

APPROVED

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
MAY 26, 2004**

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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, Ch. White

A quorum was established.

Chairman White announced that one of the Zoning Board of Appeals Members, Mr. Gray, has chosen to resign from the Board due to conflicts with other community commitments with which he is involved. Chairman White thanked Mr. Gray for his service on the Board and wished him the best of luck.

Ms. Browne mentioned that Mr. Gray seemed disappointed that he could not continue to serve on the Zoning Board but had indicated that it was too much of a strain to make all of the meeting commitments. She said that he did offer to serve the Village in any other capacity.

MINUTES

**Mr. Benes moved to accept the minutes of the April 28, 2004 meeting as presented.
Mr. Sleeter seconded the Motion.**

**AYES: Mr. Benes, Mr. Sleeter, Mr. Domijan, Mr. Lukas, Ch. White
NAYS: None
ABSTAIN: Mr. Baker**

Ch. White declared the minutes approved as presented.

MEETING PROCEDURES

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

Ms. Amanda Browne, Planner, noted the publication of the public hearing notices for the petitions were prepared as required by law.

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PUBLIC HEARING: ZBA-11-04 A petition seeking variations for the side yard setback and the front setback for a single family residence located at 4904 Prospect Avenue, Downers Grove, IL. John and Elizabeth Judson, Petitioners.

Petitioner's Presentation:

Mr. John Judson, co-owner of 4904 Prospect Avenue, stated that he and his wife are planning an addition to their home. The house is a pre-existing non-conforming structure in that it violates the side and front yard setback requirements. He said they wish to maintain the same lines of the existing building and to construct a two-story addition to the west and south side of the existing structure.

Mr. Benes asked whether any of the proposed construction affects the variation, or is the variation request specifically because of how the home is placed on the lot. Mr. Judson said the construction does not affect the variations requested.

There being no further questions from the Board at this time, Chairman White called upon Staff to make its presentation.

Staff's Presentation

Ms. Amanda Browne, Planner, said that the petitioners are proposing a two-story addition to the west and south sides of the existing residence as well as a front setback reduction for the proposed front porch.

With regard to the proposed side yard variation, Ms. Browne said it pertains to the two-story addition being proposed to the rear of the house. The minimum side yard requirement is five feet plus one additional foot of setback for every one foot in height over 20 feet, with height being 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 said that the height of the existing residence, as defined per Code, is 23.5 feet, requiring a side yard setback of 8.5 feet.

Ms. Browne explained the current northerly wall of the residence has a side yard setback of 6.8 feet as measured at its northwest corner. The petitioners propose an extension of the northerly wall of the structure, and since this wall is not parallel to the northerly side property line, the addition to the rear of the residence will converge towards the property line resulting in its northwest corner having a side yard setback of 6.75 feet. This represents a reduction of 1.85 feet, or 21.7% from the minimum requirement of 8.5 feet based upon the height of the structure.

Regarding the requested front setback variation, Ms. Browne said it pertains to the renovation and expansion of the existing front porch. The minimum front setback requirement is 25 feet for structures less than or equal to 20 feet in height, which is applicable to the front porch in this case as the front porch is less than 20 feet in height as measured to the midpoint between its eave and peak.

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1 Ms. Browne continued stating that the front porch setback is currently 19.5 feet as measured to
2 the front property line and is currently non-conforming with respect to the required 25 foot front
3 setback requirement. She noted, however, that since the existing front porch is not parallel to the
4 front property line, the proposed expansion of the porch would diverge away from the front
5 property line. The variation is being processed on the basis of the point closest to the front
6 property line, which is 19.5 feet, or a reduction of 5.5 feet or 22%. She noted the proposed
7 overhanging eave and the stairs to grade from the front porch are permitted yard obstructions per
8 Code.

9
10 Ms. Browne informed the Board that both the Department of Public Works and the Fire
11 Prevention Bureau have reviewed the proposal and have no outstanding issues or concerns.

12
13 Ms. Browne stated that the Zoning Board of Appeals is authorized to consider the request for the
14 proposed reduction in the required front setback and side yard, and she further noted the
15 recommendation of the Staff Development Team, if the variation request is granted, to consider
16 the following conditions as part of the Board's decision:

- 17
18 1. The petitioner should continue to explore means to reduce or eliminate the requested
19 variations, including reducing the size of the proposed additions to meet Code;
20 2. The petitioner should strongly consider, if possible, the planting of taller plant materials
21 such as arborvitae or other similar materials to help break down the mass of the newly
22 proposed structure;
23 3. Any changed conditions from those currently identified by the petitioner as the basis for
24 this petition or its potential approval shall require review by the Village and may require
25 subsequent review by the zoning Board of Appeals; and,
26 4. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations
27 and policies.

28
29 Mr. Baker asked whether the variations would be needed if the house were properly centered and
30 in compliance with the setback. Ms. Browne explained no variation would be necessary if the
31 house were placed differently on the lot.

32
33 Mr. Baker asked whether there have been any comments from the neighbors, and Mr. Judson
34 responded both neighbors to either side looked at the plans and had no issue with it. He added in
35 addition to the required mailing, they had their architect send out an additional mailing explaining
36 the proposed plans for the structure. They have had no negative feedback from anyone.

37
38 There being no further questions, Chairman White closed the opportunity for further public
39 comment.

40
41 **Board's Deliberations**

42
43 Mr. Domijan said if the structure had been properly oriented on the lot, it would be an as of right
44 project. He said the petitioner has contacted their neighbors, and it appears to be a straight-
45 forward project which he would support.

46
47 Mr. Sleeter agreed with Mr. Domijan's comments.

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1 Mr. Lukas also agreed stating he liked the petitioner's narrative and agreed with the request for
2 variations being granted.

3
4 **Mr. Domijan moved that in Case ZBA-11-04, the Zoning Board of Appeals grant**
5 **the requested side yard and front setback variations as requested, subject to the**
6 **following conditions:**

- 7 **1. The petitioner should continue to explore means to reduce or eliminate the**
8 **requested variations, including reducing the size of the proposed additions to**
9 **meet Code;**
- 10 **2. The petitioner should strongly consider, if possible, the planting of taller**
11 **plant materials such as arborvitae or other similar materials to help break**
12 **down the mass of the newly proposed structure;**
- 13 **3. Any changed conditions from those currently identified by the petitioner as**
14 **the basis for this petition or its potential approval shall require review by the**
15 **Village and may require subsequent review by the Zoning Board of Appeals;**
16 **and**
- 17 **4. Compliance with all applicable Federal, State, and Village laws, ordinances,**
18 **regulations and policies.**

19
20 **Mr. Benes seconded the Motion.**

21
22 **AYES Mr. Domijan, Mr. Benes, Mr. Baker, Mr. Lukas, Mr. Sleeter,**
23 **Ch. White**

24
25 **NAYS: None**

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27 **Chairman White declared the Motion carried.**

28
29 **PUBLIC HEARING: ZBA-12-04** A petition seeking a front setback variation to renovate an
30 existing uncovered front porch at the single-family residence located at 4730 Prince Street. Mr.
31 Dave Rutkowski, Petitioner.

32
33 **Petitioner's Presentation:**

34
35 Mr. Dave Rutkowski of 4730 Prince Street, said he and his wife are the petitioners in this case.
36 He said the house currently has a concrete stoop with six steep steps and a small landing going to
37 the front door. He said the landing is very small, and when someone comes to the front door, they
38 have to step back down the steps as the front door swings outward. In addition, the stairs are
39 very steep at 8.25 inches in height each, resulting in the top stair being about 5 feet above grade.
40 Thirdly the concrete stoop is not consistent with the Victorian architecture of their house as well
41 as of the neighborhood. He said they are proposing to build a small, uncovered wood porch that is
42 two feet wider and two feet deeper than the stairs currently present. This would allow people to
43 remain on the landing when the front door opens. Also, they intend to add an additional step to the
44 stairs so they are not so steep and will be Code compliant.

45
46 Mr. Lukas asked if he heard correctly that in order to comply with the Code the variance is
47 required. Mr. Rutkowski and Ms. Browne both responded that was correct.

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2 Mr. Baker said it looks as though the front of the home might have had an enclosed front porch at
3 one time. Mr. Rutkowski said he thinks that is correct. He and his family have lived there for
4 only six years; however, his neighbor indicated there was an enclosed porch there about 31 years
5 ago.

6
7 Mr. Benes noted the front door was exposed and asked whether they considered putting some
8 type of roof over it to protect the door. Mr. Rutkowski said it is beyond what they are able to take
9 on at this time. Their prime concern is to address the safety issues. He said the proposed porch
10 is designed to connect into the existing concrete sidewalk.

11
12 Mr. Baker asked whether their intention was to cover the existing concrete stairs somehow, and
13 Mr. Rutkowski said they would install lattice to cover the existing concrete as opposed to
14 demolishing it.

15
16 **Staff's Presentation**

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18 Ms. Browne stated the subject property is zoned R-4, single-family residence, which requires a
19 minimum front setback of 25 feet per Code. Uncovered porches of no more than 4 feet by 4 feet
20 in area, and stairs to grade, are permitted to project into the required 25-foot front setback as
21 "permitted yard obstructions" per Code.

22
23 Ms. Browne noted the existing front porch currently has a front setback of 21 feet inch, as
24 measured to the deck of the porch, and 16 feet 1 inch as measured to the bottom stair. She
25 explained the existing residence was constructed in 1893, well before the adoption of the current
26 form of the Zoning Ordinance in 1965; the setbacks, therefore, are currently lawfully
27 nonconforming.

28
29 Ms. Browne further stated the porch is proposed to be enlarged to five feet in depth and ten feet
30 in width, and the stairs are proposed to be redesigned to meet current building code requirements
31 with respect to the ratio of rise to run. She said the setback at the proposed bottom of the stairs is
32 proposed to be 12 feet 11 inches as measured from the front property line; however, since the
33 stairs to grade are a permitted yard obstruction, the variation is being processed on the basis of the
34 setback to the porch deck, which is proposed to be 19 feet 1 inch, which is a reduction of 5 feet 11
35 inches or 23.7%.

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37 Ms. Browne informed the Board both the Department of Public Works and the Fire Prevention
38 Bureau have reviewed the proposal and have no outstanding issues or concerns.

39
40 Ms. Browne stated the Zoning Board of Appeals is authorized to consider the request for the
41 proposed reduction in the required front setback and side yard, and she further noted the
42 recommendation of the Staff Development Team, if the variation request is granted, to consider
43 the following conditions as part of the Board's decision:

- 44
45 1. The petitioner should continue to explore means to reduce or eliminate the requested
46 variations, including reducing the size of the proposed additions to meet Code;

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- 1 2. Any changed conditions from those currently identified by the petitioner as the basis for
- 2 this petition or its potential approval shall require review by the Village and may require
- 3 subsequent review by the zoning Board of Appeals; and,
- 4 3. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations
- 5 and policies.
- 6

7 Mr. Baker asked if the Board chose not to grant the variation, could the petitioner fix the problem.
8 Ms. Browne said they could still install a 4 foot x4 foot uncovered porch with the stairs to grade as
9 a permitted yard obstruction. The petitioners' proposal is to increase the size of the porch and the
10 stairs to grade, which would then no longer qualify for the setback exemption for permitted yard
11 obstructions.

12
13 There being no further questions of Staff, Chairman White called upon anyone in the audience
14 who wished to speak in regard to this petition.

15
16 Mr. Jim Wallin of 4734 Prince Street, neighbor to the south of the proposed property, said he is in
17 favor of the proposal. He and his wife are 31 years residents of the community, and the steep
18 stairs and small landing of the subject site have been a dangerous situation for at least 31 years.
19 He said that the previous owners of the property were elderly, and Mr. Wallin would occasionally
20 assist them with the removal of ice and snow from the concrete steps during the winter. He said
21 the porch and stairs were unsafe, not only for the elderly owners, but for children, mailmen, or
22 anyone ringing that doorbell. He recommended that the variation be passed. He said the Village
23 and neighbors should be pleased that the owners want to improve the property. Mr. Wallin noted
24 he did not discuss his comments with the petitioner.

25
26 Mr. Rutkowski commented on the allowed 4 foot x 4 foot exemption. When he came to the
27 Village to discuss this, he was told that he would need a zoning variance because the 4 foot x 4
28 foot exemption was only allowed for stoops that were less than 4 feet in height. He said whether
29 the Code required it or not, he would still make the decision to go with a larger porch area for the
30 safety of their children and other individuals.

31
32 There being no further discussion, Chairman White closed the opportunity for further public
33 comment.

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35 **Board's Deliberations:**

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37 Mr. Sleeter said it seems to be largely a safety issue, and the Board would be remiss if they did
38 not approve this request.

39
40 Mr. Baker said he agreed, but would like to see the old porch or stoop completely removed. It
41 would be an aesthetically cleaner look. Overall, the proposal is a much needed improvement, and
42 he would be in favor of granting the variance.

43
44 Mr. Benes said he could understand why the petitioner would want to work around the concrete
45 from the porch given the age of the house and not knowing just how much concrete is there. He
46 said it would also be a waste of money to remove it. He favored the petition as requested.

