

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
March 24, 2004

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CALL TO ORDER

Chairman Pro-Tem Lukas called the meeting to order at 7:30 PM.

ROLL CALL

Present: Mr. Baker, Mr. Benes, Mr. Domijan, Mr. Sleeter,
Ch. Pro-Tem Lukas

Absent: Mr. Gray, Ch. White

A quorum was established.

MINUTES

Mr. Domijan moved to accept the minutes of the February 25, 2004 meeting as presented. Mr. Sleeter seconded the Motion.

AYES: Mr. Domijan, Mr. Sleeter, Mr. Baker,

NAYS: None

ABSTAIN: Mr. Benes, Ch. Pro-Tem Lukas

Ch. Pro-Tem Lukas declared the minutes approved as presented.

MEETING PROCEDURES

In the absence of Chairman White, Chairman Pro-Tem Lukas (Chairman Lukas) 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 of the Village. Chairman Lukas 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 all three variations was provided for as required by law.

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1 **PUBLIC HEARING: ZBA-03-04** A petition seeking a variation for a reduction of the
2 minimum required front yard for an addition to a single family residence located at the southwest
3 corner of Barneswood Drive and Highland Avenue, commonly known as 1001 Barneswood
4 Drive, Downers Grove, IL (PIN 06-32-301-005); Bill and Dee Galloway Kribs,
5 Owners/Petitioners
6

7 **Petitioner's Presentation:**
8

9 Ms. Dee Galloway Kribs, 1001 Barneswood Drive said she and her husband purchased the
10 home about three years ago to accommodate her husband who had had a bypass operation.
11 The home is a ranch style home and they intend to add one bedroom to the premises because
12 they will be caring for their Mothers who are age 87 and 84. They intend to build the addition
13 along the back of the home and align it with their garage.
14

15 Mr. Benes asked whether they were aware that their home was nonconforming when they
16 purchased it. Ms. Kribs said they were not aware of that. They purchased the home directly
17 from the previous owners.
18

19 Mr. Mike Davenport, 6636 Blackstone Drive, architect for the addition, said that the survey
20 given to the petitioner showed the 30 foot building line on the survey as a record. A previous
21 architect who had submitted plans to the Kribs family also did not pick up that the parcel was
22 nonconforming.
23

24 Mr. Benes asked if they were aware that the proposed addition exceeds the setback. Mr.
25 Davenport responded that the existing garage is closer to Highland Avenue than either of the
26 proposed additions.
27

28 Mr. Sleeter said he read the material, which indicated there was a flood plain on the property.
29 He noticed that the ground in the front yard is so saturated that the sign posted to announce the
30 Zoning Board meeting had fallen over. He asked if this would be a problem with the garage,
31 and how will it be dealt with.
32

33 Mr. Davenport said that the assumption that the sign fell over because of the saturation is
34 incorrect. It fell over the day there were 60 mph winds. He further responded that the
35 floodplain is in the center of the proposed garage addition. They intend to pursue an infill and
36 adjustment to the flood plain line, or they will make the garage into a one-car addition rather
37 than a two-car garage addition.
38

39 Mr. Baker said there is a not a smooth setback line with the current building on the east side of
40 the property. He asked why they could not have made the addition in compliance with the
41 setback regulation since the façade of the building is not currently consistent.
42

1 Mr. Davenport responded that the entire house is built within the required yard. He said that
2 because of the gabled roof, neither addition would be in line with the existing structure. It is
3 both a structural and aesthetic problem. By doing what they have proposed, it looks intentional
4 that the design of the façade varies.

5
6 Mr. Baker asked whether the garage would be interfering with the traffic on Highland Avenue.

7
8 Mr. Davenport said that the surveys done are accurate to his knowledge. He doesn't see any
9 sight view problems.

10
11 Mr. Baker said that it appears as though they are planning a 4-car garage. Ms. Galloway Kribs
12 responded that they have decided on a 3-car garage, which will provide added storage.

13
14 Mr. Baker asked whether they obtained feedback from the neighbors. Ms. Galloway Kribs
15 said their neighbors are present, and they approve of the proposal.

16
17 There being no further questions, Chairman Lukas called upon the staff to make its presentation.

18
19 **Staff's Presentation:**

20
21 Mr. Keith Sbiral, Planner for the Village, reviewed the variations being sought by the petitioner.
22 The north side variation is 3 feet 6 inches from the Highland Avenue property line, and the south
23 side is a 3 foot 3 inch variation. The variations would allow the construction of a new garage as
24 well as the additional bedroom. Given the 12.5-foot height of the house, the standard required
25 front yard is 35 feet. The house was constructed in 1959, and the survey at that time indicated
26 a 30-foot building line. Mr. Sbiral said that the variations sought are 10% and 10.9% for the
27 north and south additions.

28
29 Mr. Sbiral stated that the Department of Public Works reviewed the petition with respect to
30 stormwater and floodplain issues. He indicated that the Zoning Board of Appeals is authorized
31 to grant up to a 50% variation if they feel all requirements and standards are met. He indicated
32 that staff's recommendation is that the petitioners continue to seek avenues other than the
33 variations. He then reviewed the recommendation as stated by Staff in its memorandum to the
34 Board.

35
36 Mr. Baker asked for clarification that regardless of whether the proposed addition is within the
37 guidelines, the fact that it is nonconforming to begin with would require them to come before the
38 Board. Mr. Sbiral said that would occur only if the addition encroached into the front yard.

39
40 Mr. Davenport indicated in support of the petitioners' comment saying they did not know about
41 the nonconformity, that the topographical survey prepared shows a 30 foot building line along
42 Highland. Apparently, previous engineers who viewed this site also appear to be unaware of
43 the nonconformity.

1
2 Mr. Sleeter asked how close a building could be to a floodplain line. Ms. Browne said that the
3 petitioner has indicated it can be built right up to the line.

4
5 There being no other comments, Chairman Lukas closed the opportunity for further public
6 comment.

7
8 **Board's Deliberations:**

9
10 Mr. Sleeter said that this is a well-warranted proposal. His concern was about the flood plain
11 line; however, since they are going with a 3-car garage that seems to be no problem. From a
12 zoning standpoint, he would support the request.

13
14 Mr. Benes said his concern was the 30 feet shown on the plat, but the setbacks somewhere
15 along the line must have been changed. The house was actually built in conformance prior to the
16 setback change. He has no problem with the petition.

17
18 Mr. Domijan said this was a well-prepared petition, and the Kribs have worked with the
19 various Village Departments. He has no problem with the petition.

20
21 Chairman Lukas said he concurred with the other Board members, that the petition was well put
22 together, and that the standards for the variations have been met. He then called for a Motion.

23
24 **Mr. Sleeter moved that in case ZBA-03-04, the Zoning Board of Appeals grant the**
25 **petition for a variation to reduce the minimum required front yard setback, subject to**
26 **the following conditions:**

- 27 **1. The petitioner should continue to explore means to reduce or eliminate the**
28 **requested variations.**
29 **2. The petitioner must address all issues as outlined in the Public Works**
30 **memorandum dated February 20, 2004 prior to any building/stormwater permit**
31 **approval.**
32 **3. The existing Highland Avenue required front yard nonconformity of the existing**
33 **structure shall not be expanded/increased.**
34 **4. Any changed conditions from those currently identified by the petitioner as the**
35 **basis for this petition or its potential approval shall require review by the**
36 **Village and may require subsequent review by the Zoning Board of Appeals.**
37 **5. Compliance with all applicable Federal, State, and Village laws, ordinances,**
38 **regulations and policies.**

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40 **Mr. Domijan seconded the Motion.**

41
42 **AYES: Mr. Sleeter, Mr. Domijan, Mr. Benes, Mr. Baker,**
43 **Ch. Lukas**

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NAYS: None

The Motion passed unanimously.

PUBLIC HEARING: ZBA-04-04 A petition seeking a variation for a reduction of the minimum required side yard setback for an addition to a single family residence located at the east side of Highland Avenue, approximately 305 feet north of 41st Street, commonly known as 4117 Highland Avenue, Downers Grove, IL (PIN 09-05-105-017); Leann & John Lolli, Owners/Petitioners

Petitioner's Presentation:

Mr. and Mrs. John Lolli of 4117 Highland Avenue stated they wish to place an addition to their house, which has non-conforming setbacks. They have a 9 foot x29 foot flat roof over the garage and they wish to build over that space. They would also raise the attic wall because of the sloping ceilings. He said that the house has six levels. In the design process, they were unaware of the setback issues. The initial design was 24 feet, but that was modified to meet the Code requirements. Mr. Lolli said they believe that the design they have submitted fits within the character of the neighborhood, and is aesthetically pleasing. He noted that they have four children, and are expecting their fifth.

Mr. Benes asked about the constructed wall. Mr. Lolli said the house was constructed in 1950 and in 1951, they added a garage and kitchenette to the farthest north wall. It was a full 12 inch footing. For this petition, Mr. Lolli said they wish to extend that wall and allows them to build over an existing foundation and wall, and allows the use of the maximum space.

Mr. Benes then spoke about the elevations of the right side, pointing out to Mr. Lolli that it shows a roof height of 1.6 feet higher than the Code, which affects the setbacks. He asked to verify that the rooms on the 2nd floor would have full ceilings. Mr. Lolli said that was correct.

Mr. Baker said he was confused, and asked whether the petitioner was actually adding floor space, or usable floor space. Mr. Lolli said they are adding useable floor space to the attic where the roof is flat over the garage. Mr. Baker then asked about the slope of roof, and Mr. Lolli said that some areas of the addition would have sloped ceilings.

Staff's Report

Mr. Keith Sbiral stated the petitioner is requesting two variations; one on the north side and one on the south side. The house in final form will be 21.5 feet tall to midpoint, which adds 1.5 feet to each side yard. The petitioner is not expanding the footprint, but is placing the addition on the existing footprint. Mr. Sbiral said the variations are 28.5% on the north side of the house, and 19.7% on the south side and noted that the Board is allowed to grant up to a 50%

1 variation. The Department of Public Works reviewed the site and found that there would be no
2 adverse impact to the neighboring property.

3
4 Mr. Sbiral noted the three standard conditions in the recommendation section of the Staff report
5 for the Board's consideration.

6
7 Mr. Lukas asked whether the required resident letters were mailed, and Mr. Sbiral said they
8 were sent to homeowners within 250 feet of the house.

9
10 Mr. Baker asked whether the petitioners have discussed this with their neighbors. Mr. Baker
11 said they did discuss it. He noted that there are many rentals on their street. One neighbor was
12 glad that there was not going to be a teardown. There has been no negative feedback from
13 neighbors, and Chairman Lukas noted that there was no one present in the audience to oppose
14 the petition.

15
16 There being no further discussion, Chairman Lukas closed the opportunity for further public
17 comment.

18
19 **Board's Deliberations:**

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21 Mr. Domijan said it was obvious that the owners had explored several options for the addition.
22 He saw nothing wrong with the request and stated he would be in favor of it.

23
24 There being no contrary opinions, Chairman Lukas called for a Motion.

25
26 **Mr. Benes moved that in case ZBA-04-04, the Zoning Board of Appeals grant the**
27 **petition for the variations as requested in their petition, with the following conditions:**

- 28
29 **1. The petitioner should continue to explore means to reduce or eliminate the**
30 **requested variation.**
31 **2. Any changed conditions from those currently identified by the petitioner as the**
32 **basis for this petition or its potential approval shall require review by the**
33 **Village and may require subsequent review by the Zoning Board of Appeals.**
34 **3. Compliance with all applicable Federal, State, and Village laws, ordinances,**
35 **regulations and policies.**

36
37 **Mr. Baker seconded the Motion.**

38
39 **AYES: Mr. Benes, Mr. Baker, Mr. Domijan, Mr. Sleeter,**
40 **Ch. Lukas**

41
42 **NAYS: None**

43

1 **The Motion passed unanimously.**
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4 **PUBLIC HEARING: ZBA-05-04** A petition seeking a variation to reduce the minimum
5 required front yard for property located at the southeast corner of Rogers Street and Prospect
6 Avenue, commonly known as 715-719 Rogers Street, Downers Grove, IL (PIN 09-08-206-
7 001, -002) 1501 Ogden Associates, LLC, Owner; Scott G. Krafthefer, Petitioner.
8

9 **Petitioner's Presentation:**
10

11 Mr. Scott Krafthefer, 4927 Oakwood Avenue, said he was a member of 1501 Ogden LLC,
12 owners of the subject property. They purchased the property last May, and renovated 5,000
13 square feet of the building over the summer, and they are now in Phase 2 of the renovation.
14

15 Mr. Krafthefer expressed his opinion that the existing portion of the building is a structural
16 nightmare. It is part of a manufacturing building which was built in 1927. He said that he
17 submitted plans for Phase 2 in November. The response they received from the Village was
18 that the setback off of Rogers is reduced by the Zoning Ordinance to 10 feet; however, the
19 setback off of Prospect is the standard 35-foot setback requirement. When designing the
20 renovation, he said that he did not take into consideration that Prospect would require a
21 different setback than Rogers.
22

23 Mr. Krafthefer continued, that in order to get the proposal into the maximum allowable
24 variance, they revised their plans to have a 17.5 foot front yard along Prospect. He said they
25 would tear down the portion of the building that has not yet been renovated, and have two
26 tenants to move into the building when the renovation is completed. Mr. Krafthefer said he is
27 confident they can get the balance of parking, storage, and office space to work, and there will
28 be adequate green space. He added that the north and west elevation will have a brick façade,
29 and he believes the finished product will fit much better into the neighborhood than the existing
30 building.
31

32 Mr. Benes asked which section of the building has a basement under it. Mr. Krafthefer showed
33 the Board members the building area using the site plan shown on the overhead screen. Mr.
34 Benes then asked if the petitioner is required by the Village to complete their side of Prospect
35 Street with curbs and gutters. Mr. Krafthefer said he did not know.
36

37 Mr. Benes then referred to the petitioner's written statement, which indicated that they are
38 seeking to obtain some land from the Burlington Northern Railroad. Mr. Krafthefer said they
39 are negotiating with the railroad at present, and they have received preliminary approval from
40 them to purchase the land. If they were able to purchase the additional land, they would be able
41 to provide an additional 10 parking spaces in that area, which would move some of the
42 Prospect parking to the south side.
43

1 Mr. Baker asked if the house on the easterly lot is being torn down, and Mr. Krafthefer said it is
2 not occupied, and could be made rentable, but they do not feel the cost justifies it. Therefore,
3 they are proposing to demolish it to accommodate this plan.

4 Mr. Lukas asked Staff when they made their presentation to come forward and point out the
5 actual location of the setbacks on the overhead screen.

6
7 **Staff's Presentation:**
8

9 Ms. Amanda Browne used the drawing shown on the overhead screen to illustrate required and
10 proposed setbacks. She then continued that the petitioner is proposing the demolition of a
11 portion of the existing building, the construction of an addition, as well as other site
12 improvements. The proposal requires a front yard reduction on the Prospect Street side to
13 reduce the required setback from 35 feet to 17.5 feet to accommodate the proposed addition,
14 as well as parking areas and required screening of the parking area to the north of the building.
15

16 Ms. Browne stated the existing building was built prior to the adoption of the current form of the
17 Zoning Ordinance in April of 1965. Because of this, the existing setback of approximately 7.7
18 feet as measured from the Prospect Avenue front property line is lawfully nonconforming.
19 However, all new construction or additions are required to be in conformance with the current
20 Zoning Ordinance requirements. Ms. Browne continued that although the building addition is
21 proposed to have a greater setback than the existing building, the proposed 17.5-foot setback
22 nevertheless requires approval of the variation request in order to be constructed.
23

24 Ms. Browne said that although the petitioner is proposing to fully satisfy the required number of
25 off-street parking spaces, the petitioner is proposing that the parking area to the north of the
26 proposed building addition be located within the required front setback along Prospect Avenue
27 as well, with a setback of 22.2 feet as measured from the back of curb to the front property line
28 along Prospect Avenue.
29

30 With respect to the required screening of a parking area adjacent to a residentially zoned
31 property, Ms. Browne said that the petitioner is proposing to utilize a landscaped screen as
32 opposed to a solid fence or wall; however, he is proposing that the screen be located within the
33 required front setback along Prospect Avenue as well.
34

35 Ms. Browne continued regarding Engineering-related issues, indicating that two issues have
36 been identified that are required to be addressed by the petitioner pertaining to permitting plan
37 submittals and outdoor refuse dumpsters. With respect to Stormwater Management, the
38 identified issues will be required to be addressed by the petitioner at the construction permitting
39 stage.
40

41 Ms. Browne concluded by indicating that Planning Staff recommends granting of the variation,
42 and consideration of the six conditions included in Staff's Report to the Zoning Board of
43 Appeals.

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Mr. Benes asked if the petitioner would be allowed to have cars parked along the Prospect side. Ms. Browne was unclear as to Mr. Benes' question. Mr. Benes repeated that on the east side of Prospect Street there is an unimproved street of about 5 or 6 feet that crops onto Prospect Street. He used a site plan to point out the area he is questioning. He said that if the petitioner will be allowed to park in the area, the narrowing area of the road should be improved. He asked why it has not been done.

Ms. Browne said that when the petition was reviewed by Public Works, a traffic study was not required, and no comments were made with respect to the existing road conditions. The Traffic Division found no negative impact on the existing roadway conditions. She said she has no knowledge as to why the partial road has not been improved by the Village, but indicated the petitioner is not required to make any such roadway improvements.

Mr. Benes asked how the Village gets someone to pay attention to the unimproved area of street, saying there are too many streets in the Village that are half completed. His point is how this Board or any Board can bring to the Village the fact that this street has to be improved. Ms. Browne responded that the minutes of this meeting would be forwarded to the Village Council. She further stated that if Mr. Benes is asking her to refer his comments concerning this particular street surface to the Traffic Division Manager, separate and apart from the variation request, she would do that. Mr. Benes said that the unfinished street detracts from the improvements being made by the petitioner to his property.

Mr. Baker asked if Staff assumed that the land would be purchased from the railroad as part of this petition. Ms. Browne said this plan does not include any potential ownership of the railroad land, because the petitioner does not own it and, therefore, cannot include it in a variation petition without written authorization from the current owner. She added that if the additional land does become a viable option to the petitioner, and if the petitioner proposes to amend the configuration of the building, he may be required to come back to the Zoning Board of Appeals if the change is deemed significant enough to warrant reconsideration.

Mr. Krafthefer asked if they did acquire land from the railroad, who would deem any future changes to the plan as being "significant". Ms. Browne said it would be the Director of Planning and Community Development. Minor deviations from a plan approved by the Zoning Board of Appeals can be considered administratively; however, because she cannot anticipate what changes the petitioner might propose in the future, she cannot know whether any such changes would be considered significant enough of a departure to warrant reconsideration by the Zoning Board of Appeals.

Mr. Baker asked if the Board may comment on that, as he feels that it does not make sense to approve this plan knowing there is an intent to purchase the land. This petition may have to come back to the Board in a few months.

1 Ms. Browne responded this petitioner was made aware that the proposal to include additional
2 land could not be considered by the Board at this hearing. She continued any petitioner who
3 comes before the Board is aware that what they are proposing is what is ultimately being
4 considered by this Board, and any future deviations from that plan, if they are deemed
5 significant, must come back to the Board for consideration.

6
7 Ms. Browne continued if the petitioner's request is approved, and then he later proposes to
8 increase the size of the addition, it might be such that the length of the wall that is under
9 consideration for the setback variation is significantly increased from the proposal being
10 presented tonight. Changes in the building addition could also impact other aspects of the
11 proposal such as parking and green space. None of these potential changes can be predicted
12 nor should they be presumed to be non-significant at this point.

13
14 Mr. Domijan said the petition mentions that the whole property is M-1 and is two parcels. He
15 asked if the residence on the easterly parcel was ever zoned residential. Ms. Browne said she
16 did not believe any property on the south side of Rogers has had a residential classification since
17 the adoption of the current form of the Zoning Ordinance in April of 1965.

18
19 Mr. Baker asked if the graveled parking area was grandfathered in because it is not paved as
20 required by current Code, and Ms. Browne said that the site in its current condition with respect
21 to structure setbacks and parking is considered lawfully nonconforming as it was developed
22 prior to the adoption of the current form of the Zoning Ordinance.

23
24 Chairman Pro-Tem Lukas asked if there were any additional questions from the Board. There
25 was none. Chairman Pro-Tem Lukas asked if there were anyone in the audience wishing to
26 address the Board. There being no response from the audience, and there being no further
27 questions from the Board, Chairman Lukas closed the opportunity for further public comment.

28
29 **Board's Deliberations:**

30
31 Mr. Baker said he thought the proposal continues with the improvement of the area. He likes
32 that the petitioner is not taking advantage of parking on the Prospect side. He supports the
33 petition as a major improvement.

34
35 Mr. Domijan said it is an enhancement to the parcel, and it is good to see someone coming in
36 and working within the rules and regulations of the Village to improve the site. He sees nothing
37 wrong with the application.

38
39 Mr. Sleeter said he was also comfortable with the improvement.

40
41 Ch. Lukas said he agreed with the Board members and with the petitioner's plan for that area.
42 He then entertained a Motion.

43

1 **Mr. Domijan moved that in Case ZBA-05-04, the Zoning Board of Appeals grant the**
2 **petition for a variation as submitted, subject to the following conditions:**

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- 5 **1. The petitioner should continue to explore means to reduce or eliminate**
6 **exceptions to the extent practical;**
 - 7 **2. Compliance with the Public Works memorandum, with attachments, dated**
8 **March 5, 2004;**
 - 9 **3. Any outdoor storage or uses that may result in non-availability of parking**
10 **spaces must be coordinated with the Village;**
 - 11 **4. All storage of refuse shall occur in the facility or in appropriate enclosures at all**
12 **times;**
 - 13 **5. Any changed conditions from those currently identified by the petitioner as the**
14 **basis for this petition shall require review by the Village and may require**
15 **subsequent review by the Zoning Board of Appeals;**
 - 16 **6. Compliance with all applicable Federal, State, and Village laws, ordinances,**
17 **regulations and policies.**
- 18

19 **Mr. Sleeter seconded the Motion.**

20
21 **AYES: Mr. Domijan, Mr. Sleeter, Mr. Benes, Mr. Baker,**
22 **Ch. Pro-Tem Lukas**

23
24 **NAYS: None**

25
26 **The Motion passed unanimously.**

27
28 Mr. Baker said he wanted to go on record stating that if the petitioner is able to acquire the
29 property from the railroad, and if any changes to the plans are not significant, that the petitioner
30 not be required to come before the Board to review the proposed changes.

31
32 Chairman White then adjourned the meeting at 9:15 PM.

33
34 Respectfully submitted,

35
36
37 Tonie Harrington
38 Recording Secretary