

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
September 25, 2002**

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll call

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

Absent: None

A quorum was established.

Approval of minutes of August 28, 2002 meeting

Mr. Gray moved to approve the minutes of August 28, 2002 as presented. Mr. Domijan seconded the motion.

Ayes: Mr. Gray, Mr. Domijan, Mr. Benes, Mr. Sleeter, Mr. Lukas, Ch. White

Nays: None

Abstain: Mr. Baker

Chairman White declared the motion carried.

Mr. Sleeter noted that he had one minor comment regarding the minutes. He said that on the last page he is not certain that he said that the renovation of the service station in the Special Use petition would be an asset to the "entire" downtown area. He said perhaps he did, but he cannot recall. He said that the rest of the minutes appeared accurate and complete. Ms. Browne said that she would attempt to check the tape of that meeting.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the petition before the Board. He said that the agenda item was a variation, in which case the Zoning Board of Appeals would be making the final determination as opposed to a recommendation to the Council. Chairman White

then asked anyone in the audience who intended to testify in this public hearing to rise and be sworn in.

Chairman White asked Ms. Browne to read the published public hearing notice for the first petition.

V-5-02 A petition seeking a variation to reduce the applicable front yard setback requirements on property located on the east side of Elm Street, approximately 100 feet south of Lincoln, commonly known as 4609 Elm Street, Downers Grove, IL (PIN 09-05-410-003); Glenn & Janet Crosswhite, 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 September 25, 2002 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking a variation to reduce the applicable front yard setback for property located on the east side of Elm Street approximately 100 feet south of Lincoln Street, commonly known as 4609 Elm Street, Downers Grove, IL 60515 (PIN 09-05-410-003) and is legally described as follows:

Lot 22 in Block 3 in Lindsey and Gross Resubdivision, being a resubdivision of Lot 2 in Block 3 and Lots 1, 2, 3 and 4 in Block 4 in Lyman and Austin's Addition to Downers Grove, a subdivision in the Southeast Quarter of Section 5, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat of said resubdivision recorded February 28, 1924 as Document 174661, in DuPage County, IL, commonly known as 4609 Elm Street, Downers Grove, IL 60516 (PIN 09-05-410-003).

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, September 6, 2002.

Petitioner's Presentation:

Mrs. Janet Crosswhite, 4609 Elm Street, said that she and her husband Glen are seeking a variation in order to construct a porch addition onto their home. The

current porch is deteriorating and, as can be seen from the pictures which were distributed in the packet, the front stairs and porch are beginning to become unsafe due to settling and deterioration.

Mrs. Crosswhite said that underneath the porch there is a crawl space that is tied in with their basement. Each time there is inclement weather the water leaks right into the family area in the finished basement.

Mrs. Crosswhite added that she and her husband feel that the proposed porch will actually be a compliment to the area which is reflected by the letters of support that have been submitted by some of their neighbors.

Mrs. Crosswhite concluded by saying they hope they are able to receive the variation so that they can proceed with the remodeling and improvements to the porch.

There being no questions from the Board and no questions from the audience, Chairman White called upon Ms. Browne to present Staff's findings.

Staff's Presentation:

Ms. Amanda Browne, Planning Services Department, said as the petitioner has indicated, they are seeking a variation to reduce the front yard setback for their residence from the R-4 District setback requirement of 25 feet to a setback ranging between 17.6 feet and 17.5 feet so that they may construct a new front porch.

Ms. Browne said that the subject property is located on the east side of Elm Street, approximately 100 feet south of Lincoln Street. She noted that the property has a width of 50 feet, a depth of 153.9 feet and an area of approximately 7,695 square feet.

Ms. Browne explained the property is improved with the petitioner's two-story frame house which has a current setback ranging from 25.1 feet as measured at its southwest corner to 25.0 feet as measured at its northwest corner.

Ms. Browne continued, noting that the residence currently has a 7 foot wide by approximately 4 1/3 foot deep covered front porch located at the northwest corner of the house. The front setback of the landing of the front porch is approximately 20.6 feet, and as measured to the bottom of the stairs is approximately 18.5 feet.

Ms. Browne noted the Zoning Ordinance allows certain structural components to extend into required yards as permitted yard obstructions, including stairs from grade to 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 said that although the existing covered front porch is larger than allowed under the current provisions of the Zoning Ordinance, it appears that the front porch was constructed well prior to the adoption of the current form of the Zoning Ordinance in 1965. She said that the existing porch is, therefore, considered a lawful nonconformity which is permitted to remain, but if it is intended to be enlarged, as in this case, it can only be done by way of a variation.

With respect to the proposed porch, Ms. Browne said it is intended to be covered but not enclosed with overall dimensions that are proposed to be 26.3 feet wide and 7.5 feet deep. She said the porch is proposed to be one story in height with a roof which measures approximately 12.8 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 5.92 feet in width and a total of 4.33 feet deep.

Ms. Browne said that specifically relating to the variation being requested, the petitioners are requesting that the front yard setback for the desired porch be reduced from the minimum requirement of 25 feet to a setback ranging between 17.5 feet as measured at its northwest corner and 17.6 feet as measured at its southwest corner. Ms. Browne said this variation represents a reduction ranging from 7.5 feet or a 30% reduction, to 7.4 feet or a 29.6% reduction.

