

**VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS MINUTES  
November 28, 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. Foernssler,  
Ch. McCann

**Absent:** Mr. Werner

**A quorum was established.**

**Staff:** Jason Zawila, Planning Manager  
Flora Ramirez, Village Planner

**Also present:** Jonathan Platt, 4008 Seeley, Downers Grove, IL  
Helen Rakowski, 4024 Seeley, D.G. IL  
Millie Herbry, 4017 Seeley, D.G. IL  
Resident Wielgcsz, 7332 Selig Pl., D.G. IL  
Sophia Simmons, 970 Valley View Dr., D.G. IL  
Don Rickard, 4735 Main St., D.G., IL  
Amy Gassen, 5320 Benton Ave., D.G., IL

**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.

**APPROVAL OF MINUTES – Sept. 26, 2018**

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

Ms. Eberhardt said that on page 1 of the minutes, first paragraph, it refers to reviewing “a requested variation” and it should read “an exception.”

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

**NAYS: None**

**ABSTAIN: Mr. Foernssler**

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

\*\*\*\*\*

**18-ZBA-0008: A petition seeking a zoning exception to horizontally extend one non-conforming wall for a garage addition. The property is currently zoned R-2, Residential Detached House 2. The property is located at the northeast intersection of Seeley Avenue and 40<sup>th</sup> Street, commonly known as 4025 Seeley Avenue, Downers Grove, IL (PIN 09-06-202-007). Rebecca Letourneaux, Petitioner and Owner.**

**Staff Presentation:**

Village Planner Flora Ramirez stated that the petitioner is requesting a zoning exception for property located at 4025 Seeley Avenue, northeast of the intersection of 40<sup>th</sup> Street and Seeley Avenue. Ms. Ramirez displayed slides of the existing home showing the attached garage, which is the subject of the petition before the Zoning Board of Appeals. There is presently a nonconforming wall 31.7 feet long. She also displayed the Plat of Survey and the architectural site plan depicting street setbacks from 40<sup>th</sup> Street and from Seeley Avenue. The existing garage already sits within the street setback. The proposed extension of 4.75 feet is 15% of the existing nonconforming wall. Ms. Ramirez noted that she also outlined the Standards of Approval for zoning exceptions, stating that the Standards have been met. The proposed extension will comply with all applicable lot and building regulations. It also falls in line with the goals of the Comprehensive Plan to continue to modernize and improve properties to insure that there is investment in existing housing stock to prevent deterioration.

Ms. Ramirez said that prior to the public hearing, Staff received two inquiries regarding this petition. Staff addressed those, explaining the petition to the parties. Concerns were brought up regarding stormwater issues in the area. The petition before the Board is for the extension of the nonconforming wall which, if approved, would then move on to the building permit phase.

Based on the information provided, Staff recommends approval of the petition as it meets the Standards of Approval of the Zoning Ordinance.

Chairman McCann clarified that the request is to extend the garage 4.75 feet west. Ms. Ramirez explained that the extension is strictly for the garage space. The petitioner is also working on a building permit for a second story addition. In further response to Chairman McCann, Ms. Ramirez said that she did not have the square footage for the second story addition or the garage extension at this time.

Ms. Eberhardt asked for clarification regarding the garage, and Ms. Ramirez said the entire attached garage is nonconforming. Ms. Eberhardt said it appears that the petitioner wants to make the garage into a two-car garage, to which Ms. Ramirez said that was the intention, however it cannot be extended to accommodate two cars. Ms. Eberhardt expressed concern that

they are increasing the nonconforming portion of the building. Ms. Ramirez said that the extension on the elevations appears to be just on the first floor.

Jonathan Platt of 4008 Seeley Avenue resides two houses to the north of the subject site. He said that the space they are referencing is the family room and will remain as a family room.

Ms. Ramirez responded to a question that the additional 4.75 feet would be times the length of the garage.

Ms. Eberhardt asked if it is extending south and west, and Ms. Ramirez said that it was. Ms. Eberhardt asked what the red line on the plan indicated, and Ms. Ramirez replied it is the existing nonconforming wall for the garage. It is considered nonconforming because there might have been different zoning regulations when the home was built. It is nonconforming per the Village's present Ordinance.

### **Petitioner's Presentation**

Mr. Ed Larson, Architect for the project, provided a history of the house. The south wall was for a single-car garage with a family room to the east. They want to expand the house to at least get a larger garage than the existing one-car garage. This exception, if approved, would allow widening the garage by 4.75 feet. The petitioner is also adding on a second story addition for more bedroom space. The manner in which the house is situated on the lot allows only 11 feet from the property line on 40<sup>th</sup> Street. There are no other houses to the east of the subject house, and there was no other location to put a garage. In addition, the owner did not want a driveway off of Seeley Street. By making this change to the property they will at least have a larger garage area with the least amount of disruption to the site. The south wall of the second story addition has to be 35' off the property line. Mr. Larson said the south elevation will be improved, the garage will be larger, and the windows into the family room will be replaced. Materials will be shingle siding.

Ch. McCann asked if the roofline over the garage would remain the same, and Mr. Larson said it would keep the same slope and the new ridge would be about 2.5 feet taller on the south portion before the second story addition is constructed. Mr. Larson said there is currently a front porch on the house, but when the addition is completed there will be a new front porch that is more usable and will tie everything together. The completed garage will be narrow and still big enough for one car or van, but it will be deeper.

Helen Rakowski of 4024 Seeley lives across the street from the property. She said they don't know when the project will start, how long it will take and is concerned that there will be a lot of truck traffic on their street. She said often when service people come to their street, they come onto her driveway. There are many mail deliveries and trash pickup, and no one wants to be hemmed into their driveways so they can't get out. She asked if there are ways that can be controlled. She doesn't want people coming onto her driveway. She's been in her home 54 years. She said there is also a problem with water drainage in their area and doesn't know if this addition will affect the flooding they have. The Village came and installed PVC pipe that carries the water from Doerhoefer Park but it's not slanted enough to carry it down to the creek. She said she just wants them to know that this construction will upset everybody on her street.

Mr. Larson explained that the contractor is Chris Doolan of T6 Construction, and they are waiting for approval for their permit. They can start as soon as the permit allows and weather permits. The duration of construction may be about six months. The building permit rules and regulations require building a fence, locations for vehicle parking as well as building material storage locations. He said the homeowners don't want to cause disruption to their neighbors. The plans can be reviewed by the neighbors to know what will be taking place. He expects the construction to go smoothly. As to the water issues, since the site is such a large property and there is no proposed change to the footprint, he doesn't anticipate this causing any additional problem regarding flooding in the area. No additional impervious materials are planned for the site. Landscaping will be done once exterior construction is completed.

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

### **Board's Deliberation**

Ms. Eberhardt said she is not comfortable with the extension. She said she thinks that it is expanding into the required setback. Ms. Ramirez responded that with the existing nonconforming wall, when a horizontal extension is proposed, the Zoning Ordinance will allow for it if the extension is limited to 15% of the existing nonconforming wall. The extension has been limited to 4.75 feet, which is 15%. Ms. Eberhardt asked for further explanation of the green lines. Ms. Ramirez then referred to the 35' setback along Seeley Avenue. The addition won't encroach on the Seeley side. They are only encroaching somewhat on 40<sup>th</sup> Street. Ms. Eberhardt asked what the line marked "private setback" represents. Ms. Ramirez said that represents private restrictions that may have been established when the property was originally subdivided.

Ch. McCann said that this might encroach into the setback by a small amount. He said that prior to 2014 there was a distinction between front yards and side yards even on corner lots. In 2014 it was changed so that for houses on corner lots it is called a street setback and the setbacks on both the front yard and side yard are treated the same. He thinks that might be where the confusion occurs. He sees the other 20' for the garage will still be within the setback along Seeley.

A comment was made that this probably keeps the footprint as close to original as possible without adding further to any stormwater drainage issues.

Ch. McCann said that Ms. Rakowski raised some valid concerns, and neighbors are always concerned about how disruptive construction will be. For the majority of this project, the owners have the right to make the changes. There are rules established as to the location of construction equipment and materials. If something is not going well at the construction site, neighbors can contact the Village and speak with Staff to have their concerns addressed. He said that the exception portion of the Ordinance was created for situations like this. It allows the Zoning Board of Appeals to allow relatively minor changes but still requires the petitioner to obtain approval. He thinks this request makes sense and he is in favor of granting the exception.

There being no further discussion or comments among the Board members, Ch. McCann called for a Motion on the petition.

**Mr. Frost moved that in case 18-ZBA-0008, the Zoning Board of Appeals adopt Staff's Findings of Fact as stated in its report dated November 28, 2018, and approve granting the**

**horizontal exception as requested, subject to the following conditions: 1) the horizontal wall exception shall substantially conform to the staff report and architectural drawings prepared by Ed Larson Architects, dated October 25, 2018 except as such plans may be modified to conform to the Village codes and ordinances; and 2) the petitioner shall record a Hold Harmless Agreement to address the private building setback line. Ms. Eberhardt seconded the Motion.**

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

**NAYS: None**

**The Motion passed unanimously.**

\*\*\*\*\*

**New Business:**

Mr. Zawila said there it looks as though there will be a meeting in January 2019.

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

**Adjournment**

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

Ch. McCann adjourned the meeting at 7:54 PM.

Respectfully submitted,

Tonie Harrington  
Recording Secretary  
(transcribed from mp3 recording)