



ZONING BOARD OF APPEALS AGENDA

**January 9, 2019 - Meeting No. 2019-01
7 P.M. – City Hall – Council Chambers
22 S. First Street**

- 1. ROLL CALL:**
- 2. APPROVAL OF MINUTES: December 12, 2018 Meeting Minutes**
- 3. PUBLIC HEARINGS:**
 - a. 321 Woodward Ave - IN ACCORDANCE WITH Section 11-14-5 (Variations) of the Geneva Zoning Ordinance, the petitioner is requesting a variation from Section 11-5E-4 (Lot and Area Requirements of the R3 Medium Density Single-Family Residential District) to increase the allowable lot coverage from 45% to 52.76% for the purpose of removing a handicap ramp and concrete slab (total 240 sq. ft.) and replacing them with a 14'x14' deck (196 sq. ft.). Currently the lot coverage is 53.44%.**
- 4. SPECIAL ITEMS:**
- 5. OTHER BUSINESS:**
- 6. ADJOURN:**

MINUTES
GENEVA ZONING BOARD OF APPEALS
December 12, 2018
Council Chambers – 109 James Street -- Case # 2018-22

Present: Chairman pro tem Rittenhouse, Members Debates, Hood, Hunz, Kerfoot, Konicek (via conference call)
Absent: Chairman Kaindl
Staff: Building Commissioner Eric Nelson, Community Development Director David DeGroot; City Atty. Ron Sandack
Others Present: Planet Depos Court Rptr. Paula Quetsch; Recording Secretary Celeste Weilandt

The meeting of the Zoning Board of Appeals was opened at 7:00 p.m. by Chairman Pro tem Rittenhouse. The recording secretary called the roll and a quorum was present with six (6) voting members.

Chairman Pro tem Rittenhouse asked for a motion to permit Member Konicek to participate in the meeting by phone conference call.

Motion by Member Hood, second by Member Kerfoot to permit Member Konicek to participate in the meeting via phone conference. Roll call:

Aye: Debates, Hood, Hunz, Kerfoot, Rittenhouse

Nay: None

Abstain: Konicek

MOTION PASSED. VOTE: 5-0-1

Approval of the August 22, 2018 Meeting Minutes

Minutes of the August 22, 2018 meeting were approved, as modified, on motion by Member Hunz, second by Member Hood. Roll call:

Aye: Debates, Hood, Hunz, Kerfoot, Konicek, Rittenhouse

Nay: None

MOTION PASSED. VOTE: 6-0

Reconsideration of a variation for 940 Meadows Road - IN ACCORDANCE WITH Section 11-14-5 (Variations) of the Geneva Zoning Ordinance, the petitioner is requesting a variation from Section 11-5B-4 (Lot and Area Requirements of the RE Estate Single-Family Residential District) to reduce the required side yard setback from 20 feet to 5 feet for the purpose of connecting the existing detached garage to the home. (Original public hearing on this matter was held 8/22/2018. The variation failed to obtain the four (4) affirmative votes required for approval.)

Chairman Pro tem Rittenhouse entertained a motion to rescind the board's action on August 22, 2018 as it relates to 940 Meadows Road.

Motion by Member Hood, second by Member Hunz to rescind the board's action on August 22, 2018 as it relates to 940 Meadows Road. No discussion followed. Roll call:

Aye: Debates, Hood, Hunz, Kerfoot, Konicek, Rittenhouse

Nay: None

MOTION PASSED. VOTE: 6-0

Chairman Pro tem Rittenhouse entertained a motion to approve or disapprove the variation sought by 940 Meadows Road, as presented on August 22, 2018.

Motion by Member Hood, second by Member Kerfoot to approve the variation for 940 Meadows Road. (Members Hood and Konicek confirmed with the chairman pro tem that they read the transcript before voting.) No questions followed. **Roll call:**

Aye: Debates, Hood, Hunz, Kerfoot, Konicek, Rittenhouse

Nay: None

MOTION PASSED. VOTE: 6-0

Per Chairman Pro tem, the board found the requirements for the variation were met. He invited the public to speak. No public comment followed.

Other Business – A short update followed on Chairman Kaindl’s status.

Adjournment

There being no further business to come before the Geneva Zoning Board of Appeals, motion was made by Member Kerfoot, second by Member Hood to adjourn the meeting at 7:06 p.m. Motion carried unanimously by voice vote of 6-0.

Respectfully submitted,

Chairman Pro tem Rittenhouse

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

Building and Zoning
109 James Street
Geneva, Illinois 60134



Phone: (630) 262-0280
Fax: (630) 262-0286

EXHIBIT A

APPLICATION FOR A VARIATION

Applicant Information

Name Jason Keegan
Address 3n639 E Laura Ingalls Wilder RD, St. Charles IL 60175
Phone 847-331-3320 Fax _____
Email jkeega1@gmail.com

Property Owner Information (if different from the applicant)

Name _____
Address _____
Phone _____ Fax _____
Email _____

Property Information

Address 321 Woodward Avenue, Geneva, IL 60134
Current Zoning Residential Current Use Residential

Legal Description (please attach a separate sheet if necessary)

12-02-151-011
321 Woodward Avenue Geneva, IL 60134

Lot 29 and the East 4 feet of Lot 30 in Fox River Woodlands, Geneva, in the City of Geneva, Kane County, Illinois

Dimensions of Property 120.00' x 54.00'

Type of Variation Requested (City Code, Section 11-14-5)

- | | |
|---|--|
| <input type="checkbox"/> Setback | <input type="checkbox"/> Maximum Fence Height |
| <input type="checkbox"/> Lot Area or Lot Width | <input type="checkbox"/> Traffic/ Access Regulations |
| <input type="checkbox"/> Maximum Gross Floor Area | <input checked="" type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Reduce Off-Street Parking | <input type="checkbox"/> Yard Use |
| <input type="checkbox"/> Maximum Height Requirement | |

Description of Variation (Please attached please attach a separate sheet if necessary)

Deck addition, Net reduction of Lot coverage and structure brought to code.

321 Woodward property "as-is" is currently above the acceptable % of "lot coverage" as defined by City code. The request for this variation includes the addition of a deck - with a net reduction to the overall lot coverage.

Existing "Wood Ramp" as defined in the provided plat of survey is not up to existing codes and lacks key safety features such as a railing to make it safe for occupancy.

Reduction of "Lot Coverage" will be achieved by removing existing Wood Ramp (128sqft) and Concrete Slab (112sqft) adjacent to the garage. This is a NET REDUCTION of 240 sqft.

A new deck will be installed utilizing "City of Geneva" defined building codes. Deck will measure 14x14 (196sqft) and be installed by a local contractor to meet the associated standards and fit to the loof and feel of the general neighborhood.

Along with code compliance, a net reduction of 44sqft will be reclaimed to off-set the current "Lot Coverage".

The Zoning Board of Appeals meets at 7 p.m. on the second and fourth Wednesday of each month as needed. Your request will be heard by the Board 15-30 days after the publication of the Legal Notice.

Approval by the Zoning Board of Appeals pertains only to the requirements of the Zoning Ordinance with respect to your property. All other ordinance and requirements of the City, including subdivision regulations, building codes and, in certain locations, Historic Preservation Commission review, must be complied with as well, before building permits are issued and occupancy is permitted

Application Certification

I certify that I have received a copy of the submittal requirements, review procedures and meeting dates as they relate to this request. I have reviewed the Geneva City Code requirements which relate to this petition and I certify that this application submittal is in conformance with such ordinance(s). I further certify that all the information provided above and the information contained in any documents submitted herewith is true and accurate.

I consent to the entry in or upon the property described in this application by any authorized official of the City of Geneva for the purposes of inspection or review of the site in order to provide information for the formal determination of this request.

In addition to the application fee and deposit, I agree to reimburse the City of Geneva for any professional services or costs, including but not limited to, attorneys, engineers, planners, architects, surveyors, or other consultant fees that are incurred by the City which are associated with the City of Geneva providing a formal determination on this request.



Signature of Applicant

11/26/18

Date

Signature of Owner, if different from the applicant

Date

Staff Use Only

This petition was heard before the Zoning Board of Appeals on _____.
The Board, based on the evidence and testimony presented at this hearing find the petitioners' request, (is) (is not) justified and hereby (grants) (denies) this petition.

Vote of the Board: _____ Ayes _____ Nays

Chairman, Geneva Zoning Board of Appeals:

Jason Keegan
847-331-3320,
3n639 E. Laura Ingalls
Wilder RD
Saint Charles, IL 60175

847-331-3320
Jkeega1@gmail.com

12/7/2018

City of Geneva Building Division
109 James ST Geneva, IL 60134

Enclosure:

Application for Variation (Exhibit A)
Standards for Variations Compliance (Exhibit B)
Property Owner Notification and Affidavit (Exhibit C, D)
Plat of Survey

To Whom it concerns:

I am writing with the intention to request a minimum variation of code (net reduction to lot coverage) at 321 Woodward Avenue, Geneva, IL 60134 for the purposes of constructing a deck.

IN ACCORDANCE WITH Section 11-14-5 (Variations) of the Geneva Zoning Ordinance, I am requesting a variation from Section 11-5C-4 (Lot and Area Requirements of the R1 Low Density Single-Family Residential District) to reduce maximum lot coverage from the pre-existing 53.4%, to 52.7%, but still be above the maximum 45% for purpose of constructing a deck.

To accomplish the net reduction against the existing overage, the Wood Ramp (128sqft) and Concrete Slab (112sqft) adjacent to the garage will be removed. (gross reduction of 240 sqft) as outlined in the provided PLAT.

A new deck will be erected utilizing "City of Geneva" defined building codes. The deck will measure 14'x14' (196sqft), be installed by a local contractor to meet the aforementioned codes and fit to the general characteristics of the neighborhood.

Along with code compliance, a net reduction of 44sqft will be reclaimed to off-set the current "Lot Coverage" – making this variation request an improvement to compliance rather than a minimum.

We very much appreciate your consideration in expediting this request.

Jason Keegan

847-331-3320, jkeega1@gmail.com

EXHIBIT B STANDARDS FOR VARIATIONS

The Zoning Board of Appeals may only approve a variation if the applicant presents evidence at the public hearing establishing compliance with each of the following standards. Please provide staff with written responses presenting evidence, including photos and illustrations if desired, to all of the following standards.

1. Reasonable Return

The property in question cannot yield a reasonable return if permitted to be used under the regulations of the district in which it is located.

We continue to make considerable improvements since purchasing the property at 321 Woodward Avenue, including the necessary improvements required to make the exterior living areas useful, inviting and safe

- The property currently has a 128 square foot (unsafe and out of code) ramp that is both out of code and dangerous for users and occupants



- Ramp limits market potential to those requiring a wheel chair, substantially limiting the marketability and reach for a potential sale to those that may be handicap.
- Concrete slab (112 sqft) is unsightly, unnecessary and leverages space that should be landscaped
- Those seeking a property of this size and quality expect a reasonable, safe outdoor living space that allows for gathering, entertainment and safe use.
- Bottom, line the proposed deck is needed to yield a reasonable return that is consistent and expected with comparable properties under the regulations of the district in which the property is located.

2. Unique Hardship or Practical Difficulty

The shape, topography or other conditions of the land is such that it is difficult to comply with the regulations generally applicable to the property.

Given the existing property footprint and driveway, pre-existed, it can be only expected that small incremental improvements in the lot use % such as the proposed reduction be made.

- The proposed deck would allow for access to the backyard AND garage from the first floor of the residence
- The deck would allow for reasonable seating and dining area that you would expect of a home of this size and quality.
- The existing ramp and slab if maintained are unsightly, impact home value and create risk to the occupant

There are no reasonable alternatives to provide basic access to and “general purpose” use, beyond a basic deck installation.

3. Character of the Area

The applicant must show that the variation requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare.

- The proposed deck would meet all building and zoning requirements aside from the lot coverage variance requested.
- Additionally, the proposed deck will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare. The request meets Standard 3.
- The proposed deck would not have adverse effects on the character of the area as multiple neighboring properties contain similar designs. Examples within the general neighborhood:

1720 Jeanette Ave. St. Charles, IL	1711 Jeanette Ave. St. Charles, IL	1907 Larsen Ave. St. Charles, IL
		

4. Minimum Variation

Minimum Variation Any variation considered by the zoning board of appeals shall be considered the minimum variation necessary for the reasonable use of the land. (Ord. 95-79, 12-

- The proposed 196 square foot deck would result in a total lot coverage of 52.7% which is above the maximum allowed for lots. However, As described in the variation request, a net reduction of 45sqft will be reclaimed to off-set the current "Lot Coverage".
- Not only is this request a minimum variation, but net improves the "lot coverage" of the property. Before and after Plat's depicting the change are embedded below for reference.

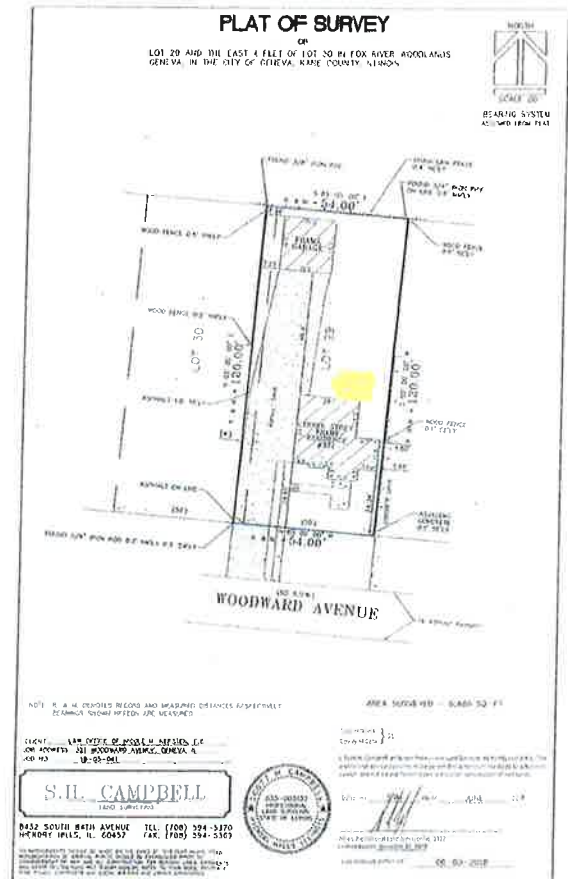
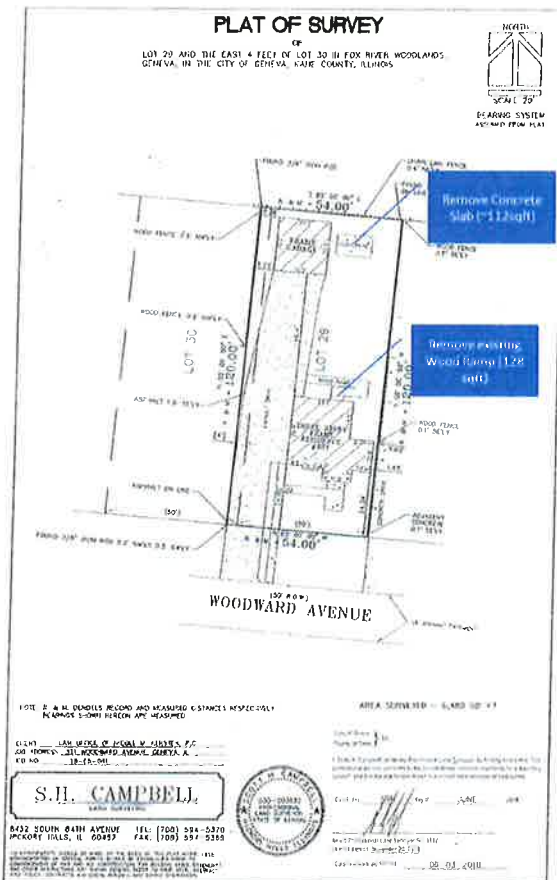


EXHIBIT D

STATE OF ILLINOIS)
)
COUNTY OF KANE) SS

AFFIDAVIT

The undersigned, being duly sworn on oath, deposes and says that the attached list of property owners comprises, to the best of the Affiant's knowledge, a true and complete list containing the names and addresses of the persons to whom the current real estate tax bills are sent for those premises lying within 500 feet in all directions of the property lines of the Subject Property, together with a list of said property owners with parcel numbers.

Jason Keegan
Printed Name

[Signature]
Signature

Subscribed and sworn to before me this
1st day of DECEMBER, 20 18

[Signature]
Notary Public

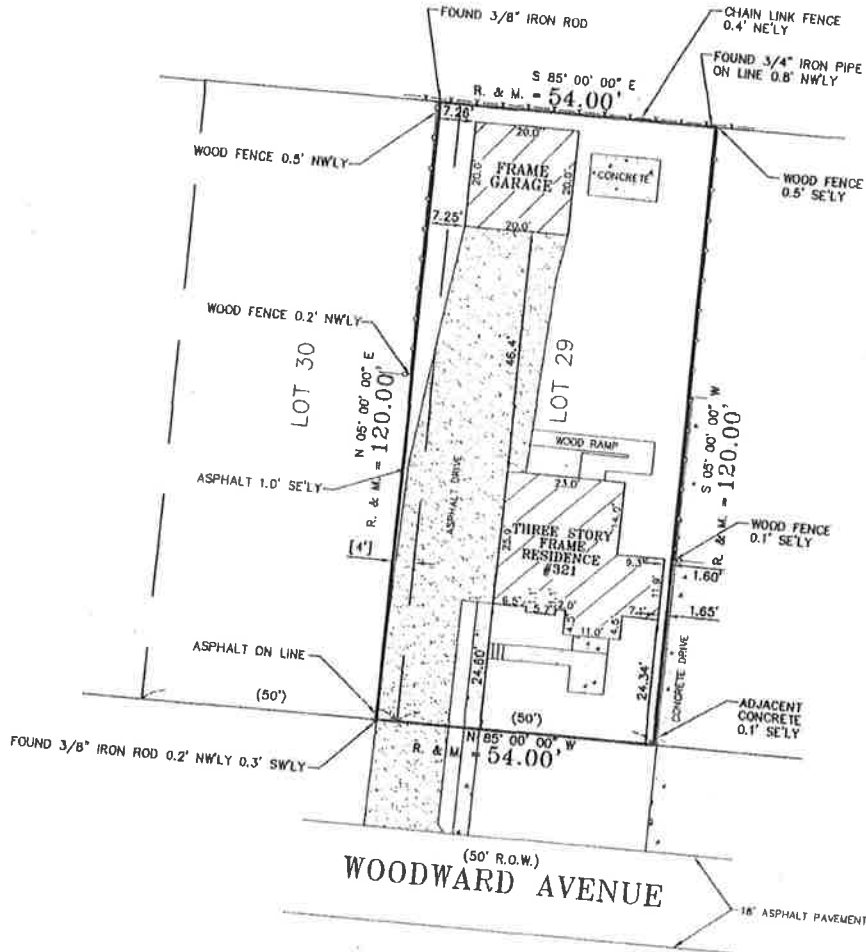


PLAT OF SURVEY

OF
 LOT 29 AND THE EAST 4 FEET OF LOT 30 IN FOX RIVER WOODLANDS,
 GENEVA, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.



BEARING SYSTEM:
 ASSUMED FROM PLAT



NOTE: R. & M. DENOTES RECORD AND MEASURED DISTANCES RESPECTIVELY
 BEARINGS SHOWN HEREON ARE MEASURED

AREA SURVEYED = 6,480 SQ. FT.

CLIENT: LAW OFFICE OF NICOLE M. KERSTEM, P.C.
 JOB ADDRESS: 321 WOODWARD AVENUE, GENEVA, IL
 JOB NO: 18-05-081

State of Illinois } SS
 County of Cook }

I, Scott H. Campbell, an Illinois Professional Land Surveyor, do hereby certify that this professional service conforms to the current Illinois minimum standards for a boundary survey and that the plat hereon drawn is a correct representation of said survey.

S.H. CAMPBELL
 LAND SURVEYING



Dated, this 5TH day of JUNE, 2018

8432 SOUTH 84TH AVENUE TEL: (708) 594-5370
 HICKORY HILLS, IL, 60457 FAX: (708) 594-5369

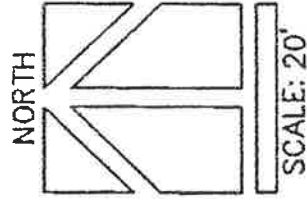
Illinois Professional Land Surveyor No. 3132
 License expires November 30, 2018

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON. REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

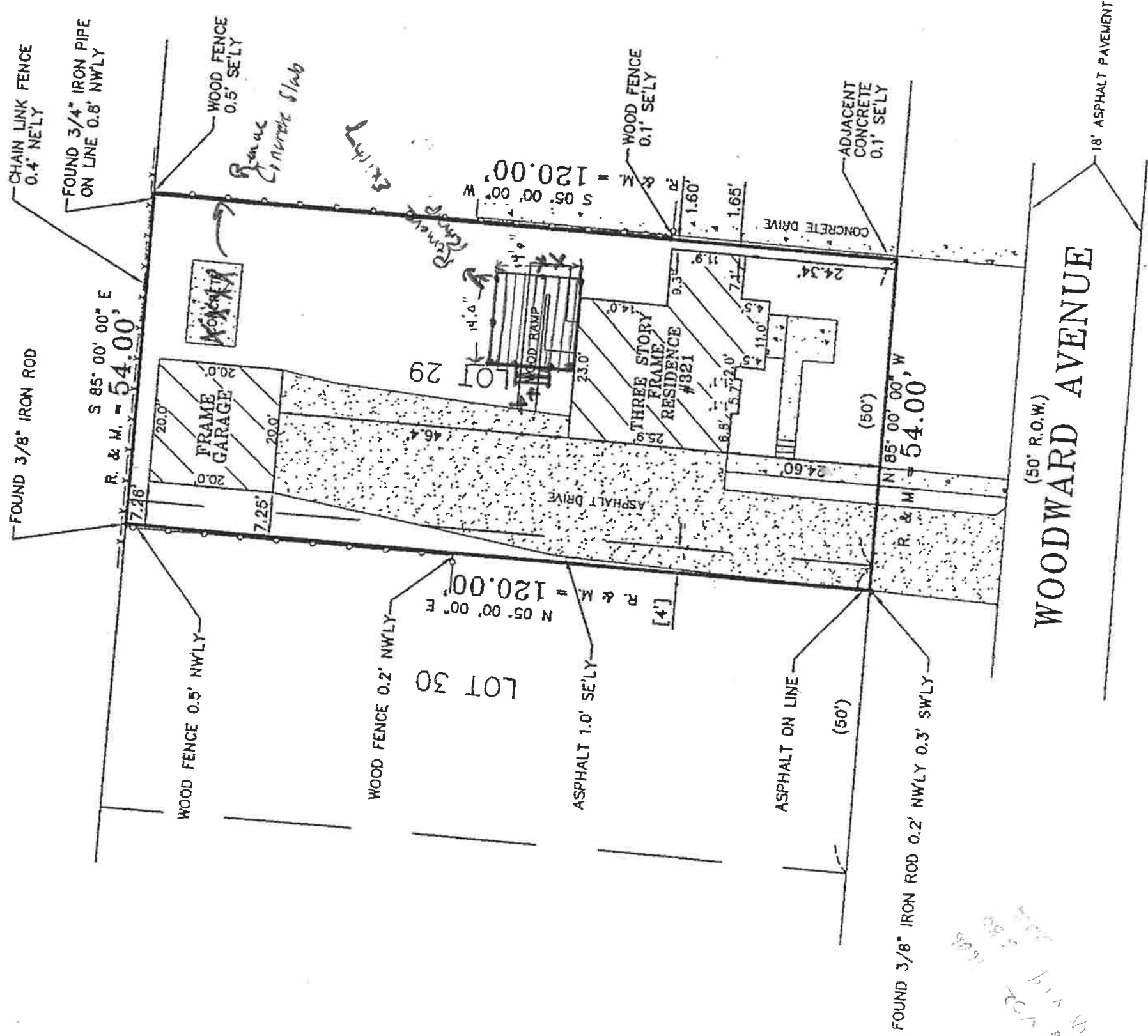
Date fieldwork performed 06-03-2018

PLAT OF SURVEY

OF
 LOT 29 AND THE EAST 4 FEET OF LOT 30 IN FOX RIVER WOODLANDS,
 GENEVA, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.



BEARING SYSTEM:
 ASSUMED FROM PLAT



NOTE: R. & M. DENOTES RECORD AND MEASURED DISTANCES RESPECTIVELY
 BEARINGS SHOWN HEREON ARE MEASURED

AREA SURVEYED = 6,480 SQ. FT.

CLIENT: LAW OFFICE OF NICOLE M. KERSTEN, P.C.
 JOB ADDRESS: 321 WOODWARD AVENUE, GENEVA, IL
 JOB NO: 18-05-081

S.H. CAMPBELL
 LAND SURVEYING

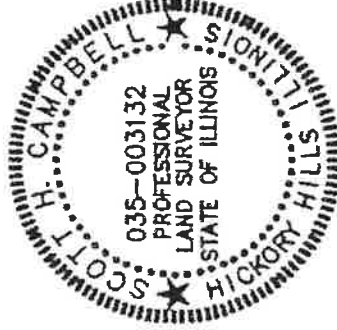
8432 SOUTH 84TH AVENUE TEL: (708) 594-5370
 HICKORY HILLS, IL. 60457 FAX: (708) 594-5369

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION, FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

State of Illinois }
 County of Cook } SS

I, Scott H. Campbell, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the plat hereon drawn is a correct representation of said survey.

Dated, this 5TH day of JUNE, 2018



Illinois Professional Land Surveyor No. 3132
 License expires November 30, 2018

Date fieldwork performed 06-03-2018

CITY OF GENEVA ZONING BOARD OF APPEALS

JANUARY 9, 2019

Applicant & Property Owner

Jason Keegan

Location

321 Woodward Avenue

Request

A variation to increase the allowable lot coverage from 45 percent to 52.76 percent for the purpose of removing a handicap ramp and concrete slab and replacing them with a deck.

Recommendation

Staff will provide a recommendation at the conclusion of the public hearing.

Staff Liaison

Eric Nelson

Building Commissioner

Phone: (630) 262-0282

Email: enelson@geneva.il.us



VARIATION PETITION

Lot Coverage

321 Woodward Avenue



Figure 1. Location Map. Prepared by Geneva Planning Division, December 2018.

BACKGROUND

The owner of the property located at 321 Woodward Avenue, a single-family detached residence, has submitted a request for a variation to increase the allowable lot coverage from 45 percent to 52.76 percent. The request is intended to allow the applicant, Jason Keegan, to construct a deck in place of the current handicap ramp and concrete slab on the property. The lot coverage on the property is currently non-conforming at 53.44 percent, as the principal and accessory structures were built prior to the adoption of the current zoning ordinance. The maximum lot coverage occupied by the principal and accessory buildings, as well as all other impervious surfaces, regardless of their current existence, require a maximum of 45 percent, per section 11-5E-4 (Lot and Area Requirements) of the Geneva Zoning Ordinance.

REQUEST

In accordance with Section 11-14-5 of the Geneva Zoning Ordinance, the applicant is requesting a variation in the R3 Medium to High Density Single-Family Residential District to increase the allowable lot coverage from 45 percent to 52.76 percent for the purpose of removing a handicap ramp and concrete slab (total 240 sq. ft.) and replacing them with a 14’x 14’ deck (196 sq. ft.). Currently, the lot coverage is 53.44 percent. Since the current lot coverage is already nonconforming and exceeds the maximum amount allowed, the applicant must seek a variation if the ramp and concrete slab are removed to be replaced with any type of structure that do not meet the maximum lot coverage requirements.

PROPERTY INFORMATION

The subject property is located in the R3 Medium to High Density Single-Family Residential District and is designated as “Single-Family Residential” in the City’s adopted Comprehensive Plan. Please see Table 1 below and Figures 2 and 3 on the following page for surrounding property information including existing zoning, existing land uses, and future land use designations.

LOCATION	ZONING DISTRICT	LAND USE	COMPREHENSIVE PLAN
Subject Property	R3 Medium to High Density Single-Family Residential	Single-Family Detached Residence	Single-Family Residential
North	RR Rural Residential	Good Templar Park	Open Space
South	R3 Medium to High Density Single-Family Residential	Single-Family Detached Residence	Single-Family Residential
East	R3 Medium to High Density Single-Family Residential	Single-Family Detached Residence	Single-Family Residential
West	R3 Medium to High Density Single-Family Residential	Single-Family Detached Residence	Single-Family Residential

Table 1. Surrounding Property Information. Prepared by Geneva Planning Division, December 2018.

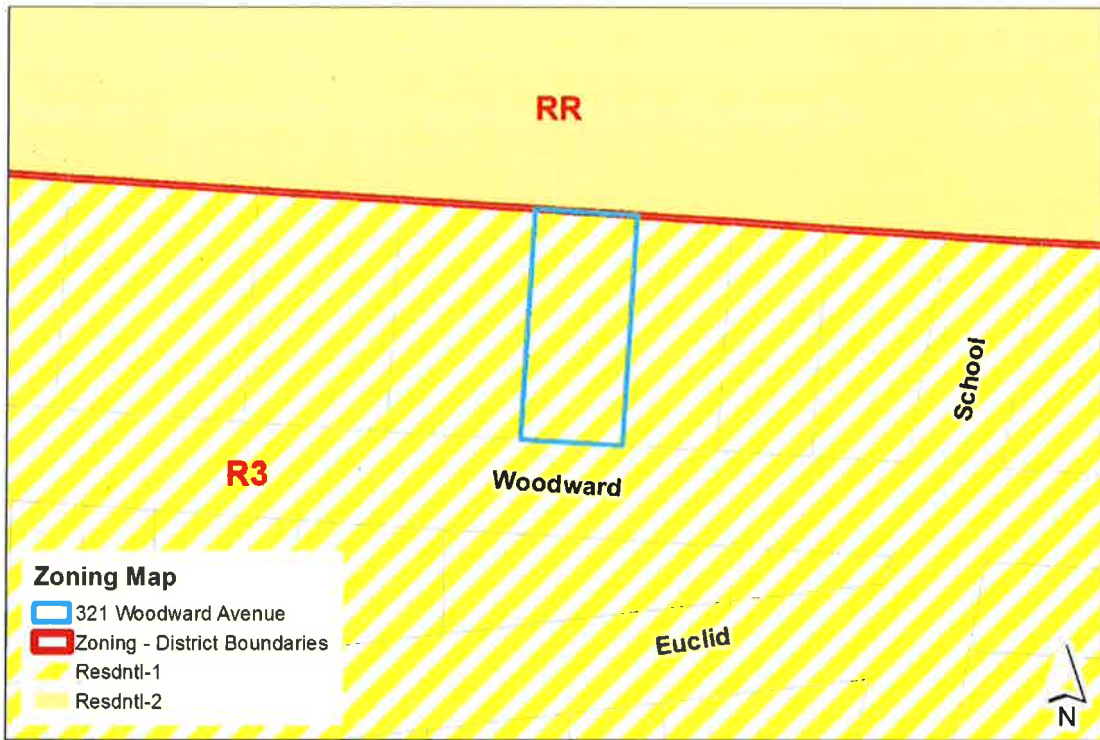


Figure 2. Zoning Map of the Subject Property and Surrounding Area, based on the 2018 City of Geneva Zoning Map. Prepared by Geneva Planning Division, December 2018.



Figure 3. Future Land Use Designation of the Subject Property and Surrounding Area, based on the 2003 Comprehensive Plan. Prepared by Geneva Planning Division, December 2018.

REVIEW COMMENTS

Variation – Findings of Fact

Staff has evaluated the requested variation in relation to the four (4) variation standards the Zoning Board of Appeals uses in formulating its findings of fact, as set forth in Section 11-14-5G of the Zoning Ordinance. The staff analysis below is based on the information and documents provided by the applicant and staff's review of the request. Based on evidence and testimony provided at the public hearing, the Zoning Board of Appeals may choose to use the staff analysis in formulating its findings of fact, or formulate its own findings. The applicant has also prepared a response to the four (4) Variation standards, attached to this report for your review and consideration.

1. *Reasonable Return: The property in question cannot yield a reasonable return if permitted to be used only under the regulations of the district in which it is located.*

The handicap ramp on the property has not been properly maintained and lacks handrails for individuals to utilize. The property owner is seeking to improve the primary residence and accessory structures on the property by replacing the handicap ramp, which is in disrepair, with a deck. Since the current lot coverage is already nonconforming and exceeds the maximum amount allowed, the applicant must seek a variation if the ramp and concrete slab are removed to be replaced with any type of structure that do not meet the maximum lot coverage requirements. The applicant has chosen the marketability potential of a deck, to provide an entertainment and outdoor living space, as the best way to yield a reasonable return. The request meets Standard 1.

2. *Unique Hardship or Practical Difficulty: The shape, topography or other conditions of the land is such that it is extremely difficult to comply with the regulations generally applicable to the property.*

The current lot coverage on the property is 53.44 percent, which exceeds the allowable maximum lot coverage in the R3 Medium to High Density Single-Family Zoning District. The existing home, driveway and detached garage are all intended to remain. The handicap ramp is in disrepair and is intended to be demolished, as well as the concrete slab located on the property. The already nonconforming lot coverage on the property provides a practical difficulty in making improvements on the property. The detached garage is set back far from the driveway entrance, therefore the garage requires a longer driveway to use, which makes up a large amount of the property's lot coverage. The request meets Standard 2.

3. *Character of the Area: The applicant must show that the variation requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare.*

The proposed deck, which will be constructed to meet all other applicable building codes and requirements, will be located in the posterior of property. As it will be in the rear yard, it is not expected to be detrimental to the public welfare, impair the supply of light and air to surrounding properties, increase traffic, increase flood or fire, unduly tax area utilities and facilities, or endanger the general safety and welfare. The lot coverage will only decrease from its current level, therefore

the proposed renovations will not have any negative impacts on the current water absorption or flooding. The request meets Standard 3.

4. *Minimum Variation: Any variation considered by the Zoning Board of Appeals shall be considered the minimum variation necessary for the reasonable use of the land.*

The requested lot coverage variation is 52.76 percent – nearly 8 percent more than the required 45 percent for the lot. However, the proposed lot coverage percentage is nearly 1 percent lower than the current, nonconforming lot coverage. Besides the removal of the handicap ramp, which is noncompliant and in disrepair, the applicant is also looking to remove a concrete slab in the rear yard to further minimize the lot coverage. The request meets Standard 4.

RECOMMENDATION

Staff will provide a recommendation at the conclusion of the public hearing.

ATTACHMENTS

Application
Letter of Intent
Response to Variation Standards
Plat of Survey