

**VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS MINUTES  
May 23, 2018**

**CALL TO ORDER:**

Chairperson (Ch.) Michael McCann called the meeting to order at 7:00 PM.

**ROLL CALL:**

**Present:** Ms. Eberhardt, Mr. Frost, Mr. Maier, Mr. Steffes, Mr. Werner,  
Ch. McCann

**A quorum was established.**

**Staff:** Rebecca Leitschuh, Planning Manager  
Scott Williams, Sr. Village Planner

**APPROVAL OF MINUTES – February 22, 2017**

**A Motion was made by Ms. Eberhardt and seconded by Mr. Werner to accept the minutes as presented.**

**AYES:** Ms. Eberhardt, Mr. Werner, Mr. Frost, Mr. Maier, Ch. McCann

**NAYS:** None

**ABSTAIN:** Mr. Steffes

**The Motion carried 5:0:1.**

**MEETING PROCEDURES:**

Ch. McCann asked those in attendance to silence their phones for the duration of the meeting. He then reviewed the procedures to be followed during the public hearing, noting that there was one petition before the Board for consideration. He verified with Staff that the proper notifications had been made regarding posting of the petition, and 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 variation to be approved there must be a majority of four votes in favor of approval. Ch. McCann 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. He explained that Staff would make its presentation first, followed by comments by the Petitioner. If anyone in the audience wishes to speak either in favor of or in opposition to the petition, they would have the opportunity 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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Approved 09-26-18

**18-ZBA-0003: A petition seeking a zoning exception to vertically extend a non-conforming wall. The property is currently zoned R-2, Residential Detached House 2. The property is located to the south of the intersection of Turvey Lane and Turvey Court, commonly known as 5312 Turvey Court, Downers Grove, IL (PIN 09-07-405-020). Leigh and Steve Buehler, Petitioner and Owner.**

Sr. Planner Rebecca Leitschuh explained to the new members of the Zoning Board of Appeals that all petitions that come before this Board and all other Boards or Commissions are published in local newspapers to meet State requirements of proper notification of the petition. In addition, a direct mailing is sent to property owners living within 250' of the subject property that includes a description of the petition before the Board or Commission, as well as a map depicting the location of the property. Finally, a sign is placed in the front of the subject property so that it is visible from the roadway and serves as notification that the property will be the subject of a meeting with a Board or Commission of the Village.

### **Staff Presentation:**

Sr. Planner Scott Williams stated that the 25,470 square foot parcel under consideration is located south of the intersection of Turvey Lane and Turvey Court, and is zoned R-2, Residential Detached House 2. He displayed a zoning map showing that the surrounding residential properties are also zoned R-2 Residential Detached House 2. To the west of the property is Avery Coonley School, and further west is property owned by the Forest Preserve District. Mr. Williams explained that the Forest Preserve acknowledged receipt of notification of this petition and responded by letter that they had no comments regarding the subject petition.

Referencing the Plat of Survey for the site, Mr. Williams noted that the house is at an angle on a uniquely shaped lot with six property lines. He pointed out which line establishes the setback area. The footprint of the second story addition is 318 square feet. He showed the required location of the setback line, noting that there is a picture window on the east wall that was set to stay outside of the required side setback, showing that a lot of care was taken with the design. He also pointed out the location of the transom windows in relation to the required setback. Mr. Williams used elevation drawings to give a better perspective on how the property fits on the site, and the planned second story addition's relationship to the existing structure and setback.

Mr. Williams explained that there are specific criteria established for a vertical extension with a nonconforming setback. The windows of the subject addition are recessed in order to meet the required side setback. The transom windows have been raised so as not to allow for the direct view of adjacent residential properties. The addition does not increase the degree of nonconformity. The appearance of the structure is compatible with the surrounding neighborhood. The proposed two-story home is consistent with the existing character of the neighborhood and all other requirements of the Zoning Ordinance have been met.

A guiding document that Staff also takes into consideration when reviewing petitions is the Village's Comprehensive Plan, which was updated and adopted in the summer of 2017 and emphasizes that single-family homes are the dominant land use in the Downers Grove community. It approves modernization across the board, and encourages improvements to existing properties. He then reviewed the criteria for all zoning exceptions saying that Staff has found that this proposal meets the Comprehensive Plan and other bulk requirements, does not negatively impact the adjacent properties, will not dominate the surrounding vicinity, is

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appropriately scaled, will match the existing building materials on the structure, and all adverse impacts will be mitigated.

Based on the analysis in Staff's Report dated May 23, 2018, Staff recommends approval of the requested exception subject to the following condition:

1. The vertical wall exception shall substantially conform to the Staff report and architectural drawings prepared by Bryan Associates Inc. Architects, dated May 7, 2018, except as such plans may be modified to conform to the Village codes and ordinances.

Mr. Steffes asked if there is a house east of the property. Mr. Williams said there is and those owners have no objection, as the house is not encroaching any more than the first story already encroaches.

Ms. Eberhardt asked about the age of the home and number of additions made to the house. Mr. Williams said the petitioner would address that in their presentation.

Staff was asked to explain the significance of the design features for the picture window and transom windows. Mr. Williams replied that there is explicit criteria that states you cannot allow for the direct view of adjacent residential uses in the non-conforming section of the addition. The windows have been designed so as to comply with the setback requirements.

### **Petitioner's Presentation**

Steve and Leigh Buehler, owners of the property, made their presentation. Mr. Buehler said that the main part of the house was built in 1946. He described the A-frame one-story room that is used as an office that was built by the prior owners. Mr. Buehler said that their bedroom is on the second floor and is dated. They wanted to complete a master suite on the second story of their home to modernize that area. They view this home as their "stay forever" home and have lived in the Village for 14 years.

Mr. Buehler explained that as they talked about extending their home, they found that there were problems that had to be addressed and so they worked with Staff and their architect to meet the requirements regarding the setback and still maintain the character of the house and the Denburn Woods neighborhood.

It was noted by a Board member that there are no neighbors objecting to this request, no additional incursion is taking place, and the owners are improving and modernizing the building.

There being no further questions for the Petitioners or Staff, Ch. McCann closed the public portion of the hearing.

### **Board's Deliberation**

There was consensus among the Board members that the petition met all of the requirements as stated in Staff's report. It was again pointed out that no neighbors are objecting to this petition, no additional incursion is taking place, the property is being improved and modernized, and it is consistent with the Comprehensive Plan.

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Ms. Eberhardt said this was an example of how good the Village's Zoning Ordinance and provisions that exist for nonconforming uses are. This petition complies with the Village's requirements and meets the objectives of the Comprehensive Plan.

Ch. McCann commented about the history of the Village's Zoning Ordinance, which some years back failed to grant discretion in cases that would create a circumstance of encroachment into the setback. When that Zoning Ordinance was modified it then granted the Board discretion as stated in Section 28.11.040C of the Zoning Ordinance regarding vertical or horizontal extensions. It is helpful that the Ordinance was changed thereby allowing the owners in this case the ability to modernize and improve their property.

**Ms. Eberhardt moved in case 18-ZBA-0003 that the Board approves the request for an exception as recommended by Staff with the following condition:**

**The vertical wall exception shall substantially conform to the staff report and architectural drawings prepared by Bryan Associates Inc. Architects, dated May 7, 2018, except as such plans may be modified to conform to the Village codes and ordinances.**

**Mr. Werner seconded the Motion.**

**AYES: Ms. Eberhardt, Mr. Werner, Mr. Frost, Mr. Maier, Mr. Steffes, Ch. McCann**

**NAYS: None**

**The Motion passed unanimously.**

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Ms. Leitschuh said the owners can come into the office tomorrow to begin the permitting process.

Ms. Leitschuh then announced that Scott Williams has been promoted and will be serving as liaison to the Zoning Board of Appeals. She noted that there are many new faces on the Board and asked them to introduce themselves.

There being no further questions or comments Ch. McCann called for a Motion to Adjourn.

### **Adjournment**

**Mr. Frost moved, seconded by Mr. Werner to adjourn the meeting.  
All in favor. The Motion passed unanimously by voice vote.**

Ch. McCann adjourned the meeting at 7:40 PM.

Respectfully submitted,

Tonie Harrington  
Recording Secretary  
(transcribed from mp3 recording)