Village of La Grange

AGENDA

ZONING BOARD OF APPEALS
of the
VILLAGE OF LA GRANGE

Village Hall Auditorium

53 S. La Grange Road, La Grange, IL

Thursday, February 24, 2011 - 7:30 p.m.

1. Call to Order and Roll Call of the Zoning Board of Appeals

2. Approval of Minutes – September 16, 2010

3. Business at Hand:

   ZBA CASE #591 – 1001 S. Spring Avenue, Spring-Gurrie School, to consider a variation from Paragraph 8-209C1 (Front Yard Setback) in order to permit the expansion of an existing parking lot within the IB Institutional Buildings District, La Grange School District 105.

4. Old Business

5. New Business

6. Adjournment

(Commissioners: Please call (708) 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.

53 South La Grange Road P.O. Box 668 La Grange, Illinois 60525 (708) 579-2300 Fax (708) 579-0980

MINUTES

Zoning Board of Appeals
of the
Village of La Grange

September 16, 2010

I. CALL TO ORDER AND ROLL CALL:

A public hearing before the Zoning Board of Appeals of the Village of La Grange was held on Thursday, September 16, 2010, at 7:30 p.m. in the Village Hall Auditorium, 53 S. La Grange Road, La Grange, IL.

Present: Commissioners Rosemary Naseef, Michael Finder, Jeff Hoffenberg, Peter O'Connor, Nat Pappalardo, and Chairperson Ellen Brewin presiding.

Absent: Ian Brenson.

Also Present: Angela Mesaros, Assistant Director, Community Development.

II. APPROVAL OF MINUTES:

The Minutes of the May 13, 2010, Zoning Board of Appeals meeting were presented for approval. It was moved by Commissioner Pappalardo, seconded by Commissioner Naseef, that the Minutes of the meeting be approved. Motion carried unanimously by voice vote.

III. BUSINESS AT HAND:

ZONING CASE #589 - VARIATION – REQUIRED FRONT YARD AND MAXIMUM GROSS FLOOR AREA OF A DETACHED GARAGE, CHRIS T. RYAN, 21-23 S. 7th AVENUE.

Chairperson Brewin swore in the Petitioners, Mr. and Mrs. Ryan, owners of the subject property, and Darleen Stirn, Architect, who presented the application.

Commissioners asked questions regarding the new green space on the property, access to Bluff Avenue, the retaining wall and partition walls as related to the size of the garage, the history of the existing two-flat and the current setbacks.

In deliberation, Commissioners agreed that the status of the non-conforming two-flat, the through lot, the shape of the lot, as well as the additional required spaces for multi-unit buildings created a unique situation (see Findings of Fact).

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner O'Connor and seconded by Commissioner Naseef that the Zoning Board of Appeals recommend to the Village Board APPROVAL for variation from setbacks and gross floor area of the detached garage submitted with ZBA Case #589.

Motion to Approve PASSED by a roll call vote (6/0/1):

AYE:	Pappalardo, O'Connor, Naseef, Finder, Hoffenberg and Brewin.
NAY:	None.
ABSENT:	Brenson.

ZONING CASE #590 - VARIATION – HEIGHT AND SIDE AND REAR YARD REGULATIONS OF A DETACHED GARAGE, CHRIS AND KELLY WALL, 141 S. WAIOLA.

Chairperson Brewin swore in the Petitioner, Mr. Chris Wall, owner of the subject property, and Michael Meissner, Architect, who presented the application.

Commissioners asked questions regarding the historic bay window feature on the house, the proposed design of the detached garage and the ability to meet the required setbacks, and the nature of the existing tree.

In deliberation, some Commissioners agreed that the larger lot size created a unique situation. The proposed garage met the standard for historical significance. However, other Commissioners felt that the standards of hardship and special privilege did not meet the zoning criteria for zoning appeals. In addition, Commissioners felt that the setbacks were required for granting the height variation and that the tree did not constitute a hardship (see Findings of Fact).

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Hoffenberg and seconded by Commissioner O'Connor that the Zoning Board of Appeals recommend to the Village Board APPROVAL of the application for garage height with the condition that the detached garage must be setback a minimum six (6) feet from the lot lines.

Motion to Approve PASSED by a roll call vote (5/1/1):

AYE:	Pappalardo, O'Connor, Finder, Hoffenberg and Brewin.
NAY:	Naseef

ABSENT: Brenson.

A second motion was made by Commissioner Pappalardo, seconded by Commissioner Hoffenberg, that the Zoning Board of Appeals recommend to the Village Board DENIAL of the application for variation from required setbacks submitted with ZBA Case #590. Motion to DENY PASSED by a roll call vote (6/0/1):

AYE: Pappalardo, O'Connor, Finder, Naseef, Hoffenberg and Brewin.
NAY: None.
ABSENT: Brenson.

IV. OLD BUSINESS:

None.

V. NEW BUSINESS:

None.

VI. ADJOURNMENT:

There being no further business to discuss, a motion to adjourn was made by Commissioner Naseef, seconded by Commissioner Pappalardo and the Zoning Board of Appeals meeting was adjourned at 9:20 p.m.

Respectfully submitted:
VILLAGE OF LA GRANGE

_____
Angela Mesaros, Assistant Community Development Director

APPLICATION FOR ZONING VARIATION

Application # 591
Date Filed: 1/26/2011
UARCO # 91210

TO THE PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF LA GRANGE, ILLINOIS

(please type or print)
Application is hereby made by LaGrange School District 105

Address: 1001 South Spring Avenue, LaGrange, IL 60525 Phone: 708 482-2700

Owner of property located at: 1001 South Spring Avenue, LaGrange, IL 60525

Permanent Real Estate Index No: 19-09-312-001

Present Zoning Classification: IB Present Use: School

Ordinance Provision for Variation from Article # 8-209 (C), 1 of Zoning Ordinance, to wit:
minimum required front and corner side setbacks 15 feet

A. Minimum Variation of Zoning requirement necessary to permit the proposed use, construction, or development:
Construction of the new parking lot, as proposed, requires one variation: Required front yard setback, to maintain the setback of 7.5 feet at the closest point to 52nd Street, and 5.5 feet to Catherine Avenue.

B. The purpose therefor: Provide additional parking spaces for proposed site improvements.

C. The specific feature(s) of the proposed use, construction, or development that require a variation:
Variation required for proposed extended parking lot along 52nd street and Catherine Avenue

PLAT OF SURVEY must be submitted with application. The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

1. General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting **each** of the following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

a. State **practical difficulty** or **particular hardship** created for you in carrying out the strict letter of the zoning regulations, to wit: There is limited space between existing ball field and 52nd street at the north side, and Catherine Avenue at the East side, to fit new parking lot, without removing publically available, and important for community tennis courts and / or ball field(s).

b. A reasonable return or use of your property is not possible under the existing regulations, because: **Because of school population (students and, subsequently teachers) increased, to meet parking quantity requirements - 1 parking stall for each employee plus 4 for visitors and guests, school need bigger parking lot. In existing condition school have only 65 stalls, required per Village ordinance for elementary and middle schools 108 stalls, proposed parking will include 115 stalls.**

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s): Because school land locked and need to accept more students, this situation is unique.

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

The subject property is exceptional as compared to other lots subject to the same provision by reason of location of existing ball field at the northeast corner of the site, also school land locked in residential area, and need to accept more students. According to Aerial photography dated 1988, this ball field has existed in current location for more than 22 years.

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid

School population (students and, subsequently teachers) increased, to meet parking quantity requirements, school need bigger parking lot. The original ball field's location has been in place since approximately the late 1980s. The petitioner has not altered the location of the ball fields. Existing Ball fields and Tennis courts is publically available and important for community.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

The location of proposed parking lot would be consistent with other parking lots nearby that face 52nd Street, i.e. Harris bank at SWC of W 52nd St. and S. La Grange Rd., Vicorp Restaurant at NWC of W 52nd St. and S. La Grange Rd.

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

The proposed parking lot location is not a special privilege. Several properties in the vicinity also have legal non-conforming parking lots that exceed the current standards for allowable setback, i.e. Harris bank at SWC of W 52nd St. and S. La Grange Rd., Vicorp Restaurant at NWC of W 52nd St. and S. La Grange Rd.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

Proposed parking lot will help to meet Village parking stalls requirements, 1 parking stall for each employee plus 4 for visitors and guests; in existing condition school have only 65 stalls, required per Village ordinance for elementary and middle schools 108 stalls, proposed parking will include 115 stalls. This will decrease parking on the street, which will improve area safety especially at school where children darting out between vehicles, will help to maintain the street. Proposed improvements would significantly decrease peak storm water discharge rates by re-routing significant portions of the site from combined sewer to separate sewer, and decreasing peak discharge rate to separate storm sewer in comparison to the existing condition, by providing detention pond on the parking lot surface.

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

(a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

(b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

(c) Would substantially increase congestion in the public streets due to traffic or parking; or

There has been a long term neighborhood concern about vehicles parking on the streets that envelop the site. The concern is that parked cars can add to congestion of traffic flow and potentially veil pedestrian traffic from driver's views (i.e. children darting out from between parked vehicles). In addition, a haphazard opening of a parked driver's side door in front of oncoming traffic could result in property and, more importantly, bodily injury. Due to the landlocked nature of the site, off street parking cannot be provided without either displacing a site features (tennis court or ballfield) unless a variance is granted in order to allow for a reduced parking setback. The proposed plan will increase the onsite parking by 50 spaces (65 exist and the site plan increases this to 115), thus greatly reducing the likelihood of on street parking from occurring.

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

Remedies for a construction of additional parking spaces on the subject property would include, (1) removing publically available tennis courts, to replace with additional parking lot, or (2) removing publically available ball field(s), to fit additional parking lot, both remedies would be materially detrimental to the public welfare and materially injurious to the enjoyment, use, development, and value of property.

* * *

NOTICE: This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars ($500.00).

The above minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village any additional costs over and above these minimums which are incurred by the Village, including but not limited to the following:

(a) Legal Publication (direct cost);

(b) Recording Secretarial Services (direct cost);

(c) Court Reporter (direct cost);

(d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);

(e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);

(f) Professional and Technical Consultant Services (direct cost);

(g) Legal Review, Consultation, and Advice (direct cost);

(h) Copy Reproduction (direct cost); and

(i) Document Recordation (direct cost); and

(j) Postage Costs (direct cost).

Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

I, the undersigned, do hereby certify that I am the owner, or contract purchaser(**Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the above statements are true and correct to the best of my knowledge.

701 S. Seventh Av.
(Signature of Owner or Contract Purchaser) (Address)

LaGrange Illinois 60525
(City) (State) (Zip Code)

Subscribed and sworn to before me this 21st day of January, 2011.

Denise L. Struve
(Notary Public) (Seal)

OFFICIAL SEAL
DENISE L STRUVE
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 08/24/14

Enclosures: _____

_____

(FOR VILLAGE USE ONLY)

1. Filed with Office of the Community Development Director:_____, 20_____.

2. Transmitted to Zoning Board of Appeals at their meeting held:

   _____

3. Continuation (if any):_____ _____

4. Notice of hearing published in:_____, on:_____

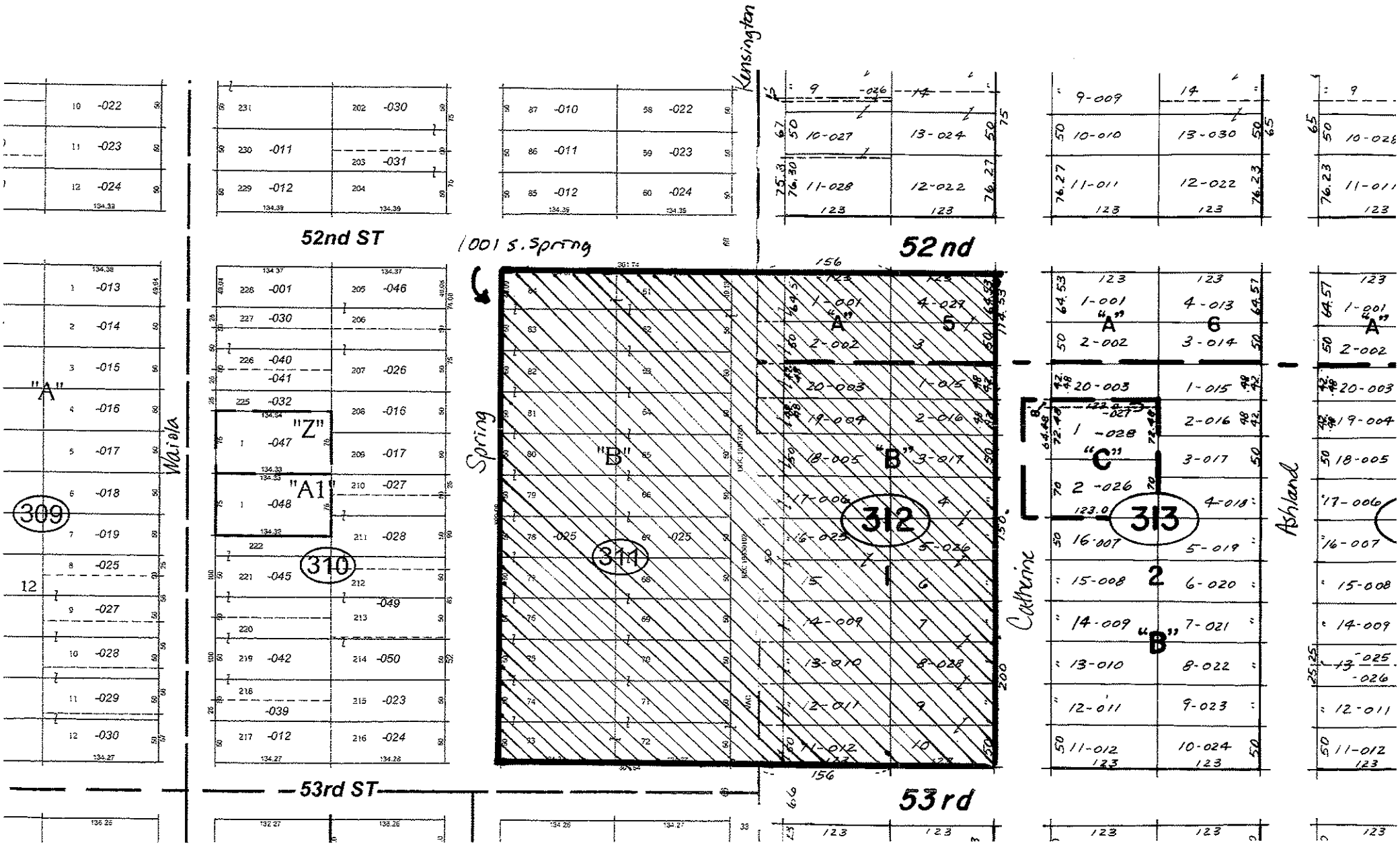
5. Findings and Recommendation of Zoning Board of Appeals referred to Village Board at Meeting of:

   _____

6. Final Action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held:_____.

7. Payment of expenses satisfied:_____ _____

Conditions Imposed: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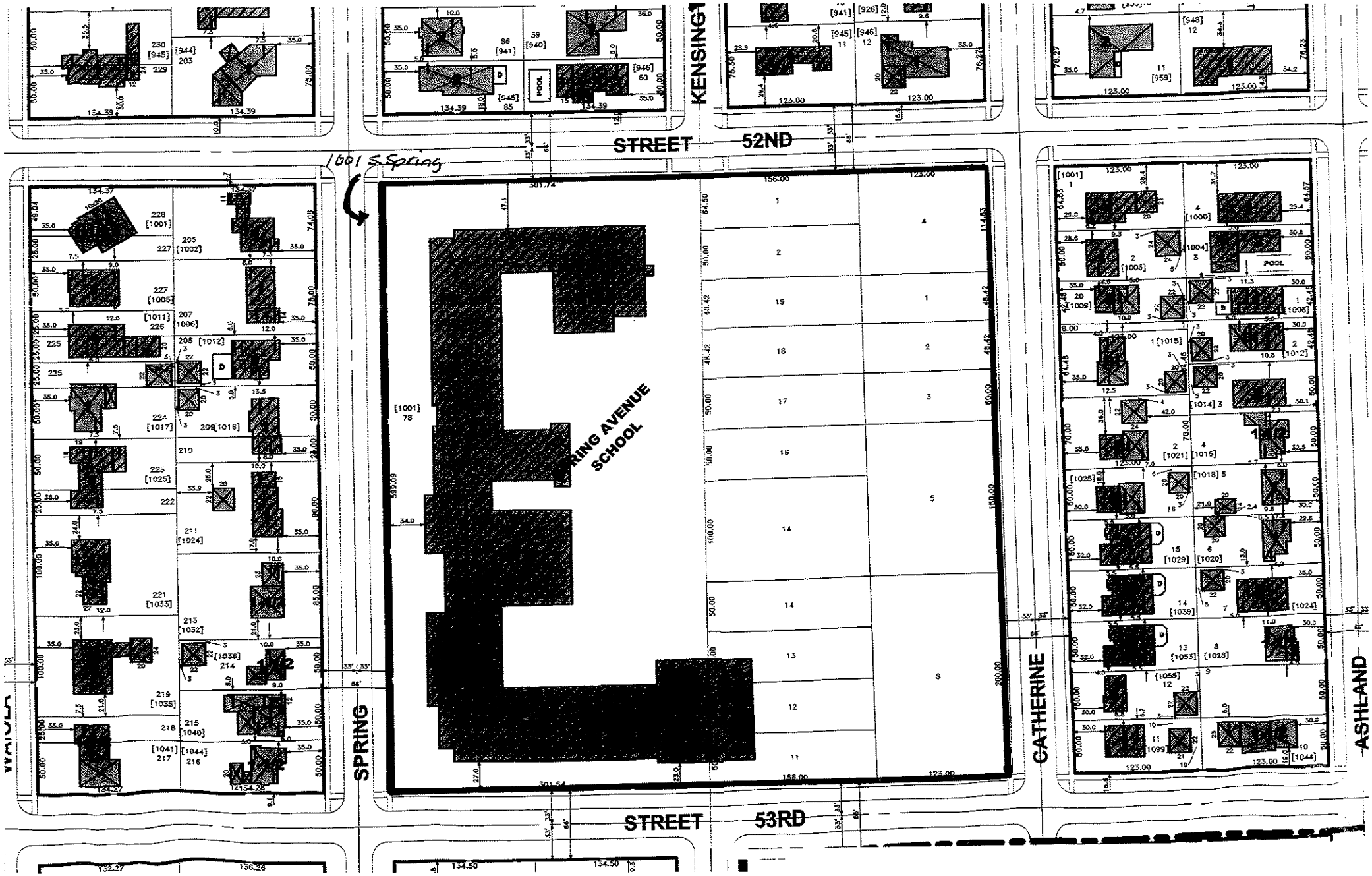
52ND STREET
53RD STREET
SPRING
CATHERINE
ASHLAND
KENSING
1001 S Spring
RING AVENUE SCHOOL
POOL

Spring Avenue & Gurrie Schools, 1001 S. Spring Avenue

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STAFF REPORT

CASE: ZBA #591 – Gurrie & Spring Avenue Schools, 1001 S. Spring Avenue – Front and Corner Side Yards for parking lot, La Grange School District 105

BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioner, La Grange School District 105, wishes to remove, rebuild and expand an existing parking lot at Gurrie & Spring Avenue Schools. According to the District, they currently cannot provide adequate off-street parking to accommodate all teachers and staff. As a result, some teachers and staff park on the street in the surrounding neighborhood. The school has a history of many years of parking difficulties between the community and the District – the Superintendent has indicated that his office has intervened many times with neighborhood complaints about staff parking on the street and received concerns about parking on a weekly basis. The Village has also received complaints in the past from the residents about teachers parking on the street.

In late 2010, the District held a community meeting to present proposed plans for additional parking. Community feedback indicated a strong concern for the safety of children when parents and staff park on the street and a desire for on-site parking. As currently configured, parent pick-up and drop-off is on the street, kids exit and load buses on the street and cars are sometimes parked on both sides of the street, which all adds to the congestion.

In order to address these parking issues, the district developed a phased plan that included moving its offices to reduce staff as well as providing approximately 50 additional parking spaces on-site. Their goal is to minimize the impact of parking on the neighborhood and maximize the number of on-site parking spaces. As the first phase, District 105 has recently moved its offices from Spring-Gurrie School to Seventh Avenue School, which has freed approximately 15 spaces. The currently application for expansion of the on-site parking lot is the second phase. The proposed expansion features a new "L" shaped configuration, which would help to maintain the existing green spaces including the ball fields used by the Little League and the schools as well as the tennis courts owned by the Park District. The final phase of the new parking plan is to minimize the amount of time that vehicles stop in front of houses by improving student pick-up and drop-off, which will remain on the street.

Also as part of this project, the District has been working with Department of Public Works staff and the Village Engineer to address storm water concerns of the neighborhood. Plans include re-routing the combined sewer on 52nd Street to the storm sewer on Catherine Avenue with restrictors to assure proper water flow and changing downspout locations to redirect storm water. The proposed plan has been submitted for review and permitting with the Village Engineer and Metropolitan Water Reclamation District (MWRD).

Currently the school has 65 parking spaces – 38 spaces on the north end of the campus and 27 in the right-of-way on the north side of 53rd Street. The Village Code requires 108 on-site parking spaces (*"1 for each employee PLUS 4 for visitor and guests"*). The new site plan would expand the north

parking lot to 88 spaces for a total of 115 parking spaces, including the 27 existing diagonal spaces in the right-of-way on 53rd Street. Although the total number of spaces exceeds the requirements, the total for on-site spaces is less than the required spaces.

Spring-Gurrie campus also houses tennis courts and ball fields. The tennis courts are owned and maintained by the Park District. They are highly utilized by the community and not used by the schools. The District has indicated that the easiest, most cost-effective solution for the school would be to remove the tennis courts and replace with parking; however, they feel that it is important to be good neighbors and provide the recreational areas for the community. Maintaining recreational facilities is consistent with the Village's Comprehensive Plan (2005).

In order to preserve existing ball fields and tennis courts while at the same time accommodating additional parking, they propose to expand the existing parking lot in an 'L' shape to the east and south, maintaining the existing setbacks of 7.5 feet from 52nd Street with a setback of 5.5 feet from Catherine Avenue. The Zoning Code states, *"Off-street parking spaces may be provided on surface lots...and shall comply with the yard requirements made applicable to them by the regulations of the district in which they are located."* The subject property fronts four streets. In the I-B Institutional Buildings District, in which the school is located, required front and corner side yards are 15 feet. In this case, the parking lot would not meet the required setbacks for front and corner side yards. Therefore, a building permit could not be issued.

The petitioners seek a variation from Paragraph 8-209C (1) (Required Front and Corner Side Yards) of the Zoning Code. The proposed parking lot would encroach into the required front yard by 7.5 feet (52nd Street) and corner side yard by 9.5 feet (Catherine Avenue). Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. The requested variation falls within the authorized limits of the Zoning Code.

VARIATION STANDARDS

General Standard – In considering a variation, be guided by the General Standard as outlined in our Zoning Code *"No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."*

Unique Physical Condition - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

The subject lot is a corner lot with principal frontage along four streets. According to the petitioner, the school is land locked in a developed residential area with no available land to expand to accommodate more students. A significant portion of the subject property is improved with existing ball fields and tennis courts, which are important recreational resources for the community.

Not Self-Created - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

The District has identified a need for additional parking based on accommodating additional teaching staff necessary for increases in school population and community input on current issues with congestion and safety. This is consistent the zoning requirements that are based on number of teachers. The ball fields and courts, which are used by the greater community, have been in place since approximately the late 1980s and the location has not been altered.

Denied Substantial Rights - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

According to the petitioner, the proposed location of the parking lot is consistent with other parking lots nearby facing 52nd Street, including Harris Back at SW corner of 52nd and S. La Grange Road, and the VICORP Restaurant at NW corner of 52nd and S. La Grange Road. Staff notes that these parking lots are both located in a commercial district; therefore, they do not have the same setback requirements as the subject property, which is zoned institutional and located within a single-family residential area.

Not Merely Special Privilege - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation."*

The variation is necessary to address neighborhood concerns to accommodate on-site teacher parking where they are currently parking on the street.

Code and Plan Purposes - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

The Village's parking ratio for elementary schools is based on the number of employees; therefore, with increases in teaching staff, the District is required by the Zoning Code to provide additional parking. Although the proposed parking lot would not meet the yard requirements, the parking lot would meet the required screening (3 feet in height) from the residential neighborhood. In addition, maintaining the ball fields and tennis courts is consistent with the Comprehensive Plan, which recommends, "Continued efficient use of existing recreational land and facilities" and continued "collaboration between the Park District of La Grange, local schools and the Village of La Grange."

Essential Character of the Area - *"The variation would not result in a use or development on the subject property that:*

a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
c. Would substantially increase congestion in the public streets due to traffic or parking; or
d. Would unduly increase the danger of flood or fire; or
e. Would unduly tax public utilities and facilitates in the area; or
f. Would endanger the public health or safety."

There is a history of neighborhood concerns about vehicles parking on the streets surrounding the school. The concern is that parked cars add to congestion and increased traffic flow and potentially block the driver's view of children crossing the street during pick-up and drop-off. Proposed parking would improve area safety at the school so that children would not have to run between parked vehicles. In addition, improvements would decrease discharge of storm water during peak times by re-routing significant portions of the site to separate storm sewer and providing new detention area on the proposed surface parking lot.

No Other Remedy - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

According to the petitioner, due to the land-locked nature of the site, off-street parking cannot be provided without displacing site features such as the tennis courts and ball fields. Remedies for construction of the parking lot in a location that meets the required yards would include (1) removing the tennis courts, (2) removing the ball field. Both remedies would be permitted without a variation; however, the District believes that these options would take away open space and recreational facilities available to the public and enjoyed by the community.