

VILLAGE OF DOWNERS GROVE
ARCHITECTURAL DESIGN REVIEW BOARD
MEETING, SEPTEMBER 28, 2006, 5:00 P.M.

Chairman Davenport called the September 28, 2006 meeting of the Architectural Design Review Board to order at 5:05 p.m. and asked for a roll call:

PRESENT: Chairman Davenport , Mrs. Acks, Mrs. Dunham, Mr. Matthies, Mr. Pappalardo and Mr. Russ

ABSENT: Mrs. Falco

STAFF

PRESENT: Jeff O'Brien, Senior Planner; Damir Latinovic, Planner and Stan Popovich, Planner

VISITORS: Gordon Goodman, 5834 Middaugh Avenue

APPROVAL OF MINUTES:

The Board noted several changes to page 5 of the draft minutes regarding the discussion about adding members to the Board.

Mr. Russ made a motion to approve the August 24, 2006 minutes as revised. Mrs. Acks seconded the motion. Voice vote noted all ayes.

OLD BUSINESS:

DESIGN GUIDELINES:

Chairman Davenport discussed the draft letter dated September 28, 2006 regarding the recommendations surrounding the Appearance Code, design guidelines and continuance of the ADRB. He read the letter into the record. Chairman Davenport asked the Board for comments on the letter. Specifically, he questioned whether more information should be inserted regarding the Appearance Code's Village staff over-ride provisions.

Mr. Pappalardo indicated the Board may want to add a sentence to the letter recommending that matters be decided in an open forum as opposed to Village staff making decisions.

Mr. Russ stated he thought the letter implied this fact as written.

The Board discussed the language of the letter. They determined additional language should be added to item #4 of the letter regarding the administration of any Appearance Code.

Chairman Davenport noted the additional language to be added to item #4.

Mr. Pappalardo asked if the letter should state the Board is willing to carry on at the Council's direction.

The Board discussed this point and determined an additional sentence should be added to item #4 regarding the Board's willingness to carry the process through at the Village Council's discretion.

MOTION: MRS. DUNHAM MADE A MOTION TO ADOPT THE DRAFT LETTER AS THE ADRB'S FINDINGS AND RECOMMENDATIONS AND SEND THE LETTER TO THE VILLAGE COUNCIL. MR. PAPPALARDO SECONDED THE MOTION.

VOICE VOTE NOTED ALL IN FAVOR.

Chairman Davenport thanked staff for summary memo included with the Board's materials. He asked if the memo would be sent to the Council for review.

Mr. O'Brien indicated that all of the material, minutes and recommendations would be forwarded to the Village Council.

Mrs. Dunham noted the memo reiterates the Board's willingness to continue.

Mr. Pappalardo asked when the Board's work would be forwarded to the Village Council.

Mr. O'Brien indicated it would be in late October/early November.

Chairman Davenport asked Mr. O'Brien what questions he anticipated from the Council.

Mr. O'Brien stated he thought the Council would have some more in depth questions regarding the timing of adoption of any new regulations and the Board's findings.

There was a discussion about the Board's responsibilities in the meantime. Staff explained there was only one more scheduled meeting that could be canceled. The Board discussed what it could do to prepare for a presentation in front of the Village Council.

Chairman Davenport asked for comments from the public.

Mr. Gordon Goodman, 5834 Middaugh Avenue, noted he thought the Board had a sense of urgency regarding its recommendations. He stated the letters to the Council do not mention this sense of urgency. He thought statements should be added to accurately reflect the Board's feelings on this matter.

Mr. Goodman went on to stated the ADRB should carry on with its current membership. He noted the Board should indicate its willingness to hold public hearings and make formal recommendations to the Council regarding specific ordinances and design guidelines. He thought this should also be added to the letters.

Chairman Davenport asked if the Board would get a chance to speak with the Council regarding its recommendations.

Mr. O'Brien stated he thought staff would recommend the ADRB make a presentation to the Council regarding their work.

Chairman Davenport went on to state staff's memo was very fact-based. He stated the memo should also contain some more information regarding the Board's findings and reasons for its recommendations.

Mr. Pappalardo noted the Council would be getting all of the materials which contained all of the Board's reasoning.

Mr. O'Brien noted the memo would most likely be a starting point for as a cover sheet, "green sheets", for all of the materials being presented to the Council.

Mrs. Acks stated the Board could explain these reasons when it makes its presentation to the Village Council.

Chairman Davenport stated the memo to the Council should highlight some of the whys. He noted the minutes and fact the Board is done with its work one month early indicate the Board's sense of urgency surrounding these issues.

Mr. Matthies asked if the Board thought it would be necessary to meet in October to discuss its presentation to the Council.

Chairman Davenport said he did not know if that was necessary as the Council gets all of the materials and the Board can use staff's memo as an outline for its presentation.

Mr. O'Brien stated he would anticipate the Board making some of the presentation. He noted the Board should present the questions it was asked, its findings and other opinions the Board has expressed throughout the process.

Mr. Pappalardo stated the entire Board should be present for the Council meeting.

Chairman Davenport agreed and stated he did not necessarily want to make the entire presentation since the Board worked so well together. He stated he thought that was indication of how important these issues were to the Village.

Mrs. Acks stated the Board should present what Board was asked to do by the Council during its presentation in addition to its findings so the public has an idea of the work that has been done.

Mr. Goodman stated the green sheets were important to the Council's understanding of items being presented to it. He stated his earlier points should be included in the green sheet. He noted he thought the Board was setting itself up for a successful presentation.

Chairman Davenport asked how critical the green sheets were to staff's presentation of issues to the Council.

Mr. O'Brien indicated they were as the provided a summary of all of the materials presented to the Council on a particular subject.

Chairman Davenport indicated the points discussed earlier should be added to the green sheet. He noted the highlights of the Board's findings and discussions should be included in the memo.

Mr. Pappalardo asked if the Board could see the green sheet before it went to Council.

APPROVED 01/18/07

Chairman Davenport indicated that document was prepared by staff. He asked Mr. O'Brien as to the possibility of viewing the green sheet to ensure staff and the Board were on the same page.

Mr. O'Brien stated it might be a good idea in this case given the implications of these particular policy decisions, but would have to confirm this request with the Manager's Office.

Chairman Davenport said he thought staff could email the document prior to the Council presentation. Chairman Davenport went on to express his thanks to the Board members and staff for their hard work on these issues.

MR. PAPPALARDO MOVED TO ADJOURN THE MEETING. MRS. DUNHAM SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 6:00 P.M.

/s/ Jeff O'Brien
Jeff O'Brien, AICP
Senior Planner

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
January 10, 2007**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:32 p.m. Trustees present: DiCola, Greene, Read, Vlcek, Daniels. Trustees absent: Humphreys. Also present: Director Bowen, Assistant Director Carlson. Visitors: Reporter Sandy Zeles.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of December 20, 2006. It was moved by Vlcek and seconded by DiCola **THAT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2006 BE APPROVED AS AMENDED.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstain: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Read and seconded by Vlcek **TO APPROVE PAYMENT OF OPERATING INVOICES FOR DECEMBER 31, 2006 TOTALING \$63,001.85 and for JANUARY 10, 2007 TOTALING \$10,282.53, AND ACKNOWLEDGE PAYROLLS FOR DECEMBER TOTALING \$146,247.60.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstain: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Review and approval of the revised policy on Interlibrary Loan (ILL) service

The Board reviewed the revised policy on Interlibrary Loan which is the service that provides Downers Grove patrons with materials from other libraries. Most of Downers Grove's interlibrary loan activity is with libraries that are not part of the SWAN consortium, since patrons can place holds on items owned by other SWAN libraries themselves. The exception to this is in the case of a Downers Grove group, such as a local book discussion club, that needs to obtain multiple copies of the same title at the same time.

Although it has been a long time since the Interlibrary Loan policy was reviewed, it has held up very well. Staff did not suggest any significant changes in the policy. The revisions included updating references to the Suburban Library System, now the Metropolitan Library System, and

a few additional changes to update or clarify the policy. Per the Board's request, Interlibrary Loan will be spelled out rather than using the abbreviation ILL for the standards listed at the end of the policy unless they are titles that use the abbreviation.

It was moved by DiCola and seconded by Greene **THAT THE REVISED INTERLIBRARY LOAN SERVICE POLICY BE APPROVED AS AMENDED.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstain: none. Nays: none. Motion carried.

- Review and approval of the revised policy on Public Comment at Regular Meetings of the Library Board of Trustees

The policy on Public Comment at Library Board Meetings was last reviewed in 1997. If the Board found the current manner in which public comment is handled satisfactory to them, the only change proposed was adding "Downers Grove" in one place to make it clear that the policy is referring to residents of this community.

One change that the Board was asked to consider was with the current practice of requiring individuals who want to comment on something other than the current agenda to wait until the end of the meeting.

The library's current policy was originally modeled on the Village Council and it reflects the current practice of most local boards – an opportunity to comment on agenda items near the beginning of the meeting, and an opportunity to make general comments at the end of the meeting. However, the Village Council now follows a different procedure.

Village Council agendas currently have two opportunities for public comment at the beginning of the meeting. The first opportunity is for those who wish to comment on active agenda items. This is followed immediately by an opportunity for residents to comment on general matters. This seems to be a friendlier approach, giving individuals who simply want to make a statement about something and then leave the meeting, the opportunity to do so, rather than forcing them to sit through the entire meeting in order to make a comment. From the Board's perspective it might make the rest of the meeting more comfortable. If all public comments are made at the beginning of the meeting, the Board will not have a nervous person in the audience fidgeting and looking agitated all through the meeting, while the Board is trying to carry out its regular business.

In the library's own practice, the presiding officer has made an exception to the rules on occasion in order to allow someone to make a comment at the beginning of the meeting and then be on his or her way. The intent of placing general comments at the end of the meeting is to prevent the regular work of the Board from being disrupted by public comments that are not related to the meeting's agenda. In fact, public comments should generally not take up much time. If the subject of a visitor's comment is not on the posted agenda, the Board should not spend any time discussing the matter, beyond possibly directing that it be placed on a future agenda for discussion. This means that as long as the three minute time limit is in force, comments, even from several people, should not take up much time or be too disruptive. A problem might arise in the event of some issue on which many people want to comment. In that case, it would likely be more appropriate to schedule a hearing on the particular issue, and direct visitors to hold their comments until that time. In any case, the presiding officer has the right to determine the total time that will be devoted to public comment at any meeting.

The Board discussed the options and decided they preferred the current practice which does allow the presiding officer to make an exception to the rules on occasion, in order to allow someone to make a comment at the beginning of a meeting and then be on his or her way.

It was moved by DiCola and seconded by Read **THAT THE REVISED POLICY ON PUBLIC COMMENT AT REGULAR MEETINGS OF THE LIBRARY BOARD OF TRUSTEES BE APPROVED AS PROPOSED.** Ayes: DiCola, Greene, Read, Vlcek, Daniels. Abstain: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

In the monthly department reports that were in the packet for the last Board meeting, both Children's Services and Literature mentioned that they were investigating the new Playaway recorded books. Since the library is getting ready to begin circulating several of these in the children's collection, the Board was shown a sample of the new device which is about the size of an MP3 player and which is pre-loaded with an recorded book. It works just like an iPod or other MP3 player with a headphone jack that the user can plug in headphones, or use a dubbing cord to connect the player to external speakers or a car audio system. The library is not providing headphones, but will sell earbuds at cost (\$1) if a patron doesn't have his or her own headphones. In addition to the volume and forward-backward controls, Playaways have a bookmark that lets the user indicate where he or she stopped reading and start at that same spot again, something that a regular MP3 player doesn't allow. There are also three levels of voice speed, so the user can adjust the speed of the reader.

Downers Grove resident David W. Alm died in September 2006. He was a regular Friday evening library patron, and his family requested that memorial donations be made to the library's memorial book program. The library received donations totaling \$3,690 to the memorial fund. His widow provided a list of subjects for the memorials, and the library was able to add well over 120 books and 25 DVDs and CDs to the collection as memorials. The library receives a lot of memorial book donations, but rarely donations of this amount for one person.

At the last Board meeting Bowen talked about programming to encourage teens to use the library more, and the current Board packet contained a copy of a recent article from the *New York Times* about a public library in Maplewood, New Jersey that has been overrun by rowdy teenagers to such a degree that they have decided to close the library for two hours after school lets out every afternoon. This is one of those reminders that things can always be worse.

In Monday's mail Bowen received the official request from the DuPage County Clerk to provide a list of all library officials and employees who are required to submit an annual Statement of Economic Interest which includes all Trustees and library directors. The Board Secretary, Trustee DiCola certified the list provided by Bowen. The Statements of Economic Interest will be mailed directly to Trustees' and directors' home addresses prior to March 10, 2007. The completed form must be returned to the County Clerk by May 1, 2007.

The next Library Board meeting will be January 24, 2007. The agenda will be brief because a meeting of the Library Foundation Board of Directors is scheduled to follow the Library Board meeting.

Copies of the November monthly statistics were distributed to the Trustees, and it was noted that the number of visitors to the library as well as computer usage continue to rise, and that both circulation and reference statistics are increasing again after a slight fall in those numbers this past year.

The new shelving for both the Children's and Literature/AV Departments arrived at the end of December. Staff have received some positive comments about the new arrangement of the Children's Dept. in which computers were moved to a location near the Service Desk so staff can more easily oversee and assist children at the computers, and the children's magazines were moved to the comfortable seating area near the Solar System mural at the back of the department. New shelving for fiction and AV materials, and moving the textbook and encyclopedia shelving has provided more study table space in the department.

The new shelving in the Literature/AV Department is allowing for expansion of CDs, mysteries, science fiction, and teen materials which had become over-crowded.

TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS

Trustee Vlcek recognized the recent passing of Gerry Smith, publisher of Liberty Suburban Chicago Newspapers/The Downers Grove Reporter and a supporter of libraries.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

TRANSPORTATION ADVISORY COMMISSION

Minutes of Public Hearing
November 16, 2006

Downers Grove Public Works Building
5101 Walnut Avenue, Downers Grove

I. OPENING OF MEETING

Chairman Kollmar called the Transportation Advisory Commission meeting to order at 6:30 p.m. Roll call followed:

Present: Chairman Lawrence Gress
Mr. Richard Mueller
Mr. Robert Nastal
Mr. Geoffrey Neustadt
Mr. Anthony Schiller
Parking & Traffic Commissioner Mark Yeksigian (ex-officio)
Downtown Management Repr. Linda Kunze (for ex-officio)

Absent: Chairman Kollmar
Mr. John Loper

Staff present: Mr. David Barber, P.E., Dir. of Public Works
Ms. Kirsten Coulman, Recording Secretary

Others Present: William Waldack, 1409 Willard, Downers Grove
Mercedes Villanueva, 420 74th Street, Suite 202, Downers Grove
Mark Thoman, 1109 61st Street, Downers Grove

The chairman noted the meeting was being recorded on village-owned equipment for the purpose of transcribing the minutes.

II. APPROVAL OF MINUTES

October 19, 2006 Minutes - Changes were noted on page 1: Under "Present", revise "Robert Schiller" to "Anthony Schiller"; under "Others Present", revise "Frank Cody" to "Frank Kote"; and on page 5, second line down, add after "meet 35%" the words "of total expenses for running the buses." **Minutes, with revisions, were approved on motion by Mr. Schiller, seconded by Mr. Neustadt. Roll call:**

Aye: Chairman Gress, Mr. Mueller, Mr. Nastal, Mr. Neustadt, Mr. Schiller

Nay: None

Motion passed. Vote: 5-0.

III. PUBLIC COMMENT - None

IV. UPDATE - VILLAGE COUNCIL ACTIONS RELATIVE TO THE GROVE SHUTTLE

Mr. Barber reported that the village council did approve a budget transfer which will be voted upon next week to allocate money into the Transportation Fund from the General Fund. Council also approved the submittal of the agreement with PACE for the buses. The

agreement was forwarded to Mr. Ross at PACE. A follow-up will be forthcoming. Council is also considering the idea of a one cent gasoline tax to be added, generating approximately \$193,000.00 which could be used to offset some of the costs in the Transportation Fund. Mr. Barber believed that matter will be discussed some time after the new year.

Asked whether there was a fear of the gasoline tax not passing at council level and having to pull the PACE grant, Mr. Barber could not answer the question. However, when he hears more from PACE on the status, he will report back.

Chairman Gress brought up the fact that there was an issue about a warranty on the buses for the first three years, wherein Barber confirmed that there was an agreement wherein the village had to follow the PACE standards for maintenance and PACE could come in for periodic checkups. Barber favored keeping a regular maintenance schedule and discussed some of the troubled areas that the current buses ran into when not maintained.

V. MONTHLY REPORT FOR OCTOBER 2006

- a. Ridership Update - Mr. Barber reported the figures were holding for the past year and were within the figures from last year.
- b. Parking Deck Daily Use - The parking deck use is high. Employee parking in the deck is at 81%. The shopper parking continues to be low but will be needed coming into the holiday season.
- c. Marketing and Advertising Activities - No new updates.
- d. Pace Grant Application - See discussion under Agenda Item No. IV.
- e. DMMC Circulator Study - A meeting is set for November 28, 2006 and Barber hopes to discuss the top three or four services that will be recommended. As discussed at the council level, Mr. Barber believes that if it means more money for the village, it will be a tough sell to promote more money for another bus system. Funding options will be reviewed and a report will be forthcoming. Mr. Barber feels the village will be selected but whether funding for the service exists, is another question. He discussed some of the difficulties other communities will experience, such as those who do not have a bus service.

Chairman Gress briefly talked about the RTA's strategic plan and its public relations campaign of looking to reduce congestion and improving bus service in the region as a whole and to make the transportation system larger, better, and more modern. He discussed the need for funding.

Mr. Waldack interjected and explained that the \$380,000 which was approved was to remove the deficit. The one cent gasoline tax proposal was to be directed towards the operating expenses. Mr. Barber reminded the commissioners that when PACE did not receive the 35% fare box ratio, routes were cut.

- f. RTA Cook-DuPage Corridor Study - The study is still moving forward and Barber was working on the municipal planning standards which focus on what the village views as being important when looking at alternatives. He discussed the various committees that will be meeting on the matter. He will keep the commission updated.

VI. DISCUSSION - PARKING RATES FOR COMMUTER PARKING

Mr. Barber indicated he did raise discussion about parking rates at the council meeting. He had no formal recommendation at this time. In reviewing the rates in general, he summarized that the village does have good rates and they were comparable with Lisle, Naperville, and Aurora but were behind when considering the five private lots located at Belmont. Other rates near other railroad lines, such as Northwestern and the Union Pacific lines, the village was slightly behind. He emphasized there was a demand for parking.

Mr. Barber further pointed out that the village had three different rates for commuter parking and the fact that the village could probably convert all of the parking spaces in the parking deck to daily fee, making more money and not dealing with permit issuance at all. Mr. Barber discussed the various changes to be expected when parking near the Belmont construction project. Much of the local parking will be removed to different locations. Plans will be forthcoming. Once the project is completed, he stated that approximately 292 parking spaces will be available on two parking lots and the commission will have to discuss the removal of the parking meters.

Mr. Barber was seeking some direction on how the commission wanted to move forward but stated that he was not under the impression that council wanted to approve a rate increase during the first quarter of the new year but, instead, later in the year, possibly in 2008. As to the lot located on the north side of the tracks, Mr. Barber said he was speaking with Metra about the village taking over the lot in the interim. Chairman Gress pointed out that if the village took it over, it could also take over and maintain the current \$130 monthly rate immediately. Unfortunately, Mr. Barber indicated it would probably be reduced to the village rate of \$80.00.

Asked if there were any discussions with Metra about parking rate restrictions, Mr. Barber explained that in the discussions with Metra, Metra has focused on the daily rate. He believes that the village will need permission from Metra if it wants to change the parking rates on their property. From his discussions with Metra, he does not recall speaking about increasing permit rates up to daily rates nor talking about increasing daily rates. However, the village has wanted a separation from resident and non-resident while in the Metra agreements, Metra does not want the separation, which is why they use the daily fee because it is not controlled by resident/non-resident.

Dialog was raised about managing the various lots and whether it would be easier if there was one permit class for Belmont and Main Street, wherein Barber mentioned there may be. He proceeded to discuss the benefits of merging Lots G and H into one parking permit and manage it as a one lot permit. The parking in downtown, however, was different and he believed the village would still have to manage those lots separately.

Asked if there was better parking for the employees, Ms. Kunze mentioned that some of the employees have complained that there is no parking other than the four-hour. Her office has sent out a letter to every downtown business owner asking them to give to each of their employees notification of where they can park. Ms. Kunze stated Saturdays were still very difficult due to the postal workers and the beauty salons. She was working with Mr. Barber to address the matter with the village council and the police department regarding enforcement.

As a suggestion, Mr. Neustadt favored combining lots G and H but also recommended adding a dollar figure close to \$30.00 per quarter for Rate Class I and II and Rate Class V as a first

proposal to the village council. Mr. Barber believed it would be beneficial for the commissioners to formulate a good plan before forwarding it to the village council. Mr. Neustadt favored a periodic adjustment toward the \$2.00 per day parking fee.

The percentages of resident and non-resident rates followed with Mr. Barber noting that 99% of residents parked downtown. Per the chairman's question, Mr. Barber stated he did have percentage figures for the parking system and was willing to pull that information out again for Chairman Gress. A general discussion followed on why commuters use Downers Grove, i.e., more express trains and the parking rates are inexpensive. Mr. Barber proceeded to review the resident and non-resident figures for various lots from his packet of information, pointing out that 434 vehicles were non-residents out of the approximately 1100 vehicles. Chairman Gress felt there was room to increase the rates.

Mr. Barber believed the proposal had to be more than just a recommendation to make more revenue. He discussed how commuters will adjust their times in order to get parking spaces closer to the train, which he believes will eventually occur in the village. Per Ms. Kunze's question, Mr. Barber explained that any money raised by a parking rate increase would go into the Parking Fund and any excess could be discussed and moved to another fund by the village council, if they chose so. Mr. Neustadt was of the belief that if the parking rates were increased it would not be used toward the buses since the one cent gasoline tax was being considered for same. As to using the money to fund capital projects, Mr. Barber explained how Metra was assisting with some of the capital projects already.

Asked whether the new village hall would include a nearby parking deck, Mr. Barber explained that a space needs study was being conducted but a number of options did exist for the site.

Mr. Mark Thoman, 1109 61st Street, asked for a total number of parking spaces in the downtown garage for commuters, wherein Mr. Barber stated there were 350 daily fee and 100 permits. Barber explained the waiting list for downtown parking was approximately one and a half years and many of those waiting on the list were waiting for surface parking closer to the station. Of the 250 commuters waiting on the list who did not have permits, Mr. Barber estimated about 200 were residents. The Belmont waiting list was longer and included non-residents waiting.

Mr. Thoman inquired about the relocation of the parking lots when the Belmont reconstruction begins. He was under the impression that more parking was available at the parking garage.

Mr. Barber explained the lots near Belmont will be relocated. However, he explained the parking garage did not have many available spaces as it would appear. As to how many more cars could be added to the downtown area, Mr. Barber explained that many cars could be added but it was the trains that were causing the issue to get through town. He believed cars exiting of one time caused the most concern. If a second deck was built near the first deck, he felt the same issue would exist. If a second deck was built north of the tracks, then no issue would exist. If a deck was constructed near the new village hall, Dir. Barber explained the streets would have to be reconfigured better. A general dialog followed on different ideas for parking and traffic in the downtown area.

Mr. William Waldack, 1409 Willard, also supported holding off raising the rates during the first quarter. Personally, he believed there was no desire to raise the parking rates before the April election. He was the only one who suggested raising the parking rates to offset the deficit to fund the buses. He found that gradual increases work better and tying it to a resurfacing

project was a better idea. Comparing rates to the northern suburbs would be a positive. Under Metra's agreement, Mr. Waldack indicated that the village can raise rates on the Metra spaces if the village asks Metra. Metra has 60 days in which to respond to the village's request.

A general dialog followed as to why the village council compares its rates to other towns and the fact that the village has significant demand, a large waiting list, and why wouldn't the village want to raise the parking rates. Mr. Waldack personally agreed. He also, personally, preferred to see the Parking Fund and the Transportation Fund combined. From his observation, other council members also agreed. Discussion followed that the village was not capitalizing on the demand. At some point, Chairman Gress said enough money will have to be planned for the maintenance and funding of the new PACE buses as well as when the Fairview bond retires so that future buses can be purchased once the life cycle of the PACE buses run out.

Mr. Waldack added that if the circulator system is approved, any extra funding could be used from the parking rates. A brief dialog followed that grants for operations never really exist.

Mr. Barber closed and recommended that the commissioners review the information and let him know how they want to move forward.

COMMISSIONER NEUSTADT MADE A MOTION TO NOT HOLD A DECEMBER MEETING; THAT STAFF PROVIDE AN UPDATE INSTEAD; AND THAT THE NEXT MEETING BE HELD IN JANUARY 2007. SECONDED BY COMMISSIONER SCHILLER.

MOTION CARRIED BY VOICE VOTE OF 5-0.

VII. OLD BUSINESS - None

VIII. NEW BUSINESS

Chairman Gress raised discussion about parking spaces near the Kiss and Ride at the Main Street train station which limit the flow of traffic to one lane. From Main Street all the way back to Washington, the traffic does not move. Barber would review and install some No Parking signs in the location. Chairman Gress also recommended reviewing the timing of the lights at Main and Burlington and reviewing the right turn lane as well as the light at Curtis and Main. Mr. Barber would have Traffic Manager Dorin Fera review them and place the matter on the Parking and Traffic Commission's agenda.

IX. ADJOURNMENT

COMMISSIONER NEUSTADT MADE A MOTION TO ADJOURN THE MEETING AT 7:53 P.M. COMMISSIONER SCHILLER SECONDED THE MOTION.

MOTION CARRIED BY VOICE VOTE OF 5-0.

Respectfully submitted,
(as transcribed by tape)

/s/ Celeste K. Weilandt
Celeste K. Weilandt, Recording Secretary

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
NOVEMBER 29, 2006

Call to Order

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

Roll call

Present: Mr. Baker, Mr. Benes, Mr. Lukas, Ms. Majauskas,
Mr. Weltler, Ch. White

Absent: Mr. Domijan

A quorum was established.

Minutes

Mr. Benes moved, seconded by Mr. Baker, to approve the minutes of the October 25, 2006 meeting as presented.

AYES:Mr. Benes, Mr. Baker, Mr. Weltler, Ch. White

NAYS: None

ABSTAIN: Mr. Lukas, Ms. Majauskas

The Motion carried 4:0:2.

Meeting Procedures

Chairman White reviewed the four Agenda items, explaining that anyone who wished to speak at the meeting must be sworn in. He said the Board has the authority to either grant or deny variation petitions, and the Board’s decision is final. He then explained the procedures to be followed during the meeting and called upon anyone intending to speak to rise and be sworn in.

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File No. ZBA-19-06 A petition seeking a side yard setback variation for a sunroom for property located on the west side of Stonewall Avenue, approximately 220 feet south of Chicago Avenue, commonly known as 4716 Stonewall Avenue, Downers Grove, IL (PIN 09-07-100-013); James F. Russ, Jr., Petitioner; John & Nancy Clark, Owners.

Mr. James Russ, 4915 Main Street, said he was representing John & Nancy Clark, owners of the property in question. The property is zoned Village R-3 and is surrounded on all sides by R-3 zoning. The petitioner seeks a variation of the side yard setback to 7 feet 2 inches instead of the

required 8 foot setback. Mr. Russ explained the change in setback requirements made in September of 2006. The property is 80 feet wide, and according to the new requirements the Clarks must provide an 8 foot setback. When the house was built, the setback requirement was 5 feet, although the owners set the home back 7 feet 2 inches. Mr. Russ explained the Clarks wanted to construct a sunroom in their covered porch area on the north side of the property line. He explained the home was built on the foundation with a covered porch.

Architecturally, their plan for the sun room makes the most sense. The final building plans were not completed until after September 1st of this year, and now the Clarks have to request the variation. The Board has the authority to grant the variation if it finds it is in the spirit of the Ordinance. Mr. Russ said the owners have practical considerations and hardships to take into account. He explained the changes in the Ordinance have made many of the properties in the neighborhood nonconforming. He reviewed the conditions for granting the requested variation, noting the properties in the area are primarily under the 5 foot setback requirement.

Mr. Russ said the petitioners planned and designed their original home with the intention of adding on to the home at some point. They took steps to provide for additional setback; however, due to the change in the Ordinance they are in a situation where they cannot consider the addition they initially took into account in designing their home. He said the petitioners were conscientious in designing their home to meet the requirements in effect at the time and provide for the possibility of expanding their home. If the property was a 60 foot wide lot, they would not have to seek the variation, but because they have a larger lot, they are being penalized. This problem is the result of the Ordinance requirement changes, not because of action on the part of the petitioners. The addition will have no negative impact on the surrounding neighborhood and will be consistent with the area. The variation requested is a 10.4% reduction request which is within the purview of the Board to approve.

Mr. Russ noted the petitioners have not overbuilt the property but instead made an attempt to provide for the proposed addition when their home was built, unaware that they would encounter a problem because of an Ordinance change. The neighbors have all been contacted and to his knowledge there were no negative responses.

Ms. Majauskas asked the reason why the house was not centered on the property, and Mr. Russ responded the driveway is on the south side of the property, and there is a turn to get into the drive.

Mr. Benes said it seems as though the whole crux of the variation as presented by Mr. Russ is based upon the change in the setback Code. If this goes through, it means any person who has built on a substandard lot can come to the Board and receive a variation because the setbacks have been changed. He asked why they show two architectural drawings deliberately made to make one look more spacious than the other. He asked why Mr. Russ does not make a presentation due to architectural issues instead of the zoning change or setbacks. He said the setbacks are a dead issue, and yet everyone who wants a 5 foot setback can come in and request the variation. He said he objects to that. Mr. Russ began responding that the problem created by the change, but Mr. Benes interjected that it is not about a problem created by the change. He said Mr. Russ has been in the Village as long as Mr. Benes has, and Mr. Russ knows the two-

year stint that the Village has gone through and is aware of the setback changes. Mr. Benes said Mr. Russ cannot use the setback change as the reason for needing the variation.

Mr. Russ said since the change occurred, it has created an entire Village filled with nonconforming properties. Every home built with a 5 foot setback is now a nonconforming property, so that anyone wanting to add to their home and add value to their home cannot do so because of the nonconformity caused by action of the Village Council. The Village has basically changed the rules. Mr. Benes said that is not a reason why they should grant the variation. There should be a reason other than the change in the Code. He said if you go back to 1926 there were no setback requirements, and buildings were placed on the lot line. He asked whether those people would be allowed to build to the lot line because the Code did not exist.

Mr. Russ said the difference in asking for a variation on this piece of property versus a garage variation on a lot where the original home was built two feet off the property line is that this home was built within the standards and exceeded the requirements. Mr. Benes said he thinks they have a good reason for a variation, but not based on the Code change. Mr. Russ said the fact of the matter is whether there is an Ordinance change or not, they want to improve the floor plan flow and add space. They could build the room within the setback possibly; however, it would not make sense from an architectural standpoint.

Chairman White asked whether they would have to build an additional foundation to support the room, and Mr. Russ said they would. The original foundation does not exist for the 6 foot 10 inch portion of the property. He said they built the foundation with the idea of adding on at some point. He showed on the plans how the property is laid out. There is an existing foundation they could use if they did not add the 6 foot 10 inches to the porch. The variation is to meet the 6 foot 10 inch addition to allow for a larger sunroom than originally anticipated when the home was built.

Mr. Baker asked if there was a basement under the addition, and Mr. Russ said there would be no basement under the addition. Mr. Baker asked how many lots on the block were 60 feet wide versus 80 feet, and Mr. Russ said he believed the majority of lots were 60 feet wide. Mrs. Clark gave a list of the surrounding properties and their width. She stressed they would not have asked for the variance had they not wanted to maintain the historical integrity of the house as intended.

Mr. Baker said obviously timing plays a part here in terms of not having the plans completed in August instead of after the zoning change in September. Mr. Russ agreed, saying the change in the Ordinance has created the need for the variance request.

Staff's Presentation

Mr. Stan Popovich, Village Planner, described the subject property as it relates to the surrounding properties. The required setback for the subject property is 8 feet and varies on the properties dependent upon the width. Mr. Popovich said staff found no physical hardship because of the property width. He said the alternate floor plan can provide adequate space for the addition. Mr. Popovich reviewed the standards for granting a variation as stated in the Staff Report dated November 29, 2006, saying staff recommends denial of the request because no

practical difficulty or hardship exists, and the standards for granting a variance have not been met.

Mr. Baker asked about pouring of the additional foundation portion and whether the foundation beneath the covered porch would have to be re-poured. Mr. Popovich said there would be no changes to the existing sunroom foundation. Mr. Baker asked if the Board is looking only at the 6 foot 10 inch variance, and Mr. Popovich said that was correct.

Mr. White noted staff had been taking a much tougher stance on many recent variations.

Mr. Jeff O'Brien commented on staff's rationale for their recommendation to deny the request. He said when the Zoning Ordinance was amended, staff and the Village Council discussed the nonconformity issues with many existing structures in the Village as many were built with the standards previously set forth. The reason for increasing the setback ratios was to allow for additional drainage on properties. He noted a new provision was added to the Zoning Ordinance to allow owners of non-conforming structures to add upward, rather than extending on the ground and adding potential drainage problems.

Mr. O'Brien said he agreed that the overall percentage of the variation was small and might have no impact on stormwater issues. Variations are not being judged on percentages, but rather on whether they meet the standards and whether physical hardships exist. In this case, the physical hardship would be an undesirable floor plan, rather than physical hardship of the land.

Chairman White said that is a perspective he is familiar with in numerous communities. He said it is inconsistent with the decisions that had been made by the Zoning Board in the past. He said if staff's recommendation is followed, he would see it as a change in the policy of the Board.

Mr. O'Brien said at this point in time, the staff feels they need to give the changes some time to settle into place, and staff is being more strict in its approach to zoning variation requests. The Board still has the latitude to make its own decision on this issue, and the staff is merely making a recommendation based on the direction from the Village Council.

Mr. Lukas said he does not understand why staff has to make a recommendation rather than just presenting the facts of the situation to the Board. He does not understand why they have to come to a conclusion, as he does not look to the staff for the recommendation but for the facts. Mr. O'Brien said staff is expected to provide a professional opinion to the Village's boards and commissions by the Village Council and Village Manager.

Ms. Majauskas commented the issue she is struggling with is when the house was built; the petitioners came in and followed the rules. For whatever reason, they did not build the addition right away, but they did play by the rules, and now the rules have changed, and the petitioner has to consider taking an undesirable floor plan. She said because of the change in rules she can see some ugly additions being built. She has a problem with existing homes particularly if the homeowners followed the rules from the beginning. Mr. O'Brien said there are standards established from the change in the rules, and staff is charged with making a recommendation based on if the standards are or are not met.

Chairman White said the Village staff has rules to follow and is charged with direction from the Council. He said the question is when it is the decision the decision of the Board and not of staff. Mr. O'Brien said staff tries to present the facts and make recommendations based on those facts. They provide the petitioner's materials to the Board and generally like to be on the same page; however, that is not always possible. In this case, the new regulations have to be considered.

Mr. Benes said they are looking at this one case. There are nine points to be met to grant this variation, and some of those points have not been met.

Mr. Baker said one of the issues is the physical hardship which seems to be a recurring theme throughout the nine points. Mr. Popovich said that is what Staff's recommendation is based upon—the fact that there seems to be no physical hardship when related to the nine points for granting a variation.

Chairman White asked if it is staff's view that physical hardships should be evaluated with the same standards in every zoning variation petition regardless of which section from which they seek the variation, and Mr. Popovich said that was correct. Chairman White then asked for clarity if that means the same standards should be applied to an addition, a shed or a garage, and unless there is real hardship, it should be denied, and Mr. O'Brien said that is the black and white standard. He said most of variations he has processed have been approved, but he has probably recommended denial more frequently than approval. He pointed out he does not make the decision for denial or approval. The Board makes that decision. Each case is viewed in terms of its unique circumstance.

Chairman White reiterated staff's job is to present the Village staff's position on a case to the Board. It is then up to the Board to interpret the unique situation of the case.

There being no further questions from the Board or comments from the public, Chairman White asked Mr. Russ if he had any further statement.

Mr. Russ said he and Mr. O'Brien went through the same debate as the Board has had this evening. He's been around the Village for a long time and has worked with numerous staff members. He commended the staff for their professionalism and for being able to step into a situation as the new guys in a town with a lot of history.

Chairman White closed the opportunity for further public comment.

Board's Deliberations

Mr. Baker said he thinks the Board needs to look at this in terms of the actual request, but also in terms of the timing.

Chairman White said nothing decided in one case is binding for another case. He raised the question of the size of the variation and whether a variation of a lesser amount would be viewed less strictly than one with a larger amount.

Mr. Benes said he viewed the house earlier in the day. The petitioner is asking for a variation so they can make a change to their home. He sees it as a good change.

Mr. Baker said his brother wanted to build an addition to his home and elected not to request a variance and moved the addition back. You can tell that it is an addition because it is so obvious. It is not aesthetically appealing. He thinks if the subject petition is denied, down the road the homeowners will experience a real hardship because of the change of the rules of the Ordinance. That will probably also affect the value. By building it as a conforming addition, it would be worth more money.

Chairman White said making a decision that will meet the best interests of the community falls somewhere between a judicial party and a legislative action. He thinks if a certain decision will enhance the value of the community, he believes the Board should take that into account whether the petitioner brings it up or not, because the Board's duty is to serve the best interests of the community as a whole.

Mr. Baker said he does not see any harm in granting the variance.

MOTION:

Mr. Lukas moved that the Zoning Board of Appeals grant the variance in case ZBA 19-06 with the following conditions:

1. **The petitioner shall obtain a building permit for the proposed addition.**
2. **The proposed addition shall substantially conform to the site plan attached to this report dated November 29, 2006, except as such plans may be changed to conform to Village codes, ordinances, and policies.**

Mr. Baker seconded the Motion.

Mr. Baker said in the past when a variation was granted there was a clause related to circumstances if the house should burn down which would then eliminate the variation. There was discussion about that clause, and Mr. O'Brien responded that was done in a case earlier in the year where they were talking about a significant addition to a house. The Motion and approval focused on that building only, and if they had to take the building down they would have to start from scratch. Mr. Baker said he was merely asking a question and not suggesting anything regarding the subject property.

Chairman White called for a vote on the Motion.

Roll call vote noted all in favor. The Motion carried.

Chairman White clarified for the record because the Board does not agree with Staff from time to time that does not change their job.

FILE NO. ZBA-20-06 A petition seeking a rear yard setback variation for a sunroom for property located on the south side of the Powell Place cul de sac, approximately 140 feet

south of Hawkins Avenue, commonly known as 7237 Powell Place, Downers Grove, IL (PIN 09-30-204-036); Janet & Susan Dziekan, Owners/Petitioners.

Ms. Susan Dziekan of 7237 Powell Place and her sister, Janet, are co-owners of the property. They want to build a sunroom and hired a contractor, but found out that the setback rules changed, so they chose to downgrade to a smaller room. They are proposing removal of the existing 12 foot x16 foot deck and construction of a 12 foot x15 foot sunroom. They chose to wait on obtaining the permit, and had a spot survey conducted showing they had 28.4 feet from the back of their house to the back of the property line, which was 3.6 feet less than required. Ms. Dziekan said that the 20 foot required rear yard setback has put a hold on their project and creates a hardship because without the variation they would end up with an 8.4 foot x16 foot room, which is not worth the investment in their eyes or in their contractor's opinion.

In response to Chairman White, Ms. Dziekan said their property backs up to the Grove Shopping Center at 75th and Lemont, and the fence belongs to the Grove Center. She said there is a lot of space between her property and the shopping center.

Ms. Majauskas asked the length of the wood deck. Ms. Dziekan said it is 16 feet wide and extends out from the house 12 feet. The proposed room would be substantially in the area of the existing deck.

In response to Mr. Baker, Ms. Dziekan said she spoke with her neighbors and none of them had any objections to her petition.

Staff's Presentation

Mr. Stan Popovich, Village Planner, reviewed the property description using an aerial photograph, which also showed the property's proximity to the Grove Shopping Center. He said staff finds some unique circumstances and physical hardships with the site, as it is a pie-shaped lot. The house was originally sited in the most feasible area; however, based on the plat of survey and easements, about 55% of the lot would be unbuildable. Additionally, their rear yard appears to be larger, and they maintain Grove Center property at the boundary edge. Mr. Popovich said the setback would only provide the petitioner about 8 feet for an addition. He said staff believes there to be a unique situation here and recommends approval of this request.

Ms. Majauskas asked why the property owner maintaining the Grove property is important. Mr. Popovich said they are required to maintain the required transition yard between the business use and residential use. Ms. Majauskas said she understands that Grove can do whatever they want with their property, and she still did not understand why the homeowners' maintenance of the property was important. Mr. Popovich said it is a matter that the petitioner assumed that the property they maintained was their property. The staff took into account that the property was backing up to a transitional yard that is not utilized, rather than backing up to a residential yard.

Chairman White said the more important consideration is that they back onto a commercial structure, rather than onto a residential site.

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

Board's Deliberation

Mr. Baker said he agrees that it makes a difference that the property backs up to the commercial area. The residents and shopping center have no objections, and he sees no reason not to grant the request.

There being no contrary opinion, Chairman White called for a Motion.

MOTION:

Mr. Benes moved that the Zoning Board of Appeals grant the petition for File #ZBA 20-06 with the following conditions:

- 1. The proposed sunroom shall substantially conform to the sketches and site plan attached to this report dated November 29, 2006, except as such plans may be changed to conform to Village codes, ordinances, and policies.**
- 2. The petitioner shall apply for and obtain a building permit for the proposed improvements.**

Mr. Baker seconded the Motion.

Roll call vote noted all in favor, the Motion carried.

FILE NO. ZBA-21-06 A petition seeking a variation for the size of an accessory structure for property located on the west side of Sterling Road, approximately 123 feet south of 40th Street, commonly known as 4012 Sterling Road, Downers Grove, IL (PIN 09-05-207-012); James A. Wokas, Owner/Petitioner.

Mr. James Wokas, owner of 4012 Sterling Road, said he is seeking a variation to allow for an additional 270 square feet for the existing garage he is renovating. He collects antique cars, and the present garage houses four cars. He wants to add another two cars.

Mr. Baker asked Mr. Wokas if he thought his petition was unique because of the lot size. Mr. Wokas said he has a particularly large lot and can build just about anywhere on the site. He spoke with all his neighbors and none of them have a problem with his plan. They actually like the idea of his enclosing the carport so they don't have to see everything in the open.

Ms. Majauskas asked if he is just enclosing the carport, and Mr. Wokas said he was enclosing the carport which would not change the footprint. The variation is required because by enclosing the carport, it exceeds the 1,000 square feet maximum. He said as a carport it had a roof and lattice sides. He now has installed siding to the carport. Mr. Wokas said that at one point he had to repair the roof of the carport, and ended up doing more work without a permit. To correct the situation, he was told that he would have to come for a variation prior receiving a permit. He has applied for a permit, pending the ZBA meeting.

Ms. Nancy Carlson of 4000 Sterling Road said she is a neighbor of Mr. Wokas and spoke in support of Mr. Wokas' petition. She showed on the aerial photo the location of her property.

Staff's Presentation

Mr. Damir Latinovic, Village Planner, described the site saying the proposed addition to the garage would bring the square footage of the accessory structures to 1,361.25 square feet, which exceeds the allowed square footage. Mr. Latinovic explained the addition would replace the existing carport and would be built to match the existing garage. Staff finds unique circumstances with the property, as it is 27,400 square feet in size, and with the addition, the garage would cover only about 5% of the lot where 40% is allowed. The enclosure of the carport would improve the aesthetics of the garage as well.

Chairman White asked for clarification that the lot size is 7,400 square feet over the size required for an R-1 residential property, and Mr. Latinovic said that was correct.

There being no further discussion, Chairman White closed the public participation portion of the meeting.

Board's Deliberation

Chairman White said he was in favor of the petition; however, that having been said, he repeated the word "hardship."

Mr. Baker said he supports the petition, noting the fact that there is an existing carport which was built over time and is now being converted.

Chairman White said his opinion would be that if staff had reason to believe that some type of back door effort had been made, he would consider that definitely against the petitioner. If there was evidence of a plan in place by the petitioner, he would recommend denial of the petition. He did feel that the oversized lot makes a difference in this request.

MOTION:

Mr. Baker moved that the Zoning Board of Appeals grant the petition for File ZBA 21-06 subject to the following conditions:

- 1. The petitioner shall obtain a building permit for the proposed addition to the existing garage.**
- 2. The proposed addition shall substantially conform to the site plan attached to this report dated November 29, 2006, except as such plans may be changed to conform to Village codes, ordinances, and policies.**

Mr. Lukas seconded the Motion.

Roll call vote noted all in favor. The Motion carried.

FILE NO. ZBA-22-06 A petition seeking 1) a front yard setback variation for a shed; 2) a variation from the maximum length of the side of the shed for property located at the southwest corner of Sterling Road and 40th Street, commonly known as 4000 Sterling Road, Downers Grove, IL (PIN 09-05-207-030); Robert & Nancy Carlson, Owners/Petitioners.

Mr. Robert Carlson of 4000 Sterling Road said they have no level spots in the yard with swales around the site and the house. They began the project when a retaining wall was built to support the foundation of the property at 4012 Sterling Road. The most level part of the property is against the retaining wall located in the front yard where he intends to place the shed. He said the area is screened from the neighbors by vegetation.

Mr. O'Brien noted for clarification that sheds less than 100 square feet do not require a building permit. When the petitioner was constructing the shed without a permit, it was legal. Staff is reviewing this allowance and contemplating requiring permits for sheds in light of the recent misplacement of these structures.

Staff's Presentation

Mr. Latinovic reviewed the petition and described the property as being 17,175 square foot on a corner at Sterling Road and 40th Street. There are two front yards as it is a corner lot. Mr. Latinovic said the site has a slope on the side yard with a retaining wall to the north. He indicated the petitioner has already started construction on the shed which is 8 feet x14 feet in size, and they have screened the shed from the surrounding neighbor's property. The Zoning Ordinance prohibits accessory buildings in the front yard. Because of the slope of the side yard, a longer narrow shed would be best suited for the level spot chosen for the shed location; therefore, the petitioner is also requesting a variation from the maximum size of a shed. Based on this analysis, Mr. Latinovic said staff recommends approval of the requested variation, subject to the condition shown on staff's memorandum dated November 29, 2006.

Mr. James Wokas, of 4012 Sterling Road, said the shed is close to his property but he has no problem with it because it's screened by trees.

Mr. Baker asked the petitioner about the size of the shed, and Mr. Carlson said if the shed is not placed properly it could go right down the slope.

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

Board's Deliberation

MOTION:

Mr. Lukas moved that the Zoning Board of Appeals grant the variations requested in File ZBA 22-06 with the following condition:

- 1. The proposed shed shall substantially conform to the site plan attached to this report dated November 29, 2006, except as such plans may be changed to conform to Village codes, ordinances, and policies.**

Ms. Majauskas seconded the Motion.

Roll call vote noted all in favor. The Motion carried.

There being no further comments, Chairman White adjourned the meeting at 9:38 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
DECEMBER 13, 2006

Call to Order

Chairman White called the meeting to order at 7:35 PM.

Roll call

Present: Mr. Benes, Mr. Lukas, Ms. Majauskas, Mr. Weltler, Ch. White

Absent: Mr. Baker, Mr. Domijan

A quorum was established.

Minutes

Chairman White noted that minutes for the previous meeting were not yet ready to be reviewed; therefore no action on minutes was needed.

Meeting Procedures

Chairman White reviewed the Agenda item. He said the Board has the authority to either grant or deny variation petitions, and the Board’s decision is final. He then explained the procedures to be followed during the meeting and called upon anyone intending to speak to rise and be sworn in.

.....

File No. ZBA-23-06 A petition seeking side and rear yard setback variations for a detached garage for a property located on the west side of Fairview Avenue, approximately 50 feet north of Franklin Street, commonly known as 4840 Fairview Avenue, Downers Grove, IL 60515 (PIN 09-08-223-024); Michael Zdebski, Owner and Petitioner.

Mr. Michael Zdebski, property owner, explained that he constructed his garage and after a spot survey had been completed the garage was found to be within the required side and rear yard setbacks. Mr. Zdebski noted that he was a carpenter

1 and borrowed a laser level from work to site the garage. He used a stake that was
2 driven into the telephone pole next to the alley as his property corner. Mr. Zdebski
3 was told by his surveyor when he bought the house that the stake in his telephone
4 pole was the correct corner of his property. When a spot survey was completed
5 recently, the surveyor told him that the telephone spike was in the wrong location
6 and that in actuality his property corner was approximately 13 inches east and 5/8
7 of an inch south. This made his garage be located in the setbacks.

8
9 Mr. Benes asked who completed the survey and noted that this is the second time
10 in recent history where a surveyor had completed the survey wrong.

11
12 Mr. Zdebski noted it was Morris Engineering who completed the survey.

13
14 Ms. Majauskas asked when the initial survey was completed and if it was the same
15 surveyor. She also questioned how to tell which survey was accurate.

16
17 Mr. Zdebski noted he purchased the house in 2003 and that it was the same
18 surveyor. He noted that the cross-cut within the sidewalk in the front of the
19 property moved a foot as well.

20
21 **Staff's Presentation**

22
23 Mr. Stan Popovich, Planner for the Village, presented the location, zoning, and
24 setback requirements for an accessory structure on the subject property. He
25 presented the spot survey that was completed in October 2006. Mr. Popovich
26 reviewed the timeline that was presented in the staff report and noted that the
27 permit letter specifically stated the petitioner was to complete a spot survey prior to
28 beginning framing.

29
30 Mr. Popovich noted staff did not believe the standards for a variance had been met.
31 The property was sufficiently large enough to allow for a detached garage. There
32 are no unique circumstances, such as LPDA, floodplains, or significant elevation
33 changes. The owner inaccurately located the garage and did not follow policies to
34 complete a spot survey as required in the permit letter. The difficulty resulted from
35 the owner's own actions. Additionally, there was no physical hardship. Staff
36 recommended denial of the petition.

37
38 Mr. Benes said that the surveyor was wrong and how are we supposed to hold the
39 petitioner responsible over a surveyor's mistake. The Village should not allow

1 Morris Engineering to complete surveys in Downers Grove if they are going to
2 cost property owners money. A variance is not free to the property owner.

3
4 Chairman White asked what would have happened if the petitioner had completed
5 his spot survey as required and if the concrete pad was within the setback. Mr.
6 Popovich noted he could have poured additional concrete to meet his desired
7 garage size. Mr. Jeff O'Brien, Senior Planner, stated the petitioner could have
8 used the extra concrete as an apron or driveway. The setback requirements are for
9 the actual building, not the apron in this case.

10
11 Ms. Majauskas noted she couldn't tell which survey was correct, the old one or the
12 new one. Chairman White noted that they had to use the new survey because that
13 survey includes the building as it was constructed. Mr. Weltler noted that the old
14 survey merely showed a site plan and not an actual building.

15
16 Mr. Benes asked staff if they could require another spot survey to double check the
17 first one. Staff noted that it really wasn't their place to require another spot survey.
18 The Village does not have professional surveyors on staff and that we have to trust
19 what the licensed professionals produce. Chairman White noted that the petitioner
20 could have hired another surveyor for another opinion similar to what people do
21 with medical opinions.

22
23 Mr. Zdebski noted that he could have asked for another surveyor, but what if that
24 one had come up with the same conclusion. Where does that end?

25
26 Chairman White called on anyone who wished to speak either in favor of or in
27 opposition to the petition.

28
29 There being no further questions or comments, Chairman White closed the public
30 portion of the meeting.

31
32 **Board's Deliberation**

33
34 Mr. Benes noted that it was the surveyors fault for mislocating the stake. Mr.
35 Weltler noted that the surveyors are licensed and they were neglectful on their spot
36 surveys.

37
38 Chairman White noted that the ZBA has to be careful in blaming the surveyor for
39 the mistake and that other people with ulterior motives could build something and

1 blame the surveyors for mislocating the stake. He stated he did not believe this
2 was the case in this instance. Chairman White continued that he was building an
3 addition and that it was clearly stated to him in his permit letter that he had to
4 complete a spot survey prior to the start of framing. He noted that he and his
5 concrete contractor were waiting for the spot survey to come back and thankfully,
6 they were on the correct side of the setback.

7
8 Mr. Benes noted that this is the 2nd time in recent history that something like this
9 has happened where the surveyor was wrong. He stated that the Village should
10 raise hell with Morris for doing work like this.

11
12 Mr. Lukas stated that he understands the surveyor screwed up and was in favor of
13 granting the variance.

14
15 Ms. Majauskas stated that these professionals come in and do the work but then the
16 homeowner is left holding the bag if something is wrong. Morris didn't come to
17 the meeting tonight to defend their survey. If XYZ builder screws up, what
18 recourse does the petitioner have, does the petitioner have recourse in this case if
19 the variance is denied?

20
21 Chairman White noted that recourse was not a matter of discussion for this group.

22
23 Mr. Lukas asked where you draw the line in cases like these. First time
24 homeowners have to rely on experts to complete the work.

25
26 **Mr. Lukas moved in case ZBA-23-06 the Zoning Board of Appeals grant the**
27 **petition with conditions and plans attached to the staff report dated December**
28 **13, 2006. Mr. Weltler seconded.**

29
30 Chairman White stated that the petitioner had to bear some responsibility for not
31 completing a spot survey when required.

32
33 **AYES: Mr. Benes, Mr. Lukas, Ms. Majauskas, Mr. Weltler,**

34
35 **NAYS: Ch. White.**

36
37 **The Motion carried.**

38
39 Chairman White asked about the schedule and petitions for the next meeting.

1
2 Mr. O'Brien noted the next meeting is scheduled for January 24, 2007. Staff had
3 not yet received any submittals but that the deadline is December 22, 2006
4
5 There being no further discussion, Chairman White adjourned the meeting at 8:20
6 PM.