

Coppari, Howard

From: Coppari, Howard
Sent: Monday, July 06, 2015 4:46 PM
To: Testin, James
Cc: Dulkoski, Adrienne
Subject: Re: Final Deck Inspection for 916 N. Western Avenue (Treehouse and Elevated Walkway)
Attachments: 01 Elevated Walkway - 916 N. Western Ave. - 07-06-15.jpg; 02 Elevated Walkway - 916 N. Western Ave. - 07-06-15.jpg; 03 Elevated Walkway - 916 N. Western Ave. - 07-06-15.jpg; 04 Elevated Walkway - 916 N. Western Ave. - 07-06-15.jpg; 05 Elevated Walkway - 916 N. Western Ave. - 07-06-15.jpg; 06 Elevated Walkway - 916 N. Western Ave. - 07-06-15.jpg

Jim... I inspected the deck application for 916 N. Western Avenue, and I found a structure that was eight feet and eight inches (8' - 8") tall, which I measured from the ground to the top of the floor boards for the elevated walkway that also connects a tree house to a swimming pool.

In other words, the tree house is on one end of the elevated walkway structure, while the other side has two (2) plastic slides that connect to a swimming pool with another plastic slide being built for a sandbox area. Basically, the homeowners are building an entire jungle gym structure within a park-like setting in their backyard.

Basically, this playground area keeps growing in size and magnitude, which I find very troubling as a zoning coordinator. I believe at this point they have already surpassed their forty percent (40%) open space requirement for their R-2 Zone, and I am alarmed that this structure has been allowed to grow within a one (1) year time frame. It appears that a building permit was issued in May of 2014. Personally, I would have denied this building permit for a variety of zoning requirements.

For me, this is not a deck, but an elevated walkway, and I will deny my final zoning inspection on the strict interpretation of the definition found in our zoning ordinance.

Deck: A raised platform structure built above grade, which is open to the sky and attached to the principal building. "Deck" shall not include "Terrace." (Section 16 - Page 10)

The elevated deck I went to inspect is not attached to a principal structure, and it is quite impacting in a negative "aesthetic" manner. It overwhelms their neighbor's sense of privacy and comfort.

Both of the homeowners and hired contractor did not agree with my zoning interpretation, but I gather no one from our division would have approved this monstrosity of a structure. My attached photos will provide some evidence on my zoning interpretation, and why I will not sign off on anything that is both hulking and gigantic.

I looked at the building department electronic files, and I could not find any evidence that Lonnie or Ed would have approved this ancillary structure. In other words, the homeowners have said to me that we have allowed and sanctioned this ancillary construction project. They mentioned Lonnie and Ed, by names, constantly when I was on their property. I was not able to take a photo of the structure head on from the swimming pool area.

I hope our legal department will look at this matter in a more urgent manner. I have told the homeowners that this not common, and I believe this anomaly should not have been built in a building or non-building manner. **Permits or no permits; this incident should have been terminated by the prior zoning coordinator.**

PS – They might reach out to you as the Director of Community Preservation and Development (CP & D) for an official decision on this troubling matter. I have told them that we are also waiting for a legal opinion on this very matter.

Howard

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