

Village of



Notice of Special Meeting

There will be a special meeting of the
Zoning Board of Appeals on **October 3, 2023 at 7:00 p.m.**
at the Kenilworth Village Hall, 419 Richmond Rd., Kenilworth, IL

The meeting will be in-person, but remote attendance is available via the link below:
<https://us06web.zoom.us/j/82657382367?pwd=odr6wT3prOmY0crF6b5nI6n21GcrFb.1>

If you do not have access to a computer, you may attend via telephone:

+1 312 626 6799 US (Chicago)
Meeting ID: 826 5738 2367
Passcode: 10032023

**Zoning Board of Appeals
Special Meeting
Tuesday, October 3, 2023 at 7:00 p.m.**

- I. Call to Order / Roll Call**
- II. Approval of Minutes**
 - A. Approval of the September 11, 2023 Zoning Board of Appeals Regular Meeting Minutes and Adoption of the Minutes as the Zoning Board of Appeals Finding of Fact
- III. Other Business**
- IV. Business from the Public**
- V. Adjourn**

The Village of Kenilworth is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting or who have questions regarding the accessibility of the meeting or the facilities are requested to contact Patrick Brennan at 847-251-1666 promptly to allow the Village to make reasonable accommodations for those persons.



**Zoning Board of Appeals Special Meeting
Monday, September 11, 2023**

Agenda Item I. CALL TO ORDER / ROLL CALL

A special meeting of the Zoning Board of Appeals of the Village of Kenilworth in the Kenilworth Village Hall, Kenilworth, Illinois was held at 7:00 p.m. on Monday, September 11, 2023. Chair Thompson called the meeting to order at 7:00 p.m.

Attendance was as follows:

Zoning Board of Appeals Members Present:

- | | |
|--------------------|-------------------|
| Vicki Thompson | Chair |
| Katherine Peterson | Member |
| Hester McCarthy | Member – via Zoom |
| Jenelle Chalmers | Member |
| Frank Cavalier | Member |
| Eamon Murphy | Member |

Zoning Board of Appeals Member Absent:

- | | |
|--------------|--------|
| Mark Hinkamp | Member |
|--------------|--------|

A quorum was present.

Others Recorded as in Attendance:

Village Officials and Staff:

- | | |
|-------------------|----------------------------------|
| Heather McFarland | Assistant to the Village Manager |
| John Kalmar | Village Planner |

Others in Attendance:

- | | |
|------------------|-----------------------|
| Eugene Byelyakov | Applicant |
| Yuliia Byelyakov | Applicant |
| Bogdan Torarskyi | Applicant’s Architect |
| Liz Sbertoli | Applicant |
| Jack Sbertoli | Applicant |

Chair Thompson opened the meeting. She introduced new Village Planner John Kalmar. Mr. Kalmar discussed his professional background. The members welcomed Mr. Kalmar.

Agenda Item II. APPROVAL OF MINUTES

The minutes of the Zoning Board of Appeals meeting of July 10, 2023, were presented to the members. Minor modifications were suggested by the group.

Member Cavalier made a motion to approve the July 10, 2023 Zoning Board of Appeals Meeting Minutes, as amended, and **Member Peterson seconded the motion.**

A roll call vote was taken as follows on the motion:

Yea: McCarthy, Chalmers, Peterson, Thompson, Cavalier, Murphy

Nay: None

Absent: Hinkamp

Abstain: None

The motion was approved 6 – 0.

Agenda Item III. PUBLIC HEARING

Chair Thompson began the public hearing by swearing in those in attendance wishing to speak. Chair Thompson shared that the first public hearing would be for the requests related to 704 Roger Avenue.

