



**Zoning Board of Appeals Special Meeting
Monday, July 10, 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, July 10, 2023. Chair Thompson called the meeting to order at 7:01 p.m.

Attendance was as follows:

Zoning Board of Appeals Members Present:

Vicki Thompson	Chair
Katherine Peterson	Member
Hester McCarthy	Member
Mark Hinkamp	Member
Jenelle Chalmers	Member
Frank Cavalier	Member
Eamon Murphy	Member

Zoning Board of Appeals Members Absent:

None

A quorum was present.

Others Recorded as in Attendance:

Village Officials and Staff:

Heather McFarland	Assistant to the Village Manager
Atrian Fard	Senior Planner

Others in Attendance:

Aodhagan Byrne
Matthew Reuter
Pat Naughton
Yevhen Byelyakov
Jon Funch
Healy Rice

Chair Thompson opened the meeting.

Agenda Item II. APPROVAL OF MINUTES

The minutes of the Zoning Board of Appeals meeting of June 5, 2023, were presented to the members. Minor modifications were suggested by the group.

Member Cavalier made a motion to approve the June 5, 2023 Zoning Board of Appeals Meeting Minutes, as amended, and Member Murphy seconded the motion.

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

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

Nay: None

Absent: None

Abstain: None

The motion was approved 7 – 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. Public Hearing to Consider Variations at 704 Roger Avenue Pertaining to:

a. Maximum Building Coverage;

b. Maximum Impervious Surface Coverage; and

c. Alteration and Enlargement of a Nonconforming Structure.

The applicant, Yevhen Byelyakov, began the discussion by providing an overview of his request. Mr. Byelyakov explained that the home currently has three bedrooms, and that his mother is living in the home as a result of the war in Ukraine. Mr. Byelyakov further shared that he would like his children to have separate bedrooms and that the current kitchen is not functional.

Member Cavalier questioned whether the applicant purchased the home knowing their needs. The applicant stated that he did. Member Murphy observed that the request extends five feet beyond their neighbor at 708 Roger, and that the proposed master suite is bigger than most in large homes. Member Murphy expressed that the request appeared to be based on want and not need.

The members continued their discussion and suggested the applicant return after reducing the size of the request. Chair Thompson offered that the applicant could return to a later meeting or the ZBA could take a vote.

Member Murphy shared that he saw value to the front of the house, however, he felt that the proposed family room and back of the home was indulgent. He suggested the applicant consider pulling it back five feet.

Member Chalmers stated she did not see the unique hardship for the request.

Member McCarthy stated that the group was hearing more about personal situations than buildings. Member McCarthy further explained that the ZBA needs to be fair to the ordinance and past applicants, and that personal hardship is not within their purview.

Chair Thompson asked the applicant if they would like the request to be put to a vote. Mr. Byelyakov stated he could bring back final plans to the ZBA's regularly scheduled September meeting.

Member Hinkamp made a motion to postpone the request submitted by the petitioners, Yevhen and Yuliia Byelyakov, for a floor area variation of 844.48 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 June 15, 2023 until September 11, 2023 at 7:00 p.m. to allow the petitioners additional time to respond to the comments heard this evening. **Member Peterson seconded the motion.**

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

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

The motion was approved 7 – 0.

Member Hinkamp made a motion to postpone the request submitted by the petitioners, Yevhen and Yuliia Byelyakov, for a building coverage variation of 278.6 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 June 15, 2023 until September 11, 2023 at 7:00 p.m. to allow the petitioners additional time to respond to the comments heard this evening. **Member Peterson seconded the motion.**

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

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

The motion was approved 7 – 0.

Member Hinkamp made a motion to postpone 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 June 15, 2023 until September 11, 2023 at 7:00 p.m. to allow the petitioners additional time to respond to the comments heard this evening. **Member Peterson seconded the motion.**

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

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

The motion was approved 7 – 0.

B. Public Hearing to Consider Variations at 643 Kenilworth Terrace Pertaining to:

- a. Maximum Building Size (Floor Area);**
- b. Maximum Building Coverage;**
- c. Maximum Impervious Surface Coverage; and**
- d. Alteration and Enlargement of a Nonconforming Structure.**

The petitioner, Healy Rice, provided an overview of the request. Ms. Rice stated that request considered a one-story addition on a split level. As part of the proposed work, Ms. Rice explained that they would be taking patio and stair space to complete the addition. Interior renovation work would also be completed. Ms. Rice stated that the addition is subtle and would be tucked behind the garage. She further shared that they have received comments from neighbors regarding parking and that they would be sensitive to their concerns.

Mr. Funch, owner of the property, stated that he intends to make this their permanent home and wants to be thoughtful with the project.

Member Peterson observed a garage and four other parking spaces; she asked if other people could park there. Senior Planner, Atrian Fard, stated that there is an easement.

Member McCarthy asked if fixing the split level was the primary scope of work. Ms. Rice stated that the current home has three levels and that they would be eliminating one. Ms. Rice further explained that the change would improve the flow.

Mr. Murphy noted that their project would trigger drainage and grading guidelines. Ms. Rice stated that they would be providing engineering plans.

Patricia Naughton, resident at 650 Park Drive, shared that she wanted to talk to the family about vegetation since it impacts her property. Ms. Naughton explained that the vegetation creates too much shade in her yard.

Mr. Funch responded that he would plan to trim the trees in the winter and coordinate with Ms. Naughton.

Senior Planner, Ms. Fard, read a comment into the record:

To the Zoning Board:

I am the homeowner of 646 Kenilworth Terrace in Kenilworth, and I have lived in the home for over 15 years. I received the Notification of Public Hearing dated June 16, 2023 from the Zoning Board of Appeals (ZBA) concerning the 643 Kenilworth Terrace Application. As I am unable to attend the Public Hearing scheduled for July 10, 2023, I am submitting these written comments for consideration in the matter of the proposed construction at 643 Kenilworth Terrace.

Kenilworth Terrace is a private, narrow roadway with very limited parking space. Kenilworth Terrace does not have an outlet at the end of the road, i.e., it is a dead-end street. The road area at the end of the street serves as a turn-around space for vehicles to turn around and exit the roadway back onto Ridge Road. As acknowledged by the homeowners in their Application, 643 Kenilworth Terrace is “the

final house at the end of the dead-end street.” The road area in front of 643 Kenilworth Terrace and the opposite property, 640 Kenilworth Terrace, is the space used by vehicles to “turn around.”

Vehicle traffic on Kenilworth Terrace routinely includes residents’ cars and bicycles as well as commercial and utility trucks. The commercial truck traffic routinely includes delivery trucks for US mail, Federal Express, Amazon and the like. Utility truck traffic routinely includes garbage and waste pick-up trucks and the Village’s Public Works service vehicles like the snow-plow. It is critically important to have the turnaround space at the end of the street clear and unencumbered to allow all those types of vehicles, many being quite large vehicles, to turn around. If there is inadequate turn around space, vehicles have to literally “back-up” the entire length of the road toward Ridge Road without full view of the surroundings – this is dangerous and creates a significant safety hazard for everyone. Per my recent conversation with Donny Leicht, the Village Public Works Superintendent, this turn around space is especially important for the Village’s snow-plow to be able to navigate on Kenilworth Terrace. I note this because this construction project may span the winter months.

Residents of Kenilworth Terrace willingly cooperate to keep our small roadway open and available for everyone’s needs. Safety for ourselves, our children and our visitors is a priority. Hanna and Jon Funch, the Applicants and owners of 643 Kenilworth Terrace, have never lived in the home at 643 Kenilworth Terrace since purchasing the property in 2022. They have rented the home at 643 Kenilworth Terrace to others for the past year. Thus, the Applicants may not even be fully aware of the nature of the day-to-day parking and traffic constraints on this road. The Applicants have also communicated to the Kenilworth Terrace neighbors they only intend to move into the home in about 6 to 7 months from now, after the intended construction project is completed. Accordingly, it appears they will not actually be living here on Kenilworth Terrace until after completion of the construction project.

I have reviewed the ZBA Application packet and have no specific objections to the proposed property variations outlined in the ZBA Application for the property at 643 Kenilworth Terrace.

Importantly, however, I do request that as part of the consideration for this ZBA Application and construction project, the 643 Kenilworth Terrace homeowners agree to implement a logistics plan for their contractors, workers and large equipment (like waste dumpsters), such that parking and vehicle traffic on Kenilworth Terrace are not unreasonably impeded and that the turnaround space at the end of the street remains clear and freely available for vehicles to safely turn around. To the extent the Village can allow for accommodations of the construction trucks/equipment and worker vehicles on surrounding streets, it would be greatly appreciated.

Sincerely,
Diane L. Marschang
Attorney at Law
646 Kenilworth Terrace
Kenilworth, IL 60043

Member McCarthy shared that there may be an option for construction vehicles to park in the driveway. Member Hinkamp stated that the homeowners must be on top of this concern and be sensitive to neighbors.

Member Hinkamp made a motion to approve the request submitted by the petitioner, Healy Rice, on behalf of the owners, Hanna and Jon Funch, for a building coverage variation of 570.68 square feet to allow for the construction of a one-story addition to the rear of the existing single-family residence on the

lot at 643 Kenilworth Terrace in accordance with the plans submitted to the Village on June 22, 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 June 22, 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 Peterson seconded the motion.**

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

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

Nay: None

Absent: None

Abstain: None

The motion was approved 7 – 0.

Member Chalmers made a motion **to approve** the request submitted by the petitioner, Healy Rice, on behalf of the owners, Hanna and Jon Funch, for an impervious surface variation of 515.18 square feet to allow for the construction of a one-story addition to the rear of the existing single-family residence on the lot at 643 Kenilworth Terrace in accordance with the plans submitted to the Village on June 22, 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 June 22, 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 Hinkamp seconded the motion.

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

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

Nay: None

Absent: None

Abstain: None

The motion was approved 7 – 0.

Chair Thompson requested the third draft motion be discussed during Other Business.

Agenda Item IV. OTHER BUSINESSES

Chair Thompson stated that the motions for both variances regarding non-conforming structures had been pulled. Ms. Thompson explained that she wanted to confirm with outside counsel and get their recommendation. Ms. Fard stated that the language was included as the non-conformity was intensified.

Ms. McCarthy stated that the language, "other relief as necessary," is very vague. Ms. Fard responded that sometimes a change is needed during the construction phase. Member Eamon stated that he does not want to de-risk. Chair Thompson stated that they can still grant the variance without the language, "other variances as necessary." Chair Thompson asked staff to get legal counsel's perspective.

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 Peterson seconded the motion.

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

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

Nay: None

Absent: None

Abstain: None

The motion was approved 7 – 0.

The meeting was concluded at 8:28 p.m.

Respectfully Submitted,

Heather McFarland

Assistant to the Village Manager