



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

Agenda Item I. CALL TO ORDER / ROLL CALL

A regular meeting of the Zoning Board of Appeals (ZBA) 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 Byelyakova 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.

1
2 **Member Cavalier made a motion to approve** the July 10, 2023 Zoning Board of Appeals Meeting
3 Minutes, as amended, and **Member Peterson seconded the motion.**

4
5 **A roll call vote was taken as follows on the motion:**

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

7 **Nay:** None

8 **Absent:** Hinkamp

9 **Abstain:** None

10
11 **The motion was approved 6 – 0.**

12
13 **Agenda Item III. PUBLIC HEARING**

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

16
17 **A. Continuation of a Public Hearing to Consider Variations at 704 Roger Avenue Pertaining to:**

18 **a. Maximum Building Size (Floor Area)**

19 **b. Maximum Building Coverage**

20 **c. Maximum Impervious Surface Coverage**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **Yea:** Peterson, Thompson, Murphy
6 **Nay:** Chalmers, Cavalier, McCarthy
7 **Absent:** Hinkamp
8 **Abstain:** None

9 **The motion failed, 3 – 3.**
10

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

20 There was no further discussion.

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

22 **Yea:** Peterson, Thompson, Murphy
23 **Nay:** Chalmers, Cavalier, McCarthy
24 **Absent:** Hinkamp
25 **Abstain:** None

26 **The motion failed, 3 – 3.**
27
28

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

37 There was no further discussion.

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

- 2 **Yea:** Peterson, Thompson, Murphy
- 3 **Nay:** Chalmers, Cavalier, McCarthy
- 4 **Absent:** Hinkamp
- 5 **Abstain:** None

6 **The motion failed, 3 – 3.**

7
8 Upon conclusion of the votes, Mr. Byelyakov asked what the next steps were. Chair Thompson responded
9 that appeals were handled by the Circuit Court and Mr. Byelyakov could hire an attorney to discuss.

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

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

20
21

21 *Cathy Shaw*

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

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

29 Thank you for your consideration at reviewing these plans tonight.

30 Cathy Shaw”

31

32 *Rob Scarpelli*

33 “Hello Heather and John,

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

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

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

11 Sincerely,

12 Rob Scarpelli”

13

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

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

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

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

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

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

1 Member McCarthy expressed concern with the previously presented heights and questioned what
2 changed when it was lowered. Mr. Sbertoli explained that the ceiling will slant inward on the second
3 floor and that the closets are not tall enough to stand up in. Mr. Sbertoli also shared that the garage is
4 now smaller and that he will have to sell his truck as it will no longer fit in the space.

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

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

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

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

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

22 There was no further discussion.

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

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

25 **Nay:** None

26 **Absent:** Hinkamp

27 **Abstain:** None

28 **The motion passed, 6 – 0.**

29
30 **Member McCarthy made a motion to approve** the request submitted by the petitioners, Jack and Liz
31 Sbertoli, for a building coverage variation of 218 square feet to allow for the construction of a two-story
32 addition to the rear of the existing single-family residence and a 1.5-story detached garage on the lot at
33 632 Wayland Avenue in accordance with the plans submitted to the Village on August 11, 2023. The
34 variation requested by the petitioner shall be granted conditioned upon the petitioner's strict
35 compliance with the plans submitted to the Village on August 11, 2023. Any subsequent revisions to
36 these plans that affect the scope of the variation granted or that the Code Official determines to be a

1 material change will require the petitioner to resubmit an application for the requested variation.

2 **Member Cavalier seconded the motion.**

3 There was no further discussion.

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

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

6 **Nay:** None

7 **Absent:** Hinkamp

8 **Abstain:** None

9 **The motion passed, 6 – 0.**

10

11 **Agenda Item IV. OTHER BUSINESSES**

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

15

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

18

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

20

21 None.

22

23 **Agenda Item VI. ADJOURN**

24

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

26

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

28

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

30 **Nay:** None

31 **Absent:** Hinkamp,

32 **Abstain:** None

33

34 **The motion was approved 6 – 0.**

35

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

37

38 Respectfully Submitted,

39 

40 Heather McFarland

41 Assistant to the Village Manager