DuPage County Zoning Board of Appeals

Petition No. Z18-046

September 27, 2018
BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Variation to reduce the side yard setback from 10 feet to approximately 7.6 feet. and recommendation

September 27, 2018 6:00 p.m.

PROCEEDINGS HAD and testimony taken before the DU PAGE COUNTY ZONING BOARD OF APPEALS, taken at the DuPage County Administration Building, 421 N. County Farm Road, Wheaton, Illinois, before LINDA M. CIOSEK, C.S.R. a Notary Public qualified and commissioned for the State of Illinois.

BOARD MEMBERS PRESENT:
MR. ROBERT KARTHOLL, Chairman.
MR. BARRY KETTER, Commissioner.
MR. JOHN HAKIM, Commissioner.
MR. JACK MURPHY, Commissioner.
MR. DENNIS MORAN, Commissioner.
MR. CARL SCHULTZ, Commissioner.

ALSO PRESENT:
MS. JESSICA INFELISE, Zoning Coordinator.

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(Whereupon, the oath was duly administered by the Notary.)

CHAIRMAN KARTHOLL: So I need a survey as Exhibit 1 and a site plan as Exhibit 2.

MR. POGORZELSKI: Here's the survey.

CHAIRMAN KARTHOLL: What's the date of the survey?

MR. POGORZELSKI: I think it's recent. I closed in January.

CHAIRMAN KARTHOLL: January of --

MR. POGORZELSKI: '18.

CHAIRMAN KARTHOLL: Okay. And a site plan. (Whereupon, the documents were marked Exhibits 1 and 2 for identification.)

CHAIRMAN KARTHOLL: Show me what you're doing, like in two minutes. Just point.

MR. AUGUSTOWSKI: Just that part we gonna do addition.

CHAIRMAN KARTHOLL: Okay. All right.

MR. AUGUSTOWSKI: Master addition. It's over right here.

CHAIRMAN KARTHOLL: Okay. So, you live at the property, sir?

MR. POGORZELSKI: Currently, no, I am waiting for the permits.
CHAIRMAN KARTHOLL: Have you purchased the property?

MR. POGORZELSKI: Yes.

CHAIRMAN KARTHOLL: You purchased it in January?

MR. POGORZELSKI: In January, yes.

CHAIRMAN KARTHOLL: What are you doing? You're doing some construction?

MR. POGORZELSKI: I am doing some construction. It's a single-story home. I'm looking to make some addition to it, fix it up.

CHAIRMAN KARTHOLL: And where do you live now?

MR. POGORZELSKI: Currently I am living in Elmhurst.

CHAIRMAN KARTHOLL: Is it your intention to live at this property?

MR. POGORZELSKI: I've been ready at the property for almost a year, so yes.

CHAIRMAN KARTHOLL: I thought you said you didn't live there currently.

MR. POGORZELSKI: Currently I am not living there because the house, it was an estate sale, nobody was living there for about three years, and the state of the house is not the greatest.

CHAIRMAN KARTHOLL: Okay. So, what do you propose to do?

MR. POGORZELSKI: What we are trying to propose to do is -- do you want to see the blueprints?

CHAIRMAN KARTHOLL: I want you to tell me narratively what you intend.

MR. POGORZELSKI: Exactly what we are trying to do is add on to the existing house that is there right now, add on to the existing foundation, make it a little bit wider. And then the portion we are looking to expand is actually the garage space. We're looking to expand a little bit more so we can knock down the detached garage that's in the back of the house.

This is the detached garage currently. We're looking to liquidate this, get rid of all of this, and --

CHAIRMAN KARTHOLL: Does your site plan say on the detached garage "to be razed" or --

MR. POGORZELSKI: To be removed?

CHAIRMAN KARTHOLL: To be removed, or something like that?

MR. POGORZELSKI: Does it say on there now?

MR. AUGUSTOWSKI: No, you make the decision.

MR. POGORZELSKI: No, it doesn't say so, but we can change that.

MR. AUGUSTOWSKI: We can finish the drawings.

MR. POGORZELSKI: The drawings have been submitted to the Building Department as well.

CHAIRMAN KARTHOLL: Well, we need a Zoning -- the Building Department doesn't share their records with us, so we need to have this updated.

Let me see this a little more closely.

When was this done, single-story family -- what's the square footage approximately of the existing?

MR. POGORZELSKI: About 1700 square feet right now, sir.

CHAIRMAN KARTHOLL: What do you propose?

MR. POGORZELSKI: With the attached garage, about 3300 square feet.

CHAIRMAN KARTHOLL: So what you're building is an attached garage?

MR. POGORZELSKI: What I'm building is when you look at the existing house right now, this is the existing house. What I'm proposing is, this used to be a detached garage, single car or double. What I'm looking to do is actually expand this space here and then pull it out to here, to take down the roof because the framing is not up to code or anything like that, and then we're looking to also put an addition on top of the existing property.

CHAIRMAN KARTHOLL: On top, like a second story?

MR. POGORZELSKI: Like a second story.

CHAIRMAN KARTHOLL: This is north, that's west, you're not going out west with any additional building?

MR. AUGUSTOWSKI: No.
MR. AUGUSTOWSKI: Yeah.

MR. POGORZELSKI: This is the proposed change to the property. And it's not going to be a full second story addition, it's going to be a half-story addition, which is proposed.

COMMISSIONER HAKIM: Is that the same?

MR. AUGUSTOWSKI: Yes, this is the same.

CHAIRMAN KARTHOLL: Let me see if I can figure this out. My suspicion is that this property was built quite some years ago; is that right?

MR. AUGUSTOWSKI: Yes.

CHAIRMAN KARTHOLL: And, at that time, either there was a non-conforming use, or with respect to the front, the north setback line?

MR. POGORZELSKI: Uh-huh.

CHAIRMAN KARTHOLL: So right now is there an encroachment into the setback?

MR. POGORZELSKI: Encroachment as far as --

CHAIRMAN KARTHOLL: Well, you're asking for 7.6 feet.

MR. POGORZELSKI: Yeah.

CHAIRMAN KARTHOLL: You're required to have 10.

MR. AUGUSTOWSKI: Yes.

CHAIRMAN KARTHOLL: I'm guessing that the existing structure encroaches into that 10 feet; right?

MR. AUGUSTOWSKI: Yes.

CHAIRMAN KARTHOLL: The existing building is over here. That second line. And we adding that part; okay?

CHAIRMAN KARTHOLL: Yeah. Why do you have to go -- okay, go ahead and finish.

MR. POGORZELSKI: The only reason I want to make it as wide --

CHAIRMAN KARTHOLL: No, let him finish. Are you done with what you were saying?

MR. AUGUSTOWSKI: You know, in my opinion, he want to do attached garage, it's better for him, right, and we need that space for the two-car garage, and we need just -- we encroaching into the setback 2 and-a-half feet, but we gonna remove that building, which it's 4 feet and 7 feet, from the property line. Then if we remove that part, this driveway, it's more green space on the back.

CHAIRMAN KARTHOLL: No, you're selling me your proposal here. I don't want -- I'm not bargaining with you about the good stuff.

MR. AUGUSTOWSKI: Okay.

CHAIRMAN KARTHOLL: All I want to know is: You don't currently encroach with the existing structure?

MR. AUGUSTOWSKI: No.

CHAIRMAN KARTHOLL: But when you build your new addition --

MR. AUGUSTOWSKI: Yes.

CHAIRMAN KARTHOLL: -- you want to build it farther forward, farther north and encroach into the 10 feet by about 2 and-a-half feet?

MR. AUGUSTOWSKI: Yes.

MR. POGORZELSKI: That's correct.

CHAIRMAN KARTHOLL: And I think you started to say that's because in the front you will go back to the layout where the garage is in front.

MR. POGORZELSKI: Our biggest concern is on the corner?

CHAIRMAN KARTHOLL: Yeah. Why do you have to go further, farther north and encroach into the 10 feet by about 2 and-a-half feet?

MR. POGORZELSKI: That's correct.

CHAIRMAN KARTHOLL: All right. Well, then I guess we need to be persuaded about the architectural drawing to see why the two-car garage needs to encroach.

MR. POGORZELSKI: The biggest concern is actually --

MR. AUGUSTOWSKI: The situation inside.
that I pull straight in to my garage, and if the rationale is need a two-car garage, not a one-car garage, that would cause me to create a wider garage, not a deeper garage. And the depth of the garage is what causes this intrusion into the --

MR. POGORZELSKI: No, it's not the depth.

COMMISSIONER HAKIM: It's the width.

COMMISSIONER KETTER: It's the width. The 2 and-a-half feet that they're asking for is to encompass where those machines are.

MR. POGORZELSKI: Exactly.

CHAIRMAN KARTHOLL: Oh, okay. I see.

MR. POGORZELSKI: That is going this way. The this is --

CHAIRMAN KARTHOLL: Okay, so then I get it.

MR. POGORZELSKI: That's kind of what I think is throwing you off, too. This is the east, this is the west, this is --

CHAIRMAN KARTHOLL: Okay, I thought the north side was the street.

MR. POGORZELSKI: That's kind of what I think is throwing you off, too. This is the east, this is the west, this is --

CHAIRMAN KARTHOLL: Okay, so then I get it.

MR. POGORZELSKI: That's kind of what I think is throwing you off, too. This is the east, this is the west, this is --

CHAIRMAN KARTHOLL: Okay. Okay, I don't have any

further questions. Mr. Ketter?

COMMISSIONER KETTER: No.

CHAIRMAN KARTHOLL: Mr. Hakim?

COMMISSIONER HAKIM: I just wanted to confirm what I think you said, that the north wall of the house, the main house, is a retaining wall and so you cannot -- it's a weightbearing wall and you cannot move it?

MR. POGORZELSKI: That's correct.

COMMISSIONER HAKIM: So you're just building out north?

MR. POGORZELSKI: That's correct.

COMMISSIONER HAKIM: And you will have enough room that way to house the two-car garage?

MR. POGORZELSKI: That is correct.

COMMISSIONER HAKIM: Okay.

COMMISSIONER KETTER: If you get the granting of the variance.

CHAIRMAN KARTHOLL: So I would like to just observe that is precisely, in my opinion, the rationalization for the hardship/unique circumstance, the structural wall. Okay, Mr. Moran?

CHAIRMAN KARTHOLL: Mr. Murphy?

COMMISSIONER MURPHY: I notice there's a little shed
MR. POGORZELSKI: We're not. We're actually putting garage doors right here.

MR. DORNAN: But how do you expect to get to the back of the garage if you got to?

MR. POGORZELSKI: This garage, this is getting rid of.

MR. DORNAN: This has got demolition of garage.

MR. POGORZELSKI: I'm going to show you what's going to exactly happen.

As you can see, this is the new garage that we are proposing. And you can see there is a second door, so we can come to the garage into the back.

MR. DORNAN: Oh, I see what you're doing. It's going to be a double door.

MR. POGORZELSKI: Double door in the front and single door in the back so we can easily access, and I'm not infringing on your property in any way. There's also an access -- there's easy access around here for lawnmower and everything else. We're getting rid of the shed in the back, so pretty much everything that you see now, that garage and that shed, is going to be done.

MR. DORNAN: So this is actually the existing house now?

MR. POGORZELSKI: Yeah, this is the bearing wall, weight --

MR. DORNAN: Yes, north of them.

CHAIRMAN KARTHOLL: Do you want to make a statement specifically opposing this petition, or supporting this petition, or do you want to ask a question?

MR. DORNAN: The question I have is, the outside wall now is a bearing wall; right? They have to get rid of that, right, and move it out?

MR. POGORZELSKI: That's correct.

MR. DORNAN: Well, I don't really have a problem with it, but I know people in the neighborhood do, and I'm surprised they're not here because I've talked to a few people, and they're upset because -- I don't know why. Actually the only people that it affects me, and you're coming -- what are you going to come, 10 feet up from the existing wall?

MR. POGORZELSKI: If you want to take a look at the drawing of the property, how it's going to look on the outside.

MR. DORNAN: This is the existing wall here?

MR. AUGUSTOWSKI: Yes, this is the existing wall, and we doing the addition over here. We go closer to --

MR. DORNAN: How do you people expect to get to the back of the house?
COMMISSIONER KETTER: You're going to use it purely as a garage?
MR. POGORZELSKI: Yes.
COMMISSIONER KETTER: Are you going to have water, running water out there?
MR. POGORZELSKI: In the garage?
COMMISSIONER KETTER: Yes.
MR. POGORZELSKI: In the back of the house.
COMMISSIONER KETTER: In the garage.
MR. POGORZELSKI: Not in the garage, no.
COMMISSIONER KETTER: Do you plan to do music or any undue lighting, or normal garage stuff?
MR. POGORZELSKI: Normal garage stuff. I actually enjoy cars, so it's nice to have nice space to put them in.
COMMISSIONER KETTER: You don't plan on working on cars in there?
MR. POGORZELSKI: No.
COMMISSIONER KETTER: What do you do for a living?
MR. POGORZELSKI: I actually run a trucking company, so everything, all the repairs, are done at the warehouse that I have in Franklin Park. So pretty much this is just purely for cars. Actually I might even consider in the back just put a little enclosure and a little gym in there, just for in-house gym.
CHAIRMAN KARTHOLL: Okay. Good luck with that.
MR. POGORZELSKI: It motivates you, right, at least.
CHAIRMAN KARTHOLL: Okay, let's close the hearing and indicate that there's no one else in the audience to make comments. I don't think a closing statement is necessary from the petitioner, but my inclination is to close the hearing and move immediately to recommendation. Anybody feel to the contrary?
COMMISSIONER KETTER: Sounds good. I would move to grant --
CHAIRMAN KARTHOLL: Wait till I say it. All right, then the public hearing is closed and I'll now open the recommendation session. Is there a motion?
COMMISSIONER KETTER: I would make a motion to grant the variance for -- it appears they're requesting 2.6, 2 and-a-half feet variance, to build the structure. It would be built according to the site plan, and that the site plan will include the removal of the other structure and driveway, and it be granted as such. I think they've proved up the hardship with what's in the garage as it is, and in today's world, if you don't do a two-car garage, it's kind of impractical. And we get more open space, which will help with any type of rainfall and everything else. Based on that, I would move to grant it.
CHAIRMAN KARTHOLL: Is there a second?
COMMISSIONER HAKIM: I would second the motion.
CHAIRMAN KARTHOLL: Motioned by Mr. Ketter, seconded by Mr. Hakim.
Let me just suggest a little tweak to one of your conditions, and that is you've already asked that a new site plan be submitted indicating, as the testimony suggested, the two structures would be removed. So the condition would be the matter will not go to the Development Committee until that site plan reflecting the change is received by the staff.
COMMISSIONER KETTER: Perfect.
CHAIRMAN KARTHOLL: Okay?
MR. POGORZELSKI: Fair enough.
CHAIRMAN KARTHOLL: Good. Any discussion on the motion?
(No response.)
CHAIRMAN KARTHOLL: I'll just say that, as I said during the course of the public hearing, I think the hardship is related to the structure, and I want to confirm what Mr. Ketter said, that realistically improvements to a house like this without a two-car garage, you know, probably are not reflecting good planning and market conditions, et cetera, of being what they are.
So, with no further ado, would you please call the roll on the motion to approve, subject to the standard conditions and the conditions enumerated in the motion.
MS. INFELISE: Mr. Ketter?
COMMISSIONER KETTER: Aye.
MS. INFELISE: Mr. Hakim?
COMMISSIONER HAKIM: Aye.
MS. INFELISE: Mr. Schultz?
COMMISSIONER SCHULTZ: Aye.
MS. INFELISE: Mr. Murphy?
COMMISSIONER MURPHY: Aye.
MS. INFELISE: Mr. Moran?
COMMISSIONER MORAN: Aye.
MS. INFELISE: Mr. Kartholl?
CHAIRMAN KARTHOLL: Aye.
The motion passes by a vote of 6 in favor and none opposed, one member being absent. Thanks, guys.
MR. POGORZELSKI: Thanks so much.
(Which were all the proceedings and testimony taken in the above-entitled cause.)
STATE OF ILLINOIS  
SS.
COUNTY OF DU PAGE  

LINDA M. CIOSEK, C.S.R. No. 084-2892, duly qualified and commissioned for the State of Illinois, County of DuPage, do hereby certify that at the request of the DU PAGE COUNTY ZONING BOARD OF APPEALS, subject to the usual terms and conditions of County Court Reporters, Inc, reported in shorthand the proceedings had and testimony taken at the public hearing of the above-entitled cause, and that the foregoing transcript is a true, correct and complete report of the testimony so taken at the time and place hereinafter set forth.

Linda M. Ciosek  
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