

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
JUNE 25, 2003**

Call to Order

Chairman White called the meeting to order at 7:33 PM.

Roll call

Present: Mr. Baker, Mr. Benes, Mr. Gray, Mr. Lukas, Ch. White
Absent: Mr. Domijan, Mr. Sleeter

A quorum was established.

Minutes

Mr. Benes moved to accept the minutes of the May 28, 2003 meeting as presented. Mr. Gray seconded the Motion.

AYES: Mr. Benes, Mr. Gray, Mr. Baker, Mr. Lukas, Ch. White

NAYS: None

Chairman White declared the minutes accepted as submitted.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the three variation petitions before the Board. He said that the Board has the authority to either grant or deny the variation petitions. Chairman White then asked anyone in the audience who intended to testify in this public hearing to rise and be sworn in.

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V-3-03 A petition seeking a variation to reduce the front yard setback requirement for a proposed porch addition. The property is located on the south side of 8th Street, approximately 126 feet east of Fairview Avenue, commonly known as 339 8th Street, Downers Grove, IL (PIN 09-09-307-004); James and Shelly Beavers, Owners/Petitioners.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING - Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, June 25, 2003 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking a variation to reduce the minimum front yard setback

requirement for a proposed porch addition. The property is located on the south side of 8th Street, approximately 126 feet east of Fairview Avenue, commonly known as 339 8th Street, Downers Grove, IL (PIN 09-09-307-004). The property is legally described as follows:

Lots 19 and 20 in Block 15 in the resubdivision of Blocks 2 to 16 inclusive, in Victor Fredenhagen Junior'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 09-09-307-004)

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630) 434-5550 prior to the meeting. Wheelchair access may be gained through the side (south) entrance of Village Hall. All interested persons should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, Friday, June 6, 2003.

Petitioner's Presentation:

James and Shelly Beavers, the petitioners, were present. Mr. Beavers said they are owners of the property and have been residents of the Village since 1999. They own a small Cape Cod home and have worked with an architect for about a year to keep the charm of the house while constructing an addition. They are requesting a variance for the front setback. Mr. Beavers said there is a 10 foot x 4 foot outcropping at the front entryway. The architect has designed a covered front porch for the house with two side porches that would remain open and uncovered. The present situation does not provide easy access through the front door.

Mr. Gray asked the age of the home, and Mr. Beavers said it was built in 1949.

Chairman White asked for clarification regarding the front wall of the house. Mr. Beavers said they are not doing anything other than requesting the variance for the front porch and are not moving the front wall of the house.

Mr. Lukas asked if they received the variation and constructed the porch as proposed, would it be in line with the other houses on the street. Mr. Beavers said he thought his porch might jut out slightly, but noted that the front plane of the porch would not be a solid wall but would be an unenclosed porch.

Mr. Benes clarified that the stairs were not part of the variation. Mr. Beavers said that was correct.

In response to Mr. Gray, Mr. Beavers said they would remove the platform part of the porch, and the stairs would remain close to the existing stoop. Ms. Browne referred the Board to the site plan which showed the extent of the existing stairs and stoop as a dashed line. She noted that the steps are not included in the variation request as they are a permitted yard obstruction.

There being no further questions from the Board, Chairman White asked Ms. Browne to make the Staff's presentation.

Staff Presentation:

Ms. Amanda Browne, Planner, said the petitioners are seeking a variation to reduce the front yard setback for their residence from the R-4, Single Family Zoning District setback requirement of 25 feet to a setback of 21.69 feet. This variation petition is being pursued so that the petitioners may enlarge the existing front porch area of their residence, which is being proposed in conjunction with other improvements and additions to the residence, including the addition of a second story addition. This variation for the front porch is being sought under the terms of Section 28-1802(b) of the Zoning Ordinance which authorizes the Board to “permit any yard of less dimension than required by the applicable regulations not to exceed fifty (50) percent reduction.”

Ms. Browne said the subject property is located on the south side of 8th Street, approximately 126 feet east of Fairview Avenue. The property has a width of 60 feet, a depth of 132 feet and an area of approximately 7,920 square feet.

Ms. Browne described the subject property as improved with a single-story residence which has a current setback of 29.19 feet as measured at its northwest and northeast corners. The residence has an enclosed front porch/entry area located in the center of the front wall of the structure, which measures 10.33 feet in width and has a depth ranging between 3.93 feet on the west and 4.00 feet on the east. The enclosed porch/entry area has a setback ranging between 25.26 feet as measured at its northwest corner and 25.19 feet as measured at its northeast corner.

Regarding the zoning designation, Ms. Browne stated the property is zoned R-4, Single Family Residence, which requires a minimum front yard setback of 25 feet. She noted that Section 28-1100 of the Zoning Ordinance allows certain structural components to extend into required yards as permitted yard obstructions, including stairs from grade no more than four feet above grade. Because the building code requires a minimum four foot by four foot landing at the top of a set of stairs, the minimum landing as required by the building code is also permitted to extend into the required front yard. Any porch larger than four feet by four feet as required by the building code is subject to the minimum required setback of the Zoning District.

Ms. Browne noted that the existing enclosed front porch conforms to the setback requirements of the Zoning Ordinance. Ms. Browne referred to the petitioners’ letter of explanation and the photos they submitted concerning the fact that the existing front porch is smaller and shallower than they desire. The petitioners are proposing to enlarge the porch area with a new covered but unenclosed porch which will extend across the entire front width of the residence.

Ms. Browne referred to the petitioners’ site plan which shows the proposed overall dimensions of the new porch to be 34.32 feet in width and 7.5 feet in depth. The new porch is proposed to be covered but not enclosed. The porch is proposed to be one story in height, with a roof which measures approximately 12.27 feet in height, as measured from the midpoint between the bottom of its eave and the point at which the roof meets the existing front wall of the house. The stairs extending beyond the covered portion of the porch are proposed to be 6.0 feet in width, and a total of 2.5 feet in depth.

Ms. Browne explained that in order to accomplish what they desire, the petitioners are requesting that the front yard setback for the proposed porch be reduced from the minimum requirement of 25 feet to 21.69 feet. This proposal represents a reduction of 3.31 feet or a 13.24% reduction.

The new stairs from grade are proposed to extend into this reduced front yard a distance of 2.5 feet. However, because the stairs would be less than four feet above grade, they would be permitted to extend into the reduced front yard and are not calculated in the percentage of variation being requested.

Ms. Browne stated that the provisions of Section 28-1803(a) of the Zoning Ordinance provide the criteria for the Board's consideration of a variation. Ms. Browne summarized the petitioners' request for approval of a variation that would allow a covered but unenclosed porch with a reduction from the required 25 foot front yard setback to a setback of 21.69 feet which represents a reduction of 3.31 feet or a 13.24% reduction. This proposed variation is less than the maximum 50% setback variation that the Board is authorized to grant under the provisions of Section 28-1802(b) of the Zoning Ordinance. She said that the Board may grant the requested variation provided that it is able to make the required findings for such a variation as outlined under the requirements of Section 28-1803 of the Ordinance.

Mr. Benes said that the landing at the front door from the front wall to the edge of the porch deck appears to be three feet, and he questioned whether that would satisfy the building code requirement. Ms. Browne said that an application for construction has not yet been submitted for review, which is typical of variation petitions; however, she has spoken to a plan reviewer in the Code Services Department regarding this proposed plan. If there are any deficiencies found at the time of permit review, they will be addressed at that time.

Mr. Benes expressed concern that the petitioner would go through the route of obtaining a variation and find that the four foot x four foot landing is still required. Mr. Browne said that in this case, she did have the Code Enforcement officer review the proposed plans with her, and in that cursory review of this petition the Code Enforcement officer did not indicate a concern. If a problem arises, options to rectify the situation will be addressed.

Chairman White agreed that it could be a point of concern, however, he said that the petitioners' architect has drawn a fairly complete set of plans and should be aware of what the building code requirements are, and it should be presumed that the plans meet those requirements.

Mr. Baker asked for clarification as to how this porch landing could be a problem. Ms. Browne responded that if this three foot depth turns out to be a deficiency from the landing requirement of the building code, the problem could be averted by having the deck leading from the front door to the first stair a minimum of four feet, with the one foot portion of the porch deck furthest away from the door being uncovered. She said that the minimum requirements of the building code does not require that the porch be covered, so there could be an alternate solution that would not require the variation to be amended, if it turns out that there is a problem in the first place.

There being no further questions from the Board at this time, Chairman White called for anyone in the audience who wished to speak either in favor of or in opposition to the petition. There being none, he invited the petitioner to make any additional comments.

Mr. Beavers said that they are using Steve Gawlik as an architect because he has worked in the Village for 17 years and is aware of the various building code and setback requirements. He said that Ms. Browne has seen the plans as well.

Mr. Benes clarified that what is shown on the site plan submitted is what they intend to do, and Mr. Beavers said that was correct.

There being no further discussion, Chairman White closed the opportunity for further public comment.

Board Deliberation:

Mr. Baker said he thinks it is nice to see the return of porches, and he sees it as an insignificant intrusion on the setback. There were no contrary opinions.

Mr. Benes said the reasons for the variation have been satisfied, and the requirements seem to fit well.

Chairman White said he is satisfied that this will not alter the character of the locality. The home was built 50 years ago under different standards than today, and it is not reasonable to hold the owners to what was built 50 years ago. He does not see the variation as causing any harm whatever to surrounding homes.

Mr. Gray moved that in Case V-3-03, the Board grant the requested variation to reduce the front yard setback from the required 25 feet to 21.69 feet, as depicted on the documents submitted with the petition. Mr. Benes seconded the Motion.

AYES: Mr. Gray, Mr. Benes, Mr. Baker, Mr. Lukas, Ch. White

NAYS: None

Chairman White declared the Motion passed and the variation granted.



V-4-03 A petition seeking a variation to reduce the minimum front yard setback requirement for a proposed porch addition. The property is located on the west side of Saratoga Avenue, approximately 100 feet south of Franklin Street, commonly known as 4828 Saratoga Avenue, Downers Grove, IL (PIN 09-07-213-013); Raymond Michael Miller, Owner/Petitioner.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING - Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on

Wednesday, June 25, 2003 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking a variation to reduce the minimum front yard setback requirement for a proposed porch addition. The property is located on the west side of Saratoga Avenue, approximately 100 feet north of Franklin Street, commonly known as 4828 Saratoga Avenue, Downers Grove, IL (PIN 09-07-213-013). The property is legally described as follows:

Lot 8 in Block 10 in E. H. Prince & Company’s Addition to Downers Grove, being a subdivision in Sections 5, 6, 7 and 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded September 30,1890 as Document 43600,in DuPage County, Illinois (PIN 09-07-213-013)

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630) 434-5550 prior to the meeting. Wheelchair access may be gained through the side (south) entrance of Village Hall. All interested persons should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, Friday, June 6, 2003.

Petitioner’s Presentation:

Mr. Raymond Miller of 4828_Saratoga Avenue said he has been a resident of the Village since 1975. In 1997, he purchased the subject house which was built in 1887 and is located on one of the Village’s brick streets. The garage is the old carriage house for the original home. He said he was fortunate to have neighbors who as children remember the house and know that the house did have a porch at one time. They have been unable to locate pictures, but the house still has the original side porch. They have been able to find the quarry stones of the original porch.

Mr. Miller said that he is requesting a variation to construct a usable front porch that will be built in a manner comparable to the original design of the home. He noted that the area in which the house is located is one where the neighbors gather all the time and, instead of meeting in their back yards, they gather on their porches, reminiscent of past times. Because the house was built before the laws were established, they will have to extend the porch beyond the 25 foot setback. The setback he is requesting would range between 20.80 feet and 21.62 feet.

Mr. Benes asked whether the proposed porch would project beyond the line of homes down the street. Mr. Miller said that the house is built on an angle and does not project further than the neighbors. He noted that within his application packet he provided a list of the distances of setbacks of the houses on both sides of the street.

There being no further questions from the Board, Chairman White asked Ms. Browne to make the Staff’s presentation.

Staff Presentation:

Ms. Browne said the petitioner is seeking a variation to reduce the front yard setback for his residence from the R-4 District setback requirement of 25 feet to a setback ranging from 20.80 feet to 21.62 feet.

This variation petition is being pursued so that the petitioner may enlarge the existing front porch area of his residence. This variation for the front porch is being sought under the terms of Section 28-1802(b) of the Zoning Ordinance which authorizes the Board to “permit any yard of less dimension than required by the applicable regulations not to exceed fifty (50) percent reduction.”

Ms. Browne said that the subject property is located on the west side of Saratoga Avenue, approximately 100 feet north of Franklin Street. The property has a width of 50 feet, a depth of 132 feet and an area of approximately 6,600 square feet. The subject property is improved with a two-story residence which has a current setback ranging from 28.2 feet as measured at its southeast corner to 29.2 feet as measured at its northeast corner. The residence has front porch area located near its northeast corner which has a setback of approximately 24.5 feet. The residence also has a side porch at its southeast corner which has a front setback of 26.5 feet.

Ms. Browne indicated that the property is zoned R-4, Single Family Residence which requires a minimum front setback of 25 feet. She noted that Section 28-1100 of the Zoning Ordinance allows certain structural components to extend into required yards as permitted yard obstructions, including stairs from grade no more than four feet above grade. Because the building code requires a minimum four foot by four foot landing at the top of a set of stairs, the minimum landing as required by the building code is also permitted to extend into the required front yard. Any porch larger than four feet by four feet as required by the building code is subject to the minimum required setback of the Zoning District.

The petitioner has indicated in his letter of explanation that the existing front porch is smaller and shallower than they desire. The petitioners are proposing to remove the existing front porch at the northeast corner of the residence and replace it with a new covered but unenclosed front porch which will extend across the entire front width of the residence and connect to the existing side porch.

Ms. Browne said the petitioner’s site plan depicts the overall dimensions of the new porch as 27.45 feet in width at its widest point, and 7.0 feet in depth at its deepest point. The new porch is proposed to be covered but not enclosed and is proposed to be angled at its northeast and southeast corners. The porch is proposed to be one story in height with a roof measuring approximately 14.25 feet in height as measured from the midpoint between the bottom of its eave and the point at which the roof meets the existing front wall of the house. The stairs extending at an angle beyond the covered portion of the porch are proposed to be 6.0 feet in width and are proposed to extend past the porch 3.10 feet.

Ms. Browne said that in order to accomplish what they desire the petitioner is requesting that the front yard setback for the proposed porch be reduced from the minimum requirement of 25 feet to a setback ranging between 20.80 feet and 21.62 feet. This proposal represents a reduction ranging between 4.2 feet and 3.38 feet or a reduction ranging between 16.8% and 13.52%.

Ms. Browne explained that the new stairs from grade are proposed to extend into this reduced front yard a distance of 3.10 feet. However, because the stairs would be less than four feet above grade, they would be permitted to extend into the reduced front yard and are not calculated in the percentage of variation being requested.

Ms. Browne then reviewed the provisions of Section 28-1803(a) of the Zoning Ordinance which provides the criteria for the Board's consideration of a variation. Ms. Browne then summarized the request of the petitioner who is seeking approval of a variation that would allow a covered but unenclosed porch with a reduction from the required 25 foot front yard setback to a setback ranging between 20.80 feet and 21.62 feet. This proposal represents a reduction ranging between 4.2 feet and 3.38 feet or a reduction ranging between 16.8% and 13.52%. She indicated that the requested variation is less than the maximum 50% setback variation that the Board is authorized to grant under the provisions of Section 28-1802(b) of the Zoning Ordinance. The Board may grant the requested variation provided that it is able to make the required findings for such a variation as outlined under the requirements of Section 28-1803 of the Ordinance.

There being no questions from the Board at this time, Chairman White called for anyone in the audience who wished to speak either in favor of or in opposition to the petition. There being none, Chairman White closed the opportunity for further public comment.

Board Deliberation:

Mr. Lukas said he wholeheartedly agrees with the request for a variation.

The being no contrary opinions, Chairman White called for a Motion.

Mr. Lukas moved that in Case V-4-03, the Board grant the requested variation to reduce the minimum front yard setback requirement from 25 feet to a setback ranging from 20.80 feet to 21.62 feet, as depicted on the site plans as submitted. Mr. Benes seconded the Motion.

AYES: Mr. Lukas, Mr. Benes, Mr. Baker, Mr. Gray, Ch. White

NAYS: None

Chairman White declared the motion passed and the variation granted.



V-5-03 A petition seeking a variation to reduce the northerly front yard setback requirement for a proposed residential addition adjacent to the dedicated but unimproved 61st Street right of way located to the north of the subject property. The property is located at the southeast corner of Grand Avenue and the dedicated but unimproved 61st Street right of way, commonly known as 6103 Grand Avenue, Downers Grove, IL (PIN 09-17-411-013); John Janicek, Owner/Petitioner.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING -
Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, June 25, 2003 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois on a petition seeking a variation to reduce the northerly front yard setback requirement for a proposed residential addition adjacent to the dedicated but unimproved 61st Street

right-of-way located at the north of the subject property. The property is located at the southeast corner of Grand Avenue and the dedicated but unimproved 61st Street right-of-way, commonly known as 6103 Grand Avenue, Downers Grove, IL (PIN 09-17-411-013). The property is legally described as follows:

Parcel 1: Lot 12 in Block 4 in H. M. Cornell's 63rd Street Gardens, being a subdivision of the Southeast Quarter of the Southeast Quarter of Section 17, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 9, 1925, as Document 204460, in DuPage County, Illinois;

Parcel 2: the West Half of the South Half of vacated 61st Street according to the Village of Downers Grove Ordinance 3637 recorded March 21, 1994 as Document No. R94-069663, in H. M. Cornell's 63rd Street Gardens, being a subdivision of the Southeast Quarter of the Southeast Quarter of Section 17, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded December 9, 1925, as Document 204460, in DuPage County, Illinois (PIN 09-17-411-013).

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630) 434-5550 prior to the meeting. Wheelchair access may be gained through the side (south) entrance of Village Hall. All interested persons should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, William White, Chairman. Published in the Downers Grove Reporter, June 6, 2003.

Petitioner's Presentation:

Mr. John Janicek said he lives at 6103 Grant Avenue. Ms. Janicek distributed photographs of the subject property to the Board.

Mr. Janicek said he is requesting a variation from the northerly front yard setback to allow for an addition to the property. He noted that in 1994 the Village vacated the south half of the 61st Street right-of-way between Grand and Osage. The northern portion remains un-vacated. The right-of-way at 62nd Street is partially improved with a one lane drive in both directions. He said he spoke with Mr. Rathje regarding the non-improved right-of-way, and Mr. Rathje said the likelihood of the Village improving it was small.

Mr. Janicek said one of the reasons for his desire to build an addition is that they are combining families as he and Mrs. Janicek each have children from previous marriages. Remaining in the neighborhood is important as the children have all gone to the local schools. He said he did not want to tear the house down. It was purchased at the end of March. It is a small Cape Cod with 1,152 square feet of floor area, and the second floor is somewhat hazardous due to the ceiling heights. All of the social space is located on the north side of the house. They will be adding a family room to the house as well.

Mr. Janick said that, with the addition, they would still be 95 feet away from their northerly neighbors because of the presence of the half right-of-way. If they were to out the addition onto the south side of the house, the distance between neighbors to the south would be about 13 feet. He said the need for the northern front yard has diminished with the partial vacation of the right-of-way. The northern front

yard is actually more like a side yard. Mr. Janicek said they looked at various options to the problem and decided this plan provided the best balance for the neighborhood and for the property.

Mr. Lukas asked whether the garage was a factor as well, and Mr. Janicek said they would have to remove the garage and cut down some trees as well if they did not go in this direction to the north.

There being no further questions from the Board, Chairman White asked Ms. Browne to make the Staff's presentation.

Staff Presentation:

Ms. Browne stated that the petitioner is seeking approval of a variation from the front yard setback requirement for a proposed addition to his single family residence located at the southeast corner of the intersection of Grand Avenue and the 61st Street right-of-way, commonly known as 6103 Grand Avenue, Downers Grove.

Specifically, the petitioner is requesting a variation that would allow the construction of a 23.25 foot by 50.26 foot addition onto the north side of the residence. As a result, Ms. Brown said the petitioner is proposing a reduction from the required front yard setback of 38.29 feet based upon the height of the proposed addition to a setback of 28.53 feet adjacent to the 61st Street right-of-way frontage of the subject property. The proposed setback represents a reduction of 9.76 feet, or a 25.29% reduction. The petitioner is seeking approval of this variation under Section 28-1802(b) of the Zoning Ordinance which authorizes the Board to "permit any yard of less dimension than required by the applicable regulations not to exceed a fifty percent (50%) reduction."

Ms. Browne described the 23,495 square foot subject property as rectangular in shape and measuring 127.00 feet in a north-south direction along its Grand Avenue frontage, and 185.00 feet in an east-west direction along its 61st Street right-of-way frontage. At this location, the 61st Street right-of-way is a dedicated but unimproved half street right-of-way.

Ms. Browne explained that the southerly half of the 61st Street right-of-way was vacated by the Village in 1994. Because the northerly half of the right-of-way was not vacated, the subject property is a corner lot under the terms of the Zoning Ordinance. Pursuant to Section 28-1102(a), the front setback requirement must be satisfied on both street frontages of a corner lot, even if the street frontage is, as in this case, an unimproved 33 foot wide half right-of-way.

Ms. Browne said the zoning of the subject property is R-2, Single Family Residence which has a minimum front setback requirement of 35 feet plus one additional foot of setback for every two feet in height over 20 feet as measured from the average grade at the front of the structure to the midpoint between the bottom of the eave and the top of the peak.

Ms. Browne described the subject property as improved with a two-story single family residence and a detached garage. As measured from the westerly front property line along Grand Avenue, the architectural front of the structure has an existing front setback of 60.10 feet as measured at its

southwest corner. As measured from the northerly property line adjacent to the 61st Street right-of-way, the structure has a setback of 52.41 feet as measured at its northwest corner.

Ms. Browne said the petitioner has indicated in the support documentation submitted with the variation application that, in its current configuration, the residence is too small for a growing family. The existing residence consists of three bedrooms, one and one-half baths, a living room, a kitchen, and an eating area. The existing basement does not contain enough headroom to qualify as living space.

The petitioners are proposing a two-story addition to the north side of the residence to accommodate a new family room and an office/study on the first floor as well as the reconfiguration of the existing first floor plan to accommodate a larger kitchen, breakfast nook and formal dining room. The second story of the addition will accommodate a new master bedroom suite and an additional bedroom and bathroom in addition to the two bedrooms currently on the second floor.

Ms. Browne said the petitioner's site plans show that the proposed addition is to be 24 feet in width as measured from north to south and 50.26 feet in depth as measured from east to west. The addition is proposed to have a front setback of 46.19 feet as measured from the westerly property line adjacent to Grand Avenue and a front setback of 28.53 feet as measured from the northerly front property line adjacent to the 61st Street right-of-way.

