

ZONING BOARD OF APPEALS
MINUTES
JUNE 23, 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 Pete Ladesic and Building and Zoning Official Joe Kvapil.

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

Building and Zoning Official Joe Kvapil stated that two items were originally scheduled for this meeting, however, the variation request for 275 Sunset Avenue has been continued to a future date to re-publish the public hearing notice to reflect revised plans submitted by the petitioners. On the agenda was a public hearing for property located at 574 Hillside Avenue.

PUBLIC HEARING – 574 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION ATTACHED TO THE EXISTING DETACHED GARAGE THAT RESULTS IN A SIDE YARD SETBACK OF 2.21 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET.

(Paul and Maria Metz, owners)

Staff Introduction

Building and Zoning Official Joe Kvapil displayed a photograph of the property at 574 Hillside Avenue and stated that the owners of that property, Paul and Maria Metz, are requesting a variation to allow the construction of a one- and two-story addition attached to the existing detached garage which results in a side yard setback of 2.21 feet where a minimum setback of 6.5 feet is required. Mr. Kvapil displayed a map and described the location of the subject property which is in the R2 zoning district and surrounded by residential uses with the rear lot line adjacent to Leonard's Funeral Home parking lot. Mr. Kvapil stated that a few minor permits have been issued for this property in the past, however, no record was found for the construction of the existing garage. Mr. Kvapil added that no records of variations being requested for this property were found.

Mr. Kvapil displayed a plat of survey and indicated the current nonconforming conditions on the site, including lot width, front yard setback, left side yard setback and side yard setback for the garage. Mr. Kvapil stated that one of the reasons a side yard setback is required to be 6-1/2 feet is because of stormwater runoff from the house (gutters and downspouts). He added that because the disturbed area will exceed 1,500 square feet, a stormwater permit will be required to be submitted with the permit application. Mr. Kvapil added that any detached structure within 10 feet of the principal structure requires the same setback as the principal structure. Mr. Kvapil displayed a diagram indicating

the existing structures and proposed additions on the site and stated that the new and existing structures on the site are proposed to be adjacent to and attached into one principal structure. Mr. Kvapil displayed and described the proposed first floor plan which includes a one-story tandem garage on the side of the house attached to the existing garage. Mr. Kvapil also displayed and described the proposed second floor plan, a portion of which is two-story.

Mr. Kvapil displayed a contour map that showed the various grades of the parcels on the block and indicated that the subject property has a significant slope of 8 feet from the front property line to the rear. Mr. Kvapil added that the subject site is in a depressional area and receives stormwater runoff from properties to the east, southeast and northeast.

Petitioners' Presentation

Paul Metz of 574 Hillside Avenue, Glen Ellyn, Illinois, the petitioner, and his architect, Rick Rearick, 155 N. Park Boulevard, Glen Ellyn, Illinois, spoke on behalf of the variation request. Mr. Metz stated that he and his wife bought their house eight years ago and felt that the deep lot would allow expansion of their home as their family grew. Mr. Metz stated that they would like to build a one-story expansion off the rear of their house and expand the garage to a two-car garage forward from its existing location. They would also like to add a master bathroom on the second floor as the house currently has one full bathroom.

Mr. Metz stated that because the lot is narrow and the grade slopes, it made the most sense to keep the garage at its existing level and build forward. Mr. Metz added that that garage design would also prevent additional flooding and water collection in the area. Mr. Metz stated that the new garage construction will be set back three feet from the property line but that the existing garage will remain in its current location. Mr. Metz stated that a contractor informed him that if there are no footings under the existing garage, the north and east sides of the existing garage could be dug underneath and footings could be installed and that footings could be installed on the other side of the garage when they excavate for the basement. Mr. Rearick added that a new foundation wall will be built against the garage but that they are trying to preserve as much existing space as possible in a cost effective way. Mr. Metz stated that the new garage is 14 feet wide which allows just enough space for a single-car garage opening and an access door. Mr. Metz stated that the new deck is proposed to be six feet above ground.

Mr. Metz stated they are requesting a variation because the rear yard is not suitable for a detached structure because of recurrent flooding conditions in that area. Mr. Metz responded to Mr. Kolar's question about whether they had researched other options by stating that due to the sloping nature of the lot and the water problems in the rear of the lot, the only viable location for an addition is the proposed design. Mr. Kolar suggested turning the garage 90 degrees at the rear of the house with a Y turning area which would leave open space at the rear and would probably not affect drainage. Mr. Metz responded that the suggested design would reduce the first floor width of the house which is already only 26 feet wide and may not allow space to be added onto the family room.

Architect Rick Rearick stated that some hardships associated with the variation request are the nonconforming 50-foot lot width and the slope of the land and that it would be difficult to dig a driveway because of the slope. He also stated that other hardships are a manhole located in the rear yard and the flooding that occurs on a regular basis in the back yard. Mr. Rearick stated that the application packet indicates that the proposed lot coverage ratio is under 18 percent, and he clarified that the actual LCR is 16.6 percent. Mr. Rearick felt that there should be guidelines to protect the historic fabric and character of homes like the subject home in the downtown area.

Responses to Questions from the ZBA

Mr. Kvapil verified for Mr. Constantino that only one variation is being considered at this public hearing because the other nonconformities are not affected by the new construction. Mr. Kvapil clarified for Mr. Siligmuller that if a garage is more than ten feet from the principal structure, the setback from the side and rear property lines is five percent of the width of the lot but not less than three feet. Mr. Kvapil clarified for Ms. Fried that the existing and proposed garage structures are one-story. Mr. Kvapil responded to Mr. Kolar that a deck cannot be more than 3 feet above ground if it is in the required 40-foot rear yard and that the subject deck is not in the required rear yard. Mr. Kvapil verified for Chairman Garrity that garages require frost-protected footings and foundations and that the existing garage must meet that requirement. At Chairman Garrity's request, Mr. Kvapil described methods by which frost protection can be added to an existing structure, adding that the most economically feasible method could be to remove and reconstruct the existing detached garage. Mr. Kvapil responded to Mr. Kolar that if a nonconforming condition is removed, a variation would be required to rebuild the structure in a nonconforming location. Mr. Rearick confirmed for Mr. Siligmuller that the width of the garage from the house is the minimum required to have a useable tandem garage. Mr. Rearick added that extra width is necessary to back out of a tandem garage. He also stated that the petitioners would like additional space for storage and that additional area is necessary to elevate up to the first floor from the garage.

In response to Mr. Constantino's questions regarding drainage issues, Mr. Metz responded to Mr. Constantino that the north wall of the existing garage will remain the structure farthest to the north on the property (not including stairs off the deck). Mr. Metz confirmed for Mr. Siligmuller that a drainage pipe has been installed in the back yard and that although the Village has worked to mitigate the problem, ponding still occurs in the area. Mr. Metz referred the ZBA to photographs of ponding water taken this spring that were included in their packets. Mr. Metz responded to Mr. Kolar that the water drains to a storm sewer in the back yard which runs out to Appian Way, an alley that ends behind the neighbor's house to the west, into a storm sewer that runs out to Forest Avenue. Mr. Metz responded to Mr. Kolar that their intention is to try preserve the trees during the construction process.

Mr. Constantino referred to a petition signed by several neighbors in support of the variation request, and Mr. Metz responded to Mr. Constantino that he is not aware of any

neighbors who object to the proposed addition. Ms. Fried commented that she did not see the public hearing notice sign on the subject property.

Persons in Favor of or in Opposition to the Petition

Robert Margetts who lives at 570 Hillside, Glen Ellyn, Illinois, just west of the subject property, was in favor of the variation request as proposed. Mr. Margetts stated that there is a flooding issue in the rear of the subject property and surrounding area that is exacerbated when the sewer drains clog with material from other yards. He added that the water in the area has caused his garage floor to crack over the years and that the water would cause a structure built in the petitioners' rear yard to shift and crack.

Brian Crowley who lives at 580 Hillside, Glen Ellyn, Illinois, just east of the subject property, was in favor of the variation request as proposed. Mr. Crowley felt that the design plan chosen by the petitioners is the best option for the site and that if a garage was built in the rear of the petitioners' house, water problems would be exacerbated at the properties to the east. Mr. Crowley felt that adding a garage to the rear of the petitioners' house would not be aesthetically pleasing because the open spaces in the back yards would be blocked. Mr. Crowley also added that the hill on the petitioners' property is problematic.

Comments from the ZBA

Five of the six ZBA members present were in favor of the variation request. Those in favor felt that practical difficulties and hardships demonstrated included the narrow lot, the slope of the property and flooding issues in the rear yard which would be exacerbated by the construction of a garage in that area. Mr. Waterman commented that the