



**DES PLAINES PLANNING AND ZONING BOARD MEETING**

**July 13, 2016  
MINUTES**

The Des Plaines Planning and Zoning Board Meeting held its regularly-scheduled meeting on Tuesday, July 13, 2016, at 7 p.m. in Room 102 of the Des Plaines Civic Center.

**ZONING BOARD**

**PRESENT:** Bader, Saletnik, Hofherr, Schell, Szabo

**ABSENT:** Green, Catalano

**ALSO PRESENT:** Vijay Gadde, AICP, Interim Senior Planner/Community & Economic Development  
Gale Cerabona/Recording Secretary

Vice Chair Saletnik called the meeting to order at 7 p.m. and read this evening's case. Roll call was conducted. Chairman Szabo arrived at 7:01 p.m.

**APPROVAL OF MINUTES**

**A motion was made by Board Member Hofherr, seconded by Board Member Schell, to approve the minutes of June 28, 2016, as written.**

**AYES:** Hofherr, Schell, Bader, Szabo, Saletnik

**NAYES:** None

**\*\*\*MOTION CARRIED UNANIMOUSLY\*\*\***

**PUBLIC COMMENT**

There were no comments.

**NEW BUSINESS**

**1. Address:** 1556 Webster Lane

**Case 16-039-V**

The Petitioner is requesting Standard Variations pursuant to (i) Section 12-7-1.C of the 1998 Des Plaines Zoning Ordinance, as amended, to allow an above ground swimming pool in the front yard; and (ii) Section 12-8-2.A of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a 6' high fence in the front yard, where a maximum of 4' high fence is permitted.

**PIN:** 09-20-320-001-0000

**Petitioner:** Christopher Laskaris, 1556 Webster Lane, Des Plaines, IL 60018

**Owner:** Christopher Laskaris, 1556 Webster Lane, Des Plaines, IL 60018

Vice Chair Saletnik swore in Christopher Laskaris, 1556 Webster Lane, Des Plaines, IL 60018 who advised he wishes to replace the current outdated 6 ft. fence with another fence; wants to place a pool in front yard.

Vice Chair Saletnik asked if this will be in the front yard. Mr. Laskaris advised – yes, I will speak with the staff at Anderson Lock adjacent to us to perhaps have the same-type fence.

Board Member Hofherr asked:

- what type of fence it is. Mr. Laskaris advised – wood
- if the pool is removable. Mr. Laskaris advised – no

Vice Chair Saletnik asked if the Board has any questions. There were none. He asked the audience if anyone is in favor of this proposal – 2 people raised their hands. Vice Chair Saletnik asked if anyone in the audience objects to this proposal – no one responded. He asked Staff to provide the Staff Report which Interim Senior Planner Gadde did:

**Issue:** The Petitioner is requesting Standard Variations pursuant to (i) Section 12-7-1.C of the 1998 Des Plaines Zoning Ordinance, as amended, to allow an above ground swimming pool in the front yard; and (ii) Section 12-8-2.A of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a 6’ high fence in the front yard, where a maximum of 4’ high fence is permitted.

**Analysis:**

**Variations Report**

<b>Owners:</b>	Christopher Laskaris, 1556 Webster Lane, Des Plaines, IL 60018
<b>Petitioner:</b>	Christopher Laskaris, 1556 Webster Lane, Des Plaines, IL 60018
<b>Real Estate Index Numbers</b>	09-20-320-001-0000
<b>Existing Zoning:</b>	R-1 Single Family Residential
<b>Existing Land Use:</b>	Single Family Residential
<b>Surrounding Zoning:</b>	North: R-1 Single Family Residential South: R-1 Single Family Residential East: R-1 Single Family Residential West: C-3 General Commercial
<b>Surrounding Land Use:</b>	North: Residential South: Residential East: Residential West: Commercial
<b>Street Classification:</b>	Webster Lane is a local street
<b>Comprehensive Plan:</b>	The Comprehensive Plan designates the site Single Family Residential

**Project Description:**

The first variation requested is to permit an above ground swimming pool in the front yard. The Zoning Code allows swimming pools as a permitted obstruction in the required rear yards only. However, the Subject

Property is facing Lincoln Avenue and has very little rear yard space to accommodate any obstruction. There is a 10-foot public easement on the west side of the Subject Property which further restricts locating a 15-foot wide pool in the side yard.

The second variation requested is to allow a 6' high fence in the front yard, where a maximum of 4' high fence is permitted. Because the Subject Property is facing Lincoln Avenue, the Zoning Code restricts the height of the fence to 4 feet in the front yard. Swimming pools are required to have 5-foot high fence around them. As the Petitioner is proposing an above ground swimming pool, the 6-foot-high fence is requested, which is appropriate. The 50 percent transparency would not be required for the proposed fence in the front yard.

**Findings of Fact For Variations:**

The variation requests are subject to the standards set forth in Section 12-3-6 of the 1998 City of Des Plaines Zoning Ordinance. In reviewing these standards, staff has the following comments:

1. **Hardship:** The Zoning Code allows swimming pools as a permitted obstruction in the required rear yards only. However, the Subject Property is facing Lincoln Avenue and has very little rear yard space to accommodate any obstruction.
2. **Unique Physical Condition:** There is a 10-foot public easement on the west side which further restricts locating a 15-foot wide pool in the side yard.
3. **Not Self-Created:** The physical condition of the property was not created by anyone having property interests in this land as the lot is restricted by existing structure and property lines.
4. **Denied Substantial Rights:** Denying these variances would deprive the owner of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. **Not Merely Special Privilege:** The hardship is not merely the inability of the owner to make more money from the use of the subject lot.
6. **Title and Plan Purposes:** The requested variations are in harmony with the Comprehensive Plan designation for this property.
7. **No Other Remedy:** There are no means other than the requested variations by which the owner can reasonably use the subject lot.
8. **Minimum Required:** The requested variations are the minimum measure of relief necessary to remove the hardship presented by the strict application of the code.

**Recommendation:**

The Community and Economic Development Department recommends approval of Standard Variations pursuant to (i) Section 12-7-1.C of the 1998 Des Plaines Zoning Ordinance, as amended, to allow an above ground swimming pool in the front yard; and (ii) Section 12-8-2.A of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a 6' high fence in the front yard, where a maximum of 4' high fence is permitted subject to the following conditions:

- A. The proposed above ground pool shall not have any elevated decking surrounding the pool.

**Planning and Zoning Board Procedure:**

The Planning and Zoning Board may vote *to approve*, approve with modifications, or disapprove.

**A motion was made by Board Member Hofherr, seconded by Board Member Bader, to approve both variations (fence and pool) as presented.**

AYES: Hofherr, Bader, Schell, Szabo, Saletnik

NAYES: None

**\*\*\*MOTION CARRIED UNANIMOUSLY\*\*\***

Chairman Szabo asked Staff why not decking around pool. Interim Senior Planner Gadde advised – because it is in the front yard. Petitioner advised he has no intention of installing a deck.

**OLD BUSINESS**

There was no Old Business.

**ADJOURNMENT**

On a voice vote, Vice Chair Saletnik adjourned the meeting at 7:08 p.m.

Sincerely,

Gale Cerabona  
Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners