

**Regular Meeting-Plan Commission/Zoning Board Of Appeals  
Gregory J. Bielawski Municipal Center, Carol Stream, Du Page County, Illinois**

**JANUARY 8, 2007**

**ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON**

Chairman Don Weiss called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Christopher, Vora, Spink and Weiss  
Absent: Commissioners Smoot, Michaelsen and Hundhausen  
Also Present: Village Planner John Svalenka and Recording Secretary Progar

**MINUTES:**

Commissioner Spink moved and Commissioner Christopher made the second to approve the Minutes of the Meeting of December 11, 2006 as presented. The results of the roll call vote were:

Ayes: 3 Commissioners Christopher, Spink and Weiss  
Nays: 0  
Abstain: 1 Commissioner Vora  
Absent: 3 Commissioners Smoot, Michaelsen and Hundhausen

**PUBLIC HEARING:**

**#06321: Sandra Bergeson – 1075 Buckskin Lane  
Variation – Zoning Code**

Sandra Bergeson, 1075 Buckskin Lane was sworn in as a witness in this matter. She explained that she had wanted to buy a house on Evergreen Lakes and when this house came on the market and she viewed it and the screen room she bought it. She noted that the house is set toward the back of the lot and the screen room allowed her to be close to the Lake and still feel protected from those using the property around the lake to fish or just walk. Ms. Bergeson noted that she has observed coyotes along the back of her property and said that she would not be able to have her grandchildren play in the back yard without fear of attack, but using the screen room provides fresh air and a safe place to play. She said that she was not aware that a permit was not issued for the screen room since the deck area was shown on the plat of survey and she asked to be allowed to keep the screen room.

At the call for public hearing, Janet Schineller, 1071 Buckskin said that she is the next-door neighbor and that she has no objection to the screen room or its location. She said that many of the neighbors signed a petition stating that there were no objections to the proposed variance and that she has a screen room and can understand the enjoyment and pleasure that Ms. Bergeson is talking about.

Mr. Svalenka said that Sandra Bergeson of 1075 Buckskin Lane has filed an application for side yard and rear yard setback variations to allow an existing screen porch to remain as constructed on her property. In 1997 the Village permitted and approved a 192 square foot deck attached to the rear of the house. Staff has verified that when Ms. Bergeson purchased the home in 2006, a previous owner had changed the deck into a screen porch by adding a roof and screening to the deck without a building permit. The 192 square foot screen porch brings the lot coverage up to 29.9%, which is within allowable lot coverage in the R-2 District of 30%. The screen porch does not encroach any easements. However, the screen porch has different setback

requirements than an open deck, and does not meet the side yard and rear yard setbacks in the R-2 District. In order for the screen porch to remain as constructed, Ms. Bergeson is requesting setback variations from Section 16-8-2(F)(2) and Section 16-8-2(F)(3) of the Zoning Code.

**Side Yard Setback:**

The required side yard in the R-2 One-Family Residence District per Section 16-8-2(F)(2) of the Carol Stream Zoning Code is not less than 8 feet. The Shining Waters Planned Unit Development, approved in 1978, decreased the required side yard to 7.5 feet. The screen porch is set back only 7.36 feet from the side property line. It should be noted that the house is set back only 6.86 feet from the side property line. The Village issued a permit for construction of the house, and although it is non-conforming with regard to the side yard, it is considered legally non-conforming and does not require a variation.

In review of the request, staff notes that the requested side yard variation is relatively minor. The 7.36-foot setback is only 7.2 inches short of meeting the 8-foot setback required in the R-2 One-Family Residence District and is only 1.2 inches short of meeting the 7.5-foot setback allowed by the PUD.

**Rear Yard Setback:**

The required rear yard in the R-2 One-Family Residence District per Section 16-8-2(F)(3) of the Carol Stream Zoning Code is not less than 30 feet. The home is set back approximately 31 feet from the rear property line. The 12-foot deep screen porch is set back 19 feet from the rear property line. The 2-foot deep stairs attached to the rear of the porch are set back 17 feet from the rear property line.

In review of the request, staff notes that directly behind the Bergeson lot is a storm water retention pond owned by the Carol Stream Park District. The closest house across the pond is over 250 feet away. Staff also notes that in August 2006, the Plan Commission / Zoning Board of Appeals recommended approval of a similar rear yard setback variation for an existing screen porch at 1099 Evergreen Drive, which backs up to an open field.

In staff's evaluation of this case, we note that the need for the variations is self-created, as the roofing and screening were added to the deck without a permit and not in compliance with the side and rear yard setback standards of the Zoning Code. Additionally, the standards for approval of a variation have not been met. However, there are factors that support the approval of the variations as well. For instance, the degree of the side yard setback variation is minor, and the Village has approved a similar rear yard setback variation in the past. The rear yard is adjacent to a large storm water retention pond area, and the screen porch, as constructed, does not have a negative impact on the character of the surrounding neighborhood.

If the Plan Commission determines to recommend approval of the requested side and rear yard setback variations, staff recommends that it only do so subject to the following condition:

1. That the applicant must obtain a proper building permit for the screen porch.

Chairman Weiss asked Mr. Svalenka if a petition has been submitted by the petitioner and was told that staff has received a petition signed by the neighbors, but felt that sufficient information was provided by staff so that it was not included in the report.

Commissioner Christopher said that he concurred with the staff recommendation and that the petitioner should apply for the proper permit.

Chairman Weiss also concurred with the staff report and noted that the property is very well kept. Commissioner Spink moved and Commissioner Christopher made the second to recommend approval of a variation to the zoning code for side and rear yard variations in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	4	Commissioners Christopher, Vora, Spink and Weiss
Nays:	0	
Absent:	3	Commissioners Smoot, Michaelsen and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on January 16<sup>th</sup> and was advised to attend that meeting.

**#06242: Spina Commercial, east side of Schmale Road, south of St. Charles Road**  
***Special Use – Planned Unit Development***  
***Special Use – Shopping Plaza***  
***Special Use – Drive-Up Window***  
***Preliminary/Final PUD Plan Approval***  
***Rezoning – B-2 General Retail District to B-3 Service District***  
***Special Use – Auto Laundry***  
**CONTINUED FROM 11/13/06 MEETING**

Mr. Svalenka reported that Mario Spina, Vice President of Angel Associates LP, has submitted an application requesting several zoning approvals that would allow for the development of a multi-tenant retail building and a car wash on the approximate 1.96-acre property located on the east side of Schmale Road, just south of St. Charles Road.

This matter was originally scheduled for Plan Commission review at the October 9, 2006, meeting and was continued to October 23, 2006, November 13, 2006, and January 8, 2007. The applicant has indicated that he is in negotiations to purchase the adjacent unincorporated property to the east. After the contract for purchase is signed, the applicant intends to redesign his site plan to incorporate the additional property, which will require an extended amount of time. Therefore, staff requests that this matter be continued to the March 26, 2007, Plan Commission agenda.

Commissioner Spink moved and Commissioner Christopher made the second to continue this matter to the meeting of March 26, 2007 as requested by staff. The results of the roll call vote were:

Ayes:	4	Commissioners Christopher, Vora, Spink and Weiss
Nays:	0	
Absent:	3	Commissioners Smoot, Michaelsen and Hundhausen

**#06305: G.B. Illinois 2, LLC/CVS – Lot 1 at Southeast corner of Gary Ave. and Lies Rd.**

***Special Use Permit – Drive-up Service Window***  
***Final Planned Unit Development Plan***  
***Variations – Sign Code***  
***Gary Avenue Corridor Review***  
**CONTINUED FROM 12/11/2006 MEETING**

Mr. Svalenka reported that Peter C. Bazos, representing G.B. Illinois 2 LLC, has submitted an application for several zoning approvals to allow development of a CVS Pharmacy at the southeast corner of Gary Avenue and Lies Road. In addition to the required Final PUD Plan and Gary Avenue Corridor Review, the applicant has requested a Special Use Permit for Drive-up Window Service and several Sign Code Variations.

This matter was originally scheduled for Plan Commission review at the December 11, 2006,

meeting and was continued to January 8, 2007. Staff and the applicant continue to work to achieve compliance with the Village Code. Staff has provided comments and the applicant is working to revise the plans, and hopes to respond shortly. Staff recommends that this case be continued to the February 12, 2007, Plan Commission meeting.

Commissioner Vora moved and Commissioner Spink made the second to continue this matter the meeting of February 12, 2007 as requested by staff. The results of the roll call vote were:

Ayes:	4	Commissioners Christopher, Vora, Spink and Weiss
Nays:	0	
Absent:	3	Commissioners Smoot, Michaelsen and Hundhausen

**#06307: Parkview Development Partners II, LLC – Lot 2 at Southeast corner of Gary Avenue and Lies Road**

***Special Use Permit – Drive-up Service Window  
Final Planned Unit Development Plan Amendment  
Variation – Zoning***  
**CONTINUED FROM 12/11/2006 MEETING**

Mr. Svalenka reported that Matthew M. Klein, representing Parkview Development Partners II LLC, has submitted an application for the property located at the southeast corner of Gary Avenue and Lies Road for a Special Use Permit for Drive-up Window Service and an amended Final PUD Plan for minor site changes to accommodate the drive-up. As a separate issue, the petitioner is also requesting a Zoning Variation to allow a dry cleaner with processing done on site.

This matter was originally scheduled for Plan Commission review at the December 11, 2006, meeting and was continued to January 8, 2007. Staff and the applicant continue to work to achieve compliance with the Village Code. Staff has provided comments and the applicant is working to revise the plans, and hopes to respond shortly. Staff recommends that this case be continued to the February 12, 2007, Plan Commission meeting. Commissioner Spink moved and Commissioner Christopher made the second to continue this matter to the meeting of February 12, 2007 as requested by staff. The results of the roll call vote were:

Ayes:	4	Commissioners Christopher, Vora, Spink and Weiss
Nays:	0	
Absent:	3	Commissioners Smoot, Michaelsen and Hundhausen

Commissioner Spink moved and Commissioner Vora made the second to close the public hearing. The motion passed by unanimous voice vote.

**New Business:**

**A. Election of a Chairperson Pro Tem**

This matter was continued to the next meeting.

At 7:55 p.m. Commissioner Spink moved and Commissioner Vora made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD