

# Village of La Grange

## A G E N D A

ZONING BOARD OF APPEALS  
of the  
VILLAGE OF LA GRANGE

Village Hall Auditorium

53 S. La Grange Road, La Grange, IL

Thursday, August 16, 2018 - 7:30 p.m.



1. Call to Order and Roll Call of the Zoning Board of Appeals
2. Approval of Minutes – July 19, 2018
3. Business at Hand:

**ZBA #625 –A Variation from Paragraph 3-110-G-1 (Height Limitation for Accessory Structures) of the Zoning Code within the R-4 Single Family Residential District, Aaron Schau, 217 7th Avenue** (Requested Continuance to September 20, 2018 Zoning Board of Appeals Meeting)

4. Old Business
5. New Business
6. Adjournment

(Commissioners: Please call 579-2320 to confirm your attendance.)

Individuals with disabilities and who require certain accommodations to participate at this meeting are requested to contact the ADA Coordinator at 579-2315, to allow the Village to make reasonable accommodations.

**Village of La Grange  
Zoning Board of Appeals  
Regular Meeting of July 19, 2018**

A regular meeting of the Zoning Board of Appeals for the Village of La Grange was held at 7:30 p.m. on Thursday, July 19, 2018 on the second floor Auditorium Room of the Village Hall, 53 S. La Grange Road, La Grange, Illinois.

**I. CALL TO ORDER AND ROLL CALL**

Chairman Pappas called the meeting to order at 7:30 p.m.

**Verify Quorum**

Upon roll call the following were:

Present: Finder, Tussing, O'Connor, Pappas

Absent: Blentlinger and Edwards

Heather Valone, Planner, and Charity Jones, Community Development Director were also present.

**II. APPROVAL OF MINUTES – MAY 17, 2018**

Commissioner O'Connor made a motion, seconded by Commissioner Tussing to approve the minutes from May 17, 2018 with one change:

1. On page four, strike the sentence, "Commissioner O'Connor said there was an email that talked about adding a porch to a stone will change the aesthetics to the worst."

A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**III. BUSINESS AT HAND**

**ZBA #624 – A VARIATION 9-105-D-2-(b) (FENCE HEIGHT ALONG THE CORNER SIDE LOT LINE) OF THE ZONING CODE WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL DISTRICT, CHANDRA AND MICHAEL FEDERLE, 425 E. MAPLE AVENUE**

Chairman Pappas asked anyone speaking in regards to this case to please stand and raise his/her right hand. He then administered the oath. He then asked for staff to make their presentation.

**Staff Presentation**

Heather Valone, Village Planner, said the owners of the property at 425 E. Maple Avenue wish to construct a six-foot privacy fence in the required corner side yard. There currently is an existing fence along the corner side yard that has two different heights. She showed on the overhead where the existing six-foot fence and where the picket fence, which ranges from three and a half to four feet, was located. The applicants are requesting the six-foot fence to buffer their existing patio from the traffic on Bluff and from the noise of the train located further east.

On the overhead it showed where a six-foot fence was allowed per the Zoning Code and where it would have to be reduced in height three and half feet. The Zoning Code indicates the transition between the two heights is measured from the closest point of the intersection of the rear lot line and the corner side lot line to the home. The applicant is requesting to extend that transition point on one side of the house to the back of the garage.

Mrs. Valone stated when the lot was constructed, the owners at that time, requested a variation from the 17-foot corner side yard to construct a one car garage in the required side yard. The garage was expanded later, and again the previous owners asked for a variation for the two-car garage to encroach further in the required corner side yard. The current owners received a variation in 2016, to construct a mudroom on the rear of the attached garage that encroached 13.25 feet into the required side yard. All three variations were approved.

Chairman Pappas asked if there were any questions from the Commissioners for staff. None responded. He then asked the applicants to come up and make a presentation.

### **Staff Presentation**

Michael Federle thanked staff for their presentation. He did want to point out that along Bluff Avenue there is a parkway between the street and the fence. The motivation for their application is to have a noise barrier to help block out the noise from the trains and the traffic on Bluff.

Chairman Pappas asked if they could go through the variation standards. He asked if they could explain what their practical difficulty or particular hardship is.

Mr. Federle stated east of them is the Canadian Northern Railway and there are trains that go quite frequently through there. There is not a barrier between their home and the railway. The train traffic has been increasing which has been increasing car traffic coming down Bluff.

Chairman Pappas said it was stated that their property is unique because it is the only property along Bluff that has the side yard with direct exposure to the train line. This means that there are no other buildings or structures in between their house and the trains.

Mrs. Federle stated there are a couple of other houses on Bluff that have a rear facing yard with no barrier to the tracks.

Chairman Pappas confirmed that they purchased the home in 2008 and apparently there were Village approved plans for a condominium complex for across Bluff.

Mrs. Federle said they were given the plans by the previous homeowner. There used to be a warehouse there and that was taken down. The plans were for two "L" shaped condominium buildings and in the past ten years nothing was built.

Chairman Pappas confirmed that the fence was going to be six feet high and vinyl material

Mr. Federle stated yes.

Chairman Pappas asked if they were going to replace the whole fence or just a portion.

Mr. Federle said they are planning on replacing the existing fence plus the extension of six feet.

Mrs. Federle showed the Commission on the overhead what exactly is being replaced. She stated it is not really an extension because they used to have a fence that went that far but it is gone now because they took it down when they put the mudroom on the house.

Commissioner Finder asked if any of the sight lines are blocked, which can be an issue with these six-foot high fences.

Mrs. Federle said they are not. They do have a large front yard and it really does not impact the corner at all.

Mrs. Valone stated the code does have a specific requirement for driveway clear sight areas. It would require ten feet by ten foot triangular area to be open adjacent to the intersection of the street and driveway. This fence would not violate the required clear sight area.

Chairman Pappas asked if there were any further questions. None responded. He then asked if the applicant wanted to make any further comments.

Mrs. Federle said the train noise is the primary motivation and just general safety concerns.

Mike Healy, 412 E. Maple, stated he is in support of the applicant's request. He lives on the west side and a couple of houses down. He has a buffer of a few houses between his house and Bluff and the trains. Even with the buffer, the train noise can

be an issue for them when they are in the yard. Not having that buffer will be a significant impairment to the applicants in utilizing their property. The property to the east of them is industrial property, then ComEd high tension lines, then the train lines, and on the other side is more industrial property. This fence causing any kind of issues to the east of them is extremely low. There was a six-foot fence there previously which did not cause any kind of issues. Again, he is in support of this application.

Chairman Pappas asked if there was anyone else in the audience that wanted to speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner Tussing made a motion, seconded by Commissioner Finder to close the public hearing for Case #624. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Zoning Board Discussion**

Chairman Pappas said he would like to go through the variation standards. He asked if any of the Commissioners felt that the applicants didn't present a case that they have a practical difficulty.

Commissioner O'Connor stated he feels that the applicants have shown that they do. It is reasonable to have noise abatement and what they are asking for isn't unreasonable from that standpoint.

Commissioner Finder said he agrees and would like to add the physical location of this property is unique in itself. He feels that they did a great job explaining their situation.

Chairman Pappas stated the second standard is about the unique physical condition. He asked if any of the Commissioners felt that the property was not unique. He said he was going through the corner lot regulations and the last page of the zoning book had all the different lots. This is a true corner lot and none of the pictures in the zoning code book showed a lot that was a right triangle like this one is.

Commissioner Finder said further east of them is also a different zoning district.

Mrs. Valone stated across the tracks is zoned Light Industrial. However, where they were talking about the condos going in, it is zoned multi-family.

Chairman Pappas said the third standard is that it is not self-created.

Commissioner Finder stated the applicants explained that the noise was not there before because there was a warehouse there before and now it is gone.

Commissioner O'Connor said they all know that the train traffic has been picking up.

Chairman Pappas stated there was a six-foot fence there before. He then read the fourth standard and said there are not too many lots like this one. The last standard was read. He stated this is clearly not being done for financial enhancement of the property. He asked if there was any objection or concern with standard number five. None responded. He asked if there were any other comments.

Commissioner Tussing asked if the fence that was there, prior to the mudroom addition, was it permitted.

Mrs. Valone said she has a record that the owners did apply for a fence back in 2002. The actual location of the fence applied for could not be determined.

Commissioner Tussing stated it seems that there might have been expectation to just replace the fence after the mudroom. She feels that because the fence was already there then this was not self-created.

Chairman Pappas said there is always the concern about setting precedence, however there are not too many right angle lots out there so he does not feel that this will be an issue. He asked if there were any further comments or questions. None responded. He then called for a motion for recommendation.

### **Zoning Board of Appeals Recommendation**

Commissioner O'Connor made a motion, seconded by Commissioner Tussing to recommend to the President and Board of Trustees approval of the variation for Case #624. A roll call vote was taken:

*Ayes: O'Connor, Finder, Tussing, Pappas*

*Nays: None*

*Motion passed*

### **IV. OLD BUSINESS**

None

### **V. NEW BUSINESS**

Chairman Pappas stated according to the by-laws and rules the Zoning Board of Appeals is supposed to have a Vice Chairperson. He is going to recommend to President Livingston that he chose one. He asked if any of the Commissioners are interested to please let him or President Livingston know.

**VI. ADJOURMENT**

Commissioner Tussing made a motion, seconded by Commissioner O'Connor to adjourn the meeting at 8:07 p.m. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*

## STAFF MEMORANDUM

TO: Zoning Board of Appeals

FROM: Heather Valone, AICP, Village Planner

THROUGH: Charity Jones, AICP, Community Development Director

SUBJECT: ZBA #625 – A Variation from Paragraph 3-110-G-1 (Height Limitation for Accessory Structures) of the Zoning Code within the R-4 Single Family Residential District, Aaron Schau, 217 7<sup>th</sup> Avenue

DATE: August 16, 2018

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### **PROPOSAL**

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#### **PROJECT DESCRIPTION**

Aaron Schau (the “Applicant”), owner of the property at 217 7<sup>th</sup> Ave. (the “Subject Property”) wishes to demolish his existing garage and construct a new two car garage that mimics a historic carriage house. The Applicant is proposing to construct the new garage with usable second floor area for a home office. Therefore, the Applicant is seeking a variation from Paragraph 3-110-G-1 (Height Limitation for Accessory Structures) of the Zoning Code in order to construct the garage to a height of 22 feet.

It was determined during the writing of the staff memorandum that the proposed garage would increase the building coverage on the Subject Property and exceed the permitted 30%. The existing garage on the property is 396 square feet (18 ft. by 20 ft.). The Applicant is proposing to increase the size of the garage to 462 square feet (22 ft. by 21 ft.). This would result in a building coverage of 30.32% (22.61 square feet over permitted building coverage). The Applicant has requested that this case be continued to the September 20, 2018 Zoning Board of Appeals meeting so that the building coverage issue can be resolved. The Applicant has stated in writing that he does not wish to seek a variation for 22.61 square feet of building coverage. The Applicant has an active permit for interior remodeling and the removal of a portion of the rear porch. The Applicant has indicated that further revisions to the submitted permit plans will be undertaken now to correct the building coverage issue.