

Planning and Zoning Commission Minutes
August 8, 2012

The August 8, 2012 meeting of the Planning and Zoning Commission was called to order by Chairman Bonfanti at 7:00 p.m. Roll call was taken as follows:

PRESENT: Henley, Kamide (7:05 p.m.), Kluczny, Mytych, Schmitt, Vachout, Veenstra and Chairman Bonfanti
ABSENT: Fotopoulos
ALSO PRESENT: Arlene Kollar, Planner II, Staff

We have a quorum. We have one (1) public hearing and three (3) items on the business meeting agenda.

PUBLIC HEARING:

1. File #PZ-12-09, consideration of three (3) variation requests to Section II.J.2 and Section IV.C.8 of the Village of Addison Zoning Ordinance to allow a proposed roof portal over an existing staircase to encroach six (6) feet into the platted 35-foot front yard building setback; and, a variation to be granted to accept the existing encroachments of the home and garage 'as built and permitted' within the platted 35-foot front yard building setback.

Petitioner: Roman and Sylwia Bieszczad,
Owners

Property Address: 1136 N. Thatcher Lane,
Addison, IL 60101

P.I.N.: 03-20-119-022

This file was advertised in the July 20, 2012 issue of the Addison Press Newspaper.

Mrs. Sylwia Bieszczad was sworn in. She stated that she would like to build an overhang by the front door over an existing open porch. The main purpose for this request is for safety reasons, especially during the winter when snow freezes on top of the landing making the surface very slippery, which is unsafe for everyone, especially her two young children. There is no entry to the house from the garage. They only use the front door to get in

and out of the house. Therefore, without a roof over the door, it is uncomfortable to enter or exit the house in the rain. Also, rain and snow destroys the door. She said none of the proposed overhang goes beyond the existing porch. She thinks that the overhang not only will be useful, but it will also improve the image of the house itself. The materials and color choices will be complimentary to the house.

Ms. Kollar stated that the petitioner is requesting a six-foot variation to allow the roof portal to encroach six feet within the 35-foot building setback line. However, there is an additional part to this petition. She said that at many times when the staff reviews a plan they find that there are non-conforming issues on the property itself, and because they are non-conforming, this is a perfect opportunity to bring it to the Commission to bring everything into compliance. She said instead of being illegal non-conforming, it can now be deemed legal non-conforming if they grant all three of these variations, which includes one for the one foot of the home, and one for the five foot of the section of the garage that encroaches into the 35-foot building setback line. Therefore, when the home owner comes in to do anything more with their property in the future, this matter has been taken care of.

Mr. Vachout inquired to when Ms. Bieszczad bought the house. Ms. Bieszczad stated that she bought the house in 2008, and it was already constructed.

Chairman Bonfanti stated that he lives about two blocks from the home, and he drove by several times. He stated that it is a cul-de-sac and you cannot really tell that the house is any closer.

Mr. Vachout stated that he took a look at it from an aerial, and the neighbor's garage sits much further out. He said it will not affect anybody's sight line.

Chairman Bonfanti inquired if there will be railings. Ms. Bieszczad stated that these are not shown in the picture, but there will be railings.

Mr. Kamide inquired if it will be an open porch. Ms. Bieszczad stated that there will be a roof over the landing when you walk out the front door. The railing will be around it and down the stair case.

Ms. Kollar stated that a permit is required and all building regulations will have to be followed, including handrails.

Ms. Kluczny inquired if a variation like this has ever been approved before. Ms. Kollar stated that in the 12 years that she has been here there have been two or three within the Village and one is on Lombard Road, which is very obvious.

Mr. Kamide stated that he notes from the memorandum that he received that there is an indication in it that the Village of Addison granted a permit to the contractor for the home itself to build it over the building line. He said it is a de facto variance to begin with. He said you cannot grant a permit to do something against the code and later say they changed their mind. He said it is not legal anymore. He said if the Commission grants this it cleans up that de facto variance.

This concluded the public hearing for PZ-12-09.

BUSINESS MEETING

1. Consideration to approve the Minutes of the Planning and Zoning Commission meeting for July 11, 2012.

Mr. Veenstra made a motion to approve. Mr. Vachout seconded the motion. Ms. Henley, Mr. Mytych and Chairman Bonfanti abstained. The motion was approved.

2. Consideration of File # PZ-12-09 as described above.

Mr. Vachout made a motion to approve the variations as listed under Sections II.J.2 and IV.C.8 as listed (1) the new encroachment and the 35-foot front setback and (2) the existing encroachments to be legal non-conforming. Ms. Kluczny seconded the motion. Chairman Bonfanti asked if there was any discussion.

Mr. Kamide stated that because this is a legal matter and this is the final word and not going to the Village Board, we should make it absolutely clear in the motion exactly what we are doing so it is clear for the record. He would like to see it recited exactly the way it is there so the record is clear. He thinks it is a legal matter and if it comes up in a title situation, somebody might pull this motion to see if that really did in fact occur.

Mr. Vachout amended his a motion to approve three (3) variation requests to Section II.J.2 and Section IV.C.8 of the Village of Addison Zoning Ordinance to allow a proposed roof portal over an existing staircase to encroach six (6) feet into the platted 35-foot front yard building setback; and, a variation to be granted to accept the existing encroachments of the home and garage 'as

built and permitted' within the platted 35-foot front yard building setback. Mr. Kamide seconded the motion. The motion was approved.

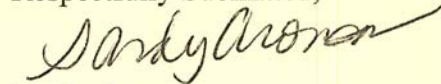
3. Other business as directed by the Chairman.

Mr. Bonfanti informed the Commission to turn in their Zoning Ordinance binder so it can be updated.

Mr. Bonfanti reminded the Commission to take the on-line training course before January. The State mandates that anybody that serves on a committee needs to take this class.

Mr. Vachout made a motion to adjourn the meeting at 7:20 p.m. Ms. Henley seconded the motion.

Respectfully Submitted,



Sandy Aronson
Recording Secretary