

ZONING BOARD OF APPEALS
MINUTES
APRIL 14, 2009

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Board Members Gregory Constantino, Barbara Fried, Ed Kolar, Dale SiligmueLLer and Michael Waterman were present. Board Member Mary Ozog was excused. Also present were Trustee Liaison Mary Jane Chapman and Building and Zoning Official Joe Kvapil.

Chairman Garrity described the procedures of the Zoning Board of Appeals.

Mr. Kolar moved, seconded by Mr. Waterman, to approve the minutes of the March 10, 2009 and March 24, 2009 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

On the agenda was a public hearing for property located at 781 Willis Street.

PUBLIC HEARING – 781 WILLIS STREET

A REQUEST FOR APPROVAL OF TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)4 TO ALLOW THE USE OF AN EXISTING DETACHED GARAGE AS A POOL HOUSE WITH AN EXISTING AREA OF 637 SQUARE FEET IN LIEU OF THE MAXIMUM PERMITTED AREA FOR A POOL HOUSE OF 250 SQUARE FEET. 2. SECTION 10-5-5(B)4 TO ALLOW THE USE OF AN EXISTING DETACHED GARAGE AS A POOL HOUSE WITH AN EXISTING HEIGHT OF 16.5 FEET IN LIEU OF THE MAXIMUM PERMITTED HEIGHT FOR A POOL HOUSE OF 15 FEET.

(Terry and Susan Thome, owners)

Staff Introduction

Building and Zoning Official Joe Kvapil stated that Terry and Susan Thome, the owners of 781 Willis Street, are requesting two (2) variations to change the use of an existing accessory structure from a detached garage to a pool house. Mr. Kvapil described the location of the subject property which he stated is in the R2 Residential zoning district and also described the surrounding uses. Mr. Kvapil stated that the subject property consists of two nonconforming lots of record purchased by the petitioners in 2002 and that because the lots do not have the minimum width required by code, they are considered one zoning lot. Displaying a photograph of the subject house, Mr. Kvapil indicated a driveway leading down a sloping area to a detached garage and added that the rear yard backs up to the Union Pacific Railroad tracks.

Displaying a site plan, Mr. Kvapil indicated the location of an existing 637-square foot, 16-1/2-foot high, detached frame garage that the petitioners would like to change into a pool house. Mr. Kvapil stated that the garage structure complies with all setback, height and area zoning requirements for a garage, however, the code requires that a pool house must not exceed 250 square feet in area nor 15 feet in height. Therefore, two variations

are required in order to change the use of the existing garage. Mr. Kvapil added that a maximum of three roofed-over accessory building structures are permitted on a zoning lot. Mr. Kvapil displayed sketches of the existing detached garage and proposed layout of the pool house. He described proposed alterations that include a food prep area/counter tops and a changing room with a shower, lavatory and toilet and stated that no changes are proposed to the configuration or size of the space. Mr. Kvapil stated that only one principal structure is permitted on a zoning lot and that the proposed pool house does not meet the requirements of the Zoning Code for a dwelling unit.

Petitioners' Presentation

Terry and Susan Thome, owners of the subject property, were present to speak on behalf of the requested variations. Mr. Thome stated that they are trying to get as much use out of the existing structures on their property as possible in order to be minimally invasive to their property and the surrounding neighbors' properties. He added that they would like to maintain the integrity of the house and garage to be similar to each other and that constructing a breezeway to connect the two buildings would compromise the structure of the two houses. Mr. Thome stated that if the garage was made smaller to conform to the required 250 square feet for a pool house, the architectural style would change and noise from the trains to the rear would increase as the garage currently acts as a buffer. Mr. Thome stated that the pool house would be a two/three-season room and that the proposed alterations will include a changing room, a food prep area with a kitchen sink, a storage area and a bathroom. Mr. Thome added that the only changes to the exterior of the structure will be some door and window configurations.

Mr. Thome stated that the only other accessory structure on their property is a free-standing metal gazebo.

Responses to Questions from the ZBA

Mr. Kvapil responded to Chairman Garrity that the proposed building would not become part of the principal structure if the two structures were connected with some type of covered walkway. Mr. Kvapil also responded to Mr. Waterman that an enclosed structure that would attach to and become part of the existing house would need to be a minimum of three feet wide to meet code requirements. Mr. Kvapil confirmed for Ms. Fried that the petitioners would need a variation to construct a detached garage if there were three existing accessory structures on the property. Mr. Thome responded to Mr. Constantino that, for financial reasons, they have no plans currently to construct a garage, however, he indicated on a site plan, the proposed location of a garage if constructed in the future. Mr. Thome responded to Mr. Constantino that no neighbors are opposed to the proposed variation requests, and Ms. Thome added that some neighbors offered to attend the ZBA meeting in support of the request. In response to Mr. Siligmuller, Ms. Thome stated that an attached garage would change the character of their existing house, and she described the unusual interior layout of the home. Ms. Thome clarified for Mr. Kolar that a structure in the rear of their lot is a child's swing set/play house.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the proposed variation requests.

Comments from the ZBA

Four of the six ZBA members present were in favor of the petitioners' request to allow the use of an existing garage as a pool house. They believed there was a practical difficulty in trying to reduce the size of the structure to comply with pool house regulations and that reducing the size of the structure would change the architectural character of the building as well as reduce the noise buffer between the railroad tracks and their house. The ZBA members in favor also commented that the subject lot is huge and that the current 6% lot coverage ratio is unique and well under the maximum 20% allowed. Board Member Waterman added that the LCR would remain well under the maximum even with the addition of a detached garage. Board Members Siligmuller and Kolar were concerned that if the petitioners constructed a 650-square foot garage in the future, two approximately 650-square foot structures would be on the property, and they were supportive of the request only if a condition was placed on approval that any additional accessory structures constructed on the lot could not exceed 250 square feet.

Motion

Mr. Waterman moved, seconded by Ms. Fried, to recommend that the Village Board approve a variation from Section 10-5-5(B)4 of the Zoning Code to allow the use of an existing detached garage as a pool house with an existing area of 637 square feet in lieu of the maximum permitted area for a pool house of 250 square feet and a variation from Section 10-5-5(B)4 to allow the use of an existing detached garage as a pool house with an existing height of 16.5 feet in lieu of the maximum permitted height for a pool house of 15 feet for property located at 681 Willis Street. The recommendation for approval was based on the findings of fact that reducing the size of the existing garage to conform to pool house regulations is a practical difficulty, reducing the size of the existing garage would change the architectural character of the building and reduce the noise buffer from the railroad tracks, no exterior changes to the structure are proposed and the lot coverage ratio at 6% is well under the maximum allowed per code. The recommendation for approval was based on the conditions that the plans are carried out in substantial conformance with the plans as submitted at this meeting, that the pool house is limited to recreational use with no temporary or permanent occupancy as a dwelling unit or rental unit and that no other restrictions shall be placed on the property as a condition of approval.

The motion carried with four (4) "yes" votes and two (2) "no" votes as follows: Board Members Waterman, Fried, Constantino and Chairman Garrity voted yes; Board Members Kolar and Siligmuller voted no.

Trustee Report

Trustee Chapman updated the ZBA members on the status of the budget process and a 1% sales tax increase. She also reviewed a pre-annexation agreement on Park Boulevard recently approved by the Village Board. Trustee Chapman also announced that the Village Board will hold a retreat this Saturday at the library. She also announced that a tree will be planted at Village Green this Saturday in memory of Trustee Sara Lee.

Staff Report

Mr. Kvapil stated that the next ZBA meeting will be cancelled as no petitions have been received. When he also commented that the regularly scheduled meeting following that may also be cancelled, Trustee Chapman stated that this may then be her last meeting as the ZBA liaison as her term as Trustee ends in May. Chairman Garrity thanked Trustee Chapman for her services to the ZBA.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:22 p.m.

Submitted by:

Barbara Utterback, Recording Secretary

Reviewed by:

Joe Kvapil, Building and Zoning Official