Ms. Browne stated that the proposed addition is to have a height of 26.58 feet as measured from the average grade to the midpoint between the bottom of the eave and the top of the peak. Based upon this proposed height, the minimum front setback requirement on both street frontages is 38.29 feet. The proposed setback of 28.53 feet as measured from the northerly front property line adjacent to the 61st Street right-of-way represents a reduction of 9.76 feet, or a 25.29% reduction.

Ms. Browne noted that Section 28-1100 of the Zoning Ordinance authorizes certain projections into required yards. Specific to this proposal, the proposed window wells on the north, east and west sides of the addition, as well as the proposed chimney on the north side of the addition are authorized permitted yard obstructions pursuant to Sections 28-1100(c)(1) and 28-1100(d)(1) respectively.

In addition, Ms. Browne reviewed the criteria of Section 28-1803(a) of the Zoning Ordinance regarding the Board's consideration of variation requests. Ms. Browne summarized that the petitioner is seeking approval of a variation that would allow a reduction from the required 38.29 foot front yard setback based upon the height of a proposed addition to a setback of 28.53 feet as measured from the dedicated but unimproved 61st Street right-of-way frontage of the subject property. This proposed variation represents a reduction of 9.76 feet, or a 25.29% reduction which is within the maximum 50% setback variation that the Board is authorized to grant under the provisions of Section 28-1802(b) of the Zoning Ordinance. The Board may grant the requested variation provided that it is able to make the required findings for such a variation as outlined under the requirements of Section 28-1803 of the Zoning Ordinance.

Mr. Baker asked about the 61st Street right-of-way and whether it was likely to be improved. Ms. Browne said she did forward this request to the Public Works Department, and asked three staff

members there to review it. It is apparent that there is very little chance of the right-of-way ever being improved for street thoroughfare purposes.

Ms. Browne noted she also had the Village's Stormwater Engineer review the plan, and he raised no objections to the proposal.

Mr. Baker asked if there were any safety concerns because of the proposed variance. Ms. Browne said one of the responses she received from Public Works was from the Traffic Engineer who indicated that he saw no problems or objections to the proposed plan.

Ms. Browne also noted that in the petitioner's preparation of this request, the question was raised as to whether there might be a vacation of the remainder of the right-of-way. She noted that the Village adopted a moratorium on vacating public rights-of-way in February for further consideration of their policies in that regard.

Mr. Gray asked whether the peak line on the addition will be higher than the existing house. Mr. Janicek said it would be, and the line of the existing roof is also being slightly raised for balance on the addition.

Mr. Benes asked about how the calculation is made regarding measuring the height of homes. Ms. Browne said height is measured at the front of the structure from the average grade to the midpoint between the bottom of the eave and the top of the peak of the structure. She noted in some newer buildings architects do find creative ways to drop the eave without triggering the additional setback requirement; however, the way height is measured remains constant. She noted that the measurement is not a peak dimension, but it is a midpoint dimension.

There being no further questions from the Board at this time, Chairman White called for anyone in the audience who wished to speak either in favor of or in opposition to the petition. There being none, Chairman White closed the opportunity for further public comment.

Board Deliberation:

Mr. Baker stated he does not see anything of concern in this request as it meets the requirements set forth in the Village's Ordinance.

Chairman White said he has no problem; however, if it were a fully improved street he would have more qualms. Since it is a partial street right-of-way that is unimproved, even if it is improved in the future, there will not be as much traffic because the street would be more narrow than a typical street. He also noted older homes cannot always meet the needs of today's homeowners, and renovations can cause economic hardship at times.

Mr. Lukas said he also finds this petition acceptable and complimented the petitioner on his preparation of their case materials.

Mr. Lukas moved that in case V-5-03 the Board grant the requested variation to reduce the northerly front yard setback requirement to 28.53 feet, as depicted on the site plan and documents submitted with the petitioners' application. Mr. Gray seconded the Motion.

AYES: Mr. Lukas, Mr. Gray, Mr. Baker, Mr. Benes, Ch. White

NAYS: None

Chairman White declared the Motion carried and the variation granted.

There being no further business, Chairman White adjourned the meeting at 8:30 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary