

ZONING BOARD OF APPEALS
MINUTES
MARCH 10, 2009

The meeting was called to order by Chairman Richard Garrity at 7:33 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar and Mary Ozog were present. Board Members Dale SiligmueLLer and Michael Waterman were excused. Also present were Trustee Liaison Mary Jane Chapman and Building and Zoning Official Joe Kvpil.

Chairman Garrity described the proceedings of the Zoning Board of Appeals and stated that one public hearing was on the agenda for property at 879 Hillside Avenue.

PUBLIC HEARING – 879 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-5-5(B)4, TO ALLOW THE CONSTRUCTION OF AN OPEN FRONT PORCH PROJECTING 12.5 FEET INTO THE REQUIRED CORNER SIDE YARD SETBACK IN LIEU OF THE MAXIMUM PERMITTED PROJECTION INTO THE REQUIRED CORNER SIDE YARD SETBACK OF 7.5 FEET.

(Daniel and Linda Dikun, owners)

Staff Introduction

Building and Zoning Official Joe Kvpil stated that the petitioners would like to construct an open front porch that would extend into the corner side yard setback beyond the maximum 7-1/2 feet allowed. Displaying a location map, Mr. Kvpil indicated the subject lot which is in the R2 Residential District and surrounded by residential uses on all sides. Mr. Kvpil stated that the shape of the lot is unusual (triangular), fronting on Hillside Avenue with the corner side yard along Hill Avenue and an interior side lot line in place of a rear lot line. He further explained that the rear lot is a point where the side lot line and the corner side lot line meet. Mr. Kvpil added that the lot conforms to the Zoning Code.

Mr. Kvpil stated that 13 building permits have been issued for the subject property since 1958.

Mr. Kvpil displayed a site plan of the subject property that showed the existing structure and proposed porch and indicated a small area that is a landing from the rear door with four steps to grade. Mr. Kvpil explained that a variation is required because a porch in a corner side yard is permitted to extend 7-1/2 feet from the 30-foot setback line into the corner yard setback. The subject porch extends 12-1/2 feet beyond the setback line; therefore, a variation is required.

Mr. Kvpil displayed a photograph of the rear of the subject house and indicated an existing landing and staircase that will remain as is with a new roof proposed to be constructed above. Mr. Kvpil also displayed design sketches of the proposed porch

addition. He described the scope of the work and stated that although the porch is not large, the new roof extends beyond the maximum permitted 3 feet from the outside wall of a house. The subject eave extends 5 feet from the house and, therefore, a variation is required for the porch.

Petitioners' Presentation

Daniel and Linda Dikun, owners, and their architect, Yavor Garanov of Garanov and Associates, 730 Euclid Avenue, Glen Ellyn, Illinois were present to speak on behalf of the variation request. Mr. Garanov stated that the existing landing and stairs will remain as existing, and existing concrete footings will be used to support the proposed new roof. Mr. Garanov stated that the purpose of constructing a roof over the landing and porch is to protect that area from the weather and that ice on the landing and stairs creates a hazardous condition. He displayed photographs illustrating the icy conditions. Mr. Garanov added that the subject entrance is the access into the house from the petitioners' garage.

Mr. Garanov stated that the geometry of the property is a hardship and explained that the property has two 30-foot side yard setback requirements which is not the norm and makes the lot almost unbuildable. Mr. Garanov pointed out that the area of nonconformity will face Hill Avenue and, therefore, no neighbors will be negatively impacted in any way. Ms. Dikun stated that fir trees along the Hill Avenue side of their property will block the view of the roof addition from the houses across the street.

Ms. Dikun reiterated that the subject landing and stairs are the only route to the garage from their house. She added that ice and snow build up on the landing and stairs in the winter and that the gutter disperses water onto the landing that freezes there. Mr. Dikun reiterated that the landing and stairs as they currently exist create a safety issue.

Responses to Questions from the ZBA

Mr. Kvpil responded to Mr. Constantino that the landing and stairs will be considered a porch upon when covered by a roof. Mr. Kvpil added that there is an exception in the code that permits a landing and stairs to extend into front and corner side yard setbacks. Mr. Kvpil responded to Mr. Kolar that the petitioners did not submit a plat of survey, however, he felt that the diagrams submitted were adequate to evaluate the variation conditions. Mr. Kvpil also responded to Mr. Kolar that a 2-sided open porch does not count against lot coverage up to 140 square feet and that the subject porch does not count as lot coverage ratio because it is approximately 33 square feet.

Mr. Garanov responded to Ms. Ozog that the hand railings will be replaced in a similar manner as the existing hand railings.

Persons in Favor of or in Opposition to the Petition

No persons spoke either in favor of or against the petition.

Comments from the ZBA

All of the ZBA members were in favor of recommending approval of the variation request for an open front porch projecting 12.5 feet into the required corner side yard setback in lieu of the maximum permitted projection of 7.5 feet. They felt that the triangular shape of the lot with two 30-foot side yard setbacks was a hardship and that there were safety issues related to weather with the existing landing and stairs. The ZBA members also felt that another issue for the petitioners was that the subject landing and stairs are the only access from the house to the garage. Mr. Kolar added that the lot coverage ratio will not be affected by construction of the porch and the porch will be set well back within the Hill Avenue sight line.

Motion

Ms. Fried moved, seconded by Mr. Kolar, to recommend that the Village Board approve the petitioners' request for a variation from Section 10-5-5(B)4 of the Zoning Code to allow the construction of an open front porch projecting 12.5 feet into the required corner side yard setback in lieu of the maximum permitted projection into the required corner side yard setback of 7.5 feet at 879 Hillside Avenue. The recommendation for approval was based on the findings of fact that a hardship exists because the lot is triangular in shape and almost unbuildable with two 30-foot side yard setbacks and a safety issue exists with ice and snow collecting on the landing and stairs during the winter. The recommendation for approval was based on the condition that the porch is built in substantial conformance with the plans as submitted by the petitioners.

The motion carried unanimously with five (5) "yes" votes as follows: Board Members Fried, Kolar, Constantino, Ozog and Chairman Garrity voted "yes."

Trustee Report

Trustee Chapman reported on budget deficits in the Village as well as an open Village Board meeting held last Saturday regarding a possible increase in sales tax to increase revenue.

Staff Report

Mr. Kvapil reviewed the agenda for the next regularly scheduled ZBA meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:28 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building and Zoning Official