

MEETING MINUTES OF THE SPECIAL
ZONING BOARD OF APPEALS MEETING
HELD AT THE ROBERT J. HOMOLA
MUNICIPAL BUILDING, DUPAGE COUNTY
201 SOUTH BLOOMINGDALE, ILLINOIS 60108 ON
APRIL 1, 2014 AT 7:00 P.M.

1. CALL TO ORDER

The Special Zoning Board of Appeals meeting was called to order by Chairman Brice at 7:02 p.m.

2. ROLL CALL

Upon roll call by the recording secretary, the following Commissioners were:

Present: Commissioners Jaster, Linderman, Zevan, Sanalitra, Smith and
Chairman Brice

Absent: Commissioner Fangusaro

Quorum Present

Also Present: Ms. J. Herson – Village Development & Planning

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES – MARCH 18, 2014

Moved by Commissioner Linderman, seconded by Commissioner Sanalitra to approve the March 18, 2014 Zoning Board of Appeals minutes.

Ayes: All Commissioners Present

Nays: None

Absent: Commissioner Fangusaro

Motion Declared Carried

5. PATEL ADDITION/326 TUTTLE DRIVE/VARIATION TO REAR YARD COVERAGE/FLOOR AREA RATIO - (FIRST HEARING) – 2014-002

The following exhibits were entered into the record.

Exhibit # 1 – Application for Hearing, dated March 8, 2014

Exhibit # 2 – Notice of Public Hearing, dated March 12, 2014

Exhibit # 3 – Affidavit of Compliance – He will bring to next hearing

Exhibit # 4 – Application Agreement, dated March 8, 2014

Exhibit # 5- Affidavit of Disclosure, dated March 12, 2014

Exhibit # 6 - Notice to Surrounding Property Owners – He will bring to next hearing

Exhibit # 7 - Cover Sheet, CS-1, dated March 10, 2014

Exhibit # 8 - Cover Sheet, CS-2, dated March 10, 2014

Exhibit # 9 - Detail for Addition (Floor Plan), A-100, dated March 10, 2014

Exhibit # 10 - Topographic Land, dated March 10, 2014

Exhibit # 11 - Side Elevations, dated March 10, 2014

Exhibit # 12 - Elevation of Back Yard, dated March 10, 2014

The following people were sworn in for the hearing.

Mr. Luigi Sardone – International Group Design

Mr. Luigi Sardone introduced himself to the Plan Commission. He is with International Group Design.

Exhibit # 7 is introduced into the record as the Cover Sheet, CS-1, dated March 10, 2014.

Exhibit # 8 is introduced into the record as the Cover Sheet, CS-2, dated March 10, 2014.

Exhibit # 9 is introduced into the record as the Detail for Addition (Floor Plan), A-100, dated March 10, 2014.

Exhibit # 10 is introduced into the record as the Topographic Land, dated March 10, 2014.

Exhibit # 11 is introduced into the record as the Side Elevations, dated March 10, 2014.

Exhibit # 12 is introduced into the record as the Elevation of Back Yard, dated March 10, 2014.

Mr. Sardone stated that Mr. Patel bought this house recently. He is a businessman who works very often, and his job is close to home in Bensenville. He wants to enjoy his home after spending almost \$1,000,000. He just does not want to watch television. He would like to enjoy a sauna and hot tub to relax in when he comes home from work. It is family that likes to stay outside most of the time. They would like to design a sauna with storage for equipment, an in-ground hot tub and bathroom service. He said that if they are using the backyard they do not want to go inside the house to use the bathroom. He said they also want to create a gym for exercise. On the north side they are proposing to put in some type of barbeque and fireplace to enjoy the backyard. This is for their personal use to enjoy their home.

Chairman Brice asked what the exceptions are explicitly that they are looking for the Plan Commission to approve.

Mr. Sardone said the exceptions they are seeking are to extend the backyard so that the Patels can enjoy their home. The house is a big house but does not have these amenities so they can enjoy their backyard.