- A. Continuation of a Public Hearing to Consider Variations at 704 Roger Avenue Pertaining to:**
- a. Maximum Building Size (Floor Area)**
 - b. Maximum Building Coverage**
 - c. Maximum Impervious Surface Coverage**

The applicant, Eugene Byelyakov, appeared before the Board and opened the discussion. Mr. Byelyakov shared that he failed to clearly articulate the need of their variance request and unique hardship at the prior meeting. Mr. Byelyakov further explained that he should not have brought draft plans to the prior ZBA meeting and did not do sufficient research on past variances. Mr. Byelyakov stated that the plans for his request have been re-worked to bring the home up to current standards and would enhance the community. Mr. Byelyakov continued, sharing that the home was built in 1929 and described the style of his family versus the utility of the existing space. Mr. Byelyakov explained that his parents have come to live with his family, and that his children are growing. Mr. Byelyakov further shared that he wanted to ensure the ZBA is fair to future residents.

Next, Mr. Byelyakov discussed the size of past variances granted by the ZBA. Mr. Byelyakov stated that he identified 32 cases with building coverage and / or floor area requests with a request of over 20% of what the code permits. Mr. Byelyakov explained that his case presented in July was based on past reviews. Mr. Byelyakov further explained that he wish he knew that other properties in Kenilworth were not good examples for his request, such as 708 Roger Avenue. Member Murphy shared that the best example for what improvements can be made is the Village's Zoning Ordinance and that the ZBA reviews on a case-by-case basis, and what has happened in the past is not relevant.

Chair Thompson responded that the Village's Zoning Ordinance was greatly impacted in the 1990s following a spate of residential home demolitions. Chair Thompson stated that the applicant has returned to the ZBA with a reduced proposal, which would be a good place to start the discussion.

Mr. Byelyakov provided background to the members on his current office environment, which is 8x8 and in the home's basement. Mr. Byelyakov, who works remotely from home full-time, explained that he did

not want to continue working in the basement. Mr. Byelyakov further explained that he and Ms. Byelyakov often share the office, which is small, unattractive, and has poor temperature control.

Member Chalmers asked if Mr. Byelyakov knew he would need a variance when he purchased the home. Mr. Byelyakov responded that he did and made the decision based on 708 Roger Avenue.

Member Murphy made a suggestion to contact staff in the future prior to starting a construction project to discuss zoning requirements. Chair Thompson stated that each ZBA case is looked at on its own merits.

Mr. Byelyakov stated that his request had reduced impervious coverage, complies with setback regulations, will incorporate rainwater collection, includes modern materials and traditional style, has a lower profile roof, and would have improved energy efficiency.

Chair Thompson asked the members of the ZBA if they had any questions.

Member Cavalier shared that he felt the request was still too big. Chair Thompson stated that she disagreed and believed it to be a good faith effort to address the ZBA's prior feedback. Member McCarthy stated that the ZBA should be looking at the property and not personal issues. Member McCarthy explained that the owner was aware of the problems before the purchase and that the hardship could have been anticipated. Member McCarthy acknowledged the changes, but did not think the reductions were significant. Member McCarthy questioned whether the first floor addition could be omitted from the request.

Mr. Byelyakov responded that he would not, and reiterated the need for a mudroom, bathroom and office. Mr. Byelyakov explained that the world has changed since the pandemic as it relates to the importance of a home office. Member McCarthy commented that the applicant purchased the home after the pandemic.

Member Murphy stated he sees genuine effort to tighten the plans and that it is less maximizing of the floor space. Member Murphy continued, explaining that he sees homes not moving on the real estate market on the west side of Kenilworth and would see value in granting the variance. Member Cavalier shared that he could support the variance if the office was removed. Mr. Byelyakov responded that he would not remove the office.

Member Murphy expressed favor towards the new design elevations. Member McCarthy agreed. Member McCarthy shared that she believes the home's age should not be dwelled on and would like to see the home's interior used more economically.

Chair Thompson commented that the proposal is the same footprint and then bumps out a little. Chair Thompson continued, stating that the group has to consider new standards and that many homes are bigger on Roger Avenue. Member McCarthy responded that she often receives questions on the sizes of homes and is concerned about the precedent. Member McCarthy stated that the applicant could consider living elsewhere.

Mr. Byelyakov responded that his family could have moved anywhere when they relocated from Australia, but they specifically chose Kenilworth, Illinois. Ms. Byelyakov confirmed his sentiment.

