ZONING BOARD OF APPEALS

Thursday, December 1, 2011  
Mayors Conference Room  
505 Butler Place  
Park Ridge, Illinois

### MINUTES

Acting Chairman Gary Zimmerman called the meeting to order at 7:35 p.m.

#### A. Roll Call

Present

Kevin Barnes  
Alice Borzym-Kuczynski  
Atul Karkhanis  
Missy Langan  
Linda Nagle  
Salvatore Parenti  
Gary Zimmerman, Chairman

Staff

Tom Hoff  
Adrienne Dulkoski

Draft Minutes  
Not for Publication

City Council

Alderman Bernick, Council Liaison

Absent

Others Present

Approximately 5 citizens

#### B. Approval of Minutes

It was moved by Missy Langan and seconded by Atul Karkhanis that the minutes of the October 27, 2011, Zoning Board of Appeals meeting be approved.

Ms. Nagle questioned page four on her vote. Ms. Nagle did not remember seconding that motion, her sentiment was to vote on a continuance for December's meeting. Ms. Borzym-Kuczynski stated she thought Ms. Nagle did vote, Ms. Borzym-Kuczynski did not second any motions that evening but would have Ms. Dulkoski re-listen to the recording.

*Our Mission:*

THE CITY OF PARK RIDGE IS COMMITTED TO PROVIDING EXCELLENCE IN CITY SERVICES IN ORDER TO UPHOLD A HIGH QUALITY OF LIFE,  
SO OUR COMMUNITY REMAINS A WONDERFUL PLACE TO LIVE AND WORK.

Ms. Borzym-Kuczynski commented on page three, third paragraph, second line, the word should be requirement as oppose to requiring.

Vote on the motion was as follows:

AYES	<u>6</u>	Borzym-Kuczynski, Barnes, Karkhanis, Langan, Nagle, Parenti
NAY	<u>0</u>	None
ABSTAIN	<u>1</u>	Zimmerman
ABSENT	<u>0</u>	

The minutes were approved.

**C. Zoning Appeals – None**

**D. Variances**

1. Zoning Case Number V-11-18: 305 North Northwest Highway (Major Variance)

Matthew Lardner, applicant, requests two variances to allow the construction of a detached garage. The first variance request would allow a detached garage to be located into the required front yard, the double frontage lot, conflicting with Section 11.4.A.2. The second variance request is to allow the detached garage to be located in the required front yard with a setback of 18 feet, instead of 29 feet, as required by Section 7.3, Table 3. The case was continued from the October 27, 2011, meeting, at which the time the Board requested additional information and drawings regarding the placement of the garage.

Mr. Hoff stated the Board requested information regarding setbacks. Mr. Hoff worked with the applicant to put the Exhibit together. The Exhibit displayed pictures of houses adjoining, and all setbacks, marked in yellow was the subject property with the proposed 18 foot setback. The Exhibit addressed the concerns of the Board.

Mr. Hoff stated that Mr. Jason Sphar our GIS consultant did a very nice job in helping putting the Exhibit together. Mr. Zimmerman seconded that. It was clear to see a picture of the setbacks in the whole area.

Mr. Hoff mentioned that Mr. Barnes and Mr. Zimmerman were absent in the previous meeting but had the opportunity to listen to the recording and reviewed the packets from the previous meeting. Mr. Barnes and Mr. Zimmerman signed a certificate stating that they have listened to the recording, which will allow them to proceed and vote in this evenings meeting.

Chairman Zimmerman swore in all citizens interested in testifying about the case.

Ms. Lardner stated that she did most of the preparation for this case and was not present at the last meeting, but reviewed the minutes. The Board seemed to be concerned that the proposed garage would change the character of the neighborhood and with the size of the garage. Ms. Lardner felt the proposed garage was in line with the neighborhood and would not change the character. Her house is

next to her son Matthew, and is the oddball of the neighborhood being 45 feet back. She also mentioned that Matthew's house is a small house and storage space is needed. The proposed size garage would give this extra space to store large household items and toys. Ms. Lardner stressed that they would do a very nice job of the proposed garage to fall in line with the character of the neighborhood, she felt that they were not outside of the limits and would help make the neighborhood look beautiful.

Ms. Lardner mentioned Mr. Hoff brought up an issue regarding open space. The original drawings did not have enough open space in the front yard. Ms. Lardner spoke with the architect about the open space, preliminary drawings with the allowed open space for the front yard were drawn for this evening's meeting. A final drawing would be made upon approval by the Board. This was last minute and was not able to get it to the Board ahead of time.

