

**CITY OF BATAVIA**  
100 N. Island Ave., Batavia, IL 60510  
(630) 454-2000  
www.cityofbatavia.net

**ZONING BOARD OF APPEALS  
AGENDA**

**Wednesday, February 3, 2016  
7:00 PM  
City Council Chambers - First Floor**

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Public Hearing: Variances For A Replacement Garage  
514 Main Street  
Spillane and Sons, Mike Spillane, Applicant  
  
Documents: [ZBA-514MAINST.PDF](#)
5. Other Business
6. Adjournment

Zoning Board of Appeals

Tom Gosselin  
Sara Harms  
Joan Joseph  
Tom LaLonde, Chair  
Sue Peterson  
Gene Schneider, Vice-Chair  
Ed Weiss

# CITY OF BATAVIA

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**DATE:** January 29, 2016  
**TO:** Zoning Board of Appeals  
**FROM:** Drew Rackow, AICP, Planner  
**SUBJECT: PUBLIC HEARING:** Variances for a Replacement Garage at 514 Main Street  
Spillane and Sons, Mike Spillane, Applicant

## Background and Information Provided by the Applicants

Mike Spillane, who recently acquired the residence at 514 Main Street, has submitted an application for variances from the Zoning Code to allow for the replacement of an existing non-conforming detached garage. The applicant has requested two variances for rear and interior side setbacks for an accessory structure. The existing 16 foot x 18 foot garage is constructed at 2 feet from the interior side property line and 4.5 feet from the rear property line instead of the required 5 foot rear setbacks. The applicant proposes a 20 feet x 20 feet two car garage with a setback of 2 feet for both the interior and rear setback. The residence was constructed in 1925 and is zoned R1-H, Single Family Residential – High Density. Records do not indicate the date of the original construction of the garage. Mr. Spillane proposes the new garage as part of a rehabilitation of the existing home. An 8 foot x 10 foot shed located in the rear yard is not depicted on the provided survey and site plan.

In his letter to the Zoning Board, Mr. Spillane explains that the close proximity to the existing home would limit movements in and out of the garage and has noted that relocating further to the east would diminish the limited existing back yard.

## Staff Analysis

In the R1-H District, a detached garage must be setback five feet from the side and rear property line. As the existing garage is non-conforming, it cannot be reconstructed in place without a variance request. A small lean-to shed exists along the rear of the existing garage, which pushes the existing garage even closer to the property line than the 4.5 feet setback of the main structure. A screened in porch protrudes from the rear of the main house, leaving a separation of approximately 19.5 feet from the existing garage. The applicant's proposal would provide a separation from the house of approximately 20.3 feet. The existing home has nonconforming side setbacks with the existing driveway location being the only means to provide access for a garage.

Staff believes that it is reasonable to consider a 2 foot side setback rather than the required 5 feet. The existing garage has existed in this location without reported issues. Relocation of the garage to a 5 foot setback would decrease the amount of yard space, placing the garage closer to the existing shed, and requiring greater turning movements to access all portions of the garage. The proposed garage size, which is minimal for a two car garage, placed to comply with setbacks, would occupy half of the width of the rear yard. A two foot side setback would best address existing driveway. Prior to the adoption of the 2010 Zoning Code, the required setback for the garage was 3 feet.

Staff believes that the requested two foot setback at the rear would introduce conditions that don't presently exist with the rear setback. While there is an approximately two foot lean-to structure at the rear of the existing garage, it spans less than half of the structure. Given its shorter height and smaller bulk relative to the main structure, staff would not support using this as a basis for the rear setback. Instead, the existing structure itself is 4.5 feet from the property line according to the provided survey. Staff feels a more reasonable request would be to place the proposed replacement garage at 4.5 feet, reflective of the existing condition on the site. This setback would provide approximately 18.5 feet of distance from the house. This may provide sufficient access for vehicles to maneuver into the proposed garage.

The drawings show the proposed service door on the west side. This door should be installed on the east side, the opposite side of the proposed minimal setback.

## Review of Findings

As indicated, staff is supportive of a request to place the garage with an interior setback of 2 feet and a rear setback of 4.5 feet. Staff has drafted Findings, based on this conclusion. As noted in the Staff Recommendation below, staff recommends that the Board evaluate the Findings if an alternate recommendation is made.

Under our Code and State Statute, the Zoning Board of Appeals (ZBA) is to consider all information submitted by the applicants and provided by staff, together with the information given at the public hearing. The ZBA must determine if the required variance Findings for Approval have been met.

Section 5.503 in Zoning Code Chapter 5.5: Variances establishes Findings the ZBA must reach before voting on a recommendation of approval or denial to the City Council's Committee of the Whole (COW). Below is each of the required findings from Section 5.503 followed by staff analysis.

**Finding A:** There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.

The subject parcel conforms to the dimension and size requirements for the R1-H District. There are non-conforming side setbacks for the principal structure that limit locations where a driveway to access the garage may be located. Existing improvements to the home limit opportunities to locate a garage further from the parcel lines and create a practical difficulty, given existing conditions on the site, to permit a two car garage on the site.

Staff believes that this finding is met.

**Finding B:** Such unique circumstances were not created by the current or previous owners or applicant.

The placement of the existing structure and other improvements is the underlying cause for the variance. The decision to place the house and garage at these locations would have been made at the original time of construction, by a previous owner. The original placement likely conformed to the Zoning Codes at that time; however they no longer do so, and thus may have not been created by the previous owners. While staff did not find records confirming the status, it believes it was constructed in conformance with Codes at that time by previous owners. Mr. Spillane, as the current owner has not created any of the existing circumstances.

Staff believes this finding is met.

**Finding C:** The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located.

The property currently is built with a residence, the highest and best use of the R1-H District. It is served by an existing, but deteriorated two car garage. A new two car garage would enhance the functional and value of the property. Due to the existing site constraints, a garage in a conforming location would reduce available land for yard space, or could be sized only for one vehicle.

Staff believes that this finding is met.

**Finding D:** The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Other homes in the area and district do have opportunities to locate two car garages on their properties, and thus the request is not inconsistent with the allowances of the Zoning District. Other parcels seeking to rebuild non-conforming garages could also seek such a variance.

Staff believes this finding is met.

**Finding E:** The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

The existing garage has not had a negative effect on the surrounding area. Detached garages at the rear of the property are consistently found in this neighborhood. The proposed setbacks, as conditioned, would provide essentially the same setbacks as existing.

Staff believes this finding is met.

Staff believes that all five of the required findings are met.

Staff Recommendation

Staff recommends the ZBA to open and conduct the public hearing. If no additional information is required, the hearing may be closed after all testimony has been received. The ZBA should discuss the required findings, and should determine if it believes all of the findings may be met with its provided recommendation.

Staff recommends that the Zoning Board recommend approval of a garage with the existing rear setback of 4.5 feet and an interior side setback of 2 feet, rather than the requested 2 feet on both setbacks with a condition requiring that the service door be located on the east elevation, rather than the west elevation.

Attachment: Variance application material

- c Mayor and City Council
- Department Heads
- Mike Spillane, Applicant
- Media



## Spillane & Sons

253 Trudy Ct.  
Batavia IL, 60510

PHONE  
1-630-688-4479

FAX  
1-630-879-6218

EMAIL  
[mickeyspillane@comcast.net](mailto:mickeyspillane@comcast.net)

December 26, 2015

City of Batavia

Joel Strassman  
100 N. Island Avenue  
Batavia IL, 60510-1931

Dear Joel,

I would like to request a zoning variance for the property located at 514 Main Street in Batavia. We would like to replace an existing garage at this location. The garage is in poor condition and the foundation is crumbling causing the garage to fail. The garage now sits on the property line and we are requesting a setback of two feet from the side and rear of the property to allow the overhangs not to extend off our property line.

The current code requirement of a 5 foot set back would cause a hardship by causing us to replace additional concrete on the driveway that is shared by the property to the west. A 5 foot set back would also cause an unsafe driving condition while backing out of the garage due to the limited driveway space and the clearance needed between the garage and house.

Sincerely yours,

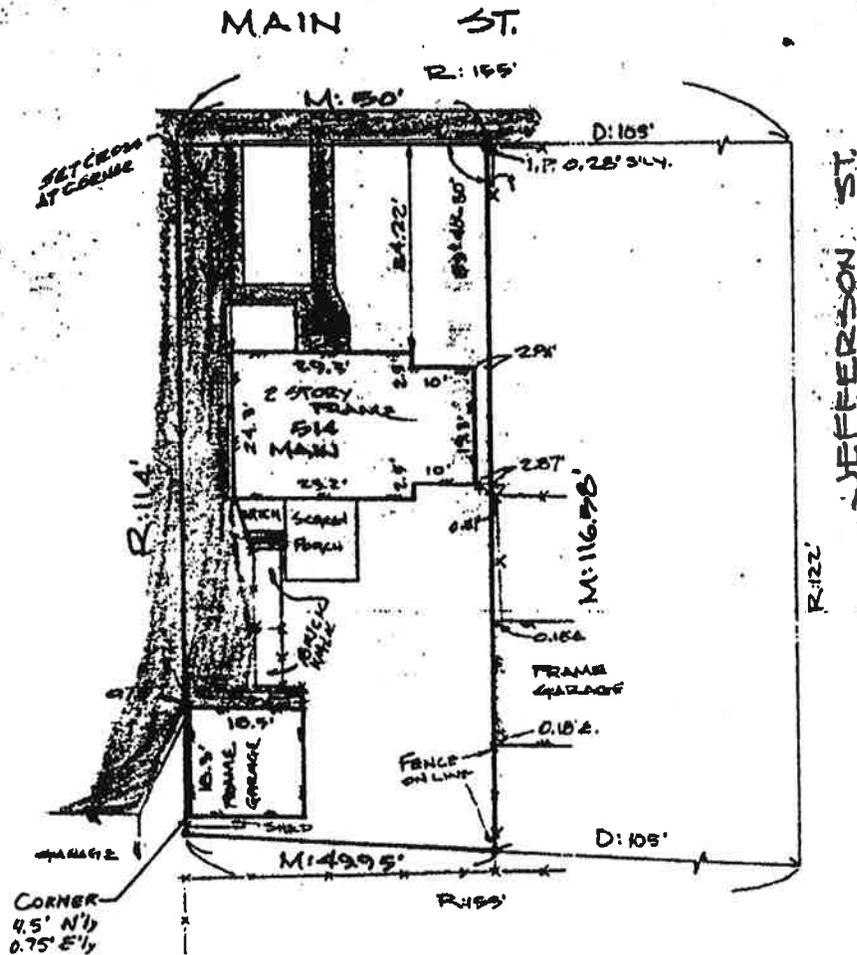
Mike Spillane

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# PLAT OF SURVEY

OF LOT 1 (EXCEPT THE EAST 105 FEET) IN BLOCK 2 OF INSTITUTE ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

Office Copy



**Legend**  
 R- record distance    CH- chert  
 M- measured distance    ● Found iron  
 D- deed    ○ Set iron  
 Concrete shown shaded  
 --- Fence line  
 --- Units of building  
 Scale 1" = 20 feet

**SCHLAF-SEIDG & ASSOCIATES, INC.**  
 410 W. Irving Park Road  
 Itasca, Illinois 60143  
 (312) 773-1761

Date of Survey AUG. 25, 1959

State of Illinois

County of Du Page



I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

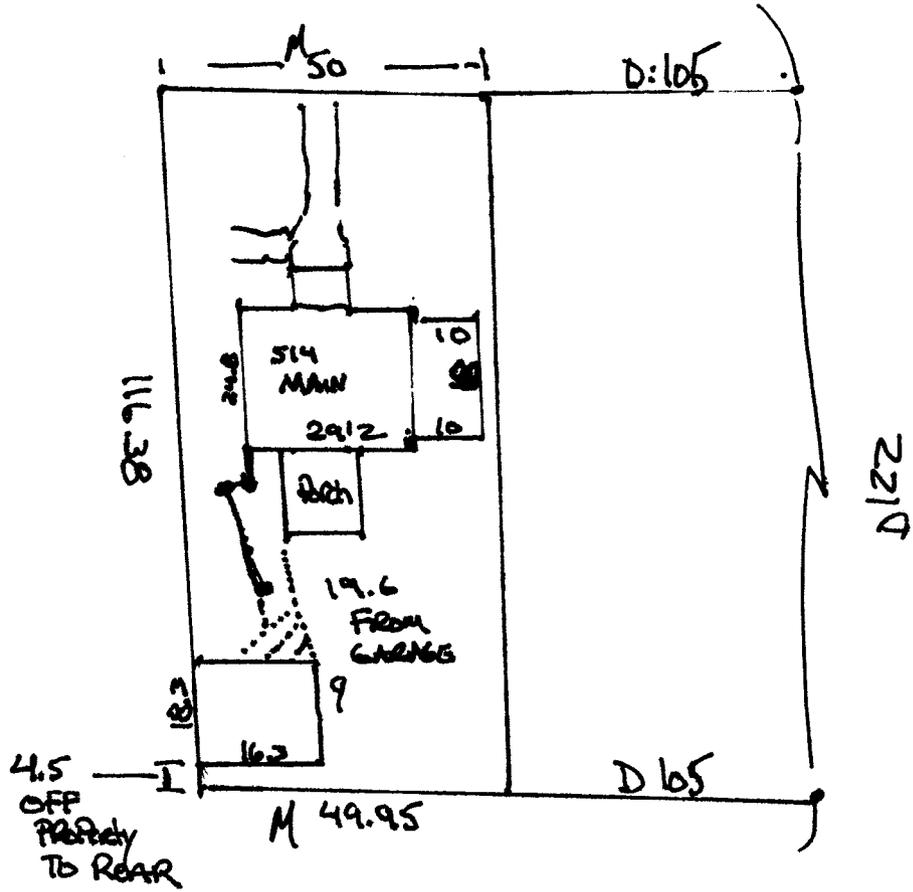
I hereby further certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining improvements do not encroach on the above described property.

*Timothy J. Murphy*

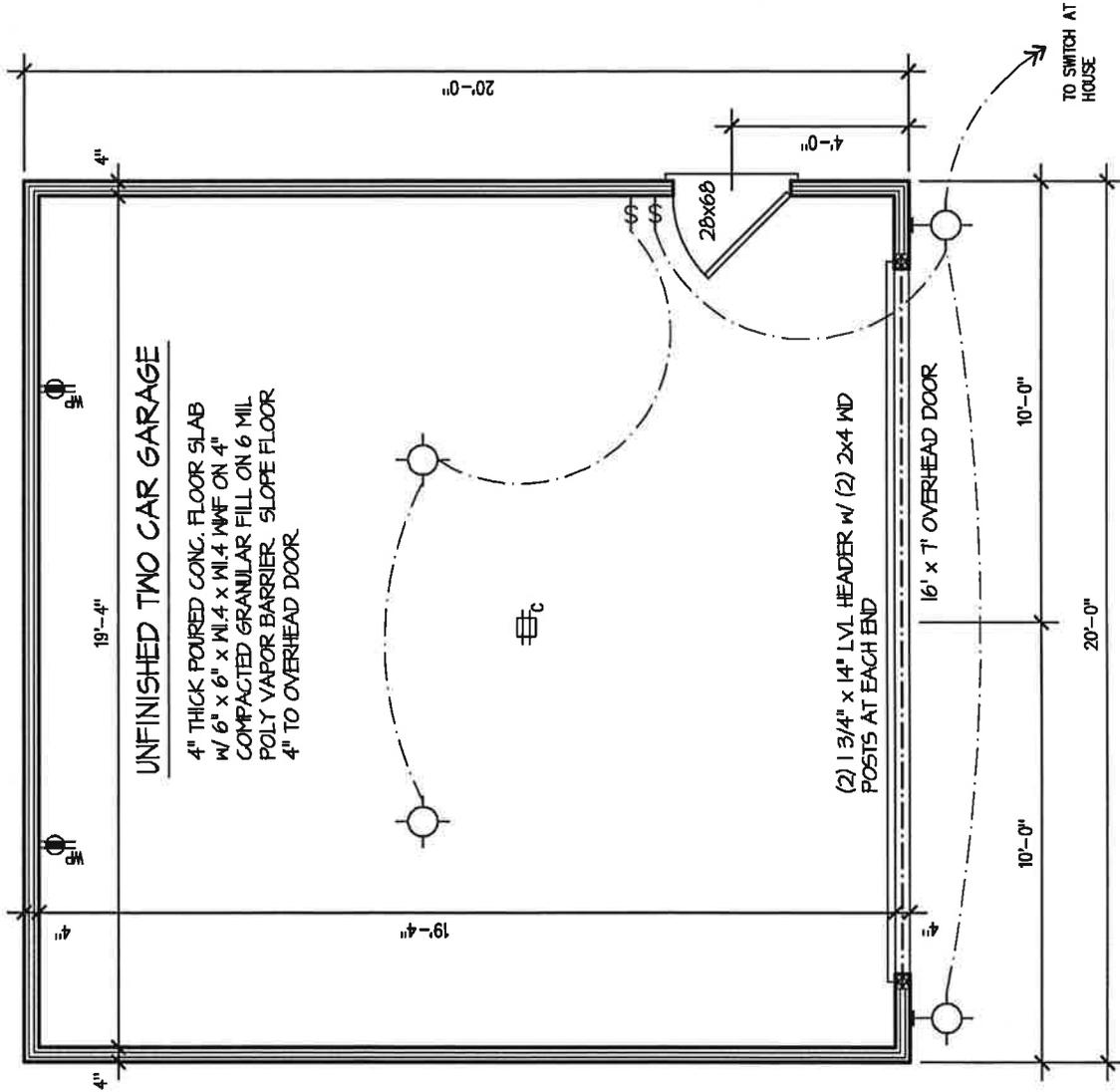
Compare the description of this plat with deed. Refer to title policy for name of record not shown above.

6K

514 MAIN ST.



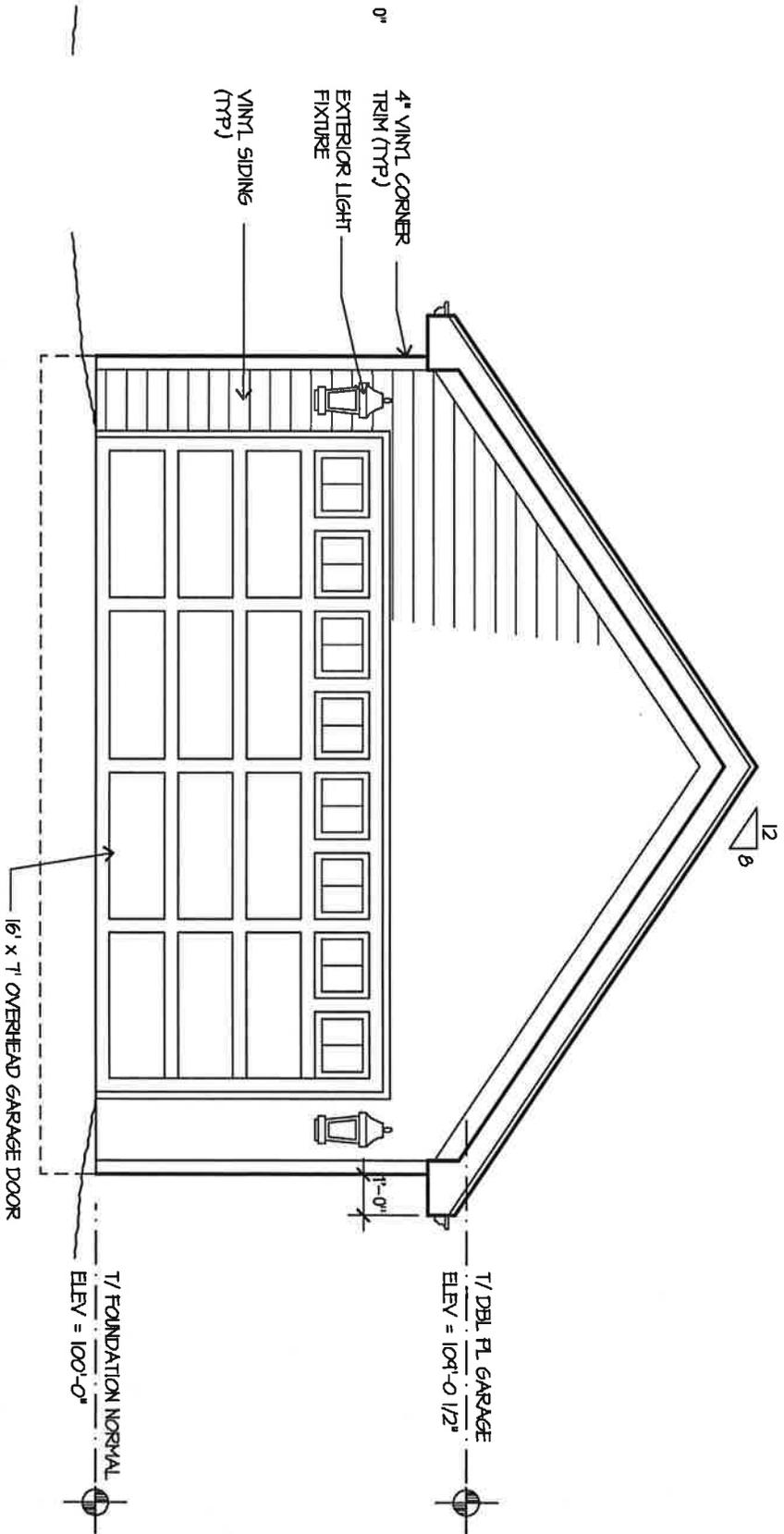
GARAGE  
SITE Right on  
PROPERTY TO THE West



# 3 GARAGE PLAN

SCALE: 1/4" = 1'-0"

3  
A4

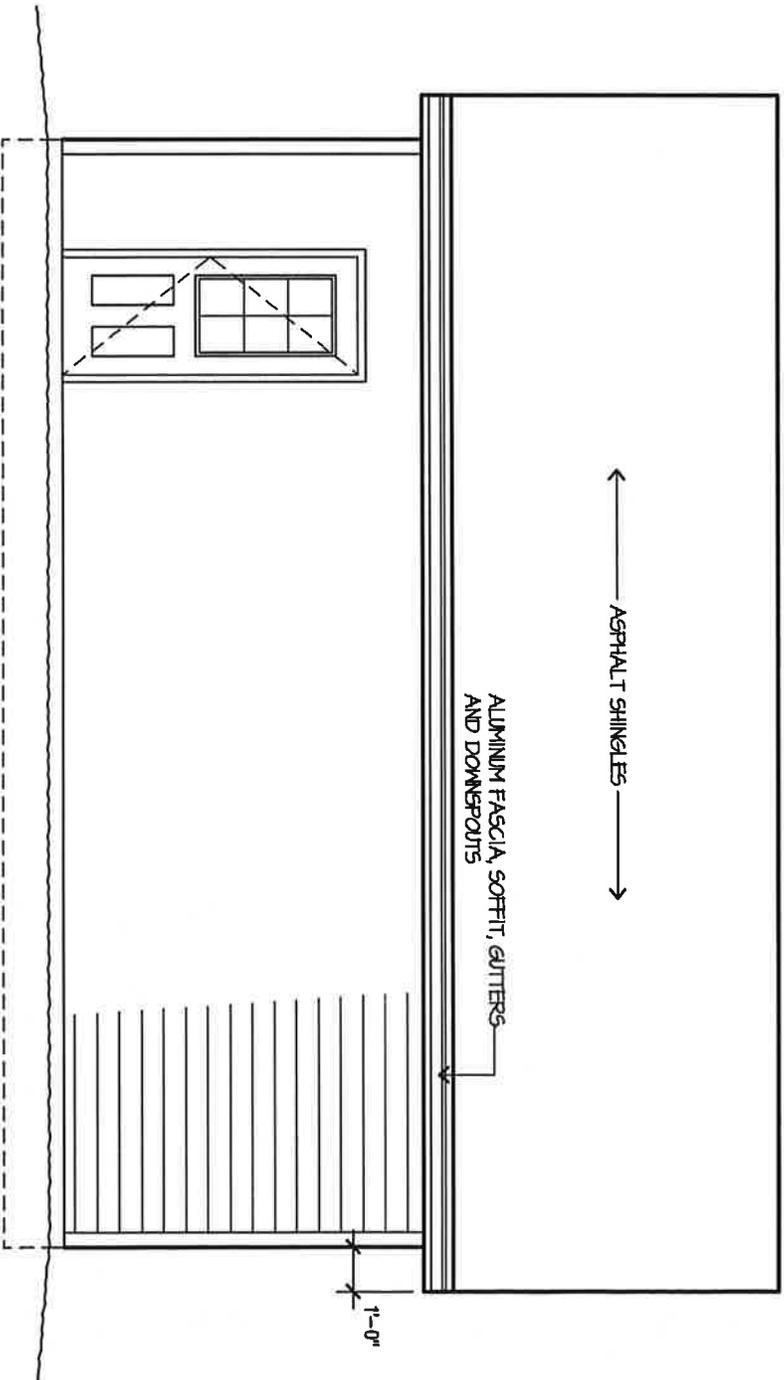


NOTE: REAR ELEVATION SIMILAR

**4 FRONT ELEVATION**

A4

SCALE: 1/4" = 1'-0"



NOTE: LEFT SIDE ELEVATION SIMILAR

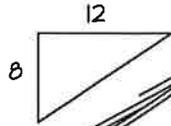
**5 RIGHT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"

A4

**TYPICAL ROOF SYSTEM**

SEE NOTES ON WALL SECTION 5/A3



2x8 ROOF RAFTERS AT 16" O.C.  
UNLESS NOTED OTHERWISE - SEE  
FLOOR PLANS FOR SIZE, SPACING,  
& DIRECTION.

2x10 CEILING JOISTS AT 12" O.C.  
UNLESS NOTED OTHERWISE - SEE  
FLOOR PLANS FOR SIZE, SPACING,  
& DIRECTION

T/ DOUBLE PLATE  
ELEV = 109'- 0 1/2"

SEE WALL SECTION 5/A3  
FOR TYPICAL EAVE NOTES

1'-0"

**TYP. EXT. WALL CONSTR.**

VINYL SIDING w/ EXPOSURE  
AS SELECTED BY OWNER  
TYVEK BUILDING WRAP OR EQUAL

1/2" THICK EXT. GRADE  
WOOD SHEATHING

2 x 4 WOOD STUDS AT 16" O.C.

4"

9'-0 1/2"

2x4 PRESERVATIVE TREATED WOOD SILL  
ON SILL SEALER w/ 1/2" x 1'-0" LONG  
ANCHOR BOLTS AT 48" O.C. (MAX 1'-0"  
FROM EACH CORNER EACH WAY)

(4) CONT. #5 BARS

T/ CONC. SLAB  
ELEV = 100'-0"

1'-6"

1'-0"

6"

1'-2"

1'-6"

1'-0"

1'-2"

4" POURED CONCRETE SLAB w/ 6 x 6 x W1.4 x W1.4 WAF  
AT MID-DEPTH OF SLAB ON 4" COMPACTED GRANULAR  
FILL ON 6 MIL POLY VAPOR BARRIER

**From:** William James Griffing  
**Date:** January 26, 2016 at 9:20:14 PM CST  
**To:** Mike Spillane  
**Subject:** 514 Main Street

Mike,

We appreciate your efforts to communicate with us and others in the neighborhood regarding your plans for rehabbing the property next door to us. As you can imagine, we are deeply interested in the project as this adjoining property probably affects our property value more than any other. We were pleased that you purchased the property and we have confidence that you will do a quality job in restoring the home to its former glory.

Regarding your petition for a variance on the setback provisions, we support your petition. Please let us know if you think you will have any difficulty getting the city to approve your variance. Constructing the new garage on the footprint you propose is the only logical way to make use of the site without destroying what is otherwise a relatively small back yard to begin with.

Good luck with your project.

Sincerely, — William & Rosemary Griffing, 504 Main Street

**From:** Barbara Moore  
**Date:** January 22, 2016 at 1:55:17 PM CST  
**To:** Mike Spillane  
**Subject:** Changes to the property on Main Street

Hi Mike,

My name is Barbara Moore and my husband's name is Gregory Moore. We live at 222 South Jefferson St and received your letter outlining your proposed changes to the house and garage. We have always admired all of your home renovations and have absolutely no issue with any changes/updates you are going to make to the home on Main Street.

The house was really starting to look run down and we were concerned about its future. But when we saw your business sign in the front yard we knew it would receive a beautiful and much needed renovation.

Please feel free to use this letter as a show of support when you present your case before the Zoning Board.

Sincerely,

Barbara & Gregory Moore



