

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
JUNE 26, 2013 MINUTES**

Call to Order

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

Roll Call

Present: Mr. Domijan, Ms. Earl, Ms. Majauskas, Mr. McCann, Ms. Souter, Ch. White

Absent: Mr. Enochs

A quorum was established.

Chairman White explained that a majority of four Board members must vote to approve a variation.

Staff: Damir Latinovic, Village Planner
Charity Jones, Planning Manager

Also Present: Rob Cynowa, A-1 Storage, 2701 Wisconsin Ave.
Robert Smith, 3945 Washington Ave.

Minutes of May 22, 2013 meeting

Mr. McCann moved to approve the minutes of the May 22, 2013 meeting as submitted.

Mr. Domijan seconded the Motion.

AYES: Mr. McCann, Mr. Domijan, Ms. Majauskas, Ms. Souter, Ch. White

NAYS: None

ABSTAIN: Ms. Earl

The Motion passed.

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 with regard to Cases ZBA-03-13 and ZBA-04-13. He 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 members of the Zoning Board of Appeals all 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. Chairman White added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council. He noted that Staff will make its presentation first, followed by comments by the Petitioner. If anyone in the audience wishes to speak either in favor of or in opposition to the petition, they will be able to do so following the Petitioner's presentation. When the public participation part of the meeting is closed, the Board will deliberate on the information provided and vote to either approve or deny the petition.

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ZBA 03-13 A petition seeking a front yard parking setback variation for an addition of four (4) parking spaces. The property is currently zoned M-1, Light Manufacturing. The property is located on the south side of Wisconsin Avenue approximately 270 feet east of Walnut Avenue, commonly known as 2701 Wisconsin Avenue, Downers Grove, IL (PIN 08-12-303-004, -006); Robert A. Cynowa, Petitioner & Owner.

Staff's Report

Mr. Damir Latinovic, AICP, Planner for the Village, displayed a slide of the location, noting that the area is zoned M-1 Light Manufacturing and the property known as 2701 Wisconsin is located in the Ellsworth Industrial Park. The property is home to the A-1 Storage facility. The petitioner is also renting U-Haul vehicles as ancillary use. The property is improved with four one-story multi-unit self-storage buildings and one mixed-use building with office space on the lower level and a residence for the caretaker on the second level. There are a total of 65 parking spaces located throughout the site, as well as a 15,000 square foot stormwater detention facility in the front yard along Wisconsin Avenue. Mr. Latinovic said that the petitioner is requesting a zoning variation to expand the existing parking in the front. This would bring the northern boundary of the proposed parking expansion to 17.5 feet from the front property line along Wisconsin Avenue. The Village's Zoning Ordinance, under Section 28.1110 and 28.1404, requires a minimum front yard setback for parking spaces in the M-1 district of 35 feet. The petitioner is requesting the variation to add parking space for additional U-haul rental vehicles. He noted that the proposal would meet all other zoning requirements.

Mr. Latinovic showed a slide of the front of the property where there are presently five parking spaces. The four spaces proposed by the petitioner would be located in-line with the existing parking spaces and would meet the required ten-foot side yard setback from the west property line. He noted that the petitioner already has the ability to add two parking spaces, which would meet the required 35-foot front yard setback; however, he is seeking a variation to add four spaces.

Mr. Latinovic then described the layout of the property, stating that there are a total of 65 parking spaces on the site, 58 of which are within the fenced-in area. Thirty-one of those spaces are not striped and are located along the self-storage buildings for use by customers loading and unloading their personal belongings. All spaces in the north and south parking lots within the fenced-in area are currently leased for long-term storage of recreational vehicles, recreational equipment and other motor vehicles.

The self-storage site received special use approval in 1998, with approval for 393 self-storage units in four one-story buildings. For the vehicle storage to continue, all parking areas will have to meet screening requirements under Section 28.1406 of the zoning ordinance, whether or not the requested variation is approved. Mr. Latinovic explained that the petitioner is required to provide a 6-foot high solid fence along the south parking lot and additional landscaping which may consist of deciduous and evergreen shrubs, ornamental grasses, trees and perennials, along 50% of both the north and south parking lots. The existing retaining wall along the south property line can count toward required screening and could be modified to meet the full 6-ft fence-screening requirement. If the variation is approved, the petitioner will also have to provide

1 additional landscaping to serve as screening for the four new parking spaces in the front parking
2 lot.

3
4 Staff made the following recommendation:

5
6 Based upon Staff's review of the petition, Staff is recommending denial of the request as Staff
7 finds no unique circumstances or physical hardship associated with this property that warrant
8 granting the requested variation. He noted four reasons (as stated in Staff's report dated June 26,
9 2013) as follows:

10
11 1. There is no physical hardship or practical difficulty associated with this property, which
12 would require the construction of new parking spaces to be placed within the required front yard.

13
14 2. The petitioner has sufficient parking on-site for general customer parking, truck rental
15 parking and vehicle storage. The petitioner has chosen to seek a variation to construct more
16 parking spaces for rental vehicles rather than reduce the number of parking spaces used for
17 vehicle storage.

18
19 3. The petitioner has the ability to add two parking spaces to the front parking lot and meet
20 the required front yard setback.

21
22 4. If the Board approved the requested variation, it could be construed to be applicable to
23 other properties in the Village where no unique circumstance or physical hardship exists.

24
25 Mr. Latinovic then reviewed the nine Standards for Granting Variations, as noted in Staff's
26 report dated June 26, 2013. Staff found that eight of the nine standards have not been met and
27 therefore recommends denial of the request. Only the Standard #7 was met.

28
29 Mr. Latinovic then said that if the Board decides to approve the requested variation, it should be
30 subject to the following three conditions:

31
32 1. The proposed parking lot addition shall substantially conform to the Concept Plan
33 prepared by Nekola Survey, Inc., attached to Staff's report, except as such plan may be changed
34 to conform to Village Codes, Ordinances and policies.

35
36 2. A grading plan shall be submitted for the building permit showing existing and proposed
37 grades and must specify that all surfaces of striped areas will be protected from soil erosion.

38
39 3. The petitioner shall provide landscaping along the new parking spaces per Section
40 28.1406 of the Village's Zoning Ordinance.

41
42 Ms. Majauskas asked about the lot next to the property filled with trucks and whether that is
43 technically parking. Mr. Latinovic said Staff looked into that property which was developed in
44 1968 as a gravel lot. It's used as a contractor shop, and the contractor stores vehicles and
45 equipment in that lot. It is an existing legal nonconforming condition. If it were approved today
46 it would have to be a paved parking lot; however, now it is considered existing non-conforming.
47 Over time, different owners moved in; however the owners cannot be forced to improve the
48 parking lot unless they are making significant changes to the site.

1
2 Mr. Domijan commented that there is a large detention pond in front of the subject property, and
3 asked why that is not seen as a hardship. Mr. Latinovic replied that the detention was required
4 in 1998, and the site improvements were maximized for parking. They can also add two more
5 spaces legally. If they were short on parking spaces it would be a different discussion; however,
6 they have well above the minimum required. This is just the preference of the petitioner and the
7 choice to add more spaces within the required setback rather than reduce the number of spaces
8 they rent out for storage to accommodate additional rental vehicles. Mr. Domijan said by the
9 nature of the pond, they would have to put additional fencing along the property line. Mr.
10 Latinovic explained that they changed the use of the parking lots to storage; therefore the
11 additional screening is required. A 6-ft. fence is required only along the south parking lot
12 because the property is adjacent to residential zoning district to the south. Additional landscape
13 screening is required along both the south and north parking lots as well as the new parking
14 spaces in the front parking lot if the variation is approved.
15

16 Regarding the detention pond Ms. Majauskas asked whether the detention pond counts as green
17 space, and if so, does it enable them to meet their green space requirements. Mr. Latinovic said
18 it is green space and they do meet the requirement using the detention pond as green space.
19 There is approximately 28% of the property as greenspace. Adding four parking spaces would
20 only lose about 500 square feet and would remain well within the requirement of 15%.
21

22 Ms. Earl asked if there would still be sufficient room for a monument sign. Mr. Latinovic said
23 there could be as the sign has to meet 10-ft. front yard setback and 25-ft. side yard setback. In the
24 past year, the property owner chose to remove the monument sign that was on the property
25 because of its size and location. She asked if the location of the previous monument sign was
26 legal nonconforming, and Mr. Latinovic said it was. It did not meet the required side yard
27 setback. They would have to meet the 25-ft. setback from the side property line and ten feet
28 from the front if they chose to put in another monument sign.
29

30 Charity Jones, Village Planning Manager, noted that there could also be vision problems with a
31 monument sign as well, if a new one is installed. Staff has not analyzed that at this point as there
32 is no proposal to install any signage.
33

34 Upon a question, Mr. Latinovic explained how the detention pond is built, saying it is slightly
35 deeper at the east end. He doesn't believe they would be permitted to infringe on the detention
36 space if they wanted to add parking spaces there.
37

38 There being no further questions at this time, Chairman White called upon the petitioner.
39

40 **Petitioner's Presentation:**

41

42 Mr. Bob Cynowa of 2701 Wisconsin referenced an e-mail he sent to Staff saying his main focus
43 was the detention area taking up more than half of the front yard setback, which limits the ability
44 to put additional parking on that side of the property. He said since it's only 3.5% of the
45 frontage, he thought that was the unique nature of the site compared to other properties in the
46 industrial park. His proposal would not change the aesthetics of the area since there would be no
47 physical buildings involved to serve as a sight issue. His objective was to provide more
48 customer parking, since the neighboring property has parking up to the zero lot line. He feels

1 putting the work into this and the cost involved in maximizing the opportunity would come into
2 play. He sees the unique aspect of their property being the detention pond. They are only
3 talking two extra spaces, which is about 300 square feet.
4

5 Ms. Majauskas asked if the detention pond was there when they bought the property. Mr.
6 Cynowa said it was. They purchased the site in 2005 and everything was already in place
7 including the detention pond, U-Haul rentals, etc. They are trying to maximize the space for the
8 rentals.
9

10 Ms. Earl said she wondered if they were going to continue to use the van in front for a sign. She
11 also mentioned other Code violations she observed when visiting the site. Mr. Cynowa said that
12 there was no plan to add signage. They've been trying to get rid of some of the storage in the
13 back since some renters dump things in the extra space. There is an unpaved area between the
14 south parking lot the retaining wall.
15

16 Mr. Domijan asked about the areas on the east side of the property and who permits those
17 vehicles to be parked there. Mr. Cynowa said the manager permits that parking.
18

19 Mr. Cynowa in response to Mr. McCann said that people call-in ahead of time to rent vehicles.
20 The company parks the rental vehicles in the front for customers coming to pick up their
21 vehicles. He said the parking along the buildings within the fenced-in area is temporary, and
22 they simply want the advantage of having the additional parking spots in the front. He said
23 rentals of trucks can fluctuate from week to week.
24

25 Mr. Domijan said that there are at least two spots in the south that have garbage or rubbish in
26 them. Mr. Cynowa said that all leased spots are rented out.
27

28 There being no further comments or questions for the petitioner, and no one present to speak
29 either in favor of or in response to the petition, Chairman White closed the public portion of the
30 meeting.
31

32 **Board's Deliberation**

33

34 Chairman White called for comments from the Board.
35

36 Ms. Earl opened the discussion by mentioning all the Code violations she witnessed. She referred
37 to the trampoline in the detention basin, the blocked fire hydrant in the south parking lot, the
38 ladder to the detention area, various debris issues throughout the site, a trailer that hasn't been
39 moved in a long time, a trailer occupying the trash enclosure and the dumpster sitting out in a
40 driving lane within the fenced-in area and double parking. It was her opinion the owner should
41 fix all the Code violations first before the request for the variance can be considered.
42

43 **Ms. Earl moved to table case ZBA-03-13 to the next meeting on July 24, 2013, until the**
44 **petitioner can address its code enforcement issues.**
45

46 **Ms. Majauskas seconded the Motion.**
47

Per an inquiry from Ms. Souter, Ms. Jones said that it's the Board's prerogative to continue the hearing; however, she said Staff would pursue code enforcement regardless of the outcome of this meeting.

Ms. Majauskas said when you come into the meeting asking the Board for a variance there is a concept in the law that says the property should be otherwise compliant with the Code with no Code violations. She wants to see them fix what needs to be fixed, and then the Board can address the additional request for the variation.

Mr. McCann said his understanding is that the Board members would feel better about considering the petition if the petitioner would bring his property up to compliance with the Code as it stands right now. Therefore, they want to continue to a date certain as a way to encourage the petitioner to bring the property up to Code. He also wanted to confirm that the Board cannot force the petitioner to do that. Chairman White confirmed all statements by Mr. McCann's.

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

NAYS: Mr. McCann, Ms. Souter

The Motion to table the petition until the next meeting July 24, 2013 passed with a vote of 4:1.

Mr. McCann asked Mr. Cynowa whether he understood what had transpired, explaining that the Board cannot force the owner to come into Code compliance, but the case has been tabled until July 24th to give the owner the opportunity to bring the property into code compliance. Mr. Cynowa said he understood that.

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ZBA 04-13

A petition seeking a side yard setback variation for an addition to the existing house. The property is currently zoned R-4, Single-Family Residential. The property is located on the east side of Washington Street, approximately 475 feet south of 39th Street, commonly known as 3945 Washington Street, Downers Grove, IL (PIN 09-05-107-024); Lauren Gullatte and Robert Smith, Petitioners & Owners.

Planning Manager Charity Jones said that based on Staff's review of the application it was determined that additional topographic information is needed. Therefore, Staff is recommending that the Zoning Board of Appeals honor the petitioner's request and continue the public hearing to the July 24, 2013 meeting.

Mr. Domijan moved to continue case ZBA-04-13 to July 24, 2013 as requested by the petitioner. The Motion was seconded by Ms. Earl.

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

NAYS: None

The Motion to continue the petition until the next meeting July 24, 2013 passed unanimously.

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APPROVED 07/24/2013

There being no further discussion, Chairman White called for a Motion to adjourn.

**Ms. Majauskas moved to adjourn the meeting. The Motion was seconded by Ms. Earl.
All in favor. The Motion carried.**

Upon voice vote, Chairman White adjourned the meeting at 8:17 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary