

MINUTES
FLOSSMOOR ZONING BOARD OF APPEALS
REGULAR JANUARY MEETING
JANUARY 25, 2022

Chair Mitchell called the January 25, 2022 regular Meeting of the Zoning Board of Appeals to order at 7:35PM

1. ROLL CALL

PRESENT:

Chair Mitchell, Commissioners Barnett, Mathewson and Rose.

ABSENT:

Commissioner Ryan and Wilson

ALSO PRESENT:

Scott Bugner, Zoning Administrator; Kimberly Balkcom and Richard Balkcom, Petitioners via Zoom

2. APPROVAL OF THE MINUTES OF THE MEETINGS OF DECEMBER 7, 2021

Chair Mitchell asked the Commissioners if they had any changes or comments. There being none from the Commissioners, Chair Mitchell noted corrections and asked for a motion to approved the minutes as amended.

Commissioner Barnett motioned to accept the minutes of the December 7, 2021 meeting as amended. Commissioner Rose seconded the motion which passed by roll call vote.

AYES: Chair Mitchell, Commissioners Barnett, Mathewson and Rose.

NAYS: None

3. PUBLIC HEARING OF A REQUEST FOR A VARIATION FROM SECTION 285-23-3 K. (1) (a) OF THE FLOSSMOOR ZONING ORDINANCE PROHIBITING MORE THAN ONE DRIVEWAY – BALKCOM (637 DUNDEE ROAD).

Chair Mitchell opened the Public Hearing and Mr. Bugner to summarize the petition. Mr. Bugner read the staff memorandum as follows:

“We have received a request for a variation from Section **285-23-3 K. (1) (a)** of the Flossmoor Zoning Ordinance prohibiting more than one driveway per residential lot. The request has been submitted by Richard and Kimberly Balkcom, owners of the property located at 637 Dundee Avenue. The facts of the matter are as follows:

The subject property is a semicircular corner lot located at Dundee Avenue and Sterling Avenue in an **R-5** Zoning District. The property is improved with a single-family dwelling with an attached garage.

The petitioners are seeking to construct a detached 24' X 24' garage in the northeast corner of the rear yard adjacent to Sterling Avenue with a 20' driveway with a curb cut onto Sterling Avenue.

While Section 285-21-1 B. of the Zoning Ordinance permits garages as accessory buildings in accordance with the bulk regulations for accessory uses, Section 285-23-3 K. (1) (a) of the Zoning Ordinance does not permit more than one driveway per residential lot.

The petitioners argue that their existing home has a small two-car attached garage that can barely fit both of their cars which completely limits the amount of storage space for lawn equipment as well as SUV parking. They argue that the home was built in 1955 and was not meant to accommodate the needs of a modern family. They stated that they are unable to store any lawn equipment and are limited to hiring someone to maintain their lawn. They added that the tight space causes constant minor damage to their vehicles because the doors are not able to fully open and must be parked within inches of the garage walls. They also stated that they would like a place where their son could park in an enclosed garage which would be more aesthetically pleasing to the neighborhood.”

Chair Mitchell asked the petitioners if they would like to add anything. Mr. Balkcom reiterated Mr. Bugner’s comments. Mr. Balkcom didn’t like the idea that the driveway would need to be so large and asked why the proposed garage would need to be setback so far into the rear yard because they do not have a lot of backyard. Mr. Bugner explained that an accessory building could not be located any closer to the street than the house itself and that the shortest distance from the house to the street was 60 feet. Mr. Balkcom advised that they were also considering the possibility of adding on to the front of their existing garage instead of building a separate detached garage. Mr. Bugner advised that it appeared to be possible to extend the garage

forward approximately 10 feet. Mr. Balkcom wanted to continue with the petition anyway to keep their options open.

Chair Mitchell asked the commissioners for any questions or comments.

Commissioner Rose advised that he had been by the property and stated that the additional driveway and garage would be appropriate and that aesthetically he didn't think that it would take away from the street because of the location on Sterling where it would look like any other driveway. He advised that as long as the petitioner wanted to go this route he did not have an issue with the request.

Commissioner Mathewson asked for clarification regarding the setback of the garage and the length of the driveway because the plat of survey in the packet indicated a 50-foot total driveway length with the building front at the 30-foot building line setback. Mr. Bugner advised that the wrong plat was provided in the packet and the garage would actually need to be an additional 10 feet back from the 30-foot building line due to the requirement that an accessory building could not be any closer to the street than the house, so the total length of the driveway from the garage to street would need to be 60 feet. Commissioner Mathewson advised that he could understand why that may be less than thrilling aesthetically to the petitioners as the only view out of their back window would be the garage. Commissioner Mathewson advised that he didn't have any issue if that is what the petitioner wants to do but could also understand why it may be more practical if they wanted to widen their existing garage instead.

Commissioner Barnett Advised that she did take a ride by the property and advised that she would not be in favor of granting the variance.

Chair Mitchell stated that he also visited the property and understands what the petitioner wants and with multiple cars they need that extra space and didn't have any concerns, advising that it wouldn't look out of place having the extra driveway on Sterling. Chair Mitchell advised that he would be in favor of the petition.

Chair Mitchell asked for a motion to approve the petition as requested.

Commissioner Rose motioned to approve the petition as submitted. Commissioner Mathewson seconded the motion.

AYES: Chair Mitchell, Commissioners Mathewson and Rose

NAYS: Commissioner Barnett

Chair Mitchell asked Commissioner Barnett to confirm that she had given a no vote. Commissioner Barnett confirmed that she voted no.

Chair Mitchell advised the petitioners that the Zoning Board is a recommending body which means that in order to get a recommendation from the Zoning Board they need 4 votes in favor and that they only received 3. He advised that that didn't mean that the variance wouldn't be approved but that the Zoning Board is not recommending the variance and that the Board of Trustees would have to vote in favor by a super majority to get the variance granted as opposed to a simple majority.

Chair Mitchell asked if Commissioner Barnett would be willing to explain what her reservation is about the request so that the petitioners could be prepared to address the Board of Trustees in case any of the Trustees has a concern.

Commissioner Barnett stated that for the integrity of the neighborhood, she felt that adding a second garage would not be aesthetically pleasing and that she was concerned that we would be setting a precedent that would allow all owners of corner lots to add a second garage and driveway.

Chair Mitchell asked the petitioners if they understood Commissioner Barnett's concerns. The petitioners advised that they did.

Chair Mitchell advised that Mr. Bugner would follow up with a date for the Board of Trustees and that the Zoning Board may try and approve the minutes from this meeting prior to that meeting so that the Board of Trustees will have those minutes to review. He advised that the Board may or may not have the minutes but they will know that there were 3 positive votes and 1 negative vote. He stated that in order to get a variance the petitioner has to establish a practical difficulty or an undue hardship and that what he has seen is that the home is older and was not designed to have a 3-car garage that is common now in Flossmoor in some of the newer homes and that with the necessary yard work the petitioners need more storage space for equipment. He advised that in his view, the petitioners have established a practical difficulty that they didn't create and that it is just the nature of the property.

Chair Mitchell asked Mr. and Mrs. Balkcom if they had any questions. There being none, Chair Mitchell asked if any of the Commissioners had any comments or advice for the petitioners.

Commissioner Rose advised that as the petitioners are weighing their options they have two viable options facing them and that at least they know where they stand with the variance they now know that they can also move forward with the extension to the existing garage.

Mrs. Balkcom asked about the number of Trustees would make a super majority. Mr. Bugner advised that would be 5 out of 7.

Commissioner Mathewson asked if another possibility was to table this petition to another meeting where there were more members present which may increase the likelihood of obtaining a 4th vote. He asked if there would have to be a motion to reconsider and then a motion to table and stated that if a couple of additional members of the Zoning Board are able to attend, the petitioners might be able to get additional votes in favor. He advised that this would of course be up to the petitioner if that is what they would like to do.

Chair Mitchell advised that currently the Zoning Board has 6 members but only 4 were in attendance so the petitioner needed all 4 votes to get a favorable recommendation. He advised that it has been difficult to get all 6 members to attend and sometimes even 5. He advised that it is possible that if they put it off a month that they may get a 5th or 6th member that they may be able to convince but then again, they may not. He advised that they have the option if they want to continue the petition to see if they can get the 4th vote.

Mr. Balkcom advised that they would like to continue the hearing.

Chair Mitchell asked for a motion to reconsider the initial motion to approve.

Commissioner Mathewson motioned to reconsider the previous motion to approve the petition as submitted. Commissioner Rose seconded the motion which passed by roll call vote.

AYES: Chair Mitchell, Commissioners Barnett, Mathewson and Rose

NAYS: None

Chair Mitchell advised that at this point there is essentially no vote and asked the petitioners to confirm that they would like to continue the petition to the next meeting. Mr. and Mrs. Balkcom confirmed that they would like to continue.

Chair Mitchell asked for a motion to continue the petition to the next regularly scheduled Zoning Board meeting.

Commissioner Rose motioned to continue the petition to the next regularly scheduled meeting. Commissioner Mathewson seconded the motion which passed by roll call vote.

AYES: Chair Mitchell, Commissioners Barnett, Mathewson and Rose

NAYS: None.

Chair Mitchell advised the petitioners that they have the option to amend or add additional information to the petition.

4. STAFF REPORTS

None

5. OTHER BUSINESS

None

A. ADJOURNMENT

Chair Mitchell asked for a motion to adjourn.

Commissioner Rose motioned to adjourn the meeting at 7:53 PM. Commissioner Barnett seconded the motion which passed by roll call vote.

AYES: Chair Mitchell, Commissioners Barnett, Mathewson and Rose

NAYS: None