

ZONING BOARD OF APPEALS
MINUTES
JUNE 9, 2009

The meeting was called to order by Chairman Richard Garrity at 7:30 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 Phil Hartweg and Building and Zoning Official Joe Kvapil.

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

Mr. Kolar moved, seconded by Ms. Fried, to approve the minutes of the April 14, 2009 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda was a public hearing for property located at 413 Hill Avenue.

PUBLIC HEARING – 413 HILL AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-5-5(B)4-14, TO ALLOW THE CONSTRUCTION OF A 220-SQUARE FOOT ADDITION TO AN EXISTING DETACHED GARAGE RESULTING IN A DETACHED GARAGE AREA OF 720 SQUARE FEET IN LIEU OF THE MAXIMUM PERMITTED DETACHED GARAGE AREA OF 660 SQUARE FEET.

(Michael and Melissa Gettle, owners)

Staff Introduction

Building and Zoning Official Joe Kvapil displayed a photograph of the property at 413 Hill Avenue and stated that the owners of that property, Michael and Marissa Gettle, are requesting a variation to allow the construction of an addition to a detached garage that would result in an area of 720 square feet which exceeds the maximum permitted detached garage area of 660 square feet. Mr. Kvapil displayed a map and described the location of the subject property which is in the R2 Residential District and which is surrounded by residential properties on all sides. Mr. Kvapil stated that a building permit was issued for a detached garage in 1985, no variations are on record for the subject property and all buildings on the site comply with the current zoning regulations.

Mr. Kvapil displayed a site plan of the subject property and indicated the existing house and garage as well as the proposed garage addition which is 220 square feet. Mr. Kvapil displayed photographs of the front of the existing garage, the southwest corner of the property and the southeast corner of the property. Mr. Kvapil also displayed a diagram of the permit plans for the construction of the garage addition which showed the addition as a smaller, lower structure at the rear of the garage. Mr. Kvapil stated that the height of the garage is well below the maximum height of 22 feet permitted by code and that the lot coverage ratio and number of accessory structures on the property also comply with the code. Mr. Kvapil displayed an aerial photograph of the subject area and indicated the

petitioners' existing garage, the location of the proposed garage addition and a tree on the petitioners' property.

Petitioners' Presentation

Marissa Gettle, the petitioner, of 413 Hill Avenue spoke regarding her variation request. Ms. Gettle stated that they cannot build to the west without destroying a large tree in their back yard and, therefore, they would like to extend the garage to the rear. She added that a swing set that was on the property has recently been removed.

Ms. Gettle submitted a petition in support of the proposed variation from the owner of the property to the east, Rock Madden, who currently rents out that house. Ms. Gettle also referred to a petition included in her packet of material with signatures of seven neighbors in favor of the proposed project. Ms. Gettle referred to a letter submitted by two neighbors who expressed a concern regarding where workers will park their vehicles during the construction process, and Ms. Gettle stated that she will ensure that parked vehicles are not problematic. Chairman Garrity also referred to staff documentation of an anonymous phone call included in the ZBA members' packets that was opposed to the variation request because that person feels a three-car garage is out of character for the neighborhood and the current two-car garage does not create a hardship. Ms. Gettle added that the property to the west of hers has a four-car garage.

Responses to Questions from the ZBA

Mr. Kvapil clarified for Mr. Kolar that the lot lines and the photograph on an aerial shot do not always coincide perfectly but that, unlike a site plan, an aerial photo depicts the relationship between buildings on adjacent lots.

Mr. Kvapil responded to Ms. Fried that the petitioners receive a bonus of 500 square feet for the detached garage which has been included in the calculations.

Mr. Kolar asked Ms. Gettle to explain the uniqueness or hardship regarding her request to exceed the maximum square footage allowed for a garage. Ms. Gettle responded that they could have built a garage less wide than the proposed garage if they were able to expand to the west and share interior door openings, however, a large tree would then need to be removed. Ms. Fried asked Ms. Gettle what the hardship is that they need a three-car garage, and Ms. Gettle responded that they like to keep their yard neat and tidy and that housing their cars in the garage would be more aesthetically pleasing to the neighbors because they would not have to look at a car in the driveway. When Mr. Siligmuller asked Ms. Gettle if they had considered installing a permeable concrete pad with perhaps a trellis roof at the side of the garage instead of adding to the rear of the garage, Ms. Gettle responded that she felt the roof of a structure would harm the tree. When Mr. Constantino inquired about drainage on her lot, Ms. Gettle stated that the rear of the property is the highest point of the lot and the land slopes to the west. Ms. Gettle also confirmed for Mr. Constantino that her family has three cars.

In response to Ms. Fried, Mr. Kvapil stated that a condition of approval could be added that parking is prohibited on Miller Court.

Persons in Favor of or in Opposition to the Petition

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

Comments from the ZBA

Board Members Constantino and Waterman and Chairman Garrity were in favor of the proposed variation request and Board Members SiligmueLLer, Fried and Kolar were not in favor of the proposed variation request. Mr. Constantino stated that a variation would not be necessary if a large tree was not in its current location and he did not want to see the tree destroyed. Mr. Constantino stated that it is a practical difficulty to maintain the tree yet have enough space to park the cars. He stated that the proposed addition will not create light, air or drainage issues and that the character of the neighborhood will not change because a neighbor has a garage similar in size to the proposed garage. Mr. Constantino was in favor of the variation with the condition that the construction crew does not obstruct traffic during the construction process, especially on Miller Court which is very narrow. Mr. Waterman was in favor of the variation request because he felt the addition at the rear of the garage is the minimum that would accommodate a vehicle. He also felt that it was commendable that the petitioners wanted to save a tree and that their willingness to have a tandem garage showed their concern for the tree. Mr. Waterman did not want a condition of approval regarding construction vehicle parking as he felt that was a police issue. Chairman Garrity was in favor of the variation request because the request is minimal and he does not want to see the tree torn down. Board Members SiligmueLLer, Fried and Kolar were not in favor of the variation request because they did not feel the petitioner demonstrated a hardship or unique circumstances, and Mr. SiligmueLLer added that the petitioners could park their car on a permeable pad next to the garage.

Motion

Mr. Waterman moved, seconded by Mr. Constantino, to recommend that the Village Board approve the variation request of Michael and Marissa Gettle of 413 Hill Avenue from Section 10-5-5(B)4-14 of the Glen Ellyn Zoning Code to allow the construction of a 220-square foot addition to an existing detached garage resulting in an area of 720 square feet in lieu of the maximum permitted detached garage area of 660 square feet. The recommendation for approval was based on the findings of fact that the variation request is minimal, a tree is located in an area that prevents the petitioners from expanding the garage to the west, and the proposed garage expansion will not change the essential character of the neighborhood. The recommendation for approval was based on the condition that the work is performed in substantial conformance with the plans as submitted at this public hearing

The motion to approve did not have enough votes to carry with three “yes” votes and three “no” votes as follows: Board Members Waterman, Constantino and Chairman Garrity voted yes; Board Members Fried, Kolar and Siligmuller voted no.

Trustee Report

Trustee Hartweg (substituting for Trustee Ladesic) announced that the Village Board Workshop is now being televised. He also announced that Deputy Village Manager Curt Barrett has accepted a position as Manager of Winfield and that discussions are continuing regarding Steve Jones continuing as Village Manager. Trustee Hartweg also stated that the Village Board has approved the ambulance fee schedule.

Staff Report

Mr. Kvapil reviewed two variation requests scheduled for the next Zoning Board of Appeals meeting. Mr. Kvapil clarified for Mr. Waterman the number of accessory structures allowed on a property.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:20 p.m.

Submitted by:

Barbara Utterback, Recording Secretary

Reviewed by:

Joe Kvapil, Building and Zoning Official