

Village of La Grange
Zoning Board of Appeals
Regular Meeting of January 20, 2022

A regular meeting of the Zoning Board of Appeals for the Village of La Grange was held at 7:30 p.m. on Tuesday, January 20, 2022, 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 OF THE ZONING BOARD OF APPEALS

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

Verify Quorum

Upon roll call the following were:

Present: Bresnahan, Hennessy, Peterson, Finder

Absent: Edwards, Kerpan, Sheehan

Village Planner Heather Valone, Trustee Gale, and Trustee O'Brien were also present.

II. APPROVAL OF MINUTES – JUNE 29, 2021 MEETING

Commissioner Bresnahan made a motion, seconded by Commissioner Peterson to approve the minutes from June 29, 2021 meeting with the following changes:

1. Under verify quorum, change Trustee McCarty to Trustee Gale.

A voice vote was taken:

Ayes: All

Nays: None

Motion passed

III. BUSINESS AT HAND

ZBA #634 – A VARIATION FROM PARAGRAPH 3-110E1 (MAXIMUM BUILDING COVERAGE FOR AN INTERIOR LOT) TO ALLOW THE CONSTRUCTION OF AN ADDITION WITHIN THE R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT, CLARE NAPLETON, 416 S. SUNSET AVE.

Chairman Finder asked the applicant to stand and raise her right hand. He then administered the oath. He then called for a motion to open the public hearing for ZBA #634.

Commissioner Hennessy made a motion, seconded by Commission Bresnahan to open the public hearing for ZBA #634. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Heather Valone, Village Planner, said the applicant has applied to put an addition on the rear of the house at 416 S. Sunset Avenue. The property is located mid-block and is located between Goodman and 47th Street. The existing house is already over building coverage. The applicant came in and applied for an application to put on a larger addition on the back but at that time it was identified that the house was over building coverage. The applicant was told that she would need to apply for a variation or reduce the size and apply for an administrative adjustment. When the applicant came back in for the administrative adjustment, the building coverage was run and it was determined that the lot was over the 100 square feet that they could request through the administrative adjustment process. Any addition that they wanted to put on, regardless of size, would need a variation.

In the submittal packet, there was an error on the survey. The survey is recent and there is an area on the back where there is an extension of the roof. It is about seven feet deep and sits on posts and it is a covered rear porch based on the Zoning Code's definition of a porch. When staff was conducting their analysis they discovered through the architectural submittal that the porch was there and existing. In the agenda packet, a note was added to the plat of survey with this area and also an aerial photo was provided. It was then determined that the lot was even further over building coverage than originally thought. There is a maximum amount of relief that can be requested under the Zoning Code for variations. The maximum that can be requested is 30% building coverage. With the porch and their request, the applicant was going to be over the permitted 30% maximum the applicant needed to reduce the area by roughly 26 square feet. So it is now a 73 square foot addition that can be requested.

Mrs. Valone stated on the dais is the applicant's updated plans with the addition that has lost about a foot and a half to comply with the maximum requirement. She showed on the overhead where the addition is proposed. The applicant is also proposing to bring the lot into conformance in regards to lot coverage. In the R-2 District, lots are restricted to 25% of the total lot area that can be covered by buildings and then a 45% lot coverage maximum. As existing, the lot is over coverage. The house was originally built in 1957 and has not seen any major modifications to it. The pool and patio on the back were installed in the 1970s which predated the lot and building coverage standards. Through this project, the applicant is proposing to remove the pool area, patio, and walkways to bring the site into conformance with the maximum lot coverage. The site plan that is on the dais is how the resulting lot would appear from a building and lot coverage perspective.

There are a number of options for the Zoning Board for their recommendation which are found in the staff report. Staff has not received any advanced comments in regards to this public hearing.

Chairman Finder asked if there were any questions from the Commission for staff.

Commissioner Bresnahan asked what is the intent behind the difference of 25% and 30%.

Mrs. Valone said in the Village there are different single-family residential districts. The residential districts R-1 and R-2 are required to have larger lot sizes and larger minimum lot widths. Both the R-1 and R-2 are more restrictive on both building coverages. These zoning districts are more restricted and that is more likely due to the function of lot size. The larger the size of the lot then the larger the home, so it is more of a bulk scaling.

Chairman Finder asked if there were any further questions for staff. None responded. He then asked the applicant to come forward and make a presentation.

Applicant Presentation

Clare Napleton, applicant, stated she and her husband purchased the home at 416 S. Sunset Avenue. The rear overhang on the back has been labeled by the Village as a porch. The definition of a porch is a one-story roofed structure attached to the face of the first floor of the building. She would like to focus on the word “attached”. The word “attached” in the dictionary means to join, to connect, to adhere or fasten. When you walk up to a home or out the back where there is a home you would either walk-up stairs or downstairs to the backyard. The porch is usually attached to the house structure. She asks that the Commission consider that when you look at the definition and the pictures.

If it is considered a porch then she is allowed 73 square feet of a variance. She would argue that it is not a porch, but rather an eve under the definition in the code. The definition of an eve in the dictionary is “the edges of a roof or the underside of a roof”. If you look at the documents provide, their home which was built in 1957, the roofline is continuous from the top to the bottom. There is a long extension or a part of the eve that is held up by posts because the eve is so large. It is not attached to anything like it was worded in the report. According to her architect, he wrote a letter stating that according to his professional opinion it is not considered a porch, but rather an eve. If this Commission decides it is an eve, then she would request the 100 square feet.

Mrs. Napleton said when the home was built in 1957 there were no rules or regulations regarding building coverage. The rules were put in the mid 2000’s so she was at a disadvantage before this whole process started. She did provide to the Village a signed document from the neighbors in support of the addition. The neighbors were thankful that she and her husband were going to take the time to rehab the home which has not been touched since 1957. They neighbors are excited that they are not tearing down the home and putting up a two-story structure. This would conclude her presentation and she is available to answer any questions.

Chairman Finder asked if any of the Commissioners had any questions for the applicant.

Commissioner Peterson asked what is the flooring that is located under the eve.

Mrs. Napleton stated under the eve specifically they are going to put concrete there.

Chairman Finder asked if they need to define what is a porch and what is an eve at this hearing or has that been determined by staff.

Mrs. Valone said based on the definition from code and based on other variations, administrative adjustments, and other permits houses with similar features to this one have been treated as porches. When they are constructed like this, intended to be able to be occupied, they have been treated as porches.

Chairman Finder asked if the columns were structural columns with foundations under them.

Mrs. Napleton stated they do hold up the roofline.

Chairman Finder asked what is the 6692 Partners, LLC.

Mrs. Napleton said it is the company she has formed with her husband to purchase the home.

Chairman Finder asked if they were planning on occupying the home.

Mrs. Napleton stated that is correct.

Commissioner Bresnahan asked even if it was classified as an eve the existing structure would still be over the building coverage.

Mrs. Napleton said she is asking for 100 square feet but if it is classified as a porch then she is respectively requesting the 73 square feet.

Mrs. Valone stated code only allows her to ask up to 30% building coverage through a variation. If she is starting with the area as a porch then there is less area she can ask for the addition. With the porch, she can only request for the 73 square feet.

Chairman Finder clarified that the Village has deemed that it is a porch and they are not here to debate that. Chairman Finder stated they would be basing their decision on the variation standards. He asked if there were any of the standards that she would like to highlight.

Mrs. Napleton asked if they would consider that the home they purchased was not formed based on the codes that were put in place by the Village. There is no grandfathering or easy relief other than asking for the variance. They bought the home from the original owners and it has not been touched since 1957. The reason why they are asking for the 100 square feet is that there is no family room. The basement has 7-foot ceilings and their son is 6'4 so he cannot even go down there. The basement is more of a storage area rather than an area for a family room. They want to have an area off the kitchen for a small family room. Two rooms down is a sunken living room which is beautiful, but you want to be able to share space with the family off of the kitchen.

Public Comment

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

Commissioner Hennessy called for a motion, seconded by Commissioner Peterson to close the public hearing for ZBA #634. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Zoning Board of Appeals Discussion

Chairman Finder said they can go through the standards and make comments. He feels this is a typical standard lot for this zoning district.

Commissioner Bresnahan stated for unique physical condition and the denied substantial rights the layout of the house itself is unique. It was built before the building code coverage and trying to modernize the house and make it fit is very limited.

Commissioner Hennessy said the comment about the basement and the inability to accommodate family members would apply to standard four.

Commissioner Peterson stated she would also agree.

Commissioner Bresnahan said for standard number six he does not feel that allowing this variation would create a bulk concern.

Chairman Finder stated in his mind he thinks about the big rain events and maximizing impervious areas. They propose to reduce the lot coverage which helps that.

Commissioner Hennessy said for standard seven they are maintaining the essential character of the area. They are keeping the ranch home and not tearing it down and building a two-story home.

Chairman Finder stated standard eight is always the hard one.

Commissioner Bresnahan said he agrees. He asked what other remedy could there be besides reconfiguring the entire layout of the house. This might be the most reasonable approach.

Chairman Finder asked if they should have a condition that in exchange of approving the variation that the same amount of overage is taken off the maximum lot coverage.

Mrs. Valone stated the applicant has already indicated that they are going to remove structures to comply with the 45% maximum. Her plan is less than 45%. The Commission can make the recommendation for approval of the overage in building coverage because she is going to be at the 40% lot coverage and hold the lot to that. That would mean any other improvements that they want to do on the lot would be constrained to that 40%. That would limit their future outdoor projects and not allow them to use the total 45%. Any work that she is going to be doing to the property is going to require her to come into compliance with the 45%.

Chairman Finder said he does not think it is necessary then.

Commissioner Peterson stated she feels it would be a constraint.

Chairman Finder asked if there were any further comments or questions from the Commission. None responded. He then called for a recommendation.

Zoning Board of Appeals Recommendation

Commissioner Bresnahan made a motion, seconded by Commissioner Peterson to recommend to the President and Board of Trustees approval of case ZBA #634 – a variation from paragraph 3-110E1 to allow the construction of an addition, 73 square feet, within the R-2 Single-Family Residential District at 416 S. Sunset Avenue. A roll call vote was taken:

Ayes: Bresnahan, Peterson, Hennessy, Finder

Nays: None

Motion passed

IV. OLD BUSINESS

None

V. NEW BUSINESS

None

VI. ADJOURNMENT

Chairman Finder called for a motion to adjourn the meeting.

Commissioner Hennessy made a motion, seconded by Commissioner Bresnahan to adjourn the meeting at 8:10 p.m. A voice vote was taken:

Ayes: All

Nays: None

Motion passed