

**DOWNERS GROVE
ENVIRONMENTAL CONCERNS COMMISSION
November 10, 2011 Meeting Minutes**

I. Roll Call

Chairman Sterner called the meeting to order and requested a roll call.

Present: Chairman Sterner, Commissioner Cavallo, Commissioner Eisenhart, Commissioner Speta, Commissioner Vitt Sale, Commissioner Hose

Absent: Commissioner Viti, Commissioner Duet

II. Review and Approval of October 13, 2011 Meeting Minutes

Chairman Sterner asked for comments, changes or revisions to the October 13, 2011 meeting minutes. Commissioner Vitt Sale made a motion to approve the minutes as amended. Commissioner Eisenhart seconded the motion. The motion passed by a voice vote.

III. Visitor Welcome

Chairman Sterner welcomed Village staff member Jeff Loster. Village engineer Jeff Loster gave a presentation on the environmentally friendly stormwater infrastructure improvements that the Village has completed. The presentation covered the following maintenance projects: 59th Street Ditch Restoration, Lacey Creek Retaining Walls, St. Joseph Creek Stabilization. It covered the following new infrastructure projects: Green Streets, 2nd and Cunnor, Downtown Business District, and Fire Station #3 Bioswale.

IV. Staff Update

Ms. Deitch provided an update on the Village's electronics recycling event. The event on November 5 was the first event. More than 200 cars and walk-ups passed through and the Village collected more than 20,000 pounds of electronics for recycling. The feedback at the event was very positive. The Village is going to increase its communication efforts for this event so that residents know it is a regular collection.

Chairman Sterner asked Ms. Deitch to discuss electricity aggregation. Ms. Deitch stated that the Village Council will consider a motion to operate an aggregation program for residential and small retail commercial electricity customers. There are 22 retail electric suppliers. The Will County Governmental League is joining together 20 municipalities to bid competitively on electricity supply on behalf of those cities and their residents for a period of 12 months. The program requires a referendum in March, which is why the process is beginning now. The electricity will be bid competitively over the summer. Ms. Deitch stated that staff believes there could be two ways to incorporate renewable energy

into the program if the Council decides to join the Will County Governmental League's program. The first renewable energy option would be to have the Will County Governmental League include in its bid a certain percentage of renewable energy credits. The other option would be for the Village to purchase renewable energy credits. Ms. Deitch stated that staff welcomed the ECC's feedback and would include the ECC's comments in the agenda memo that would be provided to the Council.

Ms. Vitt Sale stated that independently of Ms. Deitch's presentation, she had been contacted by Blue Star Energy, as she is personally a customer of the company. She stated that municipalities can enter individually into a purchasing agreement. The overarching strategy of the program is to give residents and small businesses the opportunity to buy power at a scale. It is a community-based buying program. The reason that she was contacted is that she is a green power advocate. She is interested in the program because she would like to be able to bring electricity bills down considering the tight economy, but she stated that she thinks there should be a mix of green power. She stated that she personally purchase 100% green power and she pays less than she would pay from ComEd. It is not as big of a discount as she would get through an aggregation program. Ms. Vitt Sale stated that the Integrys presentation given at the Village Council meeting stated that the Village could expect rate savings of as much as 18% and she stated that she would imagine that joining the Will County program would make the buying power much stronger. The reason that she asked for the program to be considered by the ECC is that the ECC could make a recommendation to go back to the Council for a percentage of mix of green power in that program.

Mr. Sterner asked what kind of savings the Village would see. Ms. Deitch stated that residents could see around \$150 in savings per year. Ms. Deitch stated that the ComEd rate now is around 7.5 cents per kilowatt hour and most of the contracts being bid right now are around 5.5 cents per kilowatt hour.

Ms. Vitt Sale asked where the Village would get its supply of power under a new scenario. Ms. Deitch stated that she was not sure, but would clarify. She stated that the Village now has a contract with Champion Energy for its revenue-producing buildings. ComEd does not actually sell electricity; the rate is a pass-through.

Mr. Hose asked if there would be a difference in savings between a scenario where Downers Grove runs its own aggregation program or where it joins the Will County program. Ms. Deitch stated that the price would be comparable to what the other communities had received in a contract. North Aurora is a recent example of a community that went alone; they have a rate of 5.7 cents per kilowatt hour.

