



LA GRANGE

Village of La Grange
53 S. La Grange Road, La Grange, IL 60525
villageoflagrange.com

AGENDA

ZONING BOARD OF APPEALS

Village Hall Auditorium

February 20, 2020 – 7:30 p.m.

1. Call to Order and Roll Call of the Zoning Board of Appeals
2. Approval of Minutes – January 16, 2020
3. Business at Hand
 - a. Training
4. Old Business
5. New Business
6. Adjournment

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 January 16, 2020

A regular meeting of the Zoning Board of Appeals for the Village of La Grange was held at 7:30 p.m. on Thursday, January 16, 2020 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 7:35 a.m.

Verify Quorum

Upon roll call the following were:

Present: Peterson, Finder, Tussing, Pappas

Absent: Edwards and Kerpan

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

II. APPROVAL OF MINUTES – SEPTEMBER 19, 2019

Commissioner Tussing made a motion, seconded by Commissioner Edwards to approve the minutes from September 19, 2019 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

III. PUBLIC HEARING

A. ZBA #629 – A VARIATION FROM PARAGRAPH 3-110C1 (REQUIRED FRONT YARD) OF THE ZONING CODE WITHIN THE R-4 SINGLE FAMILY RESIDENTIAL DISTRICT, THEODORE AND ANDREA HADLEY, 1000 W. ARLINGTON AVENUE.

Chairman Pappas asked anyone in the audience that is going to be speaking this evening to stand and raise his/her right hand. He then administered the oath. Chairman Pappas then asked the applicant to come up and make a presentation.

Applicant Presentation

Theodore Hadley stated that he is a longtime resident of La Grange. He is not trying to do anything that would destroy the character of the Village and he takes it very seriously. He appreciates the time and effort that the Zoning Board is giving him. The

lot is only 41 feet wide and that puts a lot of constraints on where one can build. The Village has advised him that the porch is not in compliance with property maintenance standards and is in need of repair. The current condition of the porch requires that it be rebuilt.

While planning for the reconstruction of the porch, he and his wife decided to combine the porch project with another project to create a new master bedroom closet to modernize the home. The closets in the home currently are small because the home was built about 100 years ago. They are not changing the footprint or the impervious surface of the lot. The house will not be any closer to the street than the it currently is, but it will be taller. If this was in the back yard or the side yard it would not be an issue. He is available to answer any questions and his architect is also available this evening.

Chairman Pappas asked how long has he lived in the house.

Mr. Hadley stated 31 years.

Chairman Pappas clarified that he received a previous variation for a second floor in 1995.

Mr. Hadley said he tore down part of the house and put an addition on. It went from a three bedroom one and half bath to a four bedroom two and half bath. It was both a first and second story addition.

Chairman Pappas asked if they knew when the porch was built.

Mr. Hadley stated he thinks when the house was built in 1910.

Commissioner Peterson asked if they currently have a closet in that room.

Mr. Hadley said yes there are two closets but they are very small. He is hoping to make a bigger closet and maybe have room for a desk. He has not laid out the area as of yet.

Commissioner Finder asked if the closet is the only driver for this project besides the notice of violation that he received regarding the porch.

Mr. Hadley stated he has always thought about how he would expand and make the master bedroom more of a modern master bedroom.

Commissioner Peterson wanted to disclose that Mr. Trumpeter had done an addition on her home about 18 years ago. He is currently not doing any work for her.

Chairman Pappas stated he has not looked at the structural plans but he is assuming that the porch will need some structural enhancements.

Mr. Hadley said he believes that the current porch is on piers. He is assuming that his neighbors will love it if the porch is on a foundation so the animals cannot get under the porch.

Commissioner Peterson asked how does the height of the addition compare to the rear and are they similar in height.

Mr. Hadley stated it would be a little shorter.

Commissioner Peterson asked which side the main entrance to the house was on.

Mr. Hadley stated that the main entrance was on the Dover side of the house.

Commissioner Peterson said that although the Zoning Code indicates that the front is the Arlington side of the house the corner side is the actual front of the house. The Arlington side is more of a side yard for this home.

Chairman Pappas asked if there is anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

Sue Bloecks said she lives next door to the applicant and is his only immediately adjacent neighbor, aside from the Helping Hand building. She has no objections to the proposal. There have been numerous animals that have tried making a home under the porch.

Chairman Pappas asked if staff received any other correspondence regarding the proposal.

Mrs. Valone, Village Planner, stated they have not.

Chairman Pappas asked if she could go over the amendments from 2015.

Mrs. Valone stated that the nonconformities section of the Zoning Code was amended in 2015 to codify the Village policies related to expansions of nonconformities. She showed on the overhead an example house and what the Zoning Code allows. The Zoning Code allowed for expansions of existing nonconforming homes in the rear and interior side yards. It did not allow for expansion in the front or corner side yard. However, based on permit history since 2003 Staff found that what Village staff had intended to do in 2015 was to allow for interior side yards, rear yards and corner side yard expansions. The 2015 amendments clarified that if there was an existing exterior wall that encroached into a required side or rear yard then an addition matching the setback of the existing exterior wall was not considered an expansion of a

nonconformity. However, construction creating a new exterior wall would be considered an expansion of a nonconformity.

Discussion continued in regards to exterior walls and nonconformities.

Chairman Pappas asked if there was anyone else in the audience that wanted to speak in regards to this public hearing. None responded.

Zoning Board of Appeals Discussion

Chairman Pappas stated they will now go through the variation standards in staff's packet. He asked if the Commission felt that the subject property had a unique physical condition.

Commissioner Finder said he feels the Applicant's 41 ft. lot width is a unique physical condition and he understands the constraints because his own lot is only 48 feet wide.

Commissioner Tussing agreed.

Commissioner Peterson stated you have to take into consideration that it is a corner lot which can put constraints on it in addition to the lot width, further minimizing the usable area on the lot.

Chairman Pappas said the next standard is that the variation is not self-created.

All Commissioners agreed that it was not self-created.

Chairman Pappas read the fourth standard which is denied substantial rights.

Commissioner Finder stated it is hard for him to assess because the applicant did not provide full floor plans for the house. The plans only show a portion of the second floor of the house.

Mr. Hadley said that they had not landed on the interior design for the addition. In the submitted architectural plans, it shows the addition as a closet, but once the design is finalized it maybe a sitting area or part closet, part sitting area.

Chairman Pappas asked if there ever has been a proposal that was approved liked this.

Mrs. Valone said there is a table in the staff memorandum that lists front yard variation requests in the past 10 years. There has been none for an addition over a porch in the past 10 years and none have been requested either.

Chairman Pappas stated this could be setting precedent.

Mrs. Jones, Community Development Director, said it is a unique request in that it is not commonly asked for; there have been no applications of this type in the last ten years.

Chairman Pappas stated they mostly see requests for side yards and back yards as opposed to expanding an existing non-conformity in the front yard.

Mrs. Jones said the Village has dealt with the issue of expanding nonconformities in the form of a porch in the front yard in a few different ways. One was through the 2009 administrative interpretation that was issued by the Village Attorney interpreting the Zoning Code to allow full replacement of a nonconforming porch in a front yard. Also, through Administrative Adjustment process that was established to allow small encroachments into a required front yard for the purpose of constructing a front porch.

Chairman Pappas then read the fifth standard which is the request is not merely a special privilege. He reiterated that the applicant said the request for variation is not a special privilege as it is caused by the lot width. However, they are seeking a variation in the front yard which currently does not meet either the 2009 Village Attorney interpretation nor the standards for Administrative Adjustments. There are definitely unique conditions with corner lots. He then read the next standard. The purpose of the Plan is to “perpetuate the existing high quality residential character of the Village by preserving established neighborhoods while encouraging beneficial new development”. Certainly, adding mud rooms or closets to a home is a way to modernize houses. One thing the Commission needs to keep in mind is that they would be expanding on an already nonconforming structure. The proposed second story addition is now adding a second story onto this nonconformity so it becomes a question of bulk.

Commissioner Tussing asked if this would have been allowed prior to 2015.

Mrs. Jones said the prior variation that they received in 1995 would have been allowed as of right under the current regulations of the Zoning Code.

Commissioner Tussing stated with being on a corner and the addition being up high there is the question of bulk. She feels since expansions like this were not addressed in the Zoning Code’s 2015 amendment there might be a reason to deter you from doing this.

Chairman Pappas said variations are allowed for truly unique conditions. He believes that this Commission has seen a lot of unique cases over the years. The Commissioners understand the need to modernize houses. The question is what impact does it have on the zoning standards and setting precedent is important. The fact the code does not allow expansions within the required front yard is an important factor. He then read the seventh standard which talks about the essential character of

the area. He said that impairment of light and air is a consideration for two story additions. However, lot is a corner lot so there is only one direct neighbor to the west. There is a driveway separating the applicants' house and the neighboring house to the west so in this case the impacts to light and air are minimal.

Commissioner Finder stated that one thing he noticed is that nine or 10 of the homes on Arlington are at a 35 foot setback. This would be adding a lot of bulk in the front yard and might be disturbing that 35 foot front yard character to the block. He also asked staff to verify the front setback of the house at 1020.

Mrs. Valone said on page 6 of the staff report is table of the house setbacks.

Chairman Pappas then read the last standard which is included in the staff memorandum. His concern is this variation has not been granted for this type of request in the last 10 years. It has not been permitted by the Zoning Code nonconformities chapter and was not considered in 2015. By adding the second story you will be changing what you are looking at as you drive down the street.

Commissioner Finder said he is concerned about setting precedent; if they approve this one then does it open it up for all porches in La Grange. He admits that this is a unique lot being 41 feet wide. He likes the design and would not have a problem with it other than setting precedent.

Mrs. Valone said that each variation request is considered based on its own merits, conditions, and hardships. It is not a concern that the determination of one variation's merits sets precedent for other variations.

Commissioner Tussing asked if they could set conditions. She is also concerned about setting precedent. She does not want to see all these porches with second story additions on them. However, she agreed with Commissioner Peterson that the Arlington side of the house was more of a side yard since the house and the entrance face Dover.

Chairman Pappas stated again this is a tough case because the Commission has not had to deal with this type of request in the last 10 years. He definitely feels that this is something that the Village Board needs to weigh in on. He then called for a motion for a recommendation.

Zoning Board of Appeals Recommendation

Commissioner Tussing made a motion, seconded by Commissioner Finder to recommend to the President and Board of Trustees approval of the variation for Case #629 with the following condition:

1. The first floor screened in porch does not become enclosed in the future.

A roll call vote was taken:

Ayes: Tussing, Finder, Peterson

Nays: Pappas
Motion denied

IV. OLD BUSINESS

None

V. NEW BUSINESS

None

VI. ADJOURNMENT

Commissioner Tussing made a motion, seconded by Commissioner Edwards to adjourn the meeting at 8:41 p.m. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper