

**OF DOWNERS GROVE -
Stormwater and Flood Plain Oversight Committee Meeting
July 16, 2009, 7:00 p.m.**

**Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois**

Call to Order

Chairman Eckmann called the meeting to order at 7:05 p.m. A roll call followed and a quorum was established.

Members Present: Chairman Eckmann, Mr. Ruyle, Mr. Scacco

Absent: Mr. Gorman, Mr. Crilly

Staff Present: Asst. Dir. of Public Works, Mike Millette; Lori Godlewski, Recording Secretary

APPROVAL OF MAY 7, 2009 MINUTES

The following changes were noted: Page 3, 1st full paragraph, 5th line, delete the words, "Mr. Scacco" and insert "Mr. Ruyle." Page 2, 2nd full paragraph, first line, delete the words, "the goals were not satisfactory" and insert the words "maintenance goals were not being met." Page 2, 6th paragraph, 3rd sentence, delete the word "while" and insert the word "after". **Mr. Ruyle made a motion to accept the Minutes of May 7, 2009, as corrected, seconded by Mr. Scacco. Motion carried by voice vote of 3-0.**

PUBLIC COMMENTS - None

NEW BUSINESS - None

OLD BUSINESS

Mr. Millette reported that some of the department's larger projects have been moving slowly due to the wet spring. Details followed on the McCullom Park work with Mr. Millette envisioning the detention work operational by next week. The Fairmont stormwater project and the storm sewer project on Rogers Street were reported as being completed. More recently, Millette's staff is beginning to work on the road system but Mr. Millette said he is waiting to hear from the county regarding the Sterling North pond. To date, he has received no response from the county but the Kane-DuPage Soil, Water, and Conservation District has signed off on the pond plans. Comments were also reported received back on the Lacey Creek retaining wall replacement project. Millette is waiting for final approval from the Corp of Engineers. Minor details followed.

Mr. Millette reported that the last of the contracts for the high priority sub-watersheds (Prentice B, C, and Lacey Creek Sub G) should be on the Council's agenda, which completes the goal of getting the engineering for all high priority sub-watersheds and project areas.

Discussion was raised on the Stormwater Master Plan Improvement Status from the May 7, 2009 meeting. As to the 10 items and their goals, a question was asked regarding the upgrading of the roadside ditching program and whether it was 12 miles per year using the Gradall (phonetic spelling), to which staff confirmed it was. Mr. Ruyle proceeded to discuss the ditching process taking place near his home. In speaking to the workers, he was told "too much" work was involved

in the process. Details followed on the extend of the work involved for the ditching process. He suggested that staff review that process with the idea that the process work more constructively so that more utilization of the Gradall can be made, and the 2.4 miles can be increased from last year.

STAFF REPORTS

Revised Cost Share Program - Mr. Millette reported that he and Mr. Jeff Foster reviewed the subset of the policy and began reconstructing it. The draft was distributed to the operational side of the department as well as the Community Development Department and other departments, and comments were received. As a result, he reported the draft discusses providing a more accessible system for groups of homeowners to help each other resolve problems on private property. One issue that staff addressed in the Cost-Share Priority Criteria was that staff felt it did not want people taking it upon themselves to take advantage of the system. Details followed on how the matter was addressed to make the process more fair.

Mr. Millette asked members for their comments on the draft policy. Chairman Eckmann commented that the present policy requires an individual homeowner to do everything for a project, i.e., collect money from neighbors, seek contract estimates, etc. However, he cautioned staff that some neighbors will not always be fair and that in addition to what was being presented in the policy by staff, staff should add a provision that the would be responsible to take a vote of the neighbors and get involved only if a majority of the neighbors wanted to proceed with a project. Details followed; however, the chairman added that if, for example, one of four neighbors does not want to participate and he is involved, the Council would have to work out a payment system where all neighbors pay either upfront or use a payment plan with interest. The chairman reminded members that the fourth neighbor would benefit from his other neighbors. Mr. Scacco raised concern about those individuals who could not afford payment of a project and be forced to make payment. He believed a provision must exist for that type of circumstance.

Mr. Ruyle asked if the applicant could be granted an easement on a property for maintenance purposes or whether a lien could be placed against a property so that if a person is not able to pay, a percentage value is established per year on the lien and when the property is sold, it is paid off. He elaborated by explaining that by removing ponding water on a property, a property's value increases. Members discussed sanitary sewers and the recapturing of costs. Mr. Ruyle emphasized that projects do not want to be held up by one obstinate neighbor nor a neighbor who cannot afford to comply and, therefore, he stressed that the legal wording be very clear. The chairman concurred.

Asked if there was a review process for owners putting their plans together and upsizing outlet pipes, Mr. Millette confirmed there was, possibly with some recapture involved.

Regarding the description of the policy, a question was asked whether the kept records of the sites that met Condition No. 1, to which Mr. Millette mentioned that some records existed. Mr. Ruyle discussed it was important that a procedure be built into the policy for review by staff.

As a third condition, Mr. Scacco discussed that while certain situations are a nuisance and are located above ground, there were less obvious situations causing problems underground and in residents' basements, and should be considered. However, Mr. Ruyle discussed the various types of flood monitors and equipment used in his home. He believed certain scenarios became the responsibility of the resident. Asked if Mr. Scacco would consider interceptor trenches with a culvert running to a storm sewer, Mr. Scacco stated he would support anything that would solve a problem and would support any system which was equitable for the residents, because it would improvement property values and the quality of life.

A general dialog followed that the above suggestions were being discussed in order to augment this with the as an option so that such work is done appropriately. However, on the other hand, Mr. Ruyle raised concern about proper inspections taking place and hoped that some oversight by the would take place on the projects. The chair concurred, commenting that the average homeowner may not know what to look for, i.e., correct size of pipes or the level of grading, etc. when doing his/her own work.

Chairman Eckmann then discussed whether there were other options other than just pumping and if there were not, then the Village should not get into pumping water. Members talked about using gravity as a solution or a solution with little or no maintenance as being the divisor. Mr. Scacco asked if a provision could be inserted into the policy that describes non-surface problems as well.

A question was raised regarding reimbursements and cost share projects and how to fairly calculate the cost of a structure in a public right-of-way when three owners are involved. A depiction was explained, followed by a question as to how will the homeowner know the cost going from a sewer to the outfall of the property when he is in the planning stages of a project. The chairman understood the homeowner would speak to the contractor. Mr. Millette responded that staff would help the individual with identifying the cost at that point and historical bid prices could be made available to them. A suggestion was made to insert language as to the available historical bids.

Mr. Millette proceeded to describe two options available for inserting structures: Staff providing the extension and dropping the structure in place, as covered by current policy (the connection would be considered part of the cost the has already provided), or if a contractor does the work, the would capture the costs of the storm sewer extension through other funds, as was done last year. Clarification followed.

Other comments and/or questions, and clarifications followed regarding "Outfall Provisions", making the policy's terminology more understandable to the homeowner, and depicting examples under "Defined Terms". Changes were called attention to an item under "Cost Share Criteria" as it relates to qualifying for a project and the method of operation. Mr. Scacco suggested having an appeals process if a homeowner is denied a project. Members supported the suggestion.

Other changes/comments followed under "Procedures" and adding a reasonable date timeline; clarification of the 's reimbursement amount (lowest amount); "as-built surveys"; a timeline for when the 's reimbursement will be received (preferably 30 days); the definition of "Outfalls" (being on private property) and changing it to the word "Outlet" for better clarification; and revealing the 's costs for a project. Mr. Ruyle emphasized he was trying to make this process as transparent as possible for the homeowner with the understanding that staff has to be as helpful as possible to the homeowner. The chairman hoped to see a line item in the budget for the stormwater improvement cost share to which Mr. Millette stated there was one in the 2010 draft budget.

Due to the many suggestions/changes to the draft policy, Mr. Millette offered to revise the document and return with another review of it next month. Members concurred. The chairman suggested that the 's legal staff review the document as well.

ADJOURN

Mr. Ruyle made a motion to adjourn the meeting at 8:36 p.m. Seconded by Mr. Scacco. Motion carried by voice vote of 3-0.

Stormwater Oversight Committee
July 16, 2009

Respectfully submitted,
(as transcribed by tape)

/s/ Celeste K. Weilandt
Celeste K. Weilandt, Recording Secretary

**VILLAGE OF DOWNERS GROVE -
Stormwater and Flood Plain Oversight Committee Meeting
August 13, 2009, 7:00 p.m.**

**Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois**

Call to Order

Chairman Eckmann called the meeting to order at 7:00 p.m. A roll call followed and a quorum was established.

Members Present: Chairman Eckmann, Mr. Crilly, Mr. Ruyle, Mr. Scacco (late)

Absent: Mr. Gorman

Staff Present: Asst. Dir. of Public Works, Mike Millette; Lori Godlewski, Recording Secretary

Others Present: Mr. Dan Schoenberg, 5236 Carpenter, Downers Grove; Mr. Mark Thoman, 1109 61st Street, Downers Grove; Mr. Dennis Oplinger, 5603 Woodward, Downers Grove.

APPROVAL OF MAY 7, 2009 MINUTES

The following changes were noted: Page 2, 2nd full paragraph, first line, delete the words, "the goals were not satisfactory" and insert the words "maintenance goals were not being met." Page 2, 6th paragraph, 3rd sentence, delete the word "while" and insert the word "after". Page 3, 1st full paragraph, 5th line, delete the words, "Mr. Scacco" and insert "Mr. Ruyle." **Minutes of May 7, 2009, as corrected, were approved unanimously by voice vote of 3-0.**

The chairman recalled that at the July 16, 2009 meeting he ruled a quorum was present but the minutes did not reflect same. He proceeded to read Downers Grove Ordinance 32.66, Sect. 34 and respectfully requested that the Village attorney provide to the chairman prior to the next meeting the basis on which that decision was made. Asst. Dir. Millette would follow up.

PUBLIC COMMENTS

Mr. Mark Coleman, resident of 1109 61st Street asked how long has the two member seats been vacant.

Chairman Eckmann suggested that if anyone knew someone who wanted to serve on this committee to notify Asst. Dir. Millette.

NEW BUSINESS

Mr. Ruyle emphasized the importance of getting another member on the committee to fill out the committee. The chair concurred. Mr. Scacco suggested the Village might look at approaching the contractors who work in town. However, comments followed on whether it created a conflict of interest. Chairman Eckmann offered to look for prior information on this subject but also reminded members that this body was a recommending body.

OLD BUSINESS - None

STAFF REPORTS

Revised Cost Share Program - Mr. Millette said he reviewed his notes and the comments from last month's meeting regarding this program and incorporated them into the new draft policy. Key components of the document included better clarification of the definitions. The chairman suggested reviewing the program paragraph by paragraph.

Reviewing the "Description of Policy", Conditions 1 and 2, comments followed that there should be criteria for not only depth but the size of the area. The chair suggested removing Condition Nos. 1 and 2 and replacing them with the following: *Stormwater that causes Priority 1, 2, 3, or 4 conditions on private property where one or more developed lots are affected.* He felt Conditions 1 and 2 were too limited. Review of the remaining paragraphs followed. The chairman drew an example of the Village's stormwater system on a wall board for members to view. He explained the public/private partnership project.

Under the "Village Reimbursements", section, first paragraph, Mr. Millette stated the concern here was that the Village would not be able to control the plan for certain projects. The committee discussed public right-of-ways and the fact that the Village should work within the public right-of-way while residents stay in the private areas. Comments were raised that certain costs of construction should be shared by the resident since a project may be serving nobody else but the specific project. If residents have to pay for certain projects within a right-of-way, the chairman felt it was not fair.

Reviewing "Outlet Provisions", Mr. Millette stated the language needed to be updated. Members agreed that Paragraph 1) should be deleted in its entirety. Some wording changes followed for "outlet storm sewer". Members discussed the costs associated with the length of piping and specifically how Paragraph 4) read, noting that the lineal feet figures were arbitrary. Mr. Millette added that one of the considerations that staff evaluates when looking at an applications is what projects are already underway as it relates to the Master Plan.

Members proceeded to review "Cost Share Project Priority Criteria", noting much of the language already came out of the Master Plan. No changes followed.

Under "Procedure", members discussed minor language changes to Paragraphs 2, 3, and 4. Under Paragraph 5, the chairman voiced that if the Village was going to require an easement, the Village must fill out the survey and the homeowner agrees to accept the easement. A dialog followed on displaying a permit (Paragraph 6) and the Village having oversight on a project. Some minor wording for Paragraph 7 followed.

Reviewing "Definitions", it was suggested that the definition of "Project Applicant" be added. Also Mr. Millette said he would follow up with the finance and law departments regarding endorsement of multi-party reimbursement checks.

Mr. Scacco moved to accept the Stormwater Improvement Cost Share Policy, as modified, and to forward it to the Village Council, seconded by Mr. Ruyle. Motion carried unanimously by voice vote of 4-0.

The chairman recommended that staff email the revised policy to the members and for them to email Mr. Millette any changes.

Mr. Millette reviewed a list of potential cost-share applicants in the queue and the fact that this was how staff would be tracking the applicants.

In general, members discussed water run-off from large developed homes into other neighboring properties and the fact that the policy wording should include "one or more lots."

Chairman Eckmann entertained a motion to reconsider the above original motion.

Mr. Scacco moved to reconsider the original motion. Seconded by Mr. Crilly. Motion carried by voice vote of 4-0.

Mr. Scacco moved to amend the original motion to include modification of the Stormwater Improvement Cost Share Policy to include the verbage "one or more property owner lots" and to forward the policy to the Village Council. Mr. Ruyle seconded the amendment. The motion, as amended, carried unanimously by voice vote of 4-0.

ADJOURN

Mr. Crilly made a motion to adjourn the meeting at 9:10 p.m. Seconded by Mr. Scacco. Motion carried by voice vote of 4-0.

Respectfully submitted,
(as transcribed by tape)

/s/ Celeste K. Weilandt
Celeste K. Weilandt, Recording Secretary

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MEETING
NOVEMBER 11, 2009**

Call to Order

Chairman White called the meeting to order at 7:30 PM.

Roll Call

Present: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia (arr. 7:40), Ms. Majauskas, Ch. White

Absent: Mr. Isacson

A quorum was established.

Staff: Jeff O'Brien, Planning Manager, Damir Latinovic, Village Planner

Minutes of Oct. 28, 2009

Ms. Earl said she had submitted changes to staff.

Mr. Domijan moved to approve the minutes of the Oct. 28, 2009 Zoning Board of Appeals meeting with the changes as recommended. Ms. Earl seconded the Motion.

AYES: Mr. Domijan, Ms. Earl, Ms. Majauskas, Ch. White

ABSTAIN: Mr. Benes

NAYS: None

The Motion passed unanimously.

Meeting Procedures

Chairman White said there was one item to be heard on the Agenda. He reviewed the procedures to be followed during the public hearing, and called upon anyone intending to speak before the Board to rise and be sworn in. Chairman White explained that there are seven members on the Zoning Board of Appeals, and for a requested variation to be approved there must be a majority of four votes in favor of approval. He added that the Zoning Board of Appeals has authority to grant the petition, without further recommendation to the Village Council.

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ZBA-14-09 A petition seeking setback variations for an accessory structure for the property located at the northeast corner of Prairie and Saratoga Avenues, commonly known as 4743

Saratoga Avenue, Downers Grove, IL (09-08-100-011), Stuart and Barbara Martin, Petitioners/Owners.

Petitioner's Presentation:

Ms. Barbara Martin, Petitioner and resident of 4743 Saratoga Avenue, advised that she and her husband are requesting setback variations to build a new garage. She referred to photographs of the site to explain their request. There is insufficient driveway space for the cars to clear the sidewalk. Presently there is only a one-car garage. The house was built in the 1920s and still has the original garage structure. If their cars are pulled up to the garage, bumpers still do not clear the sidewalk. There is no parking on their section of Prairie, and parking on Saratoga is unsafe because traffic turning from Prairie is heavy and would have to clear a parked car near the intersection. Residents are unable to park until 1:00 PM. Guests, business people, etc., are unable to park on the street. Their driveway does not allow for any additional parking. Ms. Martin said if one car is parked in the garage, it would still be unsafe to back onto Prairie.

Chairman White interjected a question to staff as to whether it is an ordinance violation to have a parked car extend into the sidewalk area. Mr. Jeff O'Brien said it is a violation to park across the sidewalk, but was unsure if just the bumper portion of the car extending onto the sidewalk would result in a ticket.

Ms. Martin continued, showing photos of the area, saying that in the winter it is a particular challenge with snow and with the high pedestrian traffic volume. She said that if they want to build a new garage they would have to go further back than the present location, and would have to be further west for the east property line setback. The garage is presently about 2.5' from the east property. The yard has a large sloped area, and the children play in the flattest area of the yard that is behind the garage. If the garage is moved back, the children's play area will be compromised. There are also two mature trees they would prefer not to remove; however, without a variance both trees would be lost. With a variance they would be able to save one of the trees. For these reasons, the Martins are seeking the variance to allow them to turn in the driveway and save at least one of the trees. The garage could be pushed back as far away from Prairie as possible, allowing the children to access a back yard play area with a little more room. She then showed a picture depicting where the driveway could be located with the variance.

In response to a question from Ms. Majauskas concerning the fact that the garage will have to go in, whether they have the 2.5 feet or not, Ms. Martin said she is unsure they will do anything without the variance. They have looked into other options. They cannot put a driveway on the other side of the house, or put in an attached garage due to the configuration of the lot and its proximity to Saratoga. They've been unable to come up with options other than the requested variance.

There being no further questions of the petitioner at this time, Chairman White called upon staff to make its presentation.

Staff's Presentation:

Mr. Damir Latinovic, Planner, described the property at 4743 Saratoga, which is located in an R-4 single-family residential district. The zoning variation is requested to construct a garage 2.5' from the north side property line, and 2.5' from the rear east property line. The Zoning

Ordinance requires a minimum of a 5' setback for accessory structures from both property lines, and does allow for a variation of up to 50% of the requirement. He reviewed the staff's report of November 11th, 2009, saying that the petitioner believes the requested variation would maximize driveway space for cars to be parked in front of the garage as well as increasing a play area for the children.

Mr. Latinovic said that staff finds there are no unique circumstances associated with the property that would warrant granting the requested variations because 1) there is no physical hardship or practical difficulty associated with the petition requiring the garage to be placed in the location proposed, 2) the petitioner has the ability to construct a detached garage which would meet the setback requirements, and 3) the approval of the requested variation could be construed to be applicable to all residential lots in the Village where no unique circumstance or physical hardship exists. He reviewed the nine standards for granting the variations according to the Ordinance, noting that only four of those standards have been met. For those reasons, Mr. Latinovic said staff believes there is no physical hardship or unique circumstances associated with the property and based on its analysis. He indicated staff was recommending denial of the requested variations. He added that if the Zoning Board of Appeals decides to approve the requested variations, the approval should be subject to the petitioner obtaining a building permit prior to the demolition of the existing garage and construction of the new detached garage.

Mr. Benes asked if it was possible to attach a garage to the house per the code. Mr. Latinovic said it is allowed. Mr. Benes then asked if it is possible to put a driveway on the south side of the house. Mr. Latinovic said that could be done, although they currently have a deck on that side of the house.

Mr. O'Brien interjected that he did not think the Village would allow a driveway access from Prairie closer to Saratoga Avenue, since it is so close to the intersection. He said the Village tries not to put a driveway access point that close to a busy intersection. Mr. Benes said knowing the area, it might not be a wise move, although he thinks it could be an option.

Mr. Benes then referred to the garage at 4746 Saratoga east of the subject property and asked what that setback was. Mr. O'Brien responded that if it were a new garage it would have to have a 5' setback.

Ms. Majauskas said she drove by the property today, saying it looks as though there is a lot of coverage on that lot, and asked whether they would be running into green space issues with the 22 foot-wide garage. Mr. Latinovic said on a 55' wide lot a garage up to 500 square feet such as the one proposed does not count toward the lot coverage. They are within the lot coverage ratio, and the detached garage is not considered part of the lot coverage. If it were a front-loading attached garage off of Saratoga, it would count as part of the lot coverage.

There being no further questions from the Board, Chairman White called for anyone who wished to speak either in favor of or in opposition to the petition.

Ms. Diana Summers, 4739 Saratoga, spoke on behalf of herself and her husband, saying they are the neighbors directly to the north of the Martins. She came to speak in support of the Martins' application, saying they are great neighbors with a wonderful family. The Martins maintain their property, follow Village rules, and are good neighbors who help make the Village work. She would hate to have them leave the Village because of 2.5'. They have worked a long time to

come up with a solution to their problem, and included the Summers in all of their planning. All options were reviewed in terms of how they meet the Village Code. She quoted the code saying a primary test for granting a variation is “practical difficulties or particular hardships.” These are subjective to each case, but the ordinance says this is to be distinguishable from “a mere convenience.” Ms. Summers said she sees this as more than “a mere convenience” for the Martins. Ms. Summers, an attorney, said this is a unique lot, because it is on the corner of Saratoga and Prairie, two major streets for school buses and carloads of children going to school. Police reports show that many accidents have occurred because of traffic coming from Downers Grove North High School. The Martins’ corner lot is long and narrow with tremendous grade variations. It is not a flat lot and has a huge upswing on the side closest to Prairie. The application is for a larger garage that will accommodate multiple cars and bring the home into the 21st century.

