

Village of Deer Park  
Zoning Board of Appeals Minutes  
March 12, 2007

**CALL TO ORDER**

The Zoning Board of Appeals of the Village of Deer Park met on Monday, March 12, 2007 at the Village Office, 23680 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. Chairman Szczesny called the meeting to order at 6:30 p.m.

**ROLL CALL AND DETERMINATION OF A QUORUM**

Upon roll call, the following were present: Chairman Szczesny, Members Barbara Evans, Jack Honomichl, Beth Noll, and Randall Pinchot. The following Zoning Board of Appeals members were absent: Russell Mills and Bill Michael. Other Village officials present were Administrator Connors, Clerk Meyle, Attorney Keller, and Inspector Holmes. Chairman Szczesny stated there was a quorum.

Others present were: Mr. Frank Vavra of 23633 Hearthside Drive  
Mr. and Mrs. Jan and Regina Christiansen of 20877 Wildrose Drive  
Mr. Randy Borchardt and Mrs. Bridget Baker of 20888 N. Laurel Drive  
Mr. and Mrs. Donald and Sheryl Wheeler of 20866 N. Laurel Drive  
Mrs. Mary LaRocque of 20910 N. Laurel Drive

**VARIANCE FOR SHED SIZE AT 23633 HEARTHSDRIVE**

Applicants, Frank and Susan Vavra, request a variance to construct a 10' X 16' shed in the side yard at the existing residence at 23633 Hearthside Drive, Lot 33 in Squires II subdivision, in Lake County, Illinois. PIN: 14-29-103-006. The property lies in the R-1 single-family residence district.

Chairman Szczesny stated that the Deer Park Municipal Code does not allow sheds for the use the applicants stated. He asked Mr. Vavra if he had notified his neighbors according to the Village's instructions. Mr. Vavra confirmed that he had notified his neighbors and provided the list of properties within 500 feet of his property along with the certified mail receipts for the notices he had sent.

Chairman Szczesny asked Mr. Vavra what he wants to use the shed for. Mr. Vavra explained that he had recently moved into the home and that the house and the garage are smaller than that of his previous home. He stated that his previous home had a 4-car garage while his current home has a 3-car garage. Mr. Vavra explained that he does not have enough room in his garage for his three vehicles along with his lawn equipment, tools, lawn furniture, and the extra furniture that doesn't fit into his house.

Member Evans stated that the Municipal Code does allow for an accessory building no larger than 10' X 12' as long as the accessory building is for the care of animals. Member Evans questioned the applicability of the Village's ordinance stating that it applies to a farming community and not to suburbia. Member Evans suggested that the accessory building ordinance be reviewed and revised so that it is applicable to residents' current suburban needs.

Member Evan's stated that even if the ordinance allowed accessory buildings for the purpose Mr. Vavra indicated, he was requesting a building larger than 10' X 12'. She asked why he needs a 16' shed. Mr. Vavra explained that he had purchased a 10' X 16' prefab shed. Member Pinchot asked if the shed had been delivered yet and if it was possible for Mr. Vavra to provide the Board with a purchase order. Mr. Vavra stated that the shed had not been delivered and that he could provide a purchase order.

The Board reviewed the plot plan showing the placement of the shed on the property and confirmed that there is no issue with the shed placement, only the size of the shed.

Member Pinchot asked if the shed Mr. Vavra had purchased coordinated with the exterior of his house. Mr. Vavra stated that his house is brick, but that the shed coordinates with the trim of his house.

Chairman Szczesny asked if anyone in the public audience had any comments with regard to Mr. Vavra's application. There were no comments made.

Member Noll asked if there is a prefab shed between 10' X 12' and 10' X 16' that would meet Mr. Vavra's needs. Mr. Vavra stated that the 10' X 16' shed is the next size up, there is nothing in between.

MOTION: by Member Evans to approve the request for variance to construct a 10' X 16' shed in the side yard at the existing residence at 23633 Hearthside Drive, Lot 33 in Squires II subdivision, in Lake County, Illinois. PIN: 14-29-103-006. Administrator Connors pointed out that the Board would have to table the motion until after 7:00pm because of an inconsistency in the hearing time posted.

Member Evans asked if it is possible to get a list of all the shed requests that have come before the Board in the past 5-years so that the Board could look at what the needs of the residents have been and consider amending the Municipal Code to reflect a suburban community rather than a farming community. Administrator Connors stated that the information on the sheds is available.

Chairman Szczesny directed the Board to begin discussions on to the second item on the agenda.

**VARIANCE FOR ACCESSORY BUILDING SIZE AT 20877 WILDROSE DRIVE**

Applicants, Jan and Regina Christiansen, request a variance to construct an accessory building (pool house) exceeding the 10' X 12' size limitation at the existing residence at 20877 Wildrose Drive, Lot 41 in Deerpath Estates subdivision, in Lake county, Illinois. PIN: 14-32-206-004. The property lies in the R-1 single-family residence district.

Chairman Szczesny asked Mr. Christiansen if he had notified his neighbors according to the Village's instructions. Mr. Christiansen confirmed that he had notified his neighbors and provided the list of properties within 500 feet of his property along with the certified mail receipts for the notices he had sent.

Chairman Szczesny stated that the variance requested was for an accessory building to be used as a pool house. He added that the pool and the foundation for the pool house had already been constructed and that the building would house the pool's mechanics and equipment as well as bath/changing rooms and a wet bar.

The Board reviewed photos Mr. Christiansen provided showing, from various directions, where the pool and foundation are located along with a diagram of the Deerpath Estates subdivision, the architect's plans for the pool house and the landscape plan for the entire pool area.

Mr. Christiansen explained that he did not know the rules of the Village when the pool was approved and that he was told he could put foundation for pool house in, but that the pool house building was not approved. Mr. Christiansen added that he needed to have the foundation put in to get closure with contractor before the building season ended.

Member Noll stated that the pool house is not an accessory building and that there is nothing in the Municipal Code that this building fits into. Member Pinchot added that there is no basis for approving the pool house and questioned how the approval could be explained to the community.

Member Evans pointed out that it was after 7:00pm and recommended that the Board close on Mr. Vavra's request.

MOTION: by Member Evans to approve the request for variance to construct a 10' X 16' shed in the side yard at the existing residence at 23633 Hearthiside Drive, Lot 33 in Squires II subdivision, in Lake County, Illinois, PIN: 14-29-103-006 as long as the shed meets all of the other Municipal Code requirements for an accessory building. Upon voice vote:

YES: (4)  
NO: (0)  
ABSENT: (2)

Motion carried 4/0

Administrator Connors confirmed that the request still has to be reviewed by the Village Trustees and will be on the agenda for the April 16<sup>th</sup> Village Board of Trustees meeting.

Chairman Szczesny directed the Board back to the pool house variance by asking Inspector Bill Holmes for his opinion of the pool house request.

Inspector Holmes stated that the pool house was not approved at the time the pool permit was issued. With regard to the foundation, he explained that, upon inspecting the pool, he encountered a huge mess that had been made by the contractors when they dug the foundation for the pool house and that the only practical way to clean up the mess was to pour the foundation with the understanding that, if the pool house was not approved, the foundation would be used as a pool pad since the permit for the pool presumed an equipment pad.

Chairman Szczesny asked if there were comments and questions from the public.

Mr. Borchardt of 20888 N. Laurel Drive stated that the Deerpath Estates subdivision covenants do not allow accessory buildings. Mr. Borchardt submitted a copy of the covenants for the Board to review. Mr. Borchardt stated that he lives on the opposite side of the lake from the Christiansen's and that the view from his deck would be negatively impacted by the construction of a pool house on the Christiansen property.

Mr. Christiansen stated that he doesn't see that the pool house would be a violation of the covenants because it is not a dwelling or a shed. Mr. Christiansen read an email he had received from his next door neighbor supporting the approval of the pool house.

Member Noll asked if the pool house could be a dwelling because it does have living space and bath facilities. Mr. Christiansen stated that they do not intend for anyone to live in the pool house, it is not heated, and there is no place to sleep.

Member Evans asked Attorney Keller if the Village would be liable for giving verbal approval for the pool house foundation. Attorney Keller confirmed that the Village would not be impacted. Member Noll pointed out the notice Inspector Holmes sent confirming that the pool permit was "approved with the comments below." Member Noll read the comments aloud – "Issuance of the permit presumes an equipment pad. A 'pool house' will require separate approval and permit."

Mrs. LaRocque of 20910 N. Laurel Drive stated that the Board should consider how approving this building would open the door to approving other buildings around the lake and that the environment of the lake would be negatively impacted if everyone had an extra building on their property.

Mr. Wheeler of 20866 N. Laurel Drive asked what precedence the Village has over homeowner association covenants. Member Evans stated that the Village does not enforce homeowner association covenants.

Mrs. Wheeler of 20866 N. Laurel Drive asked how the additional bathroom would affect the septic system. Inspector Holmes stated that the septic changes had already been approved by the city of Wauconda.

Member Evans asked Mr. Christiansen to clarify what hardship he would endure by not having the pool house. Mr. Christiansen stated that he has spent a lot of money building the pool closer to the lake. He added that his original plans were to build the pool close to the house, but that the possibility of a pool house caused him to choose to build the pool closer to the lake. Mr. Christiansen stated that if he had known that a pool house would not be permitted, he would have built the pool closer to his house and its existing bath and kitchen facilities.

Member Pinchot asked Attorney Keller what will happen with the covenant if the Board approves the pool house. Attorney Keller responded that if the covenant has not been recorded to the deed and the title of the property, it is not effective. He added that although covenants are a matter of private enforcement, he doesn't see the point in granting a variance that will be revoked by a subdivision's covenant. Attorney Keller concluded that it is not up to the Zoning Board to interpret a subdivision's covenants.

Member Pinchot stated that he thinks the Deerpath Estates Homeowners Association should find out if the covenants were filed, and if they were filed, the homeowners association should interpret the wording of their covenants with regard to accessory buildings.

MOTION: by Member Pinchot to table the request for variance to construct an accessory building (pool house) exceeding the 10' X 12' size limitation at the existing residence at 20877 Wildrose Drive, Lot 41 in Deerpath Estates subdivision, in Lake county, Illinois, PIN: 14-32-206-004 until April 9, 2007 so that the Deerpath Estates Homeowners Association can determine if its covenants were filed properly and so the Zoning Board can review the Municipal Code with regard to accessory buildings. Upon voice vote:

YES: (4)  
NO: (0)  
ABSENT: (2)

Motion carried 4/0

MOTION: by Member Honomichl to adjourn. Upon a voice vote:

YES: (4)  
NO: (0)  
ABSENT: (2)

Motion carried 4/0

The meeting of the Zoning Board of Appeals was adjourned at 7:45 p.m.

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Randy Szczesny, Chairman

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Susan Meyle, Village Clerk