Ms. Browne noted that the new stairs from grade are proposed to extend into this reduced front yard a distance of 4.33 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 explained that the provisions of Section 28-1803(a) of the Zoning Ordinance provide the criteria for the evaluation of a variation request as follows:

- (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.
- (2) The plight of the owner is due to unique circumstances.
- (3) The variation, if granted, will not alter the essential character of the locality.”

Ms. Browne concluded that the 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; therefore, the Board may grant the requested variation provided that it is able to make the required findings as noted.

Mr. Chairman called for any questions from the Board members.

Mr. Benes said that in looking at the frontage of the houses on this block, they vary from 25 feet to less. The house closest to Chicago Avenue is less than 25 feet. The block north of this, the houses look as though they are setback roughly 30 to 32 feet, or about six feet behind these houses. He asked if this whole area is zoned R-4.

Ms. Browne said that the vast preponderance of the blocks in this area are zoned R-4. Mr. Benes asked if the properties across the street are also zoned R-4. Ms. Browne said that was correct. Mr. Benes commented that the houses on nearby blocks appear to have larger setbacks, and if the setback requirements are the same, it must just be the way the blocks were developed.

Mr. Gray asked Ms. Browne to clarify when the current Ordinance requirements were enacted as compared to when this area was developed. Ms. Browne said that the current form of the Zoning Ordinance was established in 1965. It does appear to her that the majority of the homes in this area were constructed prior to that time. Ms. Browne said when she searched the microfilm records of the Code Services Department for this property, she did not find many records for the block as a whole, which indicates that they were constructed well prior to 1965, as the microfilm records date back to the 1950's. She also noted that this area is close to the core part of our Village which has a lot of older structures that pre-date the current form of our Zoning Ordinance.

Ms. Benes noted the house immediately to the south of the subject property has a front porch on it, and its setback appears to be the same as what is being proposed in this case. He added that porch is not as deep as the one being

proposed in this case. He said the petitioner indicated on the photographs of the neighboring property at 4613 Elm that the house is setback approximately 18 feet. So, the porch proposed here will be setback almost the same.

Ms. Crosswhite responded that was correct. She added that what they are proposing would not extend past the neighboring porch. Mr. Benes said that all the porches are pretty much in a line.

Mr. Baker commented that the proposed porch is intended to not be enclosed. He asked if there was anything down the road preventing the petitioner or a future owner from enclosing the porch as so many other porches in the area have done.

Ms. Browne said that there would more than likely be building code requirements regarding the foundation if the porch were to be enclosed. She said that from a zoning standpoint, she did not believe that the porch could be enclosed without obtaining an amendment to this variation.

Chairman White questioned if the variation were granted for a porch, is the variation specific to the porch, or is it specific to an improvement? Ms. Browne said it could be viewed as a reduction of the setback regardless of whether it was enclosed or open. If the Board wanted to consider a condition, they could do so if they saw this as a potential detriment.

Mr. Glenn Crosswhite asked if it were appropriate for him to add a comment. He indicated he believed Ms. Browne was correct in that if they ever wanted to enclose the porch, they would have to install a full foundation with footings and so on. Because they have no intention of enclosing the porch, they are constructing the porch with pier footings. It would not be able to be enclosed without extending the foundation and the footings which they are not intending to do.

Mr. Benes asked Mr. Crosswhite if they were planning to close off the cellar area beneath the existing porch. Mr. Crosswhite responded that it would be closed off and no longer used for storage.

Mr. George Reynolds, 4620 Prospect Avenue, said that although he realizes this proposal needs a variation, he saw nothing wrong with the proposal. He said that the new porch will be a vast improvement.

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

Board's Deliberation:

Mr. Gray said that seeing as how there are other structures in the immediate area with setbacks that are less than what is being proposed here and that there are no objections from the neighborhood, he would move that the request be approved by the Board.

Chairman White asked for any contrary opinions. Mr. Baker said that his only concern would be that once the variation is granted, there may be the possibility that the porch could be enclosed if the appropriate code requirements were met. He said because some of the other houses already have enclosed porches and have setbacks similar to what is proposed here, he would agree to Mr. Gray's comments.

Chairman White said he agrees that whether the porch is enclosed or open in this case is not a detriment. In the future, the Board could consider exploring the issue of conditioning approval of a variation to an open porch so that the porch remains open. He clarified that in this case he does not see a problem.

Mr. Baker agreed and said in this case it would not be a detriment to the neighborhood even if it were enclosed at some point.

Mr. Sleeter said based upon the proposal as presented, it seems clear-cut that this will be an improvement, and he does not see this as being controversial.

Mr. Benes added that any porch will have to be constructed to code.

Hearing no further comments from the Board, Chairman White called for a motion.

Mr. Gray moved with respect to Case V-5-02, that the Board grant the variation as requested by the petitioner and as depicted on the site plan and building elevation drawings. Mr. Sleeter seconded the motion.

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

NAYS: None

Chairman White declared the Motion carried unanimously.

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Ms. Browne commented that as of today there are no cases scheduled for the September meeting; however, the deadline is not until the following week. If any petitions are filed, she said that the members would be contacted.

In the event that a September meeting was not held, she asked the Board members to review their calendars to determine their desired date of the joint November-December meeting. The regularly scheduled meeting date would fall on the Wednesday before Thanksgiving. The Board members agreed that the meeting should be rescheduled to Wednesday, December 4, 2002.

There being no further discussion, Chairman White adjourned the meeting at 8:05 PM.

Respectfully submitted,

Amanda Browne, Planner
Department of Planning Services

AGB/agb
10/21/02