Ms. Hernon referred to her memorandum, dated March 28, 2014. She stated that the petitioner is requesting the gymnasium and spa addition to the back of the house. It is 558 square feet. There is currently a patio here that will be removed and relocated further to the north, and there will be steps because of the change in the grade going down to the detention basin. She stated there is a lot of open area around the residence. She said that the area to the south is dedicated to the Park District. There is a vacant lot to the north, but it is a privately owned lot so it will probably at some point be developed. She said that the petitioner will need some form of zoning relief because of the addition, and there is a standard 40-foot rear yard building setback in the R-2B Zoning District and in most of our Zoning Districts. She said because of the addition the petitioner is going to be reducing that existing building setback and now will only have a rear yard setback of 26 feet, 11 inches. He is going to be short some 13 feet from his 40-foot minimum rear yard setback.

Ms. Hernon stated that the other thing that he is going to need in the way of zoning relief is to the floor area ratio. She said the floor area ratio is basically a percentage of the square footage of the floor area of the dwelling, which includes a garage but not a basement. This is the top number, and the bottom number underneath is the total area of the lot.

Ms. Hernon stated that this is a similar petition to the one that they had several weeks ago, which was a fairly close area to this one but was in a different subdivision. She said

that in this particular subdivision, unlike the other one that they talked about, this one had a set of graduated floor area ratios, such that the smaller the lot, the larger floor area ratio you could have. She thinks this was put into place not to penalize certain lot owners who had smaller lots than others by virtue of the layout of the subdivision. She said last time the property owner had a home that was a little bit larger than this one, but the lot was 18,500 square feet because he was on the end of a cul-de-sac, which made his lot larger so his floor area ratio was smaller. Ms. Hernon said in this case, there was a cut-off at the time of the approval of this subdivision so lots that were less than 13,000 square feet in area were given a .39 floor area ratio. She said lots that were over 13,000 square feet were given a .35 floor area ratio. She said what is kind of interesting about this particular property is that when the lot was submitted for permit it was surveyed at 12,888 square feet. She said the new survey shows it as being 13,108 square feet so the allowed floor area ratio has gone from .39 now to .35.

Ms. Hernon said another thing that has been kind of interesting is trying to get a hold of the actual floor area of the existing dwelling; and they think they have it, and it is different. The floor area in the existing dwelling is 5,038 square feet so with the new gymnasium, if it were to be approved and added, 558 square feet, it would have a new floor area of 5,596 square feet. She said if they divide that by the lot area that is most recently surveyed of 13,102 square feet, that brings them to a floor area of .42. She said this floor area ratio is not unheard of for that area. She said they have only had two variations that the Village has seen for floor area ratios. She said one being the one that they just had a few weeks ago, and the one here tonight.

Ms. Hernon stated that the other variation that they will need is for lot coverage because the Planned Development section of their Zoning Ordinance says the maximum permitted coverage is 25 percent, and they are requesting a lot coverage of 35.2 percent. It does not appear that they will need a rear yard coverage variation.

Ms. Hernon stated that the petitioner did submit a narrative where they tried to address the zoning criteria, and a lot of it is consistent with what the petitioner said. This is an error, however, because based upon information that she had at the time she was given a floor area ratio of .54, and based upon information that they were given by the petitioner and review of microfilm it was brought down. She said the addition of 558 square feet is almost the same area of the addition of the previous zoning variation.

Ms. Hernon said in addressing the zoning criteria they are saying that because of the nature of the homes in the vicinity that they are all very upscale in character and would have all of the amenities. They are just adding another amenity. She said this is being given to the Zoning Board of Appeals review to think about this and see if they think that their description and justification meets that criteria.

Ms. Hernon stated the second criteria is the unique circumstances of the situation of the property. She said that our Zoning Ordinance does not really specify when it says unique circumstances. She said the petitioner has stated the unique circumstances of the property owner who does not have a lot of time and wants to spend time at home and wants his home constructed with those amenities that will allow him to enjoy his home. She stated that the petitioner just recently acquired this home. She thinks that the petitioner in his acquisition was hoping this would be something they could do to their home.

Ms. Hernon stated that the third criteria is that it will not alter the essential character of the locality. She said that almost all of the construction will be behind, and if you are looking at it from the street they are not going to see the addition. The addition itself is going to be a little over one-story tall. They constructed it so that the floor area of the gymnasium is the same as the floor level of the home so it will be up several steps, as will the existing patio. Ms. Hernon said there will be a balcony on the upper level of this addition so the homeowner will be able to walk out of his bedroom and have an overlook of the green space.

Ms. Hernon said the one comment that staff did have is that if they look at the site plan with the patio it does extend out along the side and into the side yard. Their Zoning Ordinance allows them to have encroachments in the rear yard such as patios, and they can go within five feet of the property line, but this is a fairly substantial encroachment. She said whoever is going to buy the property to the north is going to be fairly close to that lot line and will be visible from the street. She said staff is suggesting that they tuck the edge of the patio in so that it is totally behind the north line of the building. This will also reduce the rear yard coverage.

Ms. Hernon stated that in regard to the Engineering Department's memorandum, dated March 27, 2014, they had no problems with drainage.

Commissioner Zevan stated that his concerns are always not so much in the design but what standards are they setting for the community in that area. He said floor area ratio is going to be an issue for future requests although they are limited. He said just trying to exhaust any options of reducing that number and bringing it well less than .40 and keeping it within a zone of .35 to .40 might be useful from his end. He said possibly making it a contingency if another person purchased the property next to him that they would consider putting up a visibility fence for that fireplace if it becomes an issue. He thinks it is a good project overall.

Chairman Brice said he is a little more curious about the fireplace that is going to be as little as five feet from the neighbor. Right now there is no neighbor there to actually be

sitting in this room telling him that they do not like the idea of a fireplace five feet from their property line. He said he is going to be the neighbor saying that he does not want it five feet from his property line. Mr. Sardone said they will be ten feet away. The petitioner said they will line it up so there will be no concern with the neighbor.

Chairman Brice confirmed that the petitioner is proposing that the required 40-foot rear yard setback be reduced to 26.7 feet. He said that they are currently at .42 floor area ratio with the current calculations and .42 has gone through this Plan Commission before and been acceptable. He stated that the lot coverage should be at 25 percent, and they are currently requesting 35.2 percent. Ms. Hernon said that the lot coverage would include the patio, and if he brought it in and reduced, it he would bring that down a little bit. Chairman Brice asked if this is possible. Mr. Sardone said it is possible; they will have to look at it. The Plan Commission discussed this further. Chairman Brice said that the lot coverage will be less than 35.2 percent, but they do not know what that will be because they do not have the math.

Moved by Commissioner Smith, seconded by Commissioner Zevan to open up the floor to the public.

Ayes: All Commissioners Present

Nays: None

Absent: Commissioner Fangusaro

Motion Declared Carried

No one came forward to address the hearing.

Moved by Commissioner Linderman, seconded by Commissioner Sanalitto to close the floor to the public.

Ayes: All Commissioners Present

Nays: None

Absent: Commissioner Fangusaro

Motion Declared Carried

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Moved by Commissioner Jaster, seconded by Commissioner Linderman to continue this hearing to the April 15, 2014 Zoning Board of Appeals meeting.

Ayes: All Commissioners Present

Nays: None

Absent: Commissioner Fangusaro

Motion Declared Carried

6. OLD BUSINESS – None
7. NEW BUSINESS – None
8. CITIZENS TO BE HEARD – None
9. ADJOURNMENT

Moved by Commissioner Linderman, seconded by Commissioner Jaster to adjourn the April 1, 2014 Special Zoning Board of Appeals hearing at 8:04 p.m.

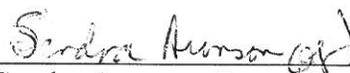
Ayes: All Commissioners Present

Nays: None

Absent: Commissioner Fangusaro

Motion Declared Carried

Respectfully Submitted,



Sandra Aronson, Recording Secretary
of the Bloomingdale Zoning Board
of Appeals Commission