

VILLAGE OF DOWNERS GROVE - ZONING BOARD OF APPEALS
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE

June 26, 2013
7:30 p.m.

AGENDA

PUBLIC HEARING

- ZBA 03-13** A petition seeking a front yard parking setback variation for an addition of 4 parking spaces. The property is currently zoned M-1, Light Manufacturing. The property is located on the south side of Wisconsin Avenue approximately 270 feet east of Walnut Avenue, commonly known as 2701 Wisconsin Avenue, Downers Grove, IL (PIN 08-12-303-004, -006); Robert A. Cynowa, Petitioner & Owner.
- ZBA 04-13** A petition seeking a side yard setback variation for an addition to the existing house. The property is currently zoned R-4, Single Family Residential. The property is located on the east side of Washington Street, approximately 475 feet south of 39th Street, commonly known as 3945 Washington Street, Downers Grove, IL (PIN 09-05-107-035); Lauren Gullatte and Robert Smith, Petitioners & Owners.

THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE

DOWNERS GROVE STAFF REPORTS WILL BE AVAILABLE AT THE RESEARCH DESK IN THE LIBRARY OR ON-LINE AT www.downers.us AFTER 5:00 P.M. ON THE FRIDAY BEFORE THE MEETING DATE



VILLAGE OF DOWNERS GROVE
REPORT FOR THE ZONING BOARD OF APPEALS
JUNE 26, 2013 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
ZBA 03-13 2701 Wisconsin Avenue	Front Yard Parking Setback Variation	Damir Latinovic, AICP Planner

REQUEST

The petitioner is seeking a front yard parking setback variation to construct four new parking spaces 17.5 feet from the front property line where 35 feet is required by Code.

NOTICE

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

GENERAL INFORMATION

OWNER/APPLICANT: Robert A. Cynowa
P.O. Box 250
Westmont, IL 60559

PROPERTY INFORMATION

EXISTING ZONING: M-1, Light Manufacturing
EXISTING LAND USE: Self-Storage Facility
PROPERTY SIZE: 3.45 acres
PIN(s): 08-12-303-004, -006

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	M-1, Light Manufacturing & ORM, Office Research Manufacturing	Light Industrial / Business Park
SOUTH:	R-4, Single Family Residence (Unincorporated DuPage County)	Office / Corporate Campus
EAST:	M-1, Light Manufacturing	Light Industrial / Business Park
WEST:	M-1, Light Manufacturing	Light Industrial / Business Park

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary
3. Plat of Survey
4. Engineering Site Plan

PROJECT DESCRIPTION

The property, commonly known as 2701 Wisconsin Ave is located in Elsworth Industrial Park and is zoned M-1 Light Manufacturing. The property is home to the A-1 Storage self-storage facility. It is improved with four one-story, multi-unit self-storage buildings and one mixed use building with office space on the lower level and a residence for the caretaker on the second level. A total of 65 parking spaces are located throughout the site with a 15,000 sq. ft. stormwater detention facility located in the front yard along Wisconsin Avenue.

The petitioner is requesting a zoning variation to expand the existing front parking lot northward along the west property line. The northern boundary of the proposed parking expansion would be located 17.5 feet from the front property line along Wisconsin Avenue. Per Zoning Ordinance, Section 28.1110 and 28.1404, the minimum required front yard setback for parking spaces in the M-1 district is 35 feet. The proposal would meet all other zoning requirements.

There are five parking spaces in the existing front parking lot. The proposed spaces would be located in-line with the existing parking spaces and, at 12.5 feet, would meet the required ten-foot side yard setback from the west property line. The petitioner already has the ability to add two parking spaces which meet the required 35-foot front yard setback, but is seeking a variation to add four.

Per the Zoning Ordinance, the self-storage facility is required to provide a total of 15 parking spaces. There are a total of 65 parking spaces on site. In addition to the five parking spaces in the front parking lot, there are two garage parking spaces for the caretaker and 58 parking spaces within the fenced-in area (Exhibit A – Parking Area Map). Of the 58 parking spaces within the fenced-in area, nine are located in the north parking lot and 18 are located in the south parking lot. The remaining 31 parking spaces are currently not striped but are located along the self-storage buildings. These spaces are generally occupied on a temporary basis by customers loading and unloading their personal belongings. All spaces in the north and south parking lots within the fenced-in area are currently leased for long-term storage of recreational vehicles, recreational equipment and other motor vehicles.

The petitioner also provides U-Haul truck rental on-site in support of the principal self-storage use. Typically, two rental U-Haul vehicles are located in the front parking lot available for rent with three parking spaces available for general walk-in customers. With for the north and south parking lots dedicated to long-term vehicle storage, the petitioner is proposing to add four new parking spaces to the front parking lot to accommodate additional U-Haul rental vehicles without reducing the number of parking spaces available to walk-in customers.

Self-storage facilities are a special use in the M-1 zoning district. The existing self-storage use received special use approval in 1998. A total of 393 self-serve storage units were approved in four separate one-story buildings. Since then, the petitioner has also rented out parking spaces within the fenced-in area for storage of vehicles and recreational equipment without Village permission. For the vehicle storage to continue, all parking areas will have to meet screening requirements of Section 28.1406 of the Zoning Ordinance, whether or not the requested variation is approved. The petitioner is required to provide a 6-foot high solid fence (or wall) along the south parking lot and additional landscaping, which may consist of deciduous and evergreen shrubs, ornamental grasses, trees and perennials, along 50% of both the north and south parking lots. The existing retaining wall (approximately five feet high) along the south property line counts towards required screening and could be modified to meet the full fence screening requirement. If the variation is approved, the petitioner will also have to provide additional landscaping to serve as screening for the four new parking spaces in the front parking lot.

ANALYSIS

Variation from Zoning Ordinance, Side Yard Setback Variation

As noted above, the petitioner is requesting a front yard parking setback variation to construct four new parking spaces 17.5 feet from the front property line where 35 feet is required by Code. Staff finds there

are no unique circumstances or physical hardship associated with this property that warrant granting the requested variation for the following reasons:

1. There is no physical hardship or practical difficulty associated with this property which would require the construction of new parking spaces be placed within the required front yard.
2. There is sufficient parking on-site for general customer parking, truck rental parking and vehicle storage. The petitioner has chosen to seek a variation to construct more parking spaces for rental vehicles rather than reduce the number of parking spaces used for vehicle storage.
3. The petitioner has the ability to add two parking spaces to the front parking lot and meet the required front yard setback by right.
4. If the requested variation was approved, it could be construed to be applicable to other properties in the Village where no unique circumstance or physical hardship exists.

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

STANDARDS FOR GRANTING VARIATIONS

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

Setback variations require evaluation per Section 28.1803 of the Zoning Ordinance, *Standards for Granting a Variation*: “A variation shall be permitted only if the Board finds that it is in harmony with the general provisions and interests of this Zoning Ordinance and that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Zoning Ordinance. In its consideration of the standards of practical difficulties or particular hardship, the Board shall require that the following standards are met:”

(1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

The property is yielding a reasonable return regardless of whether or not the variation is granted. All 393 self-storage units are currently rented out. The petitioner is leasing 27 parking spaces on-site for long-term storage of motor and recreational vehicles and renting U-haul trucks. By right, the petitioner could add two more parking spaces to the front parking lot to expand his business operations and meet the required front yard setback. This standard has not been met.

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

There are no unique circumstances on this property which distinguish it from other lots in the neighborhood or the M-1 district. The property is similar to other lots in the Ellsworth Industrial Park. There is sufficient parking on site for general customer parking, truck rental parking and vehicle storage. It is a mere preference for the petitioner to seek a variation to add additional parking spaces and accommodate more rental vehicles rather than reduce the number of parking spaces that are leased for storage. This standard has not been met.

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

If the variation is granted, it would alter the essential character of the locality. Three out of seven properties with frontage on Wisconsin Avenue between Walnut and Katrine Avenues have parking lots that do not meet the front yard setback. If the variation is granted, the majority of the properties in this area would have less than the minimum required front yard setback, which would differentiate this area from the majority of the Ellsworth Industrial Park.

Staff examined 43 properties within the Ellsworth Industrial Park and found that the vast majority (36) meet the required front yard setback.¹ The proposed variation would be out of the character with the majority of the properties in the industrial park. It would also have a substantial impact on the character of the subject site's immediate area (Wisconsin Ave. between Walnut Ave. and Katrine Ave.). The proposed variation is in direct conflict with the intent of the Zoning Ordinance to preserve adequate front yards for open green space. This standard has not been met.

- (4) ***That the particular physical surroundings, shape, or topographical conditions of the specific property involved 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 physical surroundings, shape, or topographical conditions associated with this property that would result in a particular hardship. The lot is not irregularly shaped. The majority of the site is level. There is an approximately 6-8-foot grade change along the south property line; however this does not constitute a hardship warranting a front yard setback variation along the north property line. This standard has not been met.

- (5) ***That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.***

If this variation were granted, it could be applicable to other manufacturing properties in the M-1 district and throughout the Village because no unique circumstance or hardship can be identified. It is a mere preference for the petitioner to seek a variation for two additional parking spaces to accommodate more rental vehicles rather than reduce the number of parking spaces that are leased for storage. This standard has not been met.

- (6) ***That the alleged difficulty or hardship has not resulted from the actions of the owner.***

The alleged difficulty is a direct result of the owner's choice to lease all 27 striped parking spaces within the fenced-in area for vehicle storage. There is more than sufficient parking to provide general customer parking in the unsecured front parking lot while still accommodating U-haul vehicle parking and vehicle storage in the secured portion of the site. The petitioner has chosen to seek a variation for additional parking spaces for rental vehicles rather than reduce the number of parking spaces used for vehicle storage. This standard has not been met.

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

The proposed addition of four parking spaces will not impair an adequate supply of light and air to adjacent properties, or increase the danger of fires, or substantially diminish or impair property values within the neighborhood. This standard has been met.

- (8) ***That the proposed variation will not alter the land use characteristics of the district.***

If granted, the requested variation would not alter the character of the M-1 zoning district. The character of the neighborhood would remain light manufacturing. However, the specific intent of the Zoning Ordinance is to provide adequate open green space within the required front yards on light manufacturing properties. As such, the request is in direct conflict with the goal of the Zoning Ordinance for the land use in the M-1 district. This standard has not been met.

- (9) ***That the granting of the variation requested will not confer on the owner any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same district***

The granting of the variation request will confer a special privilege that is denied to other property owners. A special privilege will be granted to the petitioner to allow new parking spaces be constructed

¹ Staff examined all 43 properties fronting on Wisconsin Avenue or Curtiss Street between Belmont Road and Walnut Avenue in Ellsworth Industrial Park. 36 of 43 properties have parking lots with conforming front yard setbacks.

within the required 35-foot front yard setback where no physical hardship or unique circumstance exists. The petitioner has not demonstrated any particular hardships or practical difficulties which preclude full compliance with the Zoning Ordinance. Staff believes this standard has not been met.

RECOMMENDATIONS

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

Since the petitioner is using existing parking lots within the fenced-in area for vehicle storage, the parking lots will have to meet screening requirements per Section 28.1406 of the Zoning Ordinance. The petitioner will have to provide a six-foot high solid fence (or wall) along the south parking lot and additional landscape screening along 50% of both the north and south parking lots. This required landscaping must be installed regardless of the outcome of the variation petition.

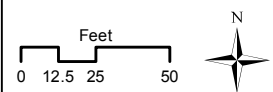
Should the ZBA decide to approve the requested variation, the variation should be subject to the following condition:

1. The proposed parking lot addition shall substantially conform to the Concept Plan prepared by Nekola Survey, Inc. attached to this report except as such plan may be changed to conform to Village codes, ordinances, and policies.
2. A grading plan shall be submitted for the building permit showing existing and proposed grades and must specify that all surfaces of striped areas will be protected from soil erosion.
3. The petitioner shall provide landscaping along the new parking spaces per Section 28.1406 of the Zoning Ordinance.

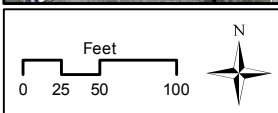
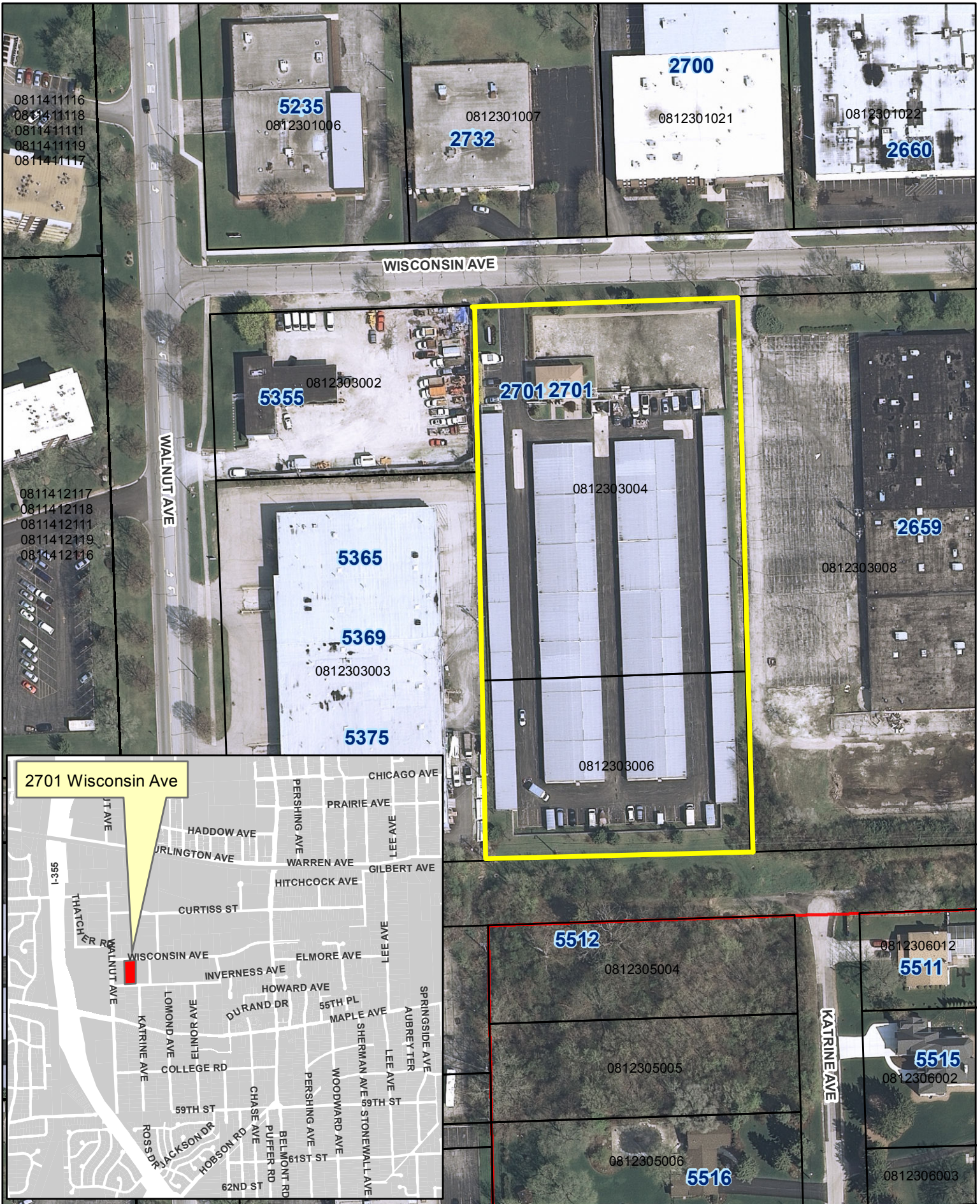
Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att



**EXHIBIT A
PARKING AREAS
2701 Wisconsin Ave**



2701 Wisconsin Ave



WISCONSIN AVE

2701 2701

0812301006

0812301007

0812301021

0812303002

0812303004

0812303008

5365

0812303003

5369

0812303006



2701 Wisconsin Ave

May 22, 2013

Zoning Board of Appeals,

This letter is requesting a variance for the property at 2701 Wisconsin Avenue. A-1 Storage is the business at that address which would like to increase the number of customer parking spots available near the front property line. Besides providing storage units for customers, A-1 Storage is also part of the U-Haul network for truck rentals. With storage unit and U-Haul truck rental customers, the existing five parking spaces are not enough to support business activity.

This variance request is to add another four parking spots by decreasing the front yard setback from 35 feet to 17.5 feet. This front yard setback change will not alter the character of the property or the line of site to the neighboring property. As shown in the attached concept plan, the additional four parking spaces line up to the neighbors existing fence which contains a parking lot that has a setback of 0 feet from the property line.

Please find the following items attached to this request for your review:

- Petition for Zoning Board of Appeals
- Application fee - \$450 check
- Plat of survey (1 - 24"x36", 8 copies – 11"x17")
- Certification of Public Notice Information
- List of 12 property owners within 250 feet of 2701 Wisconsin Avenue
- Concept plan (8 copies – 11"x17")

Sincerely,

Rob Cynowa



VILLAGE OF
DOWNERS GROVE

Damir Latinovic <dlatinovic@downers.us>

2701 Wisconsin variance application

1 message

Rob Cynowa <cynowa@gmail.com>
To: dlatinovic@downers.us

Thu, May 30, 2013 at 10:27 PM

Damir,

Listed below is additional input to address the standards for granting variations. Please consider this as additional input to my application.

Sincerely,
Rob Cynowa
630-825-4341

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

As the occupancy rate of the storage facility increases, the need for U-Haul truck rentals also increases. This then drives the need for more parking to support customer vehicles.

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

The unique circumstance is the building and detention area location limits where customer parking can be added.

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

The character of the property would not be altered with the addition of parking spaces into the front yard setback. These new parking spaces would be adjacent to existing parking spaces on the property and adjacent to a parking lot on the neighboring property.

4. That the particular physical surroundings, shape, or topographical conditions of the specific property involved 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.

The inability to increase customer parking creates a practical hardship on the business in not being able to support increased U-Haul truck rental customers.

5. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification because of the property in question's unique configuration of the water detention area on the property.

6. That the alleged difficulty or hardship has not resulted from the actions of the owner.

The parking lot was constructed along with the storage facility around 1999, prior to the current owner taking ownership of the property.

7. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed additional parking will not impact any of said conditions.

8. That the proposed variation will not alter the land use characteristics of the district.

The existing land use characteristics will be maintained with the proposed additional parking.

9. That the granting of the variation requested will not confer on the owner any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same district.

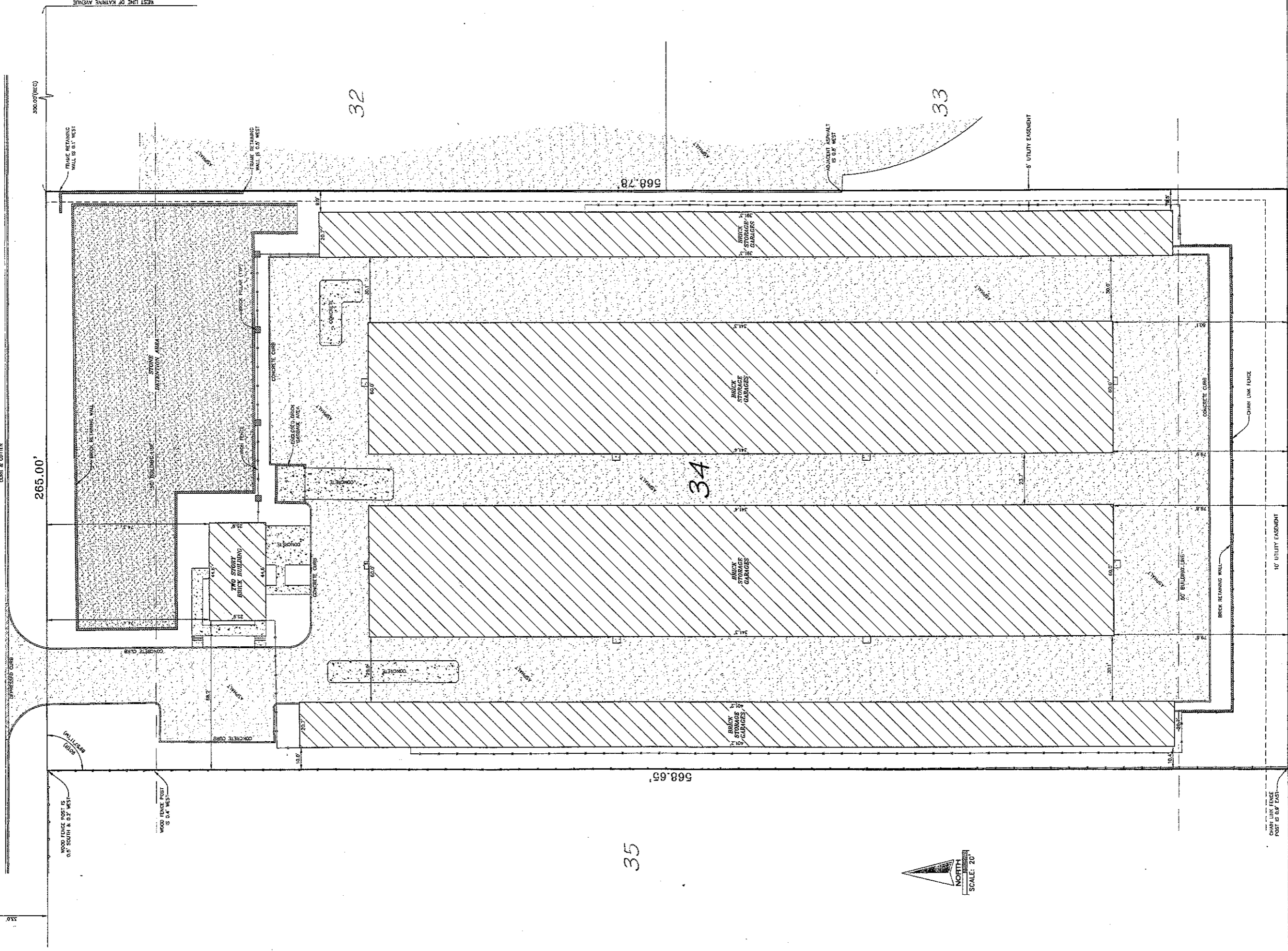
Granting this variance will not confer a special privilege on the owner. The neighboring property already has a parking lot that has no setback from the property line. This variance request is asking for a 17.5' variance (50% of the 35' front yard setback requirement).

PLAT OF SURVEY

LOT 84 IN ELLSWORTH PARK UNIT NO. 5, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 10, 1962 AS DOCUMENT 862-988, IN DUPAGE COUNTY, ILLINOIS.

WISCONSIN STREET

CURB & GUTTER



PREPARED FOR: ROBERT COWDA
JOB ADDRESS: 2707 WISCONSIN ST., DOWNERS GROVE, IL.
JOB NO.: 12-07-0133

NEKOLA SURVEY, INC.
PROFESSIONAL LAND SURVEYING SERVICES
WWW.NEKOLASURVEY.COM
400 N. SCHMIDT RD., STE. 203
DUPAGE COUNTY, ILLINOIS 60110
(630) 226-1230 PHONE (630) 226-1433 FAX

NOTE: IF BOX INDICATES THE HEREIN DRAWN PLAT WAS ORDERED AS A NEW UNRECORDED SURVEY. PROCEEDURES SHOULD BE MADE ON THE BASIS OF THIS PLAT AS LONG AS FIELD DOCUMENTATION OF ORIGINAL SURVEY IS AVAILABLE. THIS PLAT IS NOT TO BE USED FOR CONSTRUCTION OF ANY AND ALL CONSTRUCTION. FOR BUILDING PERMITS, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCE.

AREA = 150,710 SQ. FT.
MORE OR LESS

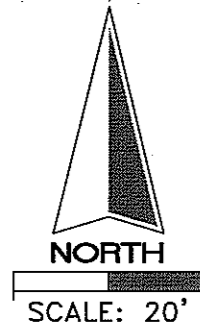
LEGEND
(RAD) - RECORD / MEASURED
L - ARC LENGTH
R - RADIUS
CH - CHORD



FIELD WORK COMPLETED ON THE 18TH DAY OF OCTOBER, 2012.
(STATE OF ILLINOIS)
(COUNTY OF ILL.) 55
NEKOLA SURVEY, INC. DOES HEREBY CERTIFY THAT IT HAS REVIEWED THIS SURVEY AND CONCLUDES THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
DATED THE 7TH DAY OF NOVEMBER, 2012.
Robert Cowda
LICENSE RECIPIENT DATE: 30 NOVEMBER 2014.

P.I.N. NUMBER
08-12-303-004

AREA OF PROPOSED
PARKING 569 S.F.



WISCONSIN STREET

(BITUMINOUS PAVEMENT)

ASPHALT ENTRY

ASPHALT ENTRY

ASPHALT ENTRY

CURB & GUTTER

DEPRESSED CURB

GRAVEL ENTRY

PROPERTY LINE

WOOD FENCE

18.0'

13.1'

BRICK RETAINING WALL

PROPERTY LINE

ADJACENT GRAVEL
PARKING AREA

12.5'

HIGH POINT

EXISTING
CONCRETE CURB

PROPOSED
CONCRETE CURB

17.5'

9.0'
(TYP)

18.0'

BITUMINOUS PAVEMENT

CONCRETE CURB

DETENTION AREA

TWO STORY
BRICK BUILDING

IRON GATE

BRICK
STORAGE
GARAGES

SYMBOL LEGEND

- ⊙ - MANHOLE
- ⊗ - CATCHBASIN
- - INLET
- ⊕ - TELEPHONE CANISTER
- ⊖ - COM. ED. CANISTER
- ⊞ - ELECTRIC CONTROL BOX
- ⊟ - WINDOW WELL
- ⊠ - DOWNSPOUT
- ⊡ - BUFFALO BOX
- ⊢ - AT&T CONTROL BOX

CONCEPT PLAN

PROPOSED PARKING FOR A-1 STORAGE
2701 WISCONSIN STREET
DOWNERS GROVE, ILLINOIS

PREPARED FOR: ROBERT CYNOWA
 JOB ADDRESS: 2707 WISCONSIN RD., DOWNERS GROVE, IL.
 JOB NO.: 12-07-0133 DRAWN BY: KAB

NEKOLA SURVEY, INC.
 PROFESSIONAL LAND SURVEYING SERVICES
 WWW.NEKOLASURVEY.COM
 400 N. SCHMIDT RD., STE. 203
 BOLINGBROOK, ILLINOIS 60440
 (630) 226-1530 PHONE (630) 226-1430 FAX



DEPARTMENT OF COMMUNITY DEVELOPMENT MEMO

To: Zoning Board of Appeals
From: Stan Popovich AICP, Planner
Subject: **ZBA-04-13, Side Yard Setback Variation**
3945 Washington Street
Date: June 26, 2013

The petitioner has applied for a side yard setback variation to construct a garage addition on the rear of his property. A Localized Poorly Drained Area (LPDA) is located near the proposed addition. After staffs review of the proposal, it was determined that a topographic survey is needed to accurately represent the location of the LPDA in relationship to the proposed addition. The petitioner is unable to have that survey completed prior to the scheduled June 26 ZBA meeting and has requested a continuance to the July 24, 2013 meeting. Staff is recommending that the Zoning Board of Appeals honor the petitioner's request and continue the public hearing to the July 24, 2013 meeting.