



Meeting of the Village of Buffalo Grove Planning and Zoning Commission

**Regular Meeting
December 1, 2021 at 7:30 PM**

Fifty Raupp Blvd
Buffalo Grove, IL 60089-2100
Phone: 847-459-2500

I. Call to Order

II. Public Hearings/Items For Consideration

1. Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 811 Summer Ct. (Trustee Johnson) (Staff Contact: Nicole Woods)

III. Regular Meeting

A. Other Matters for Discussion

B. Approval of Minutes

1. Planning and Zoning Commission - Regular Meeting - Nov 17, 2021 7:30 PM

C. Chairman's Report

D. Committee and Liaison Reports

E. Staff Report/Future Agenda Schedule

F. Public Comments and Questions

IV. Adjournment

The Planning and Zoning Commission will make every effort to accommodate all items on the agenda by 10:30 p.m. The Board, does, however, reserve the right to defer consideration of matters to another meeting should the discussion run past 10:30 p.m.

The Village of Buffalo Grove, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the ADA Coordinator at 459-2525 to allow the Village to make reasonable accommodations for those persons.



Action Item : Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 811 Summer Ct.

Recommendation of Action

As staff does not believe the petitioner adequately meets the variation standards, staff recommends denial.

The petitioner, who resides at 811 Summer Ct recently expanded his driveway without applying for a permit and after receiving a stop work order notice. The driveway expansion exceeds the required 40% front yard coverage. As a result, a variation is required.

ATTACHMENTS:

- 2021.11.23 Staff Report (DOCX)
- Revised Plan Set (PDF)

Trustee Liaison
Johnson

Staff Contact
Nicole Woods, Community Development

Wednesday, December 1,
2021

**VILLAGE OF BUFFALO GROVE
PLANNING & ZONING COMMISSION
STAFF REPORT**

MEETING DATE:	December 1, 2021
SUBJECT PROPERTY LOCATION:	811 Summer Ct
PETITIONER:	Ornis Mala
PREPARED BY:	Rati Akash, Village Planner
REQUEST:	A variation to allow for an existing driveway to exceed the 40% of front yard coverage maximum.
EXSITING LAND USE AND ZONING:	The property is improved with a single-family home currently zoned R3.
COMPREHENSIVE PLAN:	The approved Village Comprehensive Plan calls for this property and the immediate neighborhood to be single family detached.

PROJECT BACKGROUND

The petitioner, Ornis Mala recently expanded his driveway on the south without applying for a permit, and after receiving a stop work order notice from the Village.

The Petitioner applied for a permit and a variance after the driveway expansion work was completed. The existing driveway expansion exceeds the required 40% front yard coverage. As a result, a variation is required.

After an inspection was conducted on site, it was found that the existing driveway expansion does not comply with the drainage pattern. Since then, the Petitioner has worked with the Village Staff and agreed to remove a portion of the driveway on the drainage easement and repour it to be in compliance with the existing drainage pattern in the easement.



History of Events

- [illegible]

- After a site inspection was conducted, staff found that the fence on the subject property is a 6' tall fence, which is not a permitted fence. The Petitioner has indicated that he will reduce the extension of the new fence to 5' tall.

Variation Requested

A front yard coverage variation from **Section 17.36** from the Buffalo Grove Zoning Code states that the maximum of 40% of the required front yard area may be covered by approved paved and impervious surfaces including driveways and walkways.

DEPARTMENTAL REVIEWS

Village Department	Comments
Engineering	The Engineer has reviewed the driveway expansion and provided the attached memo that show concerns with grading in the drainage easement. As noted above, the Petitioner has agreed to remove and re-pour the concrete to meet the grading requirements.

SURROUNDING PROPERTY OWNERS

Pursuant to Village Code, the contiguous property owners were notified and a public hearing sign was posted on the subject property. The posting of the public hearing sign and the mailed notifications were completed within the prescribed timeframe as required. As of the date of this Staff Report, two calls were received, however no objections were raised. The petitioner has also submitted an email from his neighbor concerning the fence, not the driveway, that is included in the packet.

STANDARDS

The Planning & Zoning Commission is authorized to grant variations to the regulations of the Zoning Ordinance based upon findings of fact which are made based upon evidence presented at the hearing that:

1. The plight of the owner is due to unique circumstances;
2. The proposed variation will not alter the essential character of the neighborhood;
3. There are practical difficulties or particular hardships in carrying out the strict letter of this Chapter which difficulties or hardships have not been created by the person presently having an interest in the property; and,
4. The proposed variation will not be detrimental to the public health safety and welfare.

The petitioner has provided a response to the standards.

STAFF RECOMMENDATION

Village Staff recommends denial of the variation to allow a driveway expansion that would exceed the required front yard coverage by 5.12%, as staff believes the petitioner does not adequately meet the variation standards.

ACTION REQUESTED

The Planning & Zoning Commission (PZC) shall open the public hearing and take public testimony concerning the request. The PZC shall make a recommendation to the Village Board.

Suggested PZC Motion

PZC moves to grant denial of the variation which would allow a driveway expansion that would exceed the required front yard coverage by 5.12% based on failure to meet the variation standards.

From: Ornis Mala

Address: 811 Summer Ct, Buffalo Grove IL 60089

To: Planning & Zoning Commission, Village of Buffalo Grove

To Whom It May Concern:

We are trying to add an additional section to the sidewalk, to the right-hand side of the house (looking from the front). The measurements are displayed in the attached file. The reason for this addition is because we have fixed the fence doors three times since we purchased the house in 2018, because the doors hang loose after we open them, and the bottom does not touch the concrete no longer.

Therefore, we had the company that maintains our yard prepare the drawing for us.

If you have any other questions, please let us know!

Sincerely,

Ornis Mala

Attachment: Revised Plan Set (Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 811 Summer Ct.)



PETER ALAN WASEM, ESQ.

PETER ALAN WASEM P.C. - ATTORNEY AT LAW
330 E. MAIN STREET – 3rd FLOOR - P. O. BOX 3372 BARRINGTON ILLINOIS 60010
Tel: 847.381.4430 - Fax: 847.381.4409 - Email: peteralanwasem@gmail.com

Thursday, November 4, 2021

Ms. Rati Akash
 Village Planner
 Community Development
 Village of Buffalo Grove
 50 Raupp Boulevard
 Buffalo Grove, IL 60089

Regarding: 811 Summer Court

Dear Ms. Akash:

As you may know, I have been engaged to assist Mr. Ornis Mala with is request for a variance with respect to the expansion of the paved and/or impervious area in the front yard of his property located at 811 Summer Court.

It is my understanding that Mr. Mala has already submitted certain documents in support of his request for variance relief. However, it is also my understanding that the supporting documents submitted by Mr. Mala needed to be supplemented. In particular, the Response to Standards form. Therefore, I am providing you a revised Response to Standards form containing the revised responses to each numbered item set forth therein. I ask that this revised Response to Standards be added to the prior submittals in support of his request. The revised and updated Response to Standards is attached hereto.

The hearing on Mr. Mala's request is set for December 1, 2021.

If I can be of further assistance or if you need anything else, please feel free to contact me directly.

Peter Alan Wasem

By: _____

Peter Alan Wasem, Esq.

File No.21-4616-001

Cc: Mr. Ornis Mala

Mr. Nicholas D. Standford

Attachment: Revised Plan Set (Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 811 Summer Ct.)



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Thursday, November 4, 2021

Ms. Rati Akash
 Village Planner
 Community Development
 Village of Buffalo Grove
 50 Raupp Boulevard
 Buffalo Grove, IL 60089

Regarding: 811 Summer Court

Dear Ms. Akash:

This correspondence is written to memorialize the action taken by my client Mr. Ornis Mala with respect to the outstanding issues relative to certain outstanding building and zoning matters with the Village of Buffalo Grove.

1. **Maximum Front Yard Coverage**. Under a separate cover I have on behalf of Mr. Mala submitted a revised Response to Standard for the purpose of supplementing his request for variance relief for the addition of concrete in the front yard of his home.

2. **Fence**. Mr. Mala will reduce the height of the new fence to 5 feet in order to comply with existing standards. In addition, I am attaching a copy of an email dated October 18, 2021, from Mr. Preetham Dalvay, Mr. Mala's neighbor, confirming their conversation and memorializing Mr. Dalvay's acceptance of the extension of Mr. Mala's fence (including resolving any encroachment concerns) and Mr. Mala's promise to reduce the height of the new fence extension to 5 feet. A copy of that email is attached for your benefit.

3. **Basketball Court**. Mr. Mala has indicated and renews that statement he made that the dimensions of the basketball court in his backyard are the same as when he acquired fee simple title to the property.

Therefore, Mr. Mala believes he has properly addressed and resolved all pending issues, except with respect to the item 1 above, which is set for hearing on December 1.

Thursday, November 4, 2021

Ms. Rati Akash
Village Planner
Community Development
Village of Buffalo Grove
50 Raupp Boulevard
Buffalo Grove, IL 60089

Regarding: 811 Summer Court

If I can be of further assistance, please feel free to contact me directly.

Peter Alan Wasem

By: _____

Peter Alan Wasem, Esq.

File No.21-4616-001

Cc: Mr. Ornis Mala

Mr. Nicholas D. Standford

Attachment: Revised Plan Set (Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 811 Summer Ct.)





Attachment: Revised Plan Set. Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 511 Summer Cl.



Attachment: Revised Plan Set. (Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 311 Summer Ct.)

847-459-2530

REVISED**Response to Standards****1. The plight of the owner is due to unique circumstances;****Your Evidentiary Statement:**

The expansion of the of the paved and/or impervious surfaces in the front yard was done to remedy the unique circumstances of the topography of the yard in and around the fence gate adjacent to the garage. The ground and grass in that area was of such consistency as to cause the fence gate to deteriorate and prevented the gate from opening and closing properly. As a result, the fence gate could not be used, as intended, and needed constant repair and replacement. The new concrete surface installed allows the fence gate to be, opened, and, closed as intended and solves the problem of constant repair and replacement.

2. The proposed variation will not alter the essential character of the neighborhood;**Your Evidentiary Statement:**

The installation of the additional concrete surface does not alter the essential character of the neighborhood, in fact, it improves the neighborhood. The area where the surface was installed is now improved by being more aesthetically attractive, with a clean surface, which matches the gate. In addition, it helps maintain the integrity, condition, and look of the fence gate.

3. There are practical difficulties or particular hardships in carrying out the strict letter of this Chapter which difficulties or hardships have not been created by the person presently having an interest in the property; and,**Your Evidentiary Statement:**

The best solution to preventing the deterioration of the existing fence gate and ground in the area of the fence gate was to install the concrete. Due to the existing ground conditions the fence gate could not be operated as intended and required constant repair, to both the fence and ground. The only practical solution was to install the concrete so that the fence would operate properly, that is open and close using the wheels on the bottom of the gate. The fence gate and topography of the ground in and around the fence gate were existing and not created by the current homeowner.

4. The proposed variation will not be detrimental to the public health safety and welfare.

Your Evidentiary Statement:

The expansion of the paved and/or impervious surfaces is not located close to or in the area adjacent to the street and poses no safety concerns, as it is a smooth surface that allows for clean, consistent, easy, and safe access to through the homes fence gate. In fact, it improves safety and welfare of those using the area and the fence gate by providing a smooth surface to walk on and use the fence gate. The concrete installed is not detrimental to public safety and welfare.

Dated: November 4, 2021

Ornis Mala
811 Summer Court
Buffalo Grove, IL

VILLAGE OF BUFFALO GROVE



MEMORANDUM

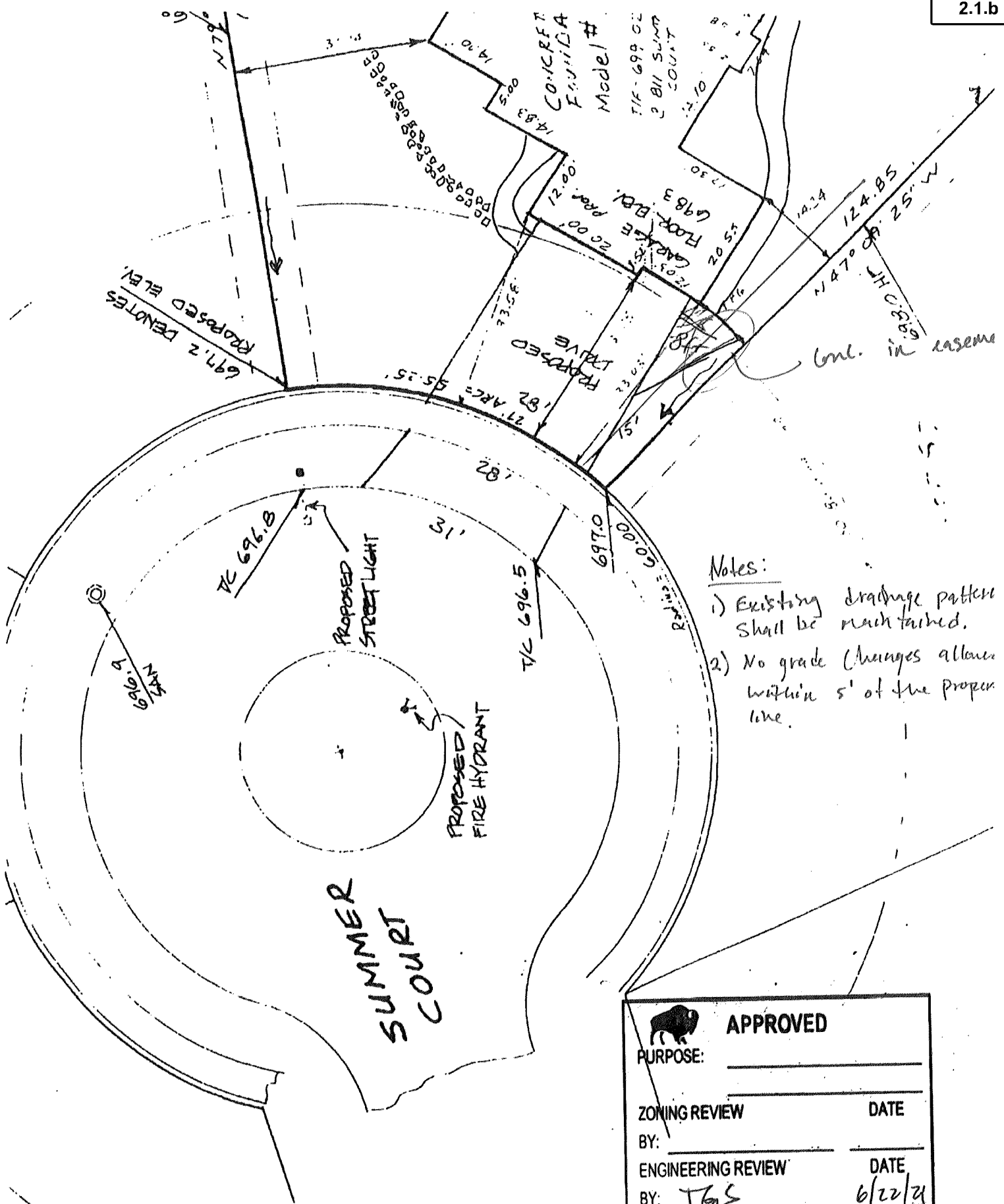
DATE: September 7, 2021
TO: Rati Akash, Village Planner
FROM: Ted Sianis, Civil Engineer II
SUBJECT: 811 Summer Court – Driveway Extension/Sidewalk

The Engineering Department received a request to inspect/verify grading for a driveway extension adjacent to the driveway serving 811 Summer Court. This work was performed without a permit and permitted post construction. Upon inspection, the newly poured concrete does not comply with Village code. The driveway extension has slightly raised the grade through a portion of the property where a drainage easement exists. There are three scenarios available to rectify this issue. The homeowner at 811 Summer Court may:

1. Remove the portion of concrete driveway extension within the easement and regrade adjacent to the remaining concrete;
2. Remove the new concrete in its entirety; or
3. Replace the concrete within the easement, lowering the new concrete to meet the previously existing grade.

Enclosed with this memo are:

1. The plat that was submitted with the permit post construction which shows the Engineering Department comments for the work, and a circled area where the new concrete does not meet Village Code.
2. A picture illustrating the grade change.
3. Aerial pictures illustrating additional unpermitted fence replacement.







Legend

Attachment: Revised Plan Set (Consider a Variation to Allow for a Driveway to Exceed the Maximum



Print Date: 9/7/2021

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

----- Forwarded message -----

From: **Preetham Dalvay** <dalvay@gmail.com>

Date: Mon, Oct 18, 2021 at 12:48 PM

Subject: Fence between our properties 811/813 Summer Ct

To: Ornis Mala <ornis@thesocialplus.com>

Hi Ornis,

As discussed regarding the fence between our properties of 811 (yours) and 813 (mine) Summer Ct Buffalo Grove:

1. I am ok with you extending your fence on your property, as has already been done.
2. Thanks for letting me know that you will bring the height of the fence down to 5 ft, as required by the Buffalo Grove village.

Regards,
Preetham

Attachment: Revised Plan Set (Consider a Variation to Allow for a Driveway to Exceed the Maximum Coverage at 811 Summer Ct.)

**MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE
VILLAGE OF BUFFALO GROVE HELD IN THE COUNCIL CHAMBERS, 50 RAUPP BOULEVARD,
BUFFALO GROVE, ILLINOIS ON WEDNESDAY, NOVEMBER 17, 2021**

Call to Order

The meeting was called to order at 7:32 PM by Chairman Frank Cesario

Public Hearings/Items For Consideration

1. Consider a Variation for an Accessory Structure Exceeding Max Rear Yard Coverage at 300 Raupp Blvd (Trustee Johnson) (Staff Contact: Nicole Woods)
Village Planner Akash provided a background on the subject property.
Mr. Nenkov gave the Commissioners a brief description of his variation for a proposed shed in the rear yard.
Com. Weinstein asked the petitioner about the shed and the current detached garage.
Mr. Nenkov explained his lot situation.
Chairperson Cesario asked if the petitioner had anything else to say in closing.
Mr. Nenkov thanked the Commissioners for their time.
The staff report was entered as exhibit one.
The public hearing was closed at 7:40 PM.
Commissioner Weinstein made a motion to grant a variation to Section 17.32 of the Buffalo Grove Zoning Code to allow for an 8' by 10' shed in the rear yard, which exceeds the 3.2% of the rear yard coverage. The shed shall be installed in accordance with the documents and plans submitted as part of this petition.
Com. Spunt seconded the motion.
Com. Moodhe spoke in favor of the motion.
Com. Weinstein spoke in favor of the motion.
Com. Goldspiel spoke in favor of the motion.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Moodhe, Spunt, Cesario, Goldspiel, Khan, Weinstein, Richards, Worlikar
ABSENT:	Amy Au

2. Consider a Variation to Allow an RV that Exceeds Max Permissible Size and Allow for the Storage in the Corner Yard at 551 Springside Ln. (Trustee Pike) (Staff Contact: Nicole Woods)
Village Planner Akash gave a description of the subject property and details on the two variations.
Mrs. Mulvihill provided the Commissioners with additional detail regarding their petition.
Com. Worlikar asked about the position of the Boat and trailer regarding proper screening.

11/17/2021

Village Planner Akash provided detail to the Commissioners regarding the fence code.

Chairperson Cesario clarified to the Commission that there is no request for a fence variation.

Village Planner Akash confirmed that there is no fence variation as part of the petition.

Com. Worlikar asked if the fences would overlap.

Mr. Mulvihill said no.

Com. Spunt asked if the petitioner will be able to back the boat and trailer into the driveway.

Mr. Mulvihill spoke to the measurements he took to make sure he had enough room to maneuver the trailer.

Com. Goldspiel noted that the boat was large.

Mr. Mulvihill said it is primarily used in lakes.

Com Goldspiel asked if the boat would be covered in the winter months.

Mr. Mulvihill said yes.

Com. Moodhe asked if the top part of the boat could be folded down.

Mr. Mulvihill said yes.

Com. Moodhe asked the petitioner what his landscape plan was.

Mr. Mulvihill said he hopes to use the topsoil from the extended driveway to build up a bead for the landscape that will tentatively include arborvitaes.

Com Moodhe asked if they had talked to their neighbors.

Mr. Mulvihill said year.

Com Weinstein asked if the plans for the screening was planned with staff.

Mr. Mulvihill said yeas.

Com. Weinstein asked about the house behind them and if they were going to screen the boat on that side.

Mr. Mulvihill said he hasn't thought about screening the boat on that side.

Village Planner Akash that the Village will look and make sure it is properly screened for the neighbors in the rear.

Com. Goldspiel spoke briefly on landscape ideas.

Mr. Mulvihill thanked the Com. Goldspiel for the ideas.

Chairperson Cesario asked if there was a variation for the driveway.

Village Planner Akash said no.

Chairperson Cesario asked the petitioners to go over their hardship as required for the variation.

Mr. Mulvihill spoke about the hardship of having the boat stored somewhere else when he works on it and the cost it for storage.

Minutes Acceptance: Minutes of Nov 17, 2021 7:30 PM (Approval of Minutes)

11/17/2021

Chairperson Cesario spoke in favor of the variations and thanked the petitioners for their thoughtful plan to screen the boat and trailer.

The staff report was entered as exhibit one.

Mr. Clifford, 541 Springside Ln, spoke in favor of the variation.

Mrs. Mulvihill thanked the Commissioners for their time.

The public hearing was closed at 8:12 PM.

Com. Weinstein made a motion to approve a variation to the RV regulations to allow for a boat and trailer to be stored in the corner yard provided the variation shall apply to the boat and trailer that has a size and shape reasonably consistent with the materials provided as part of the petition, the variation shall not run with the land, the Petitioner installs an approved hard surface to store the RV in the corner yard, installs a 5' tall open style fence in the corner yard as depicted in the materials provided as part of the petition, and plants a landscaping directly adjacent and in the rear to the proposed driveway that effectively screens the RV acceptable by the Village Forester.

Com. Moodhe seconded the motion.

Com. Moodhe spoke in favor of the motion.

Com. Spunt spoke in favor of the motion.

Com. Worlikar spoke in favor of the motion.

Chairperson Cesario spoke in favor of the motion.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Moodhe, Spunt, Cesario, Goldspiel, Khan, Weinstein, Richards, Worlikar
ABSENT:	Amy Au

Regular Meeting

Other Matters for Discussion

Approval of Minutes

1. Planning and Zoning Commission - Regular Meeting - Oct 6, 2021 7:30 PM

RESULT:	ACCEPTED AS AMENDED [7 TO 0]
AYES:	Moodhe, Spunt, Cesario, Khan, Weinstein, Richards, Worlikar
ABSTAIN:	Stephen Goldspiel
ABSENT:	Amy Au

Chairman's Report

Chairperson Cesario provided his chairman's report and talked briefly about the upcoming work on Town Center.

Committee and Liaison Reports

Com. Richards provided his liaison report from the Village Board meeting he attended.

Staff Report/Future Agenda Schedule

Minutes Acceptance: Minutes of Nov 17, 2021 7:30 PM (Approval of Minutes)

11/17/2021

Village Planner Akash provided an update on the future agenda schedule.

Public Comments and Questions

Adjournment

The meeting was adjourned at 8:27 PM

Chris Stilling

APPROVED BY ME THIS 17th DAY OF November, 2021

Minutes Acceptance: Minutes of Nov 17, 2021 7:30 PM (Approval of Minutes)