The variation is being requested to preserve the property values of the Martins’ home, and for proportional aesthetics. Their house is a Sears home which is on the tour of Sears homes in the summer. If the garage is disproportionate by bringing it closer to Prairie it will affect the aesthetics of the site. She referenced the increase of traffic on Prairie Avenue and its affect on the intersection. It is often impossible for her to get out of her driveway on Saratoga Avenue in the morning and battle the school traffic and buses. Ms. Summers said the variation might also allow the Martins a bit of turn-around area so that exiting from the driveway would be safer. The Martins have two children, and they want them to have room to play. If the variation can provide safer exits on a busy street, how can it be denied? Another difficulty concerns blocking the sidewalk, and the Martins attempt not to block it. This slight variance would keep the sidewalk free. All the difficulties are the result of the unique circumstances of this home that are more than mere inconveniences. The home is on a school bus route, located on busy streets that are alternates to Ogden Avenue. The Martins are not responsible for the situation, and the variation will not negatively impact any adjacent property, will not alter the character of the neighborhood, or confer special privileges to the Petitioners. Ms. Summers said the request being made is due to practical difficulties and she urged the Board to grant the variation.

Chairman White then asked the Petitioner if he had any closing remarks.

Ms. Martin said a question had been raised about attaching the garage, and they looked into that. The quotes were in the \$100,000 range because of multiple issues, and it was not feasible due to cost and other obstacles. In response to Chairman White, Ms. Martin said they spoke to their neighbor at 4746 Saratoga and they had no objections to the proposed plan.

There being no further questions, Chairman White closed the opportunity for further public input.

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Board’s Deliberation

Ms. Earl said it doesn’t seem to matter where the garage is placed, they will still have to back out onto Prairie. She asked if they could still bring the driveway to the edge of the property line, and Mr. Latinovic said they could. Mr. Benes said they are planning to bring it closer to the property line, and Ms. Earl said they could do that without a variation or moving the garage.

Mr. O'Brien stated additional asphalt or concrete driveways may create the need to mitigate stormwater run-off to adjacent properties.

Ms. Majauskas said it doesn't make sense to give the driveway five feet on either side, since it is only a 50' lot. If the variance is not granted, the garage will end up in the middle of the back yard and that is ridiculous. It doesn't make sense in many ways. She understands the parking issue. Putting the garage in the back yard doesn't work. Mr. Benes said they are not putting the garage in the back yard. Ms. Majauskas said she drove past that property and this is not a big back yard.

Mr. Domijan said they have talked before about structures in this part of town. They are also talking about saving some trees here.

Chairman White said this is one of the smaller lots, and Mr. O'Brien said most of the homes in this part of town are on 50'x125' lots. In the R-4 zoning district, the setback is 5' for accessory structures.

Mr. Benes said if they install the garage up to Code they would have 23' between the garage and the sidewalk, while they have 13.25' right now. That would allow for additional space for cars in the driveway. He doesn't see 2.5' cutting out play area in the back yard, or cutting out parking space in front of the garage. They are still talking about backing out onto Prairie. They can choose to go onto the grass if they wanted to.

Mr. Benes said he drove through this area including surrounding homes saying there are many garages in the area that are not 5' from lot lines. Allowing the variation would not change the neighborhood significantly, and he does not find this objectionable. It is a variation, but it is in an old part of town with a substandard lot. It compares to some of the lots, such as those on Stanley, which are located in subdivisions created before there *was* a "neighborhood."

Mr. LaMantia asked if the lot size and traffic create a hardship and justify the variance in Mr. Benes' opinion.

Mr. Benes responded that the traffic on Prairie and Saratoga comes into play because the roadways are paved, there are schools in the neighborhood, sidewalks, blacktop, etc., and that's caused by progress. The Petitioner is talking about solving a parking problem and play area.

Mr. LaMantia added that they can't park in certain hours of the day in front of their own home.

Chairman White asked if there were any other comments or thoughts from the Board. There being none, Chairman White called for a Motion.

Mr. Benes made a motion to grant the requested rear and side yard setbacks for a detached garage associated with File #ZBA 14-09, with the following condition:

- 1. The petitioner shall obtain a building permit prior to the demolition of the existing garage and construction of the new detached garage.**

Mr. Domijan seconded the Motion.

AYES: Mr. Benes, Mr. Domijan, Mr. LaMantia, Ms. Majauskas, Ch. White

NAYS: Ms. Earl

The Motion passed 5:1

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There being no further business, Chairman White adjourned the meeting at 8:17 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary