

**Village of La Grange**  
**Zoning Board of Appeals**  
Regular Meeting of August 20, 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, August 20, 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 7:30 p.m.

**Verify Quorum**

Upon roll call the following were:

Present: Finder, Kerpan, Peterson, Tussing, Pappas

Absent: Edwards

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

**II. APPROVAL OF MINUTES – June 18, 2020 Meeting**

Commissioner Finder made a motion, seconded by Commissioner Tussing to approve the minutes from June 18, 2020 with the following changes:

1. On page 3, near the bottom it states “Mr. Tow said he submitted in his packet”. It should read, “Mr. Tow said he submitted the Acorn proposal in his packet”.

2. On page 4, half way down, it should read “Commissioner Kerpan asked if he had any documentation”.

A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**III. BUSINESS AT HAND**

**A. ZBA #631 – A VARIATION FROM PARAGRAPH 3-110E1 (MAXIMUM BUILDING COVERGAE FOR AN INTERIOR LOT) TO ALLOW THE CONSTRUCTION OF A TWO CAR GARAGE WITHIN THE R-4 SINGLE FAMILY RESIDENTIAL DISTRICT, CATHERINE AND TIM MURPHY, 317 STONE AVE.**

Chairman Pappas asked anyone present this evening that will be speaking in regards to this public hearing to please stand and raise his/her right hand. He then administered the oath. He then called for a motion to open the public hearing.

Commissioner Finder made a motion, seconded by Commissioner Tussing to open the public hearing for ZBA Case #631. A roll call vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Mrs. Valone, Village Planner, said Catherine and Tim Murphy are the owners of the subject property. The applicants are looking to construct a two car detached garage in the rear of the subject property. There is an existing one and half detached garage that was built in 1984. The one and half car garage had replaced a one car garage that was built with the existing house.

The maximum allowable building coverage on an R-4 zoned property is 30% of the total lot area. Currently, the subject property has a building coverage of 29.64%. This leaves about 24 square feet of additional allowable building coverage. The applicants request is a two car detached garage, which would result in a building coverage 32.5%. This is roughly 169.35 square feet more than permitted by the Zoning Code.

Mrs. Valone stated additionally, there is maximum allowable lot coverage of 45% in the R-4 district. She explained that as defined by the Zoning Code, building coverage is the combined area of all the buildings on the property such as the house, detached garage, shed or gazebo. The Zoning Code defines lot coverage as impervious surface that is not considered permeable green space area. Currently the subject property has a coverage of 44.9%. If the requested variation is granted the applicants intend to remove some of their existing driveway to be able to comply with the lot coverage maximum. The applicant is proposing as part of their project to remove a portion the areas along the driveway and walkway areas and replace them with permeable pavers per the Village's residential site development permit packet. If they are able meet the standards as reviewed by the Village's Engineer, to be considered permeable, they could meet the Zoning Code requirement for lot coverage.

In the application materials, the applicants cite the need for the proposed garage to accommodate their family size vehicles. They also indicate that two car garages, both in their immediate block and within the Village, are quite common. In the agenda packet there is a secondary table that lists the characteristics of the surrounding garages on the 300 block of south Stone. Of the neighboring garages on the block, three are less than 400 square feet, 11 range from 400 to 490 square feet, and there are two that are 600 square feet or larger. On page 8 and 9 of staff memorandum there are a number of options for making a recommendation for this application. This would conclude staff's presentation.

Chairman Pappas asked if there was an allowance given for a garage on the lot coverage.

Mrs. Valone said the Zoning Code allows for certain lot coverage allowances or credits for certain structures. One is a front porch that is up to 160 square feet. Another is for half of a detached garage but no more than 330 square feet. An allowance for up to 450 square feet for a driveway to a detached garage is also provided. The last allowance is for the permeable pavers, which requires review and approval by the Village Engineer. The applicant would be replacing part of the driveway with permeable pavers, which will be reviewed by the Village Engineer during the permit phase if the variation is granted.

Chairman Pappas confirmed all the allowances have been accounted for with respect to the future proposed lot coverage.

Mrs. Valone stated yes they have.

Chairman Pappas asked if the applicant wanted to make a presentation.

### **Applicant Presentation**

Catherine Murphy, who joined the meeting via teleconference, thanked the Commission for letting her attend in this manner. She stated that they currently have a one and half garage and they are looking for a standard garage so they can fit their family vehicles in it. They are proposing to replace the current pavers on the side of the driveway with permeable pavers to be compliant with the lot coverage maximum and account for any water issues. She asked if the Commission had any questions for her.

Chairman Pappas asked if they considered a 20 x 20 foot garage.

Mrs. Murphy said they did but they have two larger size cars and it would not give them enough room. She would be concerned about denting doors.

David Krecek, Blue Sky Builders, stated Blue Sky Builders are 41 year old garage construction company. The definition of a two car garage has varied over time. In 1990, the standard size garage was 18 by 20, but the reason why was the companies wanted to keep the prices low rather than what owner needs. Over the past decade, the minimum garage size is 20 by 20 for two mid-size vehicles and still has a little bit of room. Cars have gotten bigger such as vans, SUV, or trucks. The new Ford F150 coming out in the spring is 19 ½ feet long, which is the most popular truck in America. A 22 by 22 is a two car garage with a little added room for the necessities of life. This size garage would accommodate full size vehicles without banging doors. It will have an oversized door to help get the vehicles in and out. He asked the Commission to think about their own garage and what they drive. He asked would they like to squeeze their vehicles in a 20 by 20 garage. He stated that staff had provided a list of variances from previous variation applications so there is precedence even though every case is heard on a case-by-case basis. He asked if the Commission had any questions for him.

Commissioner Kerpan said the Village provided two tables, table 4 on page 8 and table three is on page 7. Table 4 shows the average granted variance was 265 square feet, but that was for non-garages. Table 3 was for garages and an average was not presented. He calculated an average garage granted variance was 134.42 square feet. There is a history of average garage variances being granted of 134 square feet and non-garage granted variance is 265 square feet. This variance is in the middle of the two for 169 square feet. He asked if this type of request for a variance is almost routine when it's 100 to 200 square feet. Based on history it seems it is routine and he is not sure if this is the type of precedence they want to set. He is a newer Commissioner on the Board so he is not sure how they would view this variance.

Chairman Pappas stated that would be discussed after they close the public hearing.

Commissioner Kerpan asked if Mr. Krecek calculated the 607 square feet of driveway to be removed.

Mr. Krecek said he believes the applicant has been consulting with a landscape contractor. The existing driveway is bordered by solid brick pavers. They will be replacing all the highlighted red areas with permeable pavers. It includes the front landing to the front stairway to the home, the service walk going to the side door, the little curve to the rear stairs of the home, and the widening of the driveway for the bigger garage.

Commissioner Kerpan asked if he had anything to do with the selection pavers.

Mr. Krecek stated he did not.

Mrs. Valone said the Village has a published detail of what is considered to be permeable and the landscape architect did receive those details.

Commissioner Peterson asked if the applicant got a brokers opinion or appraisal on a house with a one car garage versus a house with a two car garage.

Mrs. Murphy stated she did not, but if needed they could get one. However, this is more for her family's benefit rather than a retail benefit. She stated that the house was a family house and would benefit any future homeowner with family sized vehicles.

Commissioner Peterson said the reason she asked is because she lives next to the property at 216 S. Sixth that was granted a variance in 2017. The lot is 49 feet wide by 150 feet long. They did have a small one car garage that was replaced with a two car garage with a side door. They have a minivan and one smaller sedan. She feels it did turn out very nicely. She feels it added to the neighborhood and the conformity of the area. She asked what has changed since 2010 when the applicant bought the house.

Mrs. Murphy said she now has two kids and one of her children does have special needs which requires a lot loading and unloading. She does have family size cars and this is solely to meet the needs of her family.

Commissioner Finder said there is a three dimensional drawing of the garage. He asked if the garage they are going to build is the one where they have space on both sides of the garage door.

Mr. Krecek stated a 22 foot wide garage with an 18 foot wide door will have typically two feet on each side. Because of the tight space he is going to shift the overhead door to the south slightly to make it more maneuverable to get the two vehicles in and out. Under current building code he could go as close as one foot off the corner. He can do one foot on one side and three feet on the other giving them room along that north wall.

Commissioner Finder said there are some models that will have extra space for a workbench which could probably be deemed as not critical for this variance request. He wanted to make sure that was not the case here.

Mr. Krecek stated that is not the case here.

Commissioner Tussing asked if the garage is going to match the home in character.

Mr. Krecek said yes it will.

Commissioner Peterson asked if it is possible to build a garage 21 x 21 square feet.

Mr. Krecek said yes they could, but will it meet the applicant's needs.

Commissioner Peterson asked what the difference would be between the two size garages.

Mrs. Jones, Director of Community Development, stated it is a 43 square foot difference.

Chairman Pappas asked if there were any further questions from the Commission for the applicant. 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 ZBA Case #631. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Zoning Board of Appeals Discussion**

Commissioner Kerpan asked again if based on history, is this type of variance almost routine and is this the type of precedence they want to set.

Mrs. Valone stated every variation case is based on a specific property and request. She provides information on previous variation cases to give the Commission a general idea, but each one is determined based on their own merits. Routine is not how she would characterize any variation request.

Commissioner Kerpan said in the materials there is an indication that the current lot coverage is 44.9%. He asked how that percentage is calculated.

Mrs. Valone stated the applicant submitted a plat of survey and it is a to scale document. In the corner it should have a box that says one inch equals so many feet. She has an engineer scale that correlated to the scale listed on the document which allows her to calculate the area of items that are not labeled.

Commissioner Kerpan asked if the applicant removed the areas shown in the application materials and added the permeable pavers they would then fall into this 43%.

Mrs. Valone said yes but the pavers will need to be reviewed by the Village Engineer.

Commissioner Kerpan asked how it was determined that they need to remove 607 square feet.

Mrs. Valone stated the applicant was looking at the areas that were already brick. This would be an area for them to remove and not impact the existing concrete. Then there are the walkways and the new area which is not already concrete. The applicant's landscape architect took the existing numbers from their plat of survey. He determined the dimensions for the areas in pink and put them into their calculations for lot coverage. However, the proposed square footage is more than the applicants need to remove to comply with the 45% maximum lot coverage.

Chairman Pappas asked if it is fair to assume, any variance approved by this Commission, that any lot remediation done by the applicant would be analyzed and approved by the Village before any construction would to start.

Mrs. Valone said that is correct.

Commissioner Kerpan asked if the applicant had selected the pavers that were going to be used.

Mrs. Valone stated they provided a general detail of permeable paver based on Village's detail. This still needs to be reviewed and approved by the Village Engineer.

Commissioner Kerpan asked if this is premature. He asked why the pavers had not already been reviewed by the Village Engineer.

Mrs. Valone said the intent is if they do not get the variation it would save them the cost of having the engineer review.

Chairman Pappas stated they also have staff going out to the subject property to take measurements.

Mrs. Jones said they do have inspectors go on site during the construction phase to make sure it is in compliance to the approved plans. They would not be presenting this application to the Zoning Board of Appeals if there was no way for the applicants to construct the garage. The applicants can construct the garage and meet lot coverage by simply removing some of the pink area, as shown on the overhead, along the driveway and replacing it with sod. Even if they cannot come up with a permeable paver that meets code, they can still meet code by simply removing some of the impervious area and replacing it with sod.

Chairman Pappas asked staff if permeable pavers have been a way for owners to deal with rain absorption and lot coverage issues over the past 10-15 years.

Mrs. Valone stated yes they have had several cases that have used permeable pavers.

Mrs. Jones said a reminder the applicant only has to remove 256 square feet to meet the lot coverage, but they are planning on removing over 600 square feet. The applicant is going beyond what is required.

Commissioner Kerpan asked what makes a paver permeable.

Mrs. Valone said the block itself needs to be permeable. It is then there needs to be a certain amount of stone and gravel below the paver.

Chairman Pappas asked if in the Zoning Code they had a standard size garage.

Mrs. Valone stated there is nothing that states a standard size garage. In Article 9 of the Zoning Code there are maximum size garages based on the size of the lot. If you looked at the maximum for this size lot the maximum size garage for the subject property would be a maximum of 600 square feet. However, because they are also limited by the building coverage maximum they are not able to get to do the maximum size garage or the proposed garage which is why the applicants have made the variation requested for the 22 by 22 garage.

Chairman Pappas said it is good to be able to look at averages, but you do have to remember averages can change over time. He would like the Commission to look at the average size garages in the neighborhood. On table 2, there are 3 less than 400

square feet, 11 range from 400 to 490 square feet, and two are 600 square feet or larger. Three of the properties are similar in size to subject property and have similar maximum building coverage square footages but have garages larger than what is proposed by the applicant. He drove by the subject property and many of the neighboring garages are similar to this in appearance and size. He said he would like to go through the standards for the variation to see if any of the Commissioners had comments in regards to them.

Commissioner Finder stated he does not believe that there is a unique situation with the lot. The house, which is a larger size, was built prior to the Zoning Code so that could be a unique condition. It is placing them within this hardship because they would like a garage that everyone else enjoys, but they cannot because the existing structure of the house prevents this.

Chairman Pappas then read the third standard which is the variation is not self-created. He does not believe that it is self-created.

Commissioner Tussing said for standard four, denied substantial rights, two car garages are common in the neighborhood and it is what is needed nowadays. She feels this would be denying them substantial rights if they did not recommend the 22 by 22 garage.

Commissioner Peterson and Finder also agreed.

Chairman Pappas asked what are people building nowadays.

Mr. Krecek stated in Brookfield and La Grange Park, which is similar to La Grange, the maximum is 660 square feet. It does require a big enough lot, adequate green space and it does not exceed the building coverage limit. The problem with the subject property is that there was an addition put on the house and now there is no more room. Since the owner acquired the property, they now have children and need bigger vehicles to transport the kids. Garages are now getting bigger and it is not uncommon to have a three car garage.

Mrs. Valone said she had gone back and looked at past records. The only thing that changed building coverage for the subject property was back in 1984 when they went from a one car garage to a one and a half. The foot print of the house has remained the same from the original 1968 construction.

Chairman Pappas asked if the Commission felt that the applicant was asking for special privilege for standard five.

Mrs. Tussing stated she does not feel they are and two car garages are standard. This will also add value to the home.

Mrs. Peterson agreed.

Commissioner Finder feels that for standard six the variation would be in harmony with the Zoning Code and does not see it out of harmony with the existing neighborhood.

Commissioner Tussing said having a two car garage provides high quality housing option in the historic region.

Chairman Pappas stated the majority of the homes in the area have garages in the rear and most have the driveways on the right side of the house. The proposed garage is mostly hidden behind the house so from the street it would not be an issue. He asked staff if there is an empty lot behind this.

Mrs. Valone said that the lot to the rear of the subject property is a large lot. The proposed garage generally backs up to green space on the larger lot.

Chairman Pappas stated the last standard, no other remedy, is a subjective issue. They are talking about the difference between a 20 by 20 to 22 by 22 square feet. There are extra things you can do with that space.

Commissioner Tussing said when considering the family size vehicles the applicants have they need the additional space to get in and out of the vehicles comfortably inside the garage.

Commissioner Finder stated he feels that there is always another remedy but is it a reasonable solution. He feels this is reasonable.

Chairman Pappas said staff did receive a signed document from neighbors who were in support of the proposed garage. He then asked if there were any further questions or comments from the Commission. None responded. He then called for a motion for recommendation.

### **Plan Commission Recommendation**

Commissioner Kerpan made a motion, seconded by Commissioner Tussing to recommend to the President and Board of Trustees approval of ZBA Case #631 – a variation from Paragraph 3-110E1 to allow the construction of a two car garage within the R-4 Single Family Residential District, 317 S. Stone Avenue with the following condition:

1. The existing driveway needs to be modified to comply with building lot coverage.

A roll call vote was taken:

*Ayes: Kerpan, Tussing, Finder, Peterson, Pappas*

*Nays: None*

*Motion passed*

Commissioner Peterson stated her vote was based upon most recent approvals which included 235 S. La Grange Road, 415 S. Park, and 216 S. Sixth. All three of the requests had been approved by the Village Board.

**IV. OLD BUSINESS**

None

**V. NEW BUSINESS**

None

**VI. ADJOURNMENT**

Chairman Pappas called for a motion to adjourn the meeting.

Commissioner Tussing made a motion, seconded by Commissioner Finder to adjourn the meeting at 8:54 p.m. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

