

# DRAFT

## BUILDING CODE REVIEW BOARD

### MINUTES OF A MEETING BEFORE THE VILLAGE OF ARLINGTON HEIGHTS BUILDING CODE REVIEW BOARD

JULY 25, 2016

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**MEMBERS PRESENT:**

Carl Baldassarra  
Richard Bondarowicz  
John Scaletta (Trustee)  
Scott Smith

**ADMINISTRATION PRESENT:**

Steve Touloumis, Director of Building Services  
Charley Craig, Assistant Building Official  
Patty LeVee, Recording Secretary

**OTHERS PRESENT:**

William and Karen Kissane, Petitioner  
Jeffery Maki, Danley's Garage, Contractor

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**SUBJECT:**

- **Petitioner, William and Karen Kissane, seeking a variance from Section 23-302, R309.1 of Chapter 23 allow for an 18' free standing garage to replace an identical garage that was destroyed by a fallen tree during a storm.**
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There being a quorum present, Acting Chairman Carl Baldassarra called the meeting to order at 7:01 PM. All stood for the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**RICHARD BONDAROWICZ MOVED TO APPROVE THE MINUTES OF THE APRIL 30, 2015 MEETING, SECONDED BY TRUSTEE SCALETTA, THE MOTION PASSED UNANIMOUSLY.**

#### NEW BUSINESS

**Chairman Baldassarra** introduced the request for a variance. **Mr. Kissane** noted he and his wife have been residents for 32 years. Their home is 47 years old; it is a four bedroom, split level, with a detached garage. On the 16<sup>th</sup> of March, a heavy 60mph wind toppled the neighbor's tree onto his garage, causing enough damage to need to have it demolished. He then contracted with Danley to replace the exact same garage and ran into a problem in terms of the width of the garage. According to code, garages need to be 21' wide and the garage that was there was 18' wide. The problem with the extension to 21' is that it would violate another Village Ordinance involving the impervious coverage would be more than 55% of the yard. The yard is 40' wide.

**Mr. Kissane** continued stating he would need to move the water connection. His situation is unique being that the water service runs between Evergreen and Dunton. **Mr. Baldassarra** asked if it was behind the house. **Mr. Kissane** replied, yes, not in front. It runs directly along, parallel with the side of the garage and if he put a 21 foot garage it would cover that water connection, including the shut off valve.

**Mr. Kissane** mentioned he spoke with a plumber named Todd, who said it would cost a minimum of \$8,000 to move the water line, probably closer to \$16,000. He did not know how much it would be because he would have to go to the Village to find out how they would want this configured.

**Mr. Kissane** explained that they went to the Planning Department and they checked out the footage. Pointing out the site plan exhibited, he noted they had written that if he put a 21.5 foot garage, it would be 56.25% of the impervious coverage of the yard. He is trying to just simply put the garage that sat there for 47 years, replace exactly the same size etc. His understanding is that either way he goes, it is a violation of the Ordinance. The only other alternative is to not have a garage and that would lower the property value.

**Mr. Baldassarra** stated that the copy of the survey they received was dated 1987. He asked if there was any substantive change on the survey that would be material to this discussion. **Mr. Kissane** replied no, he has an updated survey that he gave to Danley, done within a year, and nothing has changed.

**Mr. Baldassarra** asked for comments. **Mrs. Kissane** noted that this is a very small yard and to build a larger garage is ridiculous. **Mr. Maki** (Danley Garage) had no comments adding that they are just requesting a variance to replace existing footprint.

**Mr. Touloumis** added that he did ask the Public Works Department/Water Service Department to go out and verify that actual location of that water line to assure that it was in fact something that would need to be moved and they did verify that it was running right next to and parallel to the garage.

**Mr. Baldassarra** asked if the Village supports this request. **Mr. Touloumis** replied, yes.

**Mr. Baldassarra** opened to questions from the Board. **Mr. Bondarowicz** asked **Mr. Craig**, could they not just call this a one car garage. **Mr. Craig** replied, not with the width of the doors that is proposed. If you had a one car wide, 8 foot wide door, our Ordinance specifically states that with an 8 foot wide door it is a one car garage. The next step up, wider than 12 feet becomes a two car door; it becomes a two car garage. **Mr. Bondarowicz** asked if it was because of the size of the door to enter. **Mr. Craig** said, right, but what they want and what was there before was considered a two car garage and that is what they want to build. Our requirements or Ordinance state that by

definition of a two car garage, it must be full width. They meet the depth already, so that is not a question.

**Mr. Bondarowicz** asked; but if the garage was built exactly the size that it was, and it had an 8 foot wide door, could it be interpreted as a one car garage? **Mr. Craig** answered, yes; it could be a one car garage.

**Mr. Baldassarra** asked if they used the garage for two cars. **Mrs. Kissane** stated they had two cars in there all of the time. **Mr. Bondarowicz** said he is not suggesting that it be a one car garage, that this is a definition thing that actually surfaced a few years back and it has been a discussion on minimum widths. **Mrs. Kissane** stated she is just thinking of resale value and that if they want to sell their house and list it, would it be considered a two car garage, which is what they bought it as, a two car garage.

**Mr. Baldassarra** did not think that should be a concern from their standpoint. He added, that he was on the Board when they made those changes and it was simply to improve the quality of life so that when you get in and out of your car, opening your door relatively easily, with people usually having other things in their garage, it was considered a good thing to do for new construction and he certainly understands their situation.

**Mr. Baldassarra** asked for further comments. **Mr. Smith** added his only comment is that they do not typically take into account the cost issue. How have we dealt with replacement in kind in the past? **Mr. Baldassarra** said that on this particular issue, and he has been on this Board since about 1987, he does not remember this particular issue coming up like this before. This is new for him. People have had hardships with setbacks and driveway widths, not having 10 feet or 9 ½ feet, and they have tried to work with people on that type of thing, this particular one though, he does not remember ever having come up before.

**Mr. Baldassarra** asked if the Village supports this because of the ground cover issue. **Mr. Touloumis** replied yes, that is part of it. He typically always looks at a person's intent. Did they intend to build a new garage? They did not just decide we want to build a new and bigger garage. This was something that occurred, if you want to call it an Act of God, they did not plan for it, and he agrees with the cost as not being the deciding issue, but this just was not intended, there was no intention to make this change.

**Mr. Kissane** said presently they have water pooling behind the garage and would imagine putting a wider garage would cause more of a flooding issue. **Mr. Baldassarra** mentioned it could be the opposite, depending on how it is graded.

**Mr. Baldassarra** asked if there was enough information for a motion. **Trustee Scaletta** stated he wanted it known on the record that he lives at 1336; he lives right next door to this property. With no reason that he can't participate in the dialog, he stated he has no financial interest, and knows the Kissane's who live next door to him. He knows exactly where the water line is and where the water shut off is. **Trustee Scaletta** noted there

are other garages in the neighborhood that are the same size this garage is and this also fits in the character of the neighborhood. If they were to make the garage any larger their side yard would again be considerably reduced, making the side yard almost useless. He is supportive of the variation and noted the Petitioner going through all the proper protocols, it just so happens they live next door.

**Mr. Touloumis** asked the Petitioner how far the house is from the garage. **Mr. Kissane** said it is about 12 feet. **Mr. Touloumis** mentioned the turning radius for a vehicle is probably pretty tight around the corner of the house. The **Kissane's** agreed it is, adding that they do use it but it is tight.

**Mr. Baldassarra** stated he would caveat this action tonight, if they move forward with it, that this does not set a precedent for future actions by this Board on this similar topic. Each one of these is a case by case basis.

**Mr. Baldassarra** called for a Motion.

**TRUSTEE SCALETTA MOTIONED TO APPROVE THE VARIANCE REQUEST. SECONDED BY MR. BONDAROWICZ. THE MOTION CARRIED.**