

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS**

VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE

June 22, 2016
7:00 p.m.

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes –March 23, 2016**
- 4. Public Hearings**
 - a. **16-ZBA-0004:** A petition seeking a variation to allow an outdoor fireplace to face the street. The property is currently zoned R-4, Residential Detached House 4. The property is located on the northwest corner of Florence Avenue and 6th Street and is commonly known as 5312 Florence Avenue, Downers Grove, IL (PIN 09-09-304-029). Bill Styczynski, Studio 21 Architects, Petitioner and Paul & Jean Boyd, Owners.
- 5. Other Business**
- 6. Adjournment**

THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE

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**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
MARCH 23, 2016 MINUTES**

Call to Order

Chairperson Earl called the meeting to order at 7:00 PM.

Roll Call

Present: Mr. Domijan, Ms. Eberhardt, Mr. Kulovany, Ms. Majauskas, Mr. McCann, Mr. Werner, Ch. Earl

Absent: None

A quorum was established.

Staff: Rebecca Leitschuh, AICP, Senior Planner
Swati Pandey, Village Planner

Also Present: Shannon Clayton, Petitioner and Owner

Minutes of November 18, 2015 meeting

Mr. Kulovany moved, seconded by Mr. Werner, to approve the minutes of the November 18, 2015 meeting as presented.

All in favor. The Motion passed unanimously.

Meeting Procedures

Chairperson Earl asked those in attendance to silence their phones. She explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to the case on the Agenda. She noted that members of the Zoning Board of Appeals have had an opportunity to review the materials provided by Staff and in some cases have visited the site in question. In order for a requested petition to be approved there must be a majority of four votes in favor of approval. Chairperson Earl added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council. She called upon anyone intending to speak before the Board on the Agenda item to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing and comments made during this portion of the meeting are considered testimony. She said that Staff would make its presentation first, followed by comments by the Petitioner. She added that if anyone in the audience wishes to speak either in favor of or in opposition to the petition, they would be able to do so following the Petitioner's presentation. When the public participation portion of the meeting is closed, the Board will deliberate on the information provided and vote to either approve or deny the petition.

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16-ZBA-0003: A petition seeking a zoning exception to vertically extend a non-conforming wall. The property is currently zoned R-4, Residential Detached House 4. The property is located on Parkway Drive, approximately 100 feet east of Linscott Avenue and is commonly known as 1217 Parkway Drive, Downers Grove, IL (PIN 09-07-217-013). Shannon Clayton, Petitioner and Owner.

Staff's Presentation:

Ms. Swati Pandey, Planner for the Village of Downers Grove, stated that the Petitioner is seeking a zoning exception to allow the construction of a roof dormer 2.10 feet from the east property line, where five feet is required per Section 2.030 of the Zoning Ordinance. There has been substantial interior renovation to the house. The proposed roof dormer will accommodate the third story master bedroom. The property is zoned R-4 and located north of Warren Avenue at the intersection of Linscott Avenue and Parkway Drive. The property to the east of the subject property is currently vacant. Ms. Pandey displayed the site plan for the property showing the existing setback of 2.10 feet, while a 5' setback is required. There are no changes proposed to the exterior walls of the first and second floor. The exception does not extend any further beyond the existing structure, as shown in the elevation drawings as well.

Ms. Pandey then referenced Section 11.040.C.2 of the Zoning Ordinance relating to the standards and review criteria for the exception. She said there are no windows proposed on the non-conforming wall. The addition does not obstruct any further into the required setback, and all other requirements of the Zoning Ordinance will be met. She then reviewed Items (1)-(5) of the Findings of Fact as shown on pages 2-3 of Staff's report dated March 23, 2016, which items state that all standards have been met. Ms. Pandey stated that Staff finds the standards and criteria for granting an exception have been met, and recommends approval of the requested exception subject to the following condition shown on page 4 of Staff's afore-mentioned report:

1. The vertical wall exception shall substantially conform to the staff report and architectural drawings prepared by Fiorino Architects dated December 14, 2015, except as such plans may be modified to conform to the Village codes and ordinances.

A question was raised by a Board member as to the ownership of the vacant parcel immediately to the east of the subject property. It was stated that one person owns that property which is a small parcel and may be undevelopable. It is zoned R-4.

Ms. Majauskas asked if the dormer would protrude any farther than the existing regular roofline. Ms. Leitschuh responded that it does not extend farther. Ms. Pandey said that the vertical extension of the eaves match.

Ms. Pandey further responded that the proposed siding materials would match the existing materials. She also noted that if the adjacent property were eventually sold to another party, the Village would require that the adjacent lots be subdivided into one legal lot.

Questions were raised as to the shuttered area in the proposed dormer, and Ms. Leitschuh said that the applicant has proposed the shutter to simply be a superficial treatment that would not be an operable window.

One concern expressed by a Board member was whether the Village would prevent a window from being opened on that third floor dormer should the owner decide to do that, and Ms. Leitschuh replied that code enforcement program would prevent that dormer area from being opened. If the owner were to choose to put any type of window in that dormer area, they would have to come back to the Village with a formal request.

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Ms. Eberhardt asked the dimension of the eaves at the dormer, and Ms. Leitschuh said that the Village Code standard practice looks at dormer width when it is on the front façade.

Petitioner's Presentation:

Ms. Shannon Clayton, Petitioner and homeowner of the subject property said she and her husband moved into Downers Grove in 2008. They loved the brick streets, historic homes and proximity to the Village downtown area, and moved into the Prince Pond area. Over the eight years they have resided in their home, they have outgrown the space and need an additional bedroom and bathroom, as they now have two children. They prefer to stay in their home, and invest in it by adding the dormer and staircase. Their intent is not to have a window in that room, but for aesthetic purposes they chose to have the shutters installed, which basically cover up the wall and siding, because that is what people expect to see in a dormer.

In response to a question from the Board, Ms. Clayton said that the home was built in 1898. She said she would like to obtain more information about landmarking their home.

Mr. Domijan asked whether they've contacted the homeowners to the east to acquire any additional setback. Ms. Clayton said they have informed the homeowner of their plans and the neighbor is not ready to sell the property at this time.

Ms. Clayton said that she believes that the subject property was originally a barn, based on what they have learned from neighbors and the former owner.

Mr. Domijan asked if they have considered any kind of natural light, such as a skylight, in the dormer. Ms. Clayton said that they have thought about it, but the Ordinance does not allow for a window in the area. They might consider a skylight in the future.

There being no further questions from the Board, Ch. Earl asked for comments from the public.

1. The owner of 1225 Parkway Drive said she was the prior owner of the Clayton home. They live in Prince Pond two doors away from the subject site. She said that they support the Clayton's petition, and noted that many other neighbors from Prince Pond were present in support of the petitioner. They believe this is a good idea for the property, and will keep this beautiful home salable well into the future.

2. Scott Furlane said they have lived in the area for 30 years and the Clayton's have kept the property up very well. He stated that they have no problem with the Clayton's petition.

There being no further comments, Chairman Earl closed the opportunity for further public comment.

Board's Deliberation:

Mr. Werner said that the petition falls within the requirements of the Code and he thinks it makes sense. Prince Pond is a beautiful area, and the home was built in 1898. This is a good way to expand the home.

Ms. Eberhardt said she appreciates the effort that was made to make this dormer look nice, even going so far as to add the shutter.

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Mr. Domijan said he agrees with the comments already made. He thinks this is a good concept and he is in favor of the exception.

Mr. McCann said this does make this a more salable house, and given the age of the house he would not like to see this become a teardown at some future time.

Mr. Kulovany added his support of this proposal, saying it is good to see the home being expanded. He noted that there was another house that had shutters instead of windows, and that was the Brady Bunch House.

Ms. Majauskas called for a Point of order saying that everyone seems to be in agreement that they like the aesthetics involved; however, that is not part of the deliberation. A lot of time has been spent on how beautiful the house is, but that is not relevant to the request before the Board.

Chairman Earl said she was pleased to see this new tool of an exception being used by the Board. She then called for a Motion.

Mr. Domijan moved that in case 16-ZBA-0003 the Board approves the petition for a zoning exception as presented. Mr. McCann seconded the Motion.

All in favor, the Motion passed unanimously.

Chairman Earl thanked the neighbors who took the time to come out and support the petition.

Ms. Leitschuh said that, as of this date, there are no cases for next month's meeting. She noted to the Board that she has printed copies of the updated Zoning Map available for them.

ADJOURNMENT:

Mr. Domijan moved to adjourn the meeting. Ms. Eberhardt seconded the motion.

All in favor. The Motion carried unanimously.

Chairperson Earl adjourned the meeting at 7:44 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE ZONING BOARD OF APPEALS
JUNE 22, 2016 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
16-ZBA-0004 5312 Florence Avenue	Accessory Structure Variation	Scott Williams Planner

REQUEST

The petitioner is seeking a variation to allow the installation of an accessory structure, an outdoor fireplace, in the street yard.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNERS: Paul & Jean Boyd
5312 Florence Avenue
Downers Grove, IL 60515

APPLICANT: Bill Styczynski
Studio 21 Architects
911 Rogers St.
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4, Residential Detached House 4
EXISTING LAND USE: Detached House
PROPERTY SIZE: 7,920 square feet (0.18 acres)
PINS: 09-09-304-029

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	Single Family Residential
SOUTH:	R-4, Residential Detached House 4	Single Family Residential
EAST:	R-4, Residential Detached House 4	Single Family Residential
WEST:	R-4, Residential Detached House 4	Single Family Residential

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development and attached to the report as noted:

1. Application/Petition for Public Hearing

2. Location Map
3. Petitioner's Project Summary/Narrative Letter
4. Site Plan
5. Elevations
6. Yard Classification Map
7. Site Photos

PROJECT DESCRIPTION

The petitioner is requesting a variation to permit the installation of a fireplace in the street yard where it is prohibited per Section 14.100.B. of the Zoning Ordinance. The approximately 7,920 square foot property is located on the northwest corner of Florence Avenue and 6th Street and is zoned R-4, Residential Detached House 4.

The original home was built in 1928 and is situated on a corner lot. The house is setback from the southern property line (6th Street frontage) approximately 17'9". In 2011, the owners completed a conforming two story addition into the northern area of the rear yard behind the existing home which is setback approximately 34' from the south property line. The home is considered a lawful non-conforming structure because the required street setback is 25' per Section 2.030 of the Zoning Ordinance. An existing patio is located to the south of the addition.

As a corner lot, this property has two street yards, one on the east and one on the south of the home. Street yards are defined as the yard that exists between a principal building and the street property line on which the building is located, extending along the full length of the street property line. A street yard is different than a street setback, which is defined as the open space required between buildings and lot lines. A house may be required to be setback 25 feet from the front property line but if it is designed so that it sits 40 feet from the front property line, the street yard is considered to be 40 feet deep. Table 14.1 of the Zoning Ordinance defines what type of accessory structures are permitted within various yards and setbacks. Staff has always and consistently interpreted and used this table to determine encroachments into yards as well as setbacks.

The petitioner is proposing to replace the existing patio with a new patio in the same location. The new patio would feature a pergola, four-foot tall fencing and a wood burning fireplace. Table 14-1 allows the patio, pergola and fencing to be within the street yard, but does not permit a fireplace to be in a street yard as proposed by the petitioner.

Recently, a number of ash trees were removed due to the emerald ash borer. This has eliminated the owner's shade which they hope to address through the addition of a pergola, a 4' open fence, a reduction in height of the patio, and the wood burning fireplace. The proposed fireplace would be located in the street yard between the south side of the house and the 6th Street property line.

Both the patio and pergola are permitted in the street yard with the patio allowed to encroach 5' into the setback and the pergola setback a minimum of 5' from the property line. Because the fireplace is one component of the over-all proposal to provide shade, it would be constructed on the proposed patio under the pergola. Not only is this placement in a street yard, it would also encroach 2.5' into the required street setback. The setback for the fireplace from the 6th Street property line would then be 22'6" where 25' is required.

ANALYSIS

Variation from Zoning Ordinance, Accessory Structure in the Street Yard

As noted above, the petitioner is requesting a variation to install an accessory structure in the street yard encroaching into the required street setback, where it is prohibited per Section 14.100.B. of the Zoning Ordinance.

Staff finds that there are no unique circumstances associated with this property that warrant granting the requested variation for the following reasons:

1. The issues resulting in the request for an outdoor fireplace in the street yard are the result of actions by the petitioner with the house addition taking up much of the rear yard closest to the interior side yard;
2. The granting of this variation creates a precedent that would allow accessory structures of substantial height within the street yard for residential properties throughout the Village where no physical difficulty or practical hardship with the property exists. The location of an outdoor fireplace in the street yard erodes the semi-public nature of the street yard by bringing private activities into the semi-public space.
3. The issues resulting in the request are not unique to the property and could be applicable to all other lots in the Village, not just corner lots with a nonconforming setback.

Based on the analysis below, staff recommends denial of the variation.

FINDINGS OF FACT

The petitioner has outlined the request in the attached narrative letter and supplemental documents. The petitioner will further address the proposal and justification to support the requested variation to the Board at the public hearing.

Variations require evaluation per Section 28.12.090 of the Municipal Code, *Standards and Review Criteria*: “No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:”

(1) The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.

The property could yield a reasonable return relative to its use regardless of whether or not the street yard variation is granted. The petitioner has shade with the pergola and could plant trees to provide additional shade. This standard is not met.

(2) The plight of the owner is due to unique circumstances.

There are no unique circumstances associated with this property. The fact that the property is a corner lot is not a unique circumstance. Corner lots by their very nature have two street yards and smaller rear yards. All corner lots are treated in the same manner and are not singularly unique. The loss of ash trees at this location is not unique as the village has removed hundreds of ash trees within the past few years. Therefore, granting the variation is not warranted. This standard is not met.

(3) The variation, if granted, will not alter the essential character of the locality.

If the requested street yard variation is granted, the essential character of the locality will be altered. The granting of the variation would set a precedent that allows other single family residential properties throughout the Village to build 13' tall accessory structures in their street yards within the required street setback. This would erode the semi-public nature of the street yard. This standard is not met.

- (4) ***That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.***

There are no particular hardships or unique circumstances associated with this property. Outdoor fireplaces are meant to be located in non-street yards, and the purpose of one is not to provide shade. The petitioner has the ability to plant a tree on their property to provide shade. The petitioner can install a pergola as proposed to provide shade as well. This standard is not met.

- (5) ***That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.***

The requested variation is the result of additional improvements on the property limiting the location of the outdoor fireplace. Granting this variation will set a precedent for other residential property owners. Any residential property owner that chooses to make improvements on their property could request a similar variation to provide an outdoor fireplace within a street yard. This standard is not met.

- (6) ***That the alleged difficulty or hardship was not created by the current property owner.***

The petitioner states that the hardship associated with this request is due to the location of the patio and its proximity to the street where there is a lack of shade. These space constraints were created by the petitioner through the addition to the house and the requirement to preserve the patio which this proposal will now rebuild to different specifications. If the addition was placed differently, the outdoor fireplace and patio could have been placed in a side or rear yard. This standard is not met.

- (7) ***That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.***

Staff finds that granting the proposed variation will not impair an adequate supply of air or increase the danger of fire if built to current building code, but it has the potential to diminish property values. The installation of an outdoor fireplace or fire pit in the front yard could change the essential character of the neighborhood. If the variation were granted where no physical hardship or practical difficulty exists, it could lead to the proliferation of tall accessory structures in the front yard which could lead to a diminution of property values in the community. This standard is not met.

- (8) ***That the proposed variation will not alter the essential character of the area.***

If granted, the variance will alter the essential character of the area. The variation would set a precedent that will allow other residential property owners to build outdoor fireplaces/fire pits/outdoor cooking areas in their street yards and even in the required street setback. Outdoor fire places are viewed as private uses and would alter the nature of the street yard which is viewed as a semi-public space, thereby altering the character of the neighborhood. The installation of outdoor fireplaces in the street yard would alter the land use characteristics of the R-4 zoning district and other residential detached zoning districts. This standard is not met.

- (9) ***That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.***

The request to install an outdoor fireplace in the street yard would confer a special privilege if granted. Corner properties are not unique and are treated in the same manner as all other corner lots throughout the community. Granting this variation will allow this corner property owner a privilege not afforded to other property owners of corner lots. Additionally, granting this variation could permit the installation of outdoor fireplaces/fire pits/outdoor cooking areas of significant height in the street yard throughout the community. This standard is not met.

RECOMMENDATION

Staff believes there is no physical hardship or unique circumstance associated with this property. Based on the analysis above, staff believes the standards for granting a variation have not been met. As such, staff recommends *denial* of the requested variations.

Should the ZBA decide to approve the requested variation, the variance should be subject to the following condition:

1. The outdoor fireplace shall comply with the plans submitted by Studio 21 Architects dated May 20, 2016.
2. The proposed patio may not extend further into the required street yard than the existing patio structure.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

SP:sw
-att

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5312 Florence Avenue- Location Map

The Boyd Patio

5312 Florence Avenue, Downers Grove, IL

SHEET INDEX

- A0.0 COVER SHEET
- A2.0 PATIO PLAN ELEVATIONS

2015 INTERNATIONAL ENERGY CONSERVATION CODE REQUIREMENTS

CLIMATE ZONE: 5A
 A PERMANENT CERTIFICATE SHALL BE POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL SHOWING COMPLIANCE WITH THE 2015 INTERNATIONAL ENERGY CODE. CERTIFICATE SHALL LIST THE PREDOMINANT R-VALUES OF THE INSULATION INSTALLED IN ALL COMPONENTS OF THE BUILDING THERMAL ENVELOPE, DUCTS OUTSIDE THE THERMAL ENVELOPE, AND U-FACTORS FOR ALL PENETRATION, ALONG WITH RESULTS OF AIR LEAKAGE TESTING PERFORMED ON THE HOME. THE CERTIFICATE SHALL ALSO LIST THE EFFICIENCIES OF ALL HEATING AND COOLING EQUIPMENT INCLUDING WATER HEATER.

MINIMUM INSULATION REQUIREMENTS: SEE TABLE 402.1.1 BELOW
 ATTIC ACCESS PANEL SHALL BE WEATHERSTRIPPED AND INSULATED TO R49. PROVIDE A CONTINUOUS WOOD FRAMED RETAINER AT ACCESS PANEL TO PREVENT LOOSE FILL INSULATION FROM SPILLING INTO LIVING SPACE. PROVIDE A WOOD PLATFORM ABOVE INSULATION DEPTH TO SUPPORT ACCESS PANEL WHEN OPEN AND 2X12 CATWALK ABOVE INSULATION TO PROVIDE ACCESS TO ALL MAJOR AREAS OF THE ATTIC.
 FLOOR INSULATION SHALL MAINTAIN PERMANENT CONTACT WITH UNDERSIDE OF SUBFLOOR DECKING
 BUILDING THERMAL ENVELOPE - THE FOLLOWING AREAS SHALL BE AIR SEALED WITH ONE OF THE FOLLOWING METHODS - CAULKED, GASKETED, WEATHERSTRIPPED OR OTHERWISE SEALED WITH AN AIR BARRIER:

- ALL JOINTS, SEAMS AND PENETRATIONS
- SITE-BUILT WINDOWS, DOORS AND SKYLIGHTS
- OPENINGS BETWEEN WINDOW AND DOOR FRAMES AND THEIR RESPECTIVE FRAMING
- UTILITY PENETRATIONS
- DROPPED CEILINGS OR CHASES ADJACENT TO THE THERMAL ENVELOPE
- KNEE WALLS
- WALLS AND CEILINGS SEPARATING A GARAGE FROM CONDITIONED SPACES
- BEHIND TUBS AND SHOWERS ON EXTERIOR WALLS
- COMMON WALLS BETWEEN DWELLING UNITS
- ATTIC ACCESS OPENINGS
- RIM JOIST JUNCTION
- OTHER SOURCES OF INFILTRATION

HEATING AND COOLING EQUIPMENT SHALL BE SIZED IN ACCORDANCE WITH ACCA MANUAL 5 BASED ON BUILDING LOADS CALCULATED IN ACCORDANCE WITH ACCA MANUAL J OR OTHER APPROVED HEATING AND COOLING CALCULATION METHODOLOGIES.

PROVIDE TIGHT FITTING FLUE DAMPERS AND COMBUSTION AIR FOR ALL NEW WOOD BURNING FIREPLACES
 ALL RECESSED LIGHT FIXTURES IN THERMAL BARRIER SHALL BE IC-RATED AND LABELED AS HAVING AN AIR LEAKAGE RATE NOT MORE THAN 2.0 CFM WHEN TESTED IN ACCORDANCE WITH ASTM E263 WHEN TESTED AT A 1.57 PSF (75 Pa) PRESSURE DIFFERENTIAL, AND SEALED BETWEEN THE HOUSING AND INTERIOR SURFACE WITH GASKET OR CAULK.

PROVIDE A SETBACK THERMOSTAT FOR ALL FORCED AIR FURNACE SYSTEMS, WITH INITIAL SET POINTS OF NO GREATER THAN 70 DEGREES FOR HEATING AND NOT LESS THAN 70 DEGREES FOR COOLING.

SEAL ALL DUCTS, AIR HANDLERS, FILTER BOXES TO COMPLY WITH M1 G1.4.1 OF THE IRC. BUILDING FRAME CAVITIES SHALL NOT BE USED AS SUPPLY DUCTS.

ALL DUCTWORK IN UNCONDITIONED SPACES MUST BE TESTED FOR AIR LEAKAGE AND INSULATED TO R-8.

ALL MECHANICAL PIPING CAPABLE OF CARRYING FLUIDS ABOVE 105 DEGREES OR BELOW 55 DEGREES SHALL BE INSULATED TO R-3

ALL CIRCULATING HOT WATER PIPING SHALL BE INSULATED TO R-3 AND INCLUDE AN AUTOMATIC OR READILY ACCESSIBLE MANUAL SWITCH TO TURN OFF RECIRCULATION PUMP WHEN NOT IN USE.

A MINIMUM OF 75% OF THE LAMPS IN PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE HIGH-EFFICACY LAMPS, COMPACT FLUORESCENT LAMPS, T-8 LINEAR FLUORESCENT OR LAMPS WITH MINIMUM EFFICACY AS FOLLOWS:

- 60 LUMENS PER WATT FOR LAMPS OVER 40 WATTS
- 50 LUMENS PER WATT FOR LAMPS OVER 15 WATTS AND LESS THAN 40 WATTS
- 40 LUMENS PER WATT FOR LAMPS 15 WATTS OR LESS

THE COMPONENTS OF THE BUILDING THERMAL ENVELOPE AS LISTED IN TABLE R402.4.1.1 SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS AND THE CRITERIA LISTED IN TABLE 402.4.1.1, AS APPLICABLE TO THE METHOD OF CONSTRUCTION.

THE BUILDING OR DWELLING UNIT SHALL BE TESTED AND VERIFIED AS HAVING AN AIR LEAKAGE RATE OF NOT EXCEEDING 3 AIR CHANGES PER HOUR. TESTING SHALL BE CONDUCTED WITH A BLOWER DOOR AT A PRESSURE OF 0.2 INCHES W.G. (50 PASCALS) WHERE REQUIRED BY CODE OFFICIAL. TESTING SHALL BE CONDUCTED BY AN APPROVED THIRD PARTY. A WRITTEN REPORT OF THE RESULTS OF THE TEST SHALL BE SIGNED BY THE PARTY CONDUCTING THE TEST AND PROVIDED TO THE CODE OFFICIAL. TESTING SHALL BE PERFORMED AT ANY TIME AFTER THE CREATION OF ALL PENETRATIONS OF THE BUILDING THERMAL ENVELOPE.

COMPLIANCE WITH THE 2015 IECC WILL BE BASED ON THE PRESCRIPTIVE REQUIREMENTS OF THE CODE.

TABLE 402.1.1 (2015 IECC)

CLIMATE ZONE	PENETRATION U-FACTOR MAX	BOUGHT WALL R-VALUE	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH	CRANE SPACE WALL R-VALUE
5A	0.32	0.55	R-49	20 OR 13 + 5	R-30 OR FULL CAVITY R-10 MIN.	R-49 CON. OR R-18 CAVITY	10, 2 FT. OR R-14 CAVITY	R-19 CON. OR R-14 CAVITY

1. ADD AN ADDITIONAL 2-5 IN. SLAB IF HEATED

GENERAL NOTES

REPRODUCTION OF THESE PLANS IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT WRITTEN PERMISSION FROM STUDIO 21 ARCHITECTS

THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES, OR SAFETY PRECAUTIONS IN CONNECTION WITH THE CONSTRUCTION OF THIS PROJECT, SINCE THESE ARE SOLELY THE CONTRACTOR'S RESPONSIBILITIES.

THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS.

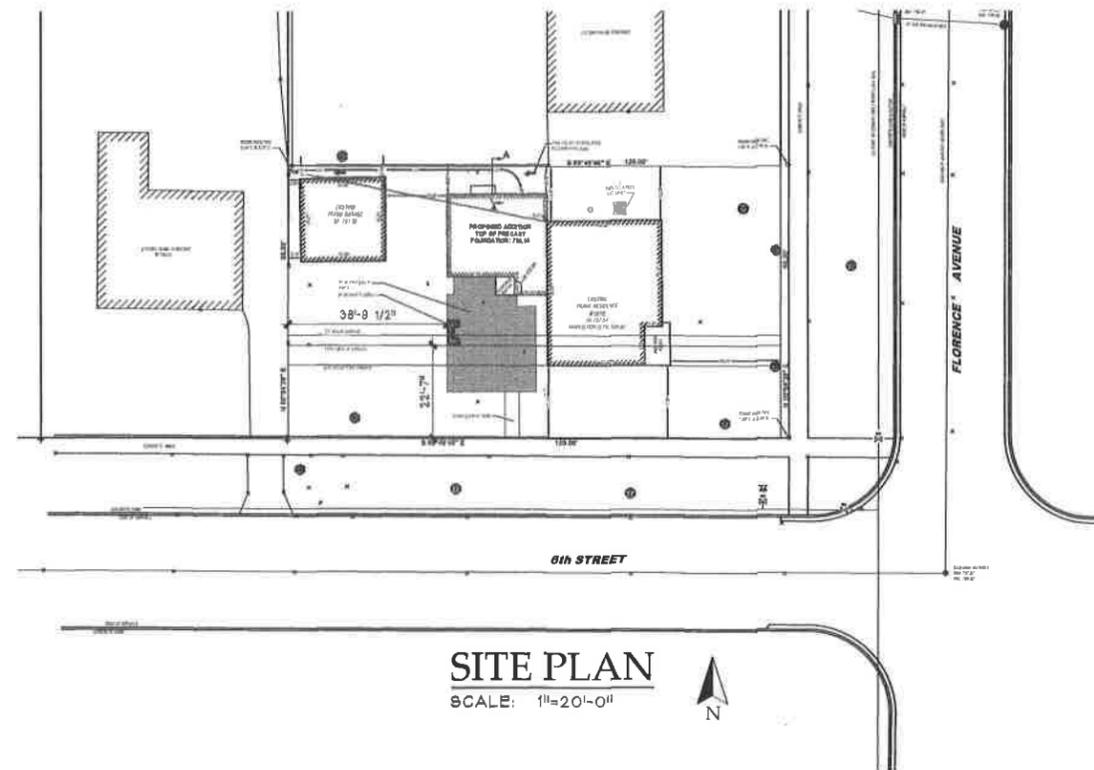
DIMENSIONS NOTED ARE TO THE FACE OF THE FINISH WALL SURFACES.

DIMENSIONS TAKE PRECEDENCE OVER DRAWINGS; DO NOT SCALE DRAWINGS TO DETERMINE ANY DISTANCES.

ALL CONSTRUCTION SHALL COMPLY WITH THE APPLICABLE BUILDING CODES & LEGAL RESTRICTIONS.

CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO ENSURE THE SAFETY OF THE OCCUPANTS & WORKERS AT ALL TIMES.

THE CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO ANY WORK. THE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES BEFORE CONTINUING WITH WORK.



SITE PLAN

SCALE: 1"=20'-0"

ABBREVIATIONS

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	FOUNDATION	10	ROOF	19	WOOD FRAMING
2	FOUNDATION	11	ROOF	20	WOOD FRAMING
3	FOUNDATION	12	ROOF	21	WOOD FRAMING
4	FOUNDATION	13	ROOF	22	WOOD FRAMING
5	FOUNDATION	14	ROOF	23	WOOD FRAMING
6	FOUNDATION	15	ROOF	24	WOOD FRAMING
7	FOUNDATION	16	ROOF	25	WOOD FRAMING
8	FOUNDATION	17	ROOF	26	WOOD FRAMING
9	FOUNDATION	18	ROOF	27	WOOD FRAMING
10	FOUNDATION	19	ROOF	28	WOOD FRAMING
11	FOUNDATION	20	ROOF	29	WOOD FRAMING
12	FOUNDATION	21	ROOF	30	WOOD FRAMING
13	FOUNDATION	22	ROOF	31	WOOD FRAMING
14	FOUNDATION	23	ROOF	32	WOOD FRAMING
15	FOUNDATION	24	ROOF	33	WOOD FRAMING
16	FOUNDATION	25	ROOF	34	WOOD FRAMING
17	FOUNDATION	26	ROOF	35	WOOD FRAMING
18	FOUNDATION	27	ROOF	36	WOOD FRAMING
19	FOUNDATION	28	ROOF	37	WOOD FRAMING
20	FOUNDATION	29	ROOF	38	WOOD FRAMING
21	FOUNDATION	30	ROOF	39	WOOD FRAMING
22	FOUNDATION	31	ROOF	40	WOOD FRAMING
23	FOUNDATION	32	ROOF	41	WOOD FRAMING
24	FOUNDATION	33	ROOF	42	WOOD FRAMING
25	FOUNDATION	34	ROOF	43	WOOD FRAMING
26	FOUNDATION	35	ROOF	44	WOOD FRAMING
27	FOUNDATION	36	ROOF	45	WOOD FRAMING
28	FOUNDATION	37	ROOF	46	WOOD FRAMING
29	FOUNDATION	38	ROOF	47	WOOD FRAMING
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33	FOUNDATION	42	ROOF	51	WOOD FRAMING
34	FOUNDATION	43	ROOF	52	WOOD FRAMING
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36	FOUNDATION	45	ROOF	54	WOOD FRAMING
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42	FOUNDATION	51	ROOF	60	WOOD FRAMING
43	FOUNDATION	52	ROOF	61	WOOD FRAMING
44	FOUNDATION	53	ROOF	62	WOOD FRAMING
45	FOUNDATION	54	ROOF	63	WOOD FRAMING
46	FOUNDATION	55	ROOF	64	WOOD FRAMING
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77	FOUNDATION	86	ROOF	95	WOOD FRAMING
78	FOUNDATION	87	ROOF	96	WOOD FRAMING
79	FOUNDATION	88	ROOF	97	WOOD FRAMING
80	FOUNDATION	89	ROOF	98	WOOD FRAMING
81	FOUNDATION	90	ROOF	99	WOOD FRAMING
82	FOUNDATION	91	ROOF	100	WOOD FRAMING

STRUCTURE DESIGN CRITERIA

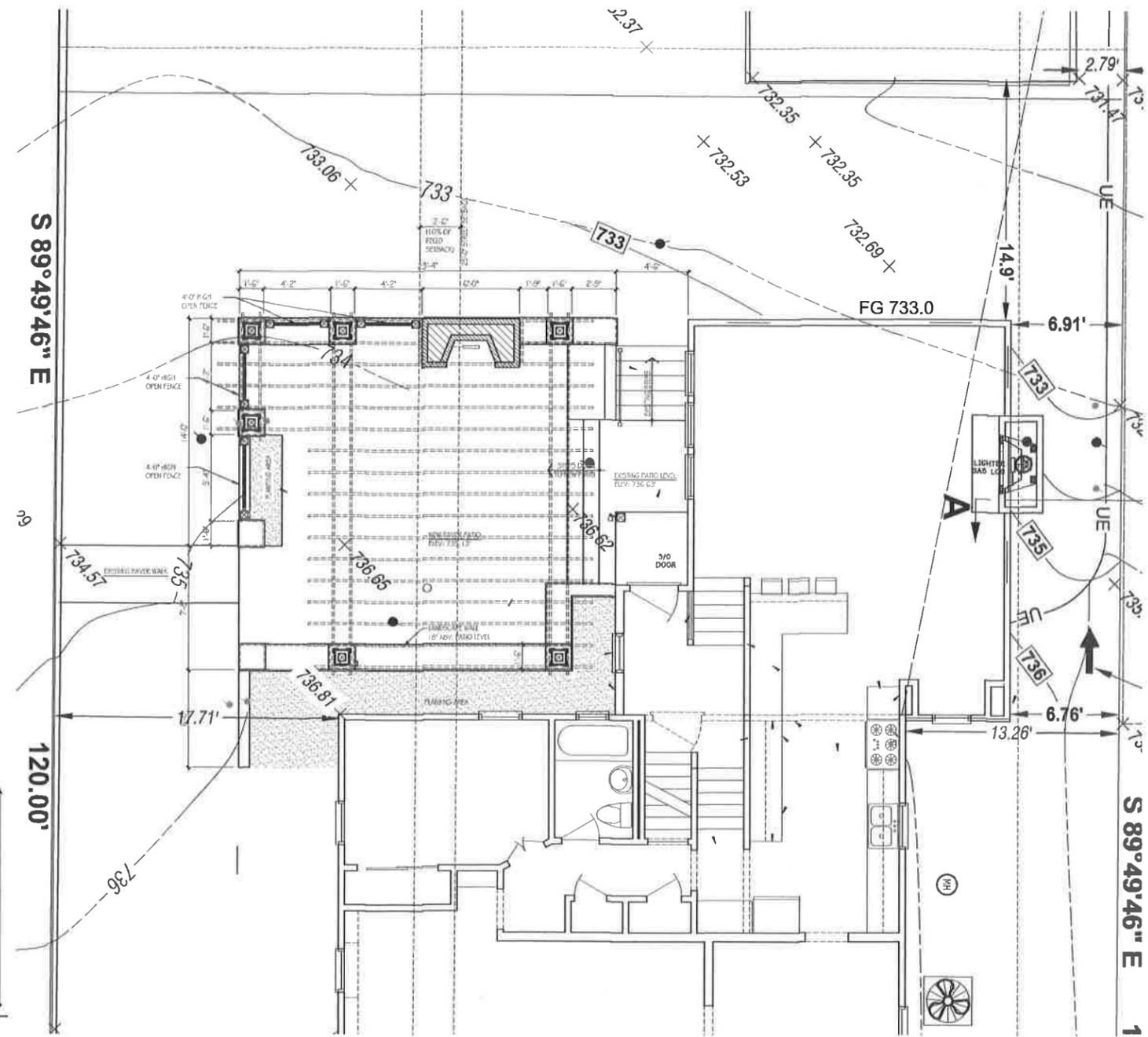
TYPE	4081, 1018	ROOF AREA	1000 SQ FT
LOADS	AS PER CODE	ROOF DEAD	15 PSF
WIND	AS PER CODE	ROOF LIVE	20 PSF
SEISMIC	AS PER CODE	ROOF SNOW	0 PSF
SOIL	AS PER CODE	ROOF HAIL	0 PSF
CLIMATE	AS PER CODE	ROOF ICE	0 PSF
WIND SPEED	AS PER CODE	ROOF WIND	AS PER CODE
WIND DIRECTION	AS PER CODE	ROOF WIND	AS PER CODE
WIND PERIOD	AS PER CODE	ROOF WIND	AS PER CODE
WIND EXPOSURE	AS PER CODE	ROOF WIND	AS PER CODE
WIND PROTECTION	AS PER CODE	ROOF WIND	AS PER CODE
WIND COEFFICIENT	AS PER CODE	ROOF WIND	AS PER CODE
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WIND EXPOSURE	AS PER CODE	ROOF WIND	AS PER CODE
WIND PROTECTION	AS PER CODE		



6TH STREET
SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



WEST ELEVATION
 SCALE: 1/4" = 1'-0"



PATIO PLAN
 SCALE: 1/4" = 1'-0"

IMPERVIOUS SURFACE CALCULATIONS
 EXISTING PATIO = 487 SQ. FT.
 NEW PATIO = 652 SQ. FT.
 NET CHANGE = + 165 SQ. FT.

The Boyd Patio
 5312 Florence Avenue, Downers Grove, IL

911 Rogers Street
 Downers Grove, IL 60515
 630.789.2513
 studio21architects.com

DATE
 05/20/16

PROJECT
 16125

SHEET
 A2.0

911 Rogers Street
Downers Grove, IL 60515
630.789.2513
studio21architects.com



May 20, 2016

Zoning Variation

5312 Florence Ave
Downers Grove, IL 60515

Project Summary

The owners of the property, Jean and Paul Boyd, are seeking a Zoning Variation for the purpose of providing relief from Section 2.030 (Lot and Building Regulations) of the Village of Downers Grove Zoning Ordinance. Specifically, the request is for relief from the required street yard setback on the south side of the lot, for the purpose of adding an outdoor fireplace as part of a new patio and pergola addition to their existing home. The ordinance requires a street setback of 25'-0" feet for such use. This request is for a 10% reduction of such setback to 22'-6". The request for variation includes floor plans, site plan and exterior elevations prepared by Studio 21 Architects, dated May 20, 2016, along with a plat of survey by Genesis Surveying dated December 1, 2011.

The original existing home, built in 1928, is situated on a corner lot and is setback from the south lot line by approximately 17'-9". The current zoning ordinance requires a street setback of 25'-0" for this corner lot. In 2011, the owners completed a two story addition on the north side of the lot behind the existing home. An existing elevated patio is located to the south of the new addition. Since that time, a number of large ash trees, located to the south and west of the patio were removed due to the ash bore problems. One tree was on the owner's property and one on the parkway. The removal of these ash trees due to the ash bore problem has eliminated the shade that was provided to the patio and now makes the outdoor space unbearable at certain times of the year.

The owners anticipate building a redesigned patio to include new bluestone pavers in the same general location as the existing patio but at an elevation 18" lower than the existing patio elevation. Other improvements include a pergola designed to create a shading canopy in conjunction with a 4' high open design fence at the perimeter of the patio. The final improvement would include an outdoor fireplace designed to meet the building codes for a wood burning fireplace. The fireplace is an integral feature in the design with the intent to block the low western summer sun.

Section 14.100 B., Table 14-1 of the Downers Grove Zoning Ordinance shows that a fireplace is not allowed in a street setback. Therefore, the petitioner is requesting a variation to reduce the street setback on the south lot line by 10% from 25'-0" to 22'-6" to allow the fireplace to be located outside the setback while also located a proper distance from the existing residence. This variation of the street setback is the only variation required or requested from the petitioner. The attached drawings shows the desired location of the fireplace.

The Zoning Variation requested is 10% of the required minimum setback and should be considered a relatively minor form of zoning relief. In our opinion, the variation could be considered within the limits authorized by an Administrative Adjustment. Based on a thorough search of the Zoning Ordinance, we find no restriction for a fireplace to be in a street yard, there is only a setback restriction. A street yard in this case would be a line extending parallel to the south face of the addition to the south property line. The proposed fireplace would be located at a 22'-6" setback and is designed as an integral part of the overall pergola design. Since the existing home is at a setback of approximately 17'-9" from the property line, the fireplace would actually appear to the general public as being set well behind the perceived street setback line. It cannot be emphasized enough that the variance is critical to the desired shading affect, while having minimal, to no effect, on the perceived location to the actual minimum required street setback.

In order for this variation to be granted, the structure must meet the criteria of Section 28.12.090.G 1, 2, 3 a – g. It is our belief that we clearly meet that criteria.

Section 28.12.090.G Standards and Review Criteria

1. *(As stated in Downers Grove Zoning Ordinance)* No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. **We believe this request is consistent with the spirit and intent in that although a fireplace is not allowed in a street setback, this fireplace would be setback approximately 5'-6" behind the perceived front of the house and outside the setback if the variation is approved and will actually appear to exist in the property rear yard back. In denying this request, the owners would be denied the opportunity to have a fireplace, as locations strictly within the setbacks and distance from other structures do not for this fireplace design.**

2. *(As stated in Downers Grove Zoning Ordinance)* the consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:

a. *(As stated in Downers Grove Zoning Ordinance)* the subject property cannot yield a reasonable return if required to comply with the regulations that apply to it; **Monetary consideration is not a consideration for the desire to build the fireplace. However, an outdoor fireplace can be considered a valuable amenity and provide a greater return on the investment in the outdoor spaces.**

b. *(As stated in Downers Grove Zoning Ordinance)* the plight of the owner is due to unique circumstances; **this is a corner lot which creates a significant setback from the street at the rear of the home thereby limiting the location of the fireplace. This same location on an interior lot would not be a factor, it would be well within the setbacks.**

c. *(As stated in Downers Grove Zoning Ordinance)* the variation, if granted, will not alter the essential character of the locality. **An outdoor fireplace is an exterior landscape feature. The design of this particular fireplace is designed to co-exist with the character of the neighborhood and blends well with the proposed pergola while providing the desired shading effect.**

3. *(As stated in Downers Grove Zoning Ordinance)* In addition, the hearing body must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence presented:

a. *(As stated in Downers Grove Zoning Ordinance)* that the physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; **As previously stated, the subject property is a corner lot with a street setback of 25'-0". This severely restricts where the fireplace can be placed in relationship with the primary residence and garage. Essentially, the fireplace could not be built if the strict letter of the regulations were carried out.**

b. *(As stated in Downers Grove Zoning Ordinance)* that the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification; **Most properties of this width and in an R-4 zoning require only a 6'-0" side yard setbacks if interior lots, allowing much more flexibility in the location of the fireplace. This corner lot requires a 25'-0" setback having a much larger impact on the lot.**

c. *(As stated in Downers Grove Zoning Ordinance)* that the alleged difficulty or hardship was not created by the current property owner; **although it could be argued that the addition built by the current owner created a hardship, the owners added needed square footage to their small existing home in the only feasible area possible, while also allowing for the existing patio to remain. The hardship began when the ash trees were removed, eliminating the shade for the patio. The owners were then looking for a solution to add shading, using a variety of design options including a pergola, fencing and ultimately the fireplace as a design element and a means of creating shading from the harsh west sun. The hardship then becomes the extent of the street setback, severely limiting the options for the fireplace location.**

d. *(As stated in Downers Grove Zoning Ordinance)* that the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood; **the proposed setback is a minor deviation to the required setback requirement. As previously stated, the location of the fireplace, if approved, will not be perceived by the general public as even existing in the street setback as it would be located beyond the projected exterior face of the existing home. The location of the fireplace meets all of the clearances as required by any other fireplace designed to meet the building codes, therefore would not impose any increase in danger of fire than any other properly designed fireplace. A spark arrestor will be included in the design.**

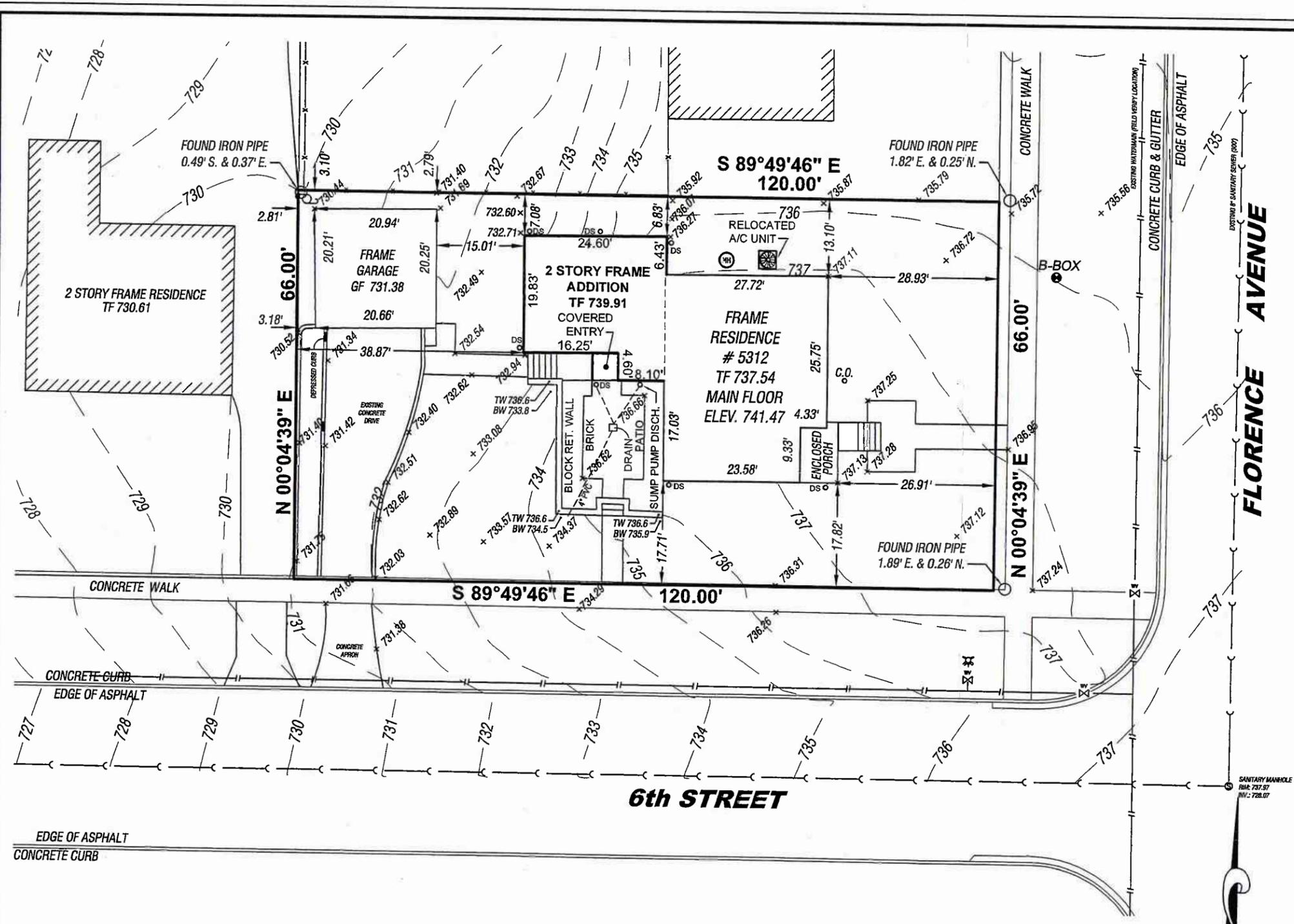
e. *(As stated in Downers Grove Zoning Ordinance)* that the proposed variation will not alter the essential character of the area; **the variation would have no effect on the character of the neighborhood. However, the variation is essential to the design and location of the fireplace within the context of the other outdoor features and ability to shade the patio from the west.**

f. *(As stated in Downers Grove Zoning Ordinance)* that the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district. **By granting this variance, this would allow the exterior fireplace to be built as part of this outdoor space. Granting this variance does not allow for any special privilege beyond what would normally be allowed to any other property owner if desired, which would be to add an outdoor fireplace as an outdoor amenity.**

Sincerely,



A. William Styczynski
Architect/President



FINAL GRADING SURVEY OF

LOTS 47 AND 48 IN BLOCK 10 IN RESUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE, IN VICTOR FREDENHAGEN JR'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-09-304-029 Area: 7,920 S.F.



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS } S.S.
COUNTY OF DUPAGE }

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, AND AT ONCE REPORT ANY DIFFERENCE. BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON THE DOCUMENTS PROVIDED TO US. REFER TO YOUR DEED OR TITLE POLICY. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.

DATED THIS 1ST DAY OF DECEMBER, A.D. 2011

KWB

KEITH WETENDORF
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3703
GENESIS SURVEYING AND ENGINEERING, P.C.
LICENSE TO BE RENEWED NOVEMBER 30, 2012

SOURCE BENCHMARK:

DPC BM DGN17002 - BRONZE DISK IN CONCRETE TRAFFIC CONTROL LIGHT BASE, SWC OF 55TH ST. & FAIRVIEW AVE.

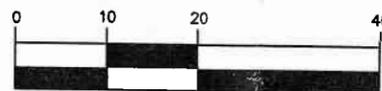
ELEVATION: 722.81

SITE BENCHMARK:

TOP NUT OF HYDRANT AT NWC OF SIXTH ST. & FLORENCE AVE.

ELEVATION: 740.16

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

PREPARED BY:

Genesis Surveying and Engineering, PC

PROFESSIONAL DESIGN FIRM No. 184-002922

71 W. 61st STREET

WESTMONT, ILLINOIS 60559

PH (630) 271-0930 FAX (630) 271-0933

COMMON ADDRESS: 5312 FLORENCE AVENUE, DOWNERS GROVE, IL

JOB NUMBER: 11-040AB SCALE: 1"= 20' DRAWN BY: KaW

CLIENT: PAUL & JEAN BOYD

DATE OF FIELD WORK COMPLETION: 11-21-11

REVISIONS:

5312 Florence Avenue
16-ZBA-0004

Original house before the addition:



5312 Florence Avenue
16-ZBA-0004

View from the south-west:



View from the south:



June 13, 2016

Re: 16-ZBA-0004

To whom it may concern:

My name is Michelle Rafacz. I am the owner of the house at 226 6th St. I have recently been notified that the owners of 5312 Florence Ave have requested a variance in order to build an outdoor fireplace to face the street. I firmly believe that this change would benefit the neighborhood by increasing the aesthetics and the value of the property. I fully support the approval of the variance.

Best Regards,

Michelle Rafacz

A handwritten signature in blue ink that reads "Michelle Rafacz". The signature is written in a cursive, flowing style.