The applicant's architect, Mr. Torarskyi, explained that the project is adding 150 square feet of building coverage on the rear of the home. Chair Thompson shared that the proposal was an opportunity to update a home that needs it.

Member McCarthy agreed that home offices were becoming essential and asked if there were other places in the home to include the office, or if the attic was an option. Mr. Byelyakov stated it would interrupt the internal flow of the floor plan and that an office in the attic would not be possible based on the existing conditions. Chair Thompson asked if there had been a layout change. Mr. Torarskyi responded that the kitchen layout changed.

Member Murphy suggested that the play room could be used as the exercise room and office. Mr. and Ms. Byelyakov both responded that the basement does not have adequate natural light.

Member Cavalier commented that the proposal was for a big house and would be typically seen on the east side of Kenilworth.

Member Murphy noted that the proposal puts the building 7' closer to the lot line.

Mr. Byelyakov reiterated his need for a shower and exercise room in the basement due to his early morning runs and potential for the activity to disturb his family.

Member Chalmers shared that she felt the applicant was asking for a lot and was aware of the constraints when the home was purchased. Member Cavalier stated that he felt the request was akin to a tear down and rebuild. Member Murphy countered that the proposal saves the front half of the home and the rear is old additions. Member Cavalier explained that the problem is the square footage being requested and that he does not see a hardship.

Chair Thompson asked the applicant if he wanted the ZBA to move forward with a vote. Mr. Byelyakov responded that he did. Chair Thompson offered the option for Mr. Byelyakov to return to a future date when the full ZBA was in attendance. Chair Thompson then asked Village Planner John Kalmar to distribute a document showing lot sizes of properties near 704 Roger Avenue and a prior staff report on 708 Roger Avenue.

Mr. Byelyakov shared a story of a resident with ALS and its relevance to rules needing to be changed to change lives. Ms. Byelyakov stated that she felt the home was dangerous for small children.

After hearing no further comment on the matter, Chair Thompson closed the public hearing.

Member Murphy made a motion to approve the request submitted by the petitioners, Yevhen and Yuliia Byelyakov, for a floor area variation of 668.4 square feet to allow for the construction of one and two-story additions to the rear of the existing single-family residence at 704 Roger Avenue in accordance with the plans submitted to the Village on August 11, 2023. The variation requested by the petitioners shall be granted conditioned upon the petitioners' strict compliance with the plans submitted to the Village on August 11, 2023. Any subsequent revisions to these plans that affect the scope of the variation granted or that the Code Official determines to be a material change will require the petitioners to resubmit an application for the requested variation. **Member Thompson seconded the motion.**

Chair Thompson noted to the applicant that they would not be able to come back with the request for a period of time. Member Murphy questioned whether the applicant was sure they did not want to modify the basement. Mr. Byelyakov stated he was sure. There was no further discussion.

A roll call vote was taken as follows on the motion:

Yea: Peterson, McCarthy, Murphy
Nay: Chalmers, Cavalier, Thompson
Absent: Hinkamp
Abstain: None

The motion failed, 3 – 3.

Member Murphy made a motion to approve the request submitted by the petitioners, Yevhen and Yuliia Byelyakov, for a building coverage variation of 203.6 square feet to allow for the construction of one and two-story additions to the rear of the existing single-family residence at 704 Roger Avenue in accordance with the plans submitted to the Village on August 11, 2023. The variation requested by the petitioners shall be granted conditioned upon the petitioners' strict compliance with the plans submitted to the Village on August 11, 2023. Any subsequent revisions to these plans that affect the scope of the variation granted or that the Code Official determines to be a material change will require the petitioners to resubmit an application for the requested variation. **Chair Thompson seconded the motion.**

There was no further discussion.

A roll call vote was taken as follows on the motion:

Yea: Peterson, McCarthy, Murphy
Nay: Chalmers, Cavalier, Thompson
Absent: Hinkamp
Abstain: None

The motion failed, 3 – 3.