Mr. Zimmerman entered the preliminary drawings as "Exhibit 2" for this meeting.

Mr. Zimmerman asked Ms. Lardner to explain the difference in the original drawing, Exhibit 6, and the entered preliminary drawing Exhibit 2.

Ms. Lardner explained the difference between the two drawings. The preliminary drawing has two and half feet on each side of the garage with the driveway moved inward allowing additional open space for ground, not being concrete or garage. By doing this and the length of the driveway it comes close the one hundred and twelve feet that is needed.

Mr. Hoff stated this is an unusual two frontages, he reviewed the open space in the front yard of the original drawings were one hundred and twelve feet over. Mr. Hoff mentioned the preliminary drawings Exhibit 2, show the revisions of the proposed garage with the open space in the front yard along the Hansen Place side and are now in compliance.

Ms. Borzym-Kuczynski asked if the garage on Hansen Place did not decrease in size but relocated slightly? Mr. Hoff stated the driveway was made smaller, by reducing the amount of square footage of the driveway, this makes the front yard in compliance with the open space.

Ms. Borzym-Kuczynski asked if this was the additional variance that was discussed from the staff analysis if they were to submit the plans from the October 27 meeting.

Ms. Lardner stated that this was not brought up at the October 27 meeting it was discussed last week. Mr. Hoff confirmed.

Mr. Zimmerman stated in the original case they were in violation of the open space, which we did not realize then, but has now been corrected another good reason the case was continued. Mr. Hoff confirmed.

Ms. Lardner stated that her architect reread the ordinance several times and did not notice the error.

Mr. Zimmerman confirmed with Ms. Borzym-Kuczynski's comment regarding exhibit 6 and this evening's entered exhibit 2, the garage is identical, same size and same location.

Ms. Lardner commented the garage is identical except for the driveway being two and half feet smaller on each side.

Mr. Zimmerman stated if the applicant was to move the garage closer to Northwest Hwy, the applicants would not need the second variance, with the twenty-nine foot setback, but would need the first variance to put the garage on a double frontage lot. Mr. Zimmerman suggested to move the garage towards the house, by doing this the applicant would not be in violation with the twenty-nine foot setback therefore a second variance is not needed. Only the first variance.

Mr. Hoff stated, as long as they are compliance with the open space in the front yard with the driveway.

Mr. Zimmerman stated, aside from altering the character he is trying to determine the hardship with the placement of the garage. If the garage was to be moved back, no variance will be needed and would have enough space between the house and the garage.

Mr. Bernick stated that he realized the positioning of the garage was to have less concrete and, to align with the neighbors garage, 819 Hansen Place and the rest of the block.

Ms. Borzym-Kuczynski stated that the applicant is requesting an eighteen foot setback variance and the neighbors has a 35 feet setback.

Mr. Lardner mentioned how the lots are irregularly shaped.

Ms. Borzym-Kuczynski stated 307 North Northwest Hwy touches at 19 feet setback, the proposed garage is 18 feet setback and the neighbor garage starts at 36 feet setback. Therefore, the proposed garage will start approximately half the distance where the neighbors garage starts.

Mr. Lardner commented the house on the other side, 318 Root is 10 feet setback.

Ms. Borzym-Kuczynski stated that 318 Root is a reverse corner lot. Root street is the front of the house, therefore, making Root the reverse corner side yard and the setbacks are within the reverse corner side yard requirement.

Mr. Parenti stated they are loading from Hansen Place.

Mr. Lardner stated the entrance is on Hansen Place, there is no entrance on Root. The Board responded that the address is Root.

Mr. Bernick stated if the garage was to be setback where the neighbors garage is, there would hardly be a backyard.

Ms. Borzym-Kuczynski stated there is a 45 foot distance between the wood porch and garage. If the garage was to be moved up eight to nine feet, this would make it 35 feet on the western boundary and approximately 43 feet on the eastern boundary.

Citizens addressed the Board regarding the case.

Judy Barclay, 524 Courtland questioned the new submission, commenting for residential driveways, at the public right-of-way the driveway has to narrow down to 12 feet and on the park way it is also 12 feet.

Mr. Hoff stated he confirmed with Steve Cutaia, the proposed garage is on the right away. Ms. Barclay disagreed with Mr. Hoff. According to the Municipal Code the right of way is 12 feet, then can flare at curb cut.

Mr. Hoff stated that pertained to private property. On the right of way it can go up to 24 feet at the curb line and 18 feet at the sidewalk.

Mr. Zimmerman stated he remembers a case a couple of months ago with a circular driveway, that had the same issue, 12 feet on either side. Mr. Zimmerman questioned Mr. Hoff how it was different than the proposed driveway. Mr. Hoff stated the driveway in that case was a circular driveway making it completely different.

Ms. Barclay stated that she felt Mr. Cutaia is incorrect. The municipal code clearly states at the public right-of-way and in a public place, the driveway can only be 12 feet, it can flare at curb cut, and it can flare at going back into the apron. At the right away it must be 12 feet at both sides.

Mr. Zimmerman stated no matter which way the present case goes the provision will be added, the Board will check to make sure staff will look into it. Mr. Zimmerman asked Mr. Hoff to recheck and send an e-mail to the Board.

Mr. Bernick stated he remembers the circular driveway had to be narrow due to two openings.

Mr. Zimmerman stated to Mr. Hoff if he is right, cite to the Board the municipal code and cite the difference between the circular driveway case.

Pat Livensparger, 413 Courtland asked to speak during the Citizens wishing to address and her comments be recorded in the minutes.

Mr. Zimmerman stated they would be.

Mr. Lardner explained the investment made to the house was to have his son and his family live next door to them, the house in it's original state was a mess. Mr. Lardner lives at 819 Hansen, next door to the proposed garage. He mentioned that it would not bother him if there were more backyard space verses concrete space. Mr. Lardner expressed this would allow more of a backyard for his granddaughter, which is very important to him, and would just like his son to have a garage to store house items and park off the street

#### The Public Hearing Was Closed

Mr. Zimmerman stated it is a unique lot. The hardship will be determined where the garage will be located. It has been established to move the garage up to the 29 feet requirement. Mr. Zimmerman calculated two averages, the first average calculated was 18.79 and 35.83 subtracted them from each other, divided by two. Where the location is now on the narrow street, the 18 foot setback is an obstruction to 819 Hansen. Mr. Zimmerman understands Mr. Lardner (the father) lives there, he is concerned if 819 Hansen was to be sold five years from now the new owners might think it is an obstruction, and this will alter the character of the neighborhood if it were to be 18 feet. If the average of 35.83 and 18.79 difference comes to 25.62.

The second average Mr. Zimmerman calculated was taking the first seven lots across Hansen Place, he did not calculate the 35.6 due to being a corner lot, just as Ms. Borzym-Kuczynski raised an excellent point, 318 Root is a reversed corner lot, therefore corner lots need to be removed from the

calculation. Taking 25.7 at 828 Hansen Place all the way over to the 26.4 setback at 804 Hansen Place the average was 25.62. If you were to split the difference between the other two you would get 27.31. Mr. Zimmerman feels that if you were to drive down that street with the placement of the garage at 18 feet, it will be sticking out. If the garage was to be placed at 29 feet, then you would have hardship due to a tiny yard.

Mr. Zimmerman stated that his comfort zone would be a 26 to 27 foot setback, this was another eight feet from the 18 foot setback proposed. With this additional eight feet setback he would be willing to grant variance. Mr. Zimmerman stated that if the proposal was to at 18 feet, he will vote no. He sees that it is unique but does not see the hardship and it alters the essential character of the neighborhood.

Mr. Karkhanis commented that there is no doubt that a garage is needed, the issue is the 18.79 setback. Mr. Karkhanis feels this is deceiving or not correct on the drawing, this was taken from the corner of the garage with a lot of open space. Looking at the building and the garage 18.79 is very minimal to the edge of the corner of the garage.

Mr. Karkhanis stated it does not make sense to him to call the 18.79 calculation the side yard, although it may technically to Mr. Hoff for his calculations, but not in practicality. Mr. Karkhanis realized the homeowner of 819 Hansen Place has no objection with the setback due to having an interest in the case. He is concerned, as Mr. Zimmerman is, if the property is to be sold five years from now this may be an issue with the new home owners and the proposed garage will stick out close to the narrow street.

Mr. Lardner disagrees with Mr. Karkhanis, he mentioned he backs in and out of his driveway everyday and the shrubbery extends further than eighteen feet, all the way to the sidewalk.

Ms. Lardner stated the shrubbery blocks their house.

Mr. Karkhanis stated shrubbery is not structural, it is landscaping and not an obstruction.

Ms. Langan concurred with Mr. Zimmerman's and Mr. Karkhanis's comments. She stated in the last meeting, she was the first to comment regarding the 18 foot setback, tilting the garage and setting it back. She felt there was not any particular hardship on the land due to having options to move the garage back. Ms. Langan questioned Mr. Hoff regarding the open space calculations on the front yard of the new submitted drawings, she inquired if the 29 foot setback to the sidewalk is consider the front line for the open space. Also, if the front yard calculations is 50 percent of front yards.

Mr. Hoff confirmed that is correct.

Ms. Langan asked if the open space violation was only the size of the driveway and not the building.

Mr. Hoff stated that the applicant could have reduce the driveway and the garage to reduce the open space because the garage also counts against the open space, but they chose to reduce the driveway only.

Ms. Langan asked if this satisfies the open space for the front yard.

Mr. Hoff replied yes.

Ms. Langan asked if the building with the reduced concrete now violates the open space percentage.

Mr. Hoff replied, no it does not.

Ms. Langan asked if the garage were to be moved to the 29 feet or lesser variance, would that not be counted in their front yard?

Mr. Hoff stated that it would be all relative. What was taken away from the garage, they add to the driveway, it will still count against the open space of the front yard.

Ms. Langan stated if the applicant agrees to move the garage to 27 to 26 feet setback or a lesser variance, they would have to add more concrete to get from the street to the garage. Ms. Langan wondered if this additional concrete should affect the open space, or will it be for the total lot verses just the front yard?

Mr. Hoff stated as long as they do not make the driveway any larger than the reduction of the garage size by moving it over.

Ms. Langan stated that Mr. Zimmerman was not asking to reduce the size of the garage.

Mr. Zimmerman replied, that was yet to come.

Ms. Borzym-Kuczynski replied, she is.

Ms. Borzym-Kuczynski stated that the garage should be moved back towards the house and they should receive a variance for the setback, but not at 18 feet. Questions whether the garage should be squared to the street or angled to the house was aesthetic and made no comment on that. Ms. Borzym-Kuczynski has objections to the size of the garage, she understands the need for a two car garage the width of the lot. She cannot find a reason to justify the additional width and length for a two and a half car garage in order to have storage for a snow blower. The garage is two and a half feet less in width and one and three quarters feet less in length. If the height of the garage is 18 feet, Ms. Borzym-Kuczynski reminded the applicant they would have to go before and approved by the Appearance Commission.

Ms. Borzym-Kuczynski stated the dimensions of the garage are very similar to the size of the house with an 18 foot height. The lot is longer due to the angle, but the mere length of the lot is not sufficient reason or justification to have a two and a half car garage. She would vote for a two car garage with a setback of about 25 feet, but will not vote for this garage with the placement and this size.

Mr. Barnes stated Mr. Zimmerman and Ms. Brozym-Kuczynski made some strong points. He sides with them on the setback and the size of the garage. He has a two car garage and is able to get a snow blower with the two cars in the garage. Mr. Barnes feels if the garage was to be set at a 25 foot setback and a two car garage you would not need a wide span on the concrete from the street. You would be able to drive the car in a single lane on the driveway, then it would flare out towards the garage. From what he is hearing from the Board this would be pleasing to them.

Mr. Zimmerman stated that the applicant has options, if the garage was to be built with a 29 foot setback or more, no variance is needed. Since the proposal is to built the garage eleven feet forward he is concern that this will wreck a site line, and a variance is needed. Mr. Zimmerman is willing to move on this variance with reducing the garage to 22 by 22 feet. He commented that he also, has this size of garage and has plenty of room for the snow blower. There may not be enough room for storage, but if the 18 foot height garage was to pass, there would be a lot of ceiling space, Mr.

Zimmerman stated that he would be comfortable granting the ordinance with a 22 by 22 foot garage with a setback of approximately 25 to 26 setback. This would eliminate the hardship on the small back yard due to the unique of the lot. He stated if the proposal is kept as is, he would have to vote no.

Mr. Bernick commented the applicant is first told where the setback should be for the garage and now what size of a garage he should have. He feels the Board is telling the applicant they do not need that big of a garage, they can do with out, so the applicant should do without, this has left Mr. Bernick feeling unsettled. He understands the resident wanting to have more yard space, but does not understand why we are requesting to build the garage closer to his house, which will create more cement and have less of backyard space, with one of the flooding problems in Park Ridge is absorption of water. When Mr. Bernick went down the street he noticed the garage at 307 Hansen Place was up against the house at a 18.79 foot set backs, he felt that the proposed setback was fine.

Mr. Zimmerman stated to Mr. Bernick if he is advocating for the applicant, this puts them in a weird position. If he would like to give testimony, then he will swear him in.

Mr. Bernick stated that he was giving his opinion to the case.

Mr. Zimmerman stated that they are not telling the applicant what they can and can not do. If the garage is moved back to what the Zoning Ordinance allows, he then can build the size of garage that he wants and no variance is needed. The applicant is asking for something that we are not willing to grant, we are trying to work with the applicant towards an agreement that will meet our criteria and his criteria, he sees this as meeting in the middle. Mr. Zimmerman comment on the concrete statement from Mr. Bernick, explaining how for a long time Park Ridge decide to have detached garages, a four hundred square foot variance break was given on floor area. If Park Ridge decides to have less concrete, they would have everyone have attached garages this way garages would not go so far back. Mr. Zimmerman stated being on the Zoning Rewrite Committe they decided to allow detached garages. The Board is just trying to work with the applicant where both parties will be satisfied.

Mr. Bernick inquired on the size of the basement for storage.

Mr. Lardner replied the basement was not big enough and the house does not have an attic, so items to be stored in the garage are not just the snow blower, but lawn furniture, kids big plastic toys, a grill and Christmas items. This is why they were considering an eighteen foot high garage, to be able to store up above. Mr. Lardner feels the proposed setback would not make a difference as far as obstructions goes, no more than what the shrubbery does now. He mentioned the corner house is almost at the corner of the lot and the building at the other corner is almost ten feet from the street with an entrance on Hansen Place.

Mr. Lardner strongly expressed all he wants is a place where the items can be stored and a yard for the kids to play in. He feels they have rehabbed the home in good taste. They have invested a lot of effort and money into the house and to have to bring the garage back 30 feet does not make a lot of sense to Mr. Lardner. Also here is congestion on Hansen Place where the family has lost three mirrors and damage to the cars.

Mr. Karkhanis stated when the Board is deciding on a case, they look at the hardship on the land and whether it will effect the neighborhood in it's existing state. The land is unique, that will cause issues verses someone with a bigger lot. Mr. Karkhanis understands not having storage space in the home is

difficult, but as a Board member he feels that the 18 foot setback makes an impact. He stated this does not mean that he does not understand Mr. Lardner's issues with the backyard and concrete.

Mr. Karkhanis hopes Mr. Lardner looks at what the total issue is, the 18 foot setback being to close to the street. Not having storage space is not enough reason for Mr. Karkhanis to agree with the proposed size garage. He does feel a two car garage is in need off of Hansen Place, he was not opposed to this in this hearing nor the last hearing. The issue Mr. Karkhanis has is the proposed location of the garage and the size. Mr. Karkhanis commented he will not tell Mr. Lardner what size it should be, but just give him something to work with to go in his favor. He would like to see the effort made to work with the land he has. Mr. Lardner may not be able to get what he wants with the location of the land.

Mr. Zimmerman stated now that the Board made their comments, it is going to be up to the applicant if they want the Board to vote with what was proposed. If the Board was to vote it down, they would not be able to come back to the Board on the same variance for one year.

Mr. Zimmerman explained the options to the applicant. Take all of the Boards comments, reconsider and continue the case or work with the Board right now on the spot. Mr. Zimmerman left it up to the applicant.

Ms. Lardner asked what the minimum setback the Board will accept so that they can think about it and potentially ask for a continuance.

Mr. Zimmerman stated a variance would be granted with a 25 to 26 foot setback with a 22 by 22 size garage.

Ms. Borzym-Kuczynski stated that she feels comfortable with 25.5 foot setback and a 22 by 22. She feels there should be a formula to determine an average setback. By using the houses across the street will give it some symmetry.

Mr. Barnes stated if we are going from 18 feet to 25 feet, why not just go back to the original ordinance 29 feet. No variance will be needed and there will be no issue with the size of the garage.

Ms. Langan stated she was comfortable with along with Mr. Zimmerman and Ms. Borzym-Kuczynski.

Ms. Nagle stated even though the 318 Root Street lot is a different type with an extremely small setback she is not able to ignore it, and has no problem with the applicants request for the 18 foot setback. Ms. Nagle feels they have an unusual size lot, to restrict the size of the garage is an undue hardship and limiting the size of the yard. She has no objection to either of the variance applications.

Mr. Parenti stated to meet in the middle, he would agree to the 25 foot setback.

Mr. Bernick stated since construction may not start until three months from now, they have enough time to think about it and resubmit plans.

Ms. Lardner commented even though the address is Root, the front of the entrance is on Hansen Place and felt they were in line with the other homes. The 819 Hansen Place home is unusual with an extraordinary setback and a narrow backyard. Ms. Lardner feels as a whole 25 feet is not a big compromise, but they will discuss it as a family and with the architect. Ms. Lardner would like to continue the case.

Mr. Barnes stated he disagreed with an earlier comment. If the garage was to be pushed back, it will make the garage smaller, this is not true. If you were to slide the garage along the five foot level, the square would stay the same. Mr. Barnes feels by sliding it over the garage will be reduced.

Ms. Langan and Mr. Karkahnis commented that there was a requirement for open space, neither one of them were set on the 22 by 22 size garage.

Mr. Zimmerman stated the applicant requested a continuance and will be continued to the next meeting, but if they were not ready by then he would have to make it amendable. Since it's the end of building season take the time to think about it. Mr. Zimmerman commented the Board members are not to discuss the case outside of the hearings.

On Motion by Salvatore Parenti and second by Missy Langan, the Board

AGREED to continue case V-11-18, 305 North Northwest Highway, until January 26, 2012.

Vote on motion was as follows

AYES	7	Barnes, Borzym-Kuczynski, Karkhanis, Langan, Nagle, Parenti, Zimmerman
NAY	0	
ABSENT	0	

#### **E. Other Items for Discussion**

Mr. Zimmerman asked Mr. Hoff regarding the formed committee for the sign ordinance. Mr. Hoff has not heard anything as of yet. Mr. Zimmerman stated he would give a call about getting a meeting going for the first of the year.

Mr. Zimmerman explained to Alderman Bernick, in the past Alderman have given testimony in cases. If he wants to give testimony he would have to be sworn in, but as advisory he may ask questions to help the Board clarify the case. If he wants to take a position, testimony would have to be given.

Ms. Barclay commented to Mr. Bernick to be careful and not put himself in a bad position, if a case were to go before City Council, he would have to vote on it.

Mr. Bernick stated as a liaison, there are no defined rules and there have been issues. At the meetings, he does ask the Chairman if he may make comments.

Mr. Zimmerman stated being an attorney if testimony is given, he would have to be sworn in. If the case was to go to litigation, he has to make sure the procedure is correct.

Mr. Bernick commented he has been learning, it is up to the Chairman how far his comments can be.

Mr. Zimmerman commented if he'd like he will swear him in.

Ms. Langan stated at the Committee of the Whole Meeting a preliminary definition of a Pergola was discussed. She read the draft ordinance.

Mr. Bernick stated it should go to Planning and Zoning to define.

Ms. Barclay stated when the ordinance was written they did not want breezeways against the house for reasons of fire, safety and any cases that have been before the Board have now been enclosed, become an unaccounted room within the floor area ratio.

Ms. Borzym-Kuczynski stated she feels everyone including citizens of Park Ridge should give their input on the definition of a pergola/breezeway, where it should be located and the dimensions. Ms. Borzym-Kuczynski inquired the results of the breezeway on Harrison.

Mr. Hoff stated he spoke to the owner. The owner has suggested on resolving the issue by removing the garage. They have decided an extension can not be given on a permit being in violation of the Zoning Ordinance with a denied variance.

Judy Barclay asked Mr. Hoff if the City is collecting fines on them, seeing they are in violation.

Mr. Hoff stated no, he was told by the City Attorney it is under review.

Pat Livensparger asked Mr. Hoff if the case on Harrison finished last winter and he has been discussing it with them for a year, how long does a discussion ensue?

Ms. Borzym-Kuczynski stated Mr. Hoff may not have the answer.

Ms. Livensparger commented maybe they need to go to City Council for an answer.

Mr. Zimmerman stated being Chairman, he would contact Mr. Hill himself.

Ms. Livensparger expressed her irritation to Mr. Hoff. A decision has been made with a time frame, people have to follow it. She mentioned the pergola case on Grace, they were told they were in violation and they took it down, but the pergola on Gillick is in violation and still has not come down. There is a process in the Municipal Code that got up held by the City Council on Monday.

Ms. Borzym-Kuczynski asked if the Boards decision was up held.

Ms. Livensparger responded no. Someone complained about fines and violations, the matter came before the Committee of the Whole and staff was told the fines and violations are just fine.

Mr. Zimmerman stated if a case is denied, after the time given, Mr. Hoff should tell them how long they have to correct the violation, this is the procedure.

Judy Barclay stated they only have a certain amount of days to go to Circuit Court to appeal. If they choose not to, it then turns into a violation and becomes a daily fine.

#### **F. Citizens Wishing to Be Heard on Non-Agenda Items**

Pat Livensparger stated she was concerned about the staff report for tonight's case, after staff determined there was a problem with open space. If the case was approved in October they would have approved a building in violation of open space. Pat mentioned previous cases with the same issue when the applicant finds out at a later time that they were in violation. Pat feels this is unacceptable with the applicant and from Mr. Hoff, who has copies of the Zoning calculations.

Mr. Zimmerman stated when he applied for his garage he had to fill out his own open space calculations, his architect did this for him. The case this evening must have submitted they were in compliance.

Pat Livensparger stated when the Board and Staff is to look at zoning issues, a zoning calculation sheet is to be done. Ann Tennes requested there be a Zoning calculation sheet in every packet. She mentioned to Mr. Hoff that he had them in the reviewed cases a few times.

Mr. Hoff stated, only when they are impacted by the rear yard.

Pat Livensparger stated after Grant Place and Clinton, where the rear yard intersected the front yard, Ann Tennes wanted a copy of Zoning Calculation sheets, so there would be a better handle on it and for a while they were in the packets. A mention of the case where the front yard and bonus were an issue Mr. Zimmerman requested staff Zoning calculation sheets so the Board would know what was actually being granted.

Mr. Karkhanis stated if the case were to be approved by the board, the applicant would come in for a permit. At that time a zoning calculation sheet is to be filled out. Ms. Livensparger stated as an applicant, if another variance were to be required at that time of the process, she'd be furious.

Mr. Karkhanis stated he is not picking sides, but if an architect was to make an error on the drawing showing it is in compliance, at any stage of the project, even after it is complete, if it is not in compliance with the Zoning Code(s) it is the obligation of the client to remove and take it out at any given time. This is done in every municipality.

Pat Livensparger stated that is not what she is talking about.

Mr. Karkhanis stated this is why they hire architects to submit the correct calculations.

Pat Livensparger stated there has been three mistakes in the past six months and feels staff should be including zoning calculation sheets.

Mr. Zimmerman stated he will call Ann Tennes and will discuss it at the next meeting.

Ms. Borzym-Kuczynski stated she feels the obligation belongs on the applicant. Giving a comparison to a court hearing, the attorneys job is to present all the facts to the judge. The judge rules, it is not the clerks position or anyone else. Ms. Borzym-Kuczynski understands Mr. Hoff or staff has an obligation to verify and check, but even the applicant this evening stated "even our architect did not know", it is the architects job to know.

Mr. Karkhanis strongly agrees with Ms. Borzym-Kuczynski. When the architect puts a seal on the plans, it is their responsibility.

Ms. Borzym-Kuczynski stated, to say and blame Mr. Hoff or anyone else is wrong.

Pat Livensparger stated there are too many mistakes, the Board needs to figure out a way that this does not keep occurring.

Ms. Borzym-Kuczynski stated when an architect is hired to make a set of plans, they are to check with the ordinance of Park Ridge and disagrees with Ms. Livensparger. The applicant should come in with the correct information. She strongly disagrees to say everything is someone's fault.

Pat Livensparger stated the Board needs to look at why these mistakes are occurring. They need to be fixed, so the decisions made are based on facts. Pat questioned if more help is needed, is it unorganized, are people expecting to do something they can not do?

Mr. Zimmerman stated this has to be thought through. He understands everyone's feelings and concerns, further discussion on this matter will be at the next meeting.

**G. ADJOURNMENT** – The meeting was adjourned at 9:05 p.m.

\_\_\_\_\_

Date

\_\_\_\_\_

Chairman

Adrienne Dulkoski  
Recording Secretary

These minutes are not a verbatim record of the meeting but a summary of the proceedings.