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**MINUTES**  
**FLOSSMOOR ZONING BOARD OF APPEALS**  
**REGULAR JULY MEETING**  
**JULY 22, 2025**

The meeting of the July 22, 2025 regular Meeting of the Zoning Board of Appeals was called to order at 6:33 PM

**1. ROLL CALL**

**PRESENT:**

Chair Mathewson, Commissioners Herman, Ryan and Wilson

**ABSENT:**

Commissioners Barnett, Lambert and Smith

**ALSO PRESENT:**

Scott Bugner, Zoning Administrator; Brent and Wendy Watson, petitioners; Peter Hallam, Attorney representing neighbors; Joe Olszewski, John Litchfield, Dalila Fridi, residents

**2. APPROVAL OF THE MINUTES OF THE MEETINGS OF APRIL 22, 2025**

Chair Mathewson asked the Commissioners if they had any changes or comments. Chair Mathewson asked for a motion to approve the minutes as submitted.

**Commissioner Herman motioned to accept the minutes of the April 22, 2025 meeting as submitted. Commissioner Ryan seconded the motion which passed by voice vote.**

**AYES:** Chair Mathewson, Commissioners Ryan and Wilson

**NAYS:** None

**ABSTAIN:** Commissioner Herman

**3. PUBLIC HEARING OF A REQUEST FOR A VARIANCE REGULATING MINIMUM YARDS FOR ACCESSORY USES – DECK**

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Chair Mathewson asked for a motion to open the public hearing.

**Commissioner Herman motioned to recommend approval of the variation as submitted. Commissioner Wilson seconded the motion which passed by voice call vote.**

**AYES:** Chair Mathewson, Commissioners Herman, Ryan and Wilson

**NAYS:** None

Chair Mathewson asked for any public comment on the petitioner's request for variation.

Peter Hallam attorney representing John Litchfield and Joe Olszewski who are neighbors of the petitioner residing at 2425 Hawthorne Lane, formally objected to the request. Mr. Hallam advised that there are two overriding principles that govern whether a variance may be granted in that the Zoning Board must find and the Board must concur that strict compliance with the ordinance would one, create an undue hardship and or practical difficulty that would exist but the application specifically states that hardships do not include those that are self-imposed or personal in nature. Mr. Hallam advised that the hardships in this case were clearly self-imposed or personal in nature. He stated that it is an important point that the deck that the petitioner is seeking a variance for is already constructed. He advised there is another important aspect in this case as the petitioners had also constructed a patio without a permit that was also in violation of the ordinance. He advised that on April 4, 2025, the applicants received a correction notice. Mr. Hallam provided a copy of the correction notice as well as a copy of a plat of survey. The correction notice stated that the patio must be reconstructed to meet the ordinance requirement of a 7.5 foot setback and that they must obtain a building permit. He advised that instead of complying, the petitioners doubled down and constructed a deck that partially sits on a portion of the illegal patio, and which was constructed in an unapproved manner that was also in violation of the 7.5 foot setback and that the petitioners failed to have inspected as required. Mr. Hallam advised that the petitioners state that they need the deck because they have no sitting space in the rear of their home due to the mud that happens when it rains. He advised that there are two problems with this, one is a hardship that is personal in nature. He stated that they claim that they can't use the backyard when it rains because of mud, so their solution was to construct a concrete slab which is impervious which causes runoff to the neighboring properties. Additionally, he stated that the petitioners claim that their corner lot doesn't have enough square footage to have back yard entertainment and privacy comfort, which are purely personal in nature and are not a form of hardship. He added that by seeking privacy comfort by installing a deck and patio that is within the 7.5 yard setback intrudes on the

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neighbor's privacy comfort. He stated that given applicants cavalier disregard for the requirements of the Village of Flossmoor, the request for variance should be denied.

Chair Mathewson advised that the Zoning Board is an advisory body and if they do not vote in favor of the request, the petitioner may request the Board of Trustees consider the petition but that they would need a 2/3 vote in favor of granting the variance.

Chair Mathewson asked the petitioner to provide comments.

Mr. and Mrs. Watson explained that they purchased the property approximately one and a half years ago and that they were having some water problems with the property and that they attempted to address the issue by placing stone in the area which did not work, so they decided to construct a concrete slab which did work. They advised that they didn't have any knowledge of what the Village laws were and that the neighbors knew that. They explained that they had been neighborly and that the slab was put in in 2024 and nothing was said until April of this year. The slab the was initially constructed was approximately 10' x 6' and since that was working to address the water issue on the east side, they decided to construct an additional slab to the north and that still nothing was said by the neighbor. They stated that they decided that they needed a deck they and because they were on a corner lot, there wasn't much backyard space. They advised that they had a smaller deck which was more like a porch, but they wanted to expand the deck. They stated that they still had no knowledge that there was a 7.5 foot setback requirement. They stated that when they started with the deck is when they were served with the violation for the concrete. They advised that they spoke with the neighbors who advised that they reported the concrete slab to the building department and that the neighbors didn't like it and were going to oppose it, so they came down to the building department to see what was going on. They advised that the inspectors came out and advised of the rules that there was a 7.5 foot setback requirement. They advised that they removed the concrete but that the deck was already constructed so they applied for the variance to keep the deck.

Chair Mathewson asked the Commissioners for questions and comments.

Commissioner Wilson asked if the deck was located entirely within their property. Mr. and Mrs. Watson stated that it was. Commissioner Wilson advised that the issue is with the dimension and location of the deck and asked if water still ponds in the yard or if it also runs off to the neighbors. They advised that after heavy rain it will still pond in the yard and especially after having to remove the concrete but that it doesn't go on to the neighbor's property because it sits higher.

Commissioner Ryan advised that sometimes there are challenges and asked if when they purchased the home, they were aware of the yard limitations and what was available to build

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upon in the backyard. They advised that when they first bought the property, they wanted to install a fence and their attorney advised that they could do that and they he was not aware of a 7.5 foot setback so they were also unaware that there was 7.5 foot setback requirement. They advised that their attorney stated that they could do what they wanted to do within their own property. Commissioner Ryan asked for clarification on the timeline and to confirm that the patio has been cut back. Mr. Bugner explained that the only portion of the patio that remains out of compliance is that which is under the deck itself and the remaining portion of the patio that was not in compliance had been removed. Commissioner Ryan asked the petitioners if when they were advised that that there was a compliance issue, did they not gain any knowledge of the zoning regulations after meeting with the Village officials. They advised that the regulations were explained and that they hired a contractor to remove the portion of the slab that was not in compliance. Commissioner Ryan asked if after that, knowing that there was a setback requirement if that is when they built the deck. Mr. Bugner explained that when he visited the site, the 14' x 20' deck had already been constructed but that what was approved was only an 8' x 20' deck which would have complied with the setback requirement.

Chair Mathewson stated that he appreciated the fact that the petitioners were relatively new to the community and that storm water in Flossmoor is a sensitive topic. He advised that there are engineering solutions to combat storm water issues such as a drain tile system with a catch basin but that pouring a slab only displaces the water elsewhere. He stated that the Zoning Board is generally very accommodating but that is generally when a petitioner is coming before the Board prior to work being done, with the idea being that if you come before, the neighbors can be notified prior and provide comments or objections. He stated that the Board is now in a position where they didn't have that option, and in addition, the petitioner had asked for and permitted a deck that would have been compliant but that they built a deck even larger than what was originally denied. Mrs. Watson stated that the framing had already been completed before they were aware of the requirements. Chair Mathewson advised that while he generally agrees that one should be able to utilize their property in the manner in which they choose, their attorney by telling them that they could basically do whatever they want without reading the ordinance was pretty negligent. He advised that the Village posts their ordinances online and they are readily available. He stated that he appreciated the fact that as a matter of reality, they were ignorant of what the rules were, but the reality is that Flossmoor is generally a very easy place to get along. Mr. and Mrs. Watson explained that they understood the role that they played in this situation and would understand whatever the outcome may be. Chair Mathewson advised that another issue is that the need for a variance cannot be created by the petitioner and that the fact of the matter is that the deck was built without complying with the permit requirements and that he believed that there would be a challenge in granting a variance based on those facts and that he suspects the Village Board would also have a challenge approving it, but that it was their prerogative should they decide to further appeal.

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Commissioner Wilson stated that there is a humanity piece involved and that he would encourage the petitioners and neighbors alike to fix whatever is broken.

Chair Mathewson asked for a motion to recommend approval of the variation as submitted.

**Commissioner Ryan motioned to recommend approval of the variation as submitted.**  
**Commissioner Herman seconded the motion which failed to pass by roll call vote.**

**AYES:** None

**NAYS:** Chair Mathewson, Commissioners Herman, and Ryan

**ABSTAIN:** Commissioner Wilson

Commissioner Ryan commented that he could not vote to approve this variance after the fact and reiterated that if they had sought a variance prior to constructing the deck there would have been an opportunity to help neighbors to stay within the guidelines. He stated that he knows that this is a monetary challenge to correct it but that this was really a total disregard of the zoning ordinance.

Mrs. Watson explained that they truly had no knowledge of the rules and that if they had known, they would have complied.

#### **4. OTHER BUSINESS**

#### **FINDINGS OF FACT**

The Commissioners reviewed and approved the proposed findings of fact.

#### **5. ADJOURNMENT**

Chair Mathewson asked for a motion to adjourn.

**Commissioner Ryan motioned to adjourn the meeting.** Commissioner Wilson seconded the motion which passed by voice vote.

**AYES:** Chair Mathewson, Commissioners Herman, Ryan and Wilson

**NAYS:** None