Member Murphy made a motion to approve the request submitted by the petitioners, Yevhen and Yuliia Byelyakov, for an impervious surface variation of 369.6 square feet to allow for the construction of one and two-story additions to the rear of the existing single-family residence at 704 Roger Avenue in accordance with the plans submitted to the Village on August 11, 2023. The variation requested by the petitioners shall be granted conditioned upon the petitioners' strict compliance with the plans submitted to the Village on August 11, 2023. Any subsequent revisions to these plans that affect the scope of the variation granted or that the Code Official determines to be a material change will require the petitioners to resubmit an application for the requested variation. **Chair Thompson seconded the motion.**

There was no further discussion.

A roll call vote was taken as follows on the motion:

Yea: Peterson, McCarthy, Murphy
Nay: Chalmers, Cavalier, Thompson
Absent: Hinkamp
Abstain: None

The motion failed, 3 – 3.

Upon conclusion of the votes, Mr. Byelyakov asked what the next steps were. Chair Thompson responded that appeals were handled by the Circuit Court and Mr. Byelyakov could hire an attorney to discuss.

- B. Continuation of a Public Hearing to Consider Variations at 632 Wayland Avenue Pertaining to:**
- a. Maximum Building Size (Floor Area)**
 - b. Maximum Building Coverage**

Mr. Sbertoli began the discussion by thanking the ZBA for their time. Ms. Sbertoli shared the same sentiment, and provided background on their request. Ms. Sbertoli explained that they had made some concessions in their plans by reducing the square footage and bringing the home's height into compliance. Ms. Sbertoli stated that she and her husband both work exclusively from home and that they have structural hardships with the home. Ms. Sbertoli noted that there have been five owners, including herself, in recent history. Ms. Sbertoli continued, and stated that she believed that the ZBA's prior comments had been addressed. Ms. Sbertoli read two emails of support from her neighbors:

Cathy Shaw

"I live next door to the east of Liz & Jack. I think their home project will enhance our block. More people are looking at their homes as more than a place to live but also work out of at least several days a week. With their addition they will be able to accommodate that need. Knowing that Jack is in the building industry I am assured the quality of the product will meet the standards one expects living in Kenilworth. As my father Charlie Shaw, past Kenilworth president, said you always want to maintain your home to meet the current needs of the residents.

If you would like to discuss this with me at a later date please feel free to reach out to me.

Thank you for your consideration at reviewing these plans tonight.

Cathy Shaw"

Rob Scarpelli

"Hello Heather and John,

My name is Rob Scarpelli and I am the owner of 626 Wayland Ave. and a neighbor of Jack and Liz Sbertoli.

I am writing you to voice my support for their project and hope that the village will approve their plans and allow them to move forward. Since meeting Jack, Liz, and their children, we have struck up a very great relationship to the point where our 4-year-olds are now best buddies. They are a wonderful family and I enjoy them as neighbors and hope to see them grow their home to meet their needs.

I do think that young families in our community should be able to do what they need in order to accommodate their needs as it also helps the community. With their proposed plans, I firmly believe that this will also help the property value for not only my home but other neighbors as well...which bodes well for the Kenilworth community.

Sincerely,

Rob Scarpelli"

Mr. Sbertoli explained that moving would be the easier solution, however, he wants to be in Kenilworth long-term. Mr. Sbertoli shared that the updated proposal has a different layout and that he would remain onsite during the construction to keep an eye on the project. Ms. Sbertoli expounded that Mr. Sbertoli owns his own construction business which gives neighbors confidence. Mr. Sbertoli stated that they shrank the proposed garage as much as possible.

Member Peterson asked if there were new lower level plans. Mr. Sbertoli stated that the basement was staying the same.

Mr. Sbertoli explained that there is a lot of green space on the property, the proposal is a visual improvement, and that he does not want to tear the home down.

Member Murphy asked whether they could utilize the basement. Mr. Sbertoli stated that excavating that close to their neighbors would undermine their properties. Member Murphy commented that the existing structure is modest in scale and that pulling the home back preserves the view of it. Member Murphy shared that a developer would likely build to each of the setback lines. Ms. Sbertoli stated that the home has a narrow front.

Member Cavalier commented that the home is 27% over what is allowable. Member Murphy responded that he got 24%, which was confirmed by Mr. Sbertoli. Mr. Cavalier shared that he felt it was a small lot.

Member Chalmers shared she was not sure how it differed from the last home, but that she liked the look of the improvements. Member Chalmers continued, stating the ZBA must follow statute. Chair Thompson responded that the ZBA used to follow a percentage model, but that needs are changing.

Member McCarthy expressed concern with the previously presented heights and questioned what changed when it was lowered. Mr. Sbertoli explained that the ceiling will slant inward on the second

floor and that the closets are not tall enough to stand up in. Mr. Sbertoli also shared that the garage is now smaller and that he will have to sell his truck as it will no longer fit in the space.

Member McCarthy responded to Member Chalmers' comment, and shared that she believed the requests were different as the property on Wayland is quirky and that the property owners worked hard to figure out how to make it work, which is not easy.

Member Cavalier stated that nothing being proposed in the home is frivolous and he's not sure what they could do differently.

Mr. Sbertoli stated that the home's narrowness and odd shape makes it problematic. Member Peterson shared that she believes the applicant worked really hard on their new proposal.

After hearing no comments from the public, Chair Thompson closed the public hearing.

Member McCarthy made a motion to approve the request submitted by the petitioners, Jack and Liz Sbertoli, for a floor area variation of 218 square feet to allow for the construction of a two-story addition to the rear of the existing single-family residence and construction of a 1.5-story detached garage on the lot at 632 Wayland Avenue in accordance with the plans submitted to the Village on August 11, 2023. The variation requested by the petitioner shall be granted conditioned upon the petitioner's strict compliance with the plans submitted to the Village on August 11, 2023. Any subsequent revisions to these plans that affect the scope of the variation granted or that the Code Official determines to be a material change will require the petitioner to resubmit an application for the requested variation. **Member Cavalier seconded the motion.**

There was no further discussion.

A roll call vote was taken as follows on the motion:

Yea: Peterson, McCarthy, Murphy, Chalmers, Cavalier, Thompson
Nay: None
Absent: Hinkamp
Abstain: None

The motion passed, 6 – 0.

Member McCarthy made a motion to approve the request submitted by the petitioners, Jack and Liz Sbertoli, for a building coverage variation of 664 square feet to allow for the construction of a two-story addition to the rear of the existing single-family residence and a 1.5-story detached garage on the lot at 632 Wayland Avenue in accordance with the plans submitted to the Village on August 11, 2023. The variation requested by the petitioner shall be granted conditioned upon the petitioner's strict compliance with the plans submitted to the Village on August 11, 2023. Any subsequent revisions to these plans that affect the scope of the variation granted or that the Code Official determines to be a material change will require the petitioner to resubmit an application for the requested variation.

Member Cavalier seconded the motion.

There was no further discussion.

A roll call vote was taken as follows on the motion:

Yea: Peterson, McCarthy, Murphy, Chalmers, Cavalier, Thompson

Nay: None

Absent: Hinkamp

Abstain: None

The motion passed, 6 – 0.

Agenda Item IV. OTHER BUSINESSES

Mr. Kalmar requested the members' availability for a special meeting on October 17 to consider the Kenilworth Union Church's request for a Special Use Permit. The group recommended he send an email with dates. Chair Thompson indicated she wanted all members present at the meeting.

Mr. Kalmar also updated the group on the possibility of a workshop in November that would focus on text amendments to air conditioning regulations.

Agenda Item V. BUSINESS FROM THE PUBLIC RELATED TO ITEMS NOT ON THE AGENDA

None.

Agenda Item VI. ADJOURN

Member Cavalier made a motion to adjourn and Member Chalmers seconded the motion.

A roll call vote was taken as follows on the motion:

Yea: Cavalier, McCarthy, Peterson, Thompson, Chalmers, Murphy

Nay: None

Absent: Hinkamp

Abstain: None

The motion was approved 6 – 0.

The meeting was concluded at 9:22 p.m.

Respectfully Submitted,

Heather McFarland
Assistant to the Village Manager