Mr. Hose asked who would make the payment to the consultant. Ms. Deitch stated that the electricity customers would pay a fee as part of the rate. The fee would be equivalent to about \$2.40 per customer per year.

Chairman Sterner asked if the Village had sought out the Will County program. Ms. Deitch stated that the Village had been approached to join by the Will County

Governmental League and that other communities outside the league have also been invited. Mr. Sterner asked if DuPage County is considering a similar program. Ms. Deitch stated that they are not. She stated that the Council is considering a letter of intent and will have opportunities to withdraw prior to when bids are sought.

Mr. Sterner asked the Commission if it wanted to give a recommendation regarding the program. Mr. Cavallo stated that the motion should encourage the Council to consider the program and in the Commission's judgement, it is a benefit to the resident and that the Commission hopes there will be a high level of renewable energy included. Ms. Vitt Sale stated that she would like the Commission to give direction on a percentage of renewable energy.

Mr. Hose stated that the Oak Park model to purchase 100% green power was interesting and asked if there would be an opportunity for residents to choose 100% green power or a portion of green power. Ms. Deitch stated that the Will County Governmental League representatives stated that it would be an administrative burden to administer a program like that due to the high number of customers.

Mr. Sterner asked Mr. Speta if he would like to provide his opinion. He stated that he was in agreement.

Ms. Vitt Sale stated that she was able to find the State of Illinois' renewable energy standard and that the current standard is that by the year 2025, 25% of energy sold in Illinois will be from renewable sources. Mr. Eisenhart asked whether there was a standard in place now. Ms. Vitt Sale stated that the current percentage is 5% and increases each year by 1% to 25% by 2025. Mr. Eisenhart stated that the Commission's role is to think about the environmental component as opposed to only the cost and that the motion should encourage the Village to purchase renewable energy credits separately if it is not included in the Will County Governmental League program. Ms. Vitt Sale stated that helping residents purchase electricity at a lower rate in an aggregation program is also a good thing to do and that social equity is a component of sustainability. She stated that she can buy green power by choice but that this program could really help residents to pay lower electricity. Mr. Eisenhart agreed.

Mr. Hose stated that he would like to see the Commission recommend a percentage of renewable power. Mr. Cavallo stated that 25% is a good goal that would be appropriate. Mr. Sterner stated that it could be a range, with a minimum of 5% and a goal of getting to 25%. Mr. Hose stated that the range could be higher. Mr. Cavallo stated that the range could be between 15% and 25%.

Mr. Hose made a motion that stated that the Commission endorses the Village's entry into a municipal aggregation program and that as part of the purchase, there would be a minimum of 15% with a goal of reaching 25% renewable energy and that in the event that the Will County program does not meet a minimum of 15%, that the Village purchases renewable energy credits to make up the difference. Ms. Vitt Sale seconded the motion. Mr. Sterner asked for a roll call.

Ays: Cavallo, Eisenhart, Speta, Hose, Vitt Sale, Sterner
Nays: None

The motion passed 6-0.

V. Presentation on Downers Grove Stormwater Best Management Practices

This item was discussed during Visitors Welcome.

VI. Green Business Recognition Program

Ms. Deitch stated that staff would continue work on this project. There was no discussion on this item.

VII. Old Business

VIII. New Business

IX. Adjournment

The next meeting was scheduled for January 12, 2012. Commissioner Vitt Sale made a motion to adjourn the meeting. Commissioner Hose seconded the motion. The motion passed by a voice vote.

**MINUTES
DOWNERS GROVE
ENVIRONMENTAL CONCERNS COMMISSION
March 8, 2012**

I. Roll Call

Chairman Sterner called the meeting to order at 7:03 p.m. and asked for a Roll Call.

Present: Joe Sterner, Jim Speta, James Cavallo, Joseph Vitti, Greg Hose, Lois Vitt Sale
(arrived at 7:07 p.m.)

Absent: Michael Duet, Tom Eisenhart

Staff: Allison Deitch, Management Analyst

II. Review and Approval of November 10, 2011 Meeting Minutes

Chairman Sterner asked for a motion to approve the minutes of the November 10, 2011 meeting. Commissioner Hose made a motion to approve the minutes and Commissioner Cavallo seconded the motion. The motion passed by a voice vote.

III. Visitor Welcome

Chairman Sterner welcomed the visitors to the meeting and asked if they would like to comment. Mr. Ken Lerner stated that he was attending the meeting to discuss the letter from the Pierce Downer Heritage Alliance addressed to the Village Council and provided by Ms. Deitch to the Commission. The Pierce Downers Heritage Alliance encourages the Village to include a significant percentage of green power as part of its electricity aggregation. He stated that he provided information on Oak Park's aggregation program, which was going to be for 100% green power. Ms. Deitch provided an update on the progress of the aggregation program. Ms. Deitch stated that she would be providing an educational presentation at the Village Council meeting on March 13, 2012.

Mr. Cavallo asked Chairman Sterner if he could speak on the appointment of Mark Thoman to the Environmental Concerns Commission. He stated that he was disappointed that the appointment was not confirmed and he thought Mr. Thoman would have been a good addition to the commission.

IV. Staff Update

Ms. Deitch provided an update on the Electronics Recycling Program. She stated that it had been successful. Commissioner Vitt Sale stated that she had read an article regarding the export of scrap electronics from the U.S. to developing countries where they caused contamination. Ms. Deitch stated that she would find out additional information on this from the electronics recycling vendor to see whether this happens with electronics collected at Village events.

Ms. Deitch provided a summary of the stormwater utility recommendation that the Village Council would consider. She stated that the program included some credits and

incentives to promote environmentally friendly practices for stormwater. Ms. Deitch stated that there was additional information on the Village's website that commissioners could review.

V. Freedom of Information Act/Open Meetings Act Required Training Information

Ms. Deitch discussed the Freedom of Information Act and Open Meetings Act Training that all commissioners are required by the State of Illinois to complete by January 2013. Mr. Hose stated that he had completed the training and that it was straightforward. Ms. Deitch stated that the online training system requires that each commissioner create a username and password. The instructions had been provided by email.

V. Green Business Recognition Program

Ms. Deitch stated that she had met with a group of staff members to discuss the green business program. Village staff had reviewed the proposal and had the following suggestions:

1. ECC will recommend recognition and the business will be presented with a proclamation at a Council meeting
2. A press release will announce the recognition and recognized businesses will be listed in the village website. The businesses will have a door decal and permission to use the green business logo on their website.
3. The program would have regular deadlines, most likely July 1 and January 1

Ms. Deitch stated that staff still needed to complete the application and the promotional materials. She stated that one concern for staff was balancing the objectivity of the Village's website with the promotional aspect of the program. Mr. Cavallo stated that it was not so much promotion of businesses; rather it is recognizing business practices and actions that are consistent with environmental stewardship. Ms. Vitt Sale requested that Ms. Deitch provide a timeline for reviewing applications.

VI. Old Business

There was no old business.

VII. New Business

Mr. Sterner asked for any ideas for future commission meetings. The commission had the following suggestions: a speaker on green power, smart grid update, a demonstration of the Public Works Building solar panels and cameras for the railroad tracks for monitoring environmental concerns.

The next meeting was scheduled for April 12.

VIII. Adjournment

Chairman Sterner asked for a motion to adjourn the meeting. Commissioner Hose made a motion to adjourn the meeting. Commissioner Cavallo seconded the motion. The meeting was adjourned at 8:03 p.m.

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY**

APRIL 25, 2012

MINUTES

1. ROLL CALL

President DiCola called the meeting to order in the Library Meeting Room at 7:30 p.m. Trustees present: Eblen, Greene, Humphreys, Loftus, Read, and DiCola. Trustees absent: none. Also present: Library Director Ashton, Children's Services Manager Sara Pemberton.

2. WELCOME TO VISITORS

President DiCola welcomed Sara Pemberton to the meeting.

3. APPROVAL OF MINUTES

Trustees reviewed the minutes of the regular meeting of April 11, 2012. Board members pointed out that Item 8 contained an extraneous incomplete sentence. With the removal of this error, it was moved by Humphreys and seconded by Greene **THAT THE MINUTES OF THE REGULAR MEETING OF APRIL 11, 2012 BE APPROVED.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

4. PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Loftus and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR APRIL 28, 2012 TOTALING \$17,933.42 AND CREDIT MEMOS TOTALING \$22.13.** Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Abstentions: none. Nays: none. Motion carried.

5. OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

6. OPPORTUNITY FOR PUBLIC COMMENT ON OTHER LIBRARY BUSINESS

None.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

a. Approval of Proposed Personnel Expenditures for May-December 2012.

Ashton presented the attached proposal, which would enact salary and wage adjustments for all staff (except the Director), effective April 29. This change would bring annual personnel expenditures to 94.5% of budget, leaving \$162,550 for any individual position adjustments during the May-December period. It was moved by Loftus and seconded by Humphreys **TO APPROVE THE PERSONNEL EXPENDITURES AS PROPOSED**. Ayes: Eblen, Greene, Humphreys, Loftus, Read, DiCola. Nays: none. Abstentions: none. Motion carried. Proposed Expenditure schedule is attached to these Minutes.

9. REPORT OF THE DIRECTOR

Ashton reported as follows:

- a. Library Mini-Golf was a rousing success, drawing nearly 350 participants and netting more than \$4000 for the work of the Downers Grove Public Library Foundation. Board members thanked the Library staff, especially Melissa Doornbos and Melody Danley, for the effective organizing, support, and direction they provided to this well-loved community event.
- b. Discussion of Mini-Golf led to a more general conversation about the DGPL Foundation's fund-raising and finances. The Library Board agreed to meet as the Foundation Board following the June 13 Board meeting, to continue discussion of these matters.
- c. E-book Strategy for the remainder of 2012. Library staff have agreed to pursue a strategy that will reduce customer waiting times, making duplicate and multiple copies of popular items more available. An additional \$30,000 from State of Illinois annual support funds has been allocated for this purpose, along with purchase of more e-magazines and enriched technology purchasing. As the e-book marketplace and public interest continue to develop and mature, staff will continue to review and adjust strategy to achieve maximum possible effectiveness.

10. BOARD MEMBER COMMENTS AND REQUESTS FOR INFORMATION

None.

11. ADJOURNMENT

The regular meeting was adjourned at 8:45 p.m.

DOWNERS GROVE PUBLIC LIBRARY

PROPOSED PERSONNEL EXPENDITURES FOR MAY-DECEMBER 2012

APRIL 25, 2012

	Budget	PP1-9	PP10-26 (4% increase)	Total	Balance	%
5101 Sal Exempt	1,079,516	353,491	694,413	1,047,904	31,612	97.1
5111 Sal Non-Ex	208,288	60,720	119,281	180,001	28,287	86.4
5119 Part Time	990,740	326,035	640,477	966,512	24,288	97.6
5131 IMRF	258,501	75,475	148,266	223,741	34,760	86.6
5133 Medicare	33,037	10,722	21,063	31,785	1,252	96.2
5134 Soc Sec	141,490	45,849	90,067	135,916	5,174	96.1
5190 Life	1,525	375	750	1,125	400	73.8
5191 Health	243,037	71,742	135,512	207,254	35,783	85.3
5195 Vision	3,130	651	1,242	1,893	1,237	60.5
5197 Dental	20,491	7,134	13,600	20,734	(243)	101.2
51xx Total	2,979,755	952,194	1,864,671	2,816,865	162,550	94.5

Notes

PP1-9: Pay Periods 1 through 9, January 1-April 28

PP10-26: Pay Periods 10 through 26, April 29-December 31, general increase of 4%. Any additional individual adjustments or new positions would be done within calculated balances.

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
APRIL 25, 2012 MINUTES

Call to Order

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

Roll Call

Present: Ms. Earl, Mr. Enochs, Mr. Isacson, Ms. Majauskas,
Ms. Souter, Ch. White

Absent: Mr. Domijan

A quorum was established.

Staff: Jeff O'Brien
Damir Latinovic

Also present:

Vito & Sharyn Siciliano, 4808 Forest Ave., David Haugen, 4826 Forest Ave., Connie Larson, 4831 Forest Ave., Patrick Magner, 915 Augusta St., Oak Park, IL (Architect), Ellen & Jim Fleming, 4832 Forest Ave., (Petitioners)

Minutes of February 22, 2012 meeting

Mr. Isacson made a motion to approve the minutes of the February 22, 2012 meeting as presented. Ms. Earl seconded the Motion.

AYES: Mr. Isacson, Ms. Earl, Mr. Enochs, Ms. Majauskas, Ms. Souter, Ch. White

NAYS: None

The Motion passed 6:0.

Meeting Procedures

Chairman White explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with staff that all proper notices have been published. He then called upon anyone intending to speak before the Board on the Agenda items to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing. Chairman White explained that there are seven members on the Zoning Board of Appeals all of whom have had the opportunity to review the documents for the petition prior to the meeting. In order 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 petitions.

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ZBA-04-12 A petition seeking setback variations to allow kitchen expansion into an existing nonconforming open porch for the property located at the northwest corner of Forest Avenue and Franklin Street, commonly known as 4832 Forest Avenue, Downers Grove, IL

APPROVED 5/23/12

60515 (PIN 09-08-108-017); James D. and Ellen E. Fleming, Petitioners/Owners.

Petitioner's presentation:

Mr. James Fleming of 4832 Forest Avenue, petitioner, explained the family has lived in Downers Grove since 1994. Their home, built in 1921, was the original rectory for St. Andrew's Church. It became a public residence in 1971 when a new rectory was built. When the Flemings purchased the home they knew that they would eventually want to add on to the house. In 1998 they put an addition on in keeping with the historical nature of the house. In 2010, anticipating a kitchen renovation, they strengthened the foundation of the wall beneath their porch with approval of the Village.

Mrs. Ellen Fleming said that she had heard from a friend that there would be a problem obtaining a variation for the addition because they had a corner house. She showed photos of the house and changes made over the years. Mrs. Fleming went to the Village and was told that they could eliminate the back door for the kitchen renovation and that would be allowed. She said she was also told to meet with Mr. Latinovic. Mrs. Fleming said that neither she nor Mr. Latinovic can verify that they met; however, Mrs. Fleming did speak to someone on the Village staff who indicated, based on the plans she presented at that time that they can move forward with plans to build the kitchen. She does not know who the person was other than they were with the Building Department. When she attempted to obtain a permit in March she was told that the porch where they are expanding the kitchen into was too close to the sidewalk. She said they also learned that half of their house was too close to the sidewalk when they purchased it, yet they were granted three different permits for remodeling over the years. No one told them that they were too close to the sidewalk for those permits.

Mrs. Fleming explained that they would like to enclose the existing rear entry porch. She explained that when they purchased the property, the driveway was behind the house. The configuration has been changed over the years. She showed photographs of the house as it now exists, saying their intention is to enclose the porch area and make it a permanent part of the home. The porch is over a foundation, and the foundation has been reinforced. There is insufficient space inside the house to expand into another existing room. Mrs. Fleming then introduced their architect.

Mr. Pat Magner, Architect for the petitioner, said he has done 40-50 houses in the general area. He worked on the addition to the Fleming's house 14 years ago. Mr. Magner said he looked at the Zoning Ordinance and found an article in the nonconforming section of the zoning ordinance that would allow reconstruction, structural alterations, enlargements or extensions provided that the amount of the nonconformity is not increased. Mr. Magner said that the nonconformity is already there and is not being changed. The building complies with that part of the ordinance. He does not understand what the issue is in this particular case.

Mr. Magner also referred to another condition of the code concerning buildings constructed prior to 1965. Zoning on this lot is not being changed and in his mind no alteration is being made to the nonconformity.

There being no further testimony from the Petitioner at this time, and no questions from the Board, Chairman White called upon Staff to make its report.

Staff Presentation:

Mr. Damir Latinovic, stated that the property commonly known as 4832 Forest Avenue is located at the northwest corner of Forest Avenue and Franklin Street. It is zoned R-4 single-family residential, and is improved with a single-family home with a two-car attached garage.

Mr. Latinovic explained that the Petitioner is requesting permission to expand the kitchen by enclosing an existing nonconforming porch. The existing 49-square foot porch was constructed in the 1920s and is nonconforming because it does not meet the current required front and rear yard setbacks. The porch is located 12 feet from the front property line on Forest Avenue, instead of the required 24 feet, and it is 13 feet from the rear property line where 20 feet is required by Code. Mr. Latinovic showed the Petitioners' plans for expansion of their kitchen area.

Mr. Latinovic then referred to Section 28.1201 of the Zoning Ordinance which states that a nonconforming structure may be reconstructed, structurally altered or enlarged provided that the amount and the degree of the nonconformity is not increased and provided that all new construction conforms to current zoning requirements. He noted that the zoning ordinance also states that the goal is to eliminate nonconforming structures, not prolong their life. Enclosing a nonconforming structure to make it permanent indoor space represents an expansion of a nonconformity and is not permitted by the code. He further explained that porches are allowed to encroach 5 feet; however, the indoor space such as a reconstructed kitchen would not be allowed to encroach on the setback. Mr. Latinovic then displayed photographs of the existing home, elevations of the porch, and proposed plans to enclose the porch and create an expanded kitchen.

Mr. Latinovic explained that when the petitioner applied for their permit they provided all the required plans, and that is when it was learned that the home did not meet the required setbacks.

Mr. Latinovic said that based on the information provided, staff finds there are no unique circumstances associated with the property that warrant granting the requested variations. Reasons for Staff's determination are as follows:

1. Enclosing the existing nonconforming structure is not permitted by code. The goal of the Zoning Ordinance is to eliminate nonconforming structures, not make enhancements that will prolong their life.
2. There is no physical hardship or practical difficulty associated with the property that would require the kitchen to be expanded into the existing nonconforming porch. The petitioner can update the existing kitchen or expand it within the existing home.
3. The proposed modification to enclose a nonconforming open porch has not been historically allowed. There are many homes in the R-4 district that have nonconforming open porches. If the requested variations are approved, it could be construed to be applicable to all nonconforming structures in the Village where no unique circumstance or physical hardship exists.

APPROVED 5/23/12

Mr. Latinovic said that for the reasons stated, staff recommends denial of the request. In addition, Mr. Latinovic reviewed each of the nine standards for granting variations as listed in staff's report dated April 25, 2012. He explained how the proposal meets, or fails to meet the required standards.

In summary, Mr. Latinovic stated that staff believes there is no physical hardship or unique circumstance associated with this property and the standards for granting the variations have not been met. Therefore, staff recommends denial.

In response to Ms. Earl, Mr. Latinovic said that the buildable area on this lot is determined by the maximum lot coverage, which is 32% of the lot area. He explained the property is over the maximum lot coverage. He confirmed that it is not just the porch that is nonconforming, but the home in general is too close to the property lines.

Mr. Isacson asked if the porch were already a kitchen, would they be in compliance with lot coverage. Mr. Latinovic said they would not because the lot coverage allows for one front porch not to be included in the calculation. The one they propose to enclose counts toward the lot coverage.

Mr. Isacson said it is important for the Board to know how much the property exceeds the lot coverage requirement.

Mr. Latinovic said that maximum lot coverage is 1,920 square feet. The existing home is at 1,974 square feet, which already exceeds the lot coverage allowed. Mr. Latinovic noted porches are allowed to be closer to the setback if they are not enclosed.

Ms. Majauskas questioned Standard #3, which states: "The goal of the Zoning Ordinance is to eliminate nonconforming structures, not prolong their life." She said when the Zoning Ordinance was reviewed six years ago, there were zillions of houses in the Village that were nonconforming. She would hate to try and eliminate what appears to be about a third of the houses in the Village. She said this does not make much sense to her.

Mr. Isacson also questioned whether it is realistic to think that they would eliminate the nonconforming structures built on a foundation.

Mr. Latinovic said the objective is to not prolong the life of the nonconformity. It can be repaired to use as it is, but they cannot change its use because it would prolong the life of the nonconforming structure.

Chairman White pointed out that staff did not write the language, but is expected to interpret the language. It is his understanding that in trying to strike a balance, ideally all nonconformities would be eliminated. That is inappropriate in terms of many of the historical structures.

Mr. Isacson said he does not think that enclosing the porch prolongs the life.

Ms. Majauskas asked if the Zoning Ordinance is hoping that eventually the house would not get a reasonable return so it would be torn down.

APPROVED 5/23/12

Mr. Isacson asked whether those regulations would still apply if the house was a historical house, and Mr. Latinovic responded that this particular home has not been designated as a historical landmark in the Village.

Ms. Earl said in the testimony there were comments made about reinforcing the foundation with a permit. She asked what the difference was in allowing the previous permit to be issued, and what is being asked now.

Mr. Latinovic responded that he was not familiar with the scope of the work done in 1998. Ultimately, the type of structural alteration they did is allowed for existing nonconforming structures.

Chairman White then called upon anyone in the audience who wished to speak in support of the petition. There were none. As such, the Chairman closed public comments.

Mr. Fleming said that the language of the report indicates there is nothing unique about the home, and he believes they have one of the most unique homes in the neighborhood. Residents know this house. Mr. Fleming said that the kitchen is very small, and with children now it is difficult to work together in the kitchen area. The area they wish to use for the expansion is not used now. It may have been used more when the property was first built, but now it is seldom used. With regard to lot coverage, he said he thought he heard that the lot coverage will not change, no matter what they do. As for the kitchen, people change their kitchens frequently. The Flemings have been in this house for 20 years and this would be their first upgrade to the kitchen.

Mrs. Fleming said that in 1998 the Village allowed them to obtain their permit with no problems. She said the Village did not think they exceeded the lot coverage requirement back in 1998.

Mr. O'Brien noted the lot coverage requirement was added in 2006.

Ms. Fleming continued saying that one of the people they met in the Village also had a corner home that was 13 feet from the setback. That homeowner did work on the porch by adding a foundation, and made the porch a permanent part of the home. They were not required to obtain a variance, even though they did not meet the front or side setbacks. She does not understand that because in that case, the resident did prolong the life of the porch.

Mr. Fleming noted that if they were going to try and sell their home today, they would be told that the kitchen needs work.

Mr. Magner said he works on older houses. If this were a front porch, he could see the need to not enclose it. This however is a secondary porch on the Forest Avenue side. He said he would look at it in a different light.

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

Board's Deliberation:

Mr. Isacson said he is in favor of the proposal. He understands that the Board is supposed to make its findings based on the standards. He thinks there is a unique circumstance in that the home was built in 1921, and has had several renovations. The change to the porch would not alter the essential character of the locality in his opinion. As for the question of hardship in Standard #4, he believes there is a hardship in that they cannot push the addition into another area of the home. He said he could go through all nine of the Standards for Granting a Variation and find in favor of the request. He noted that by not granting permission to enclose the nonconforming areas does in a way encourage the demolition of many of the older historic houses in the area.

Ms. Souter noted how many of the four out of 17 homes in that area with porches do not meet the required setbacks. She would tend to vote in favor of this request.

Ms. Earl said she understands the plight of the owners, but this would considerably alter proximity to the setback. They would have a 12-foot setback in an area requiring a 24-foot setback. The overhead view shows how much closer this house is to the street than the rest of the homes. She asked why they would want to encourage additional encroachment. Regarding other homes on the block, she does not know the facts of their cases and how it pertains to this request. She cannot agree with granting the variation.

Ms. Majauskas said it is about the essence of the kitchen, and that would make it different for her. She agrees however, that this is not a functional kitchen in this day and age. Enclosing the porch is not the biggest point for her.

Mr. Isacson said his view is that this is a secondary porch, built on a foundation. He does not see them as expanding a nonconforming structure. It is not realistic to think they would eliminate the structure.

Chairman White noted that it appears that four members are in favor of this, which would result in granting the variation. He noted that he does have concerns about this petition and implication on other nonconforming structures in the Village. He pointed out that this case may be unique and not all nonconforming porches are unique and the Board will not look at all of them the same way.

Mr. Enochs made a motion that the Zoning Board of Appeals grant the variation in case ZBA 04-12 as requested, subject to the following condition:

- 1. The proposed enclosure shall substantially conform to the architectural plan prepared by Magner – Manalang Architects, dated March 8, 2012 attached to this report except as such plan may be changed to conform to Village codes, ordinances, and policies.**

Mr. Isacson seconded the Motion.

AYES: Mr. Enochs, Mr. Isacson, Ms. Majauskas, Ms. Souter

NAYS: Ms. Earl, Ch. White

APPROVED 5/23/12

The Motion passed 4:2.

Chairman White said he voted Nay, knowing the Motion already passed, but he does have concerns about this decision.

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Mr. O'Brien said that they have received a petition for the May 23 meeting. He also reminded the Board members to complete their open meetings training.

There being no further business, Chairman White adjourned the meeting at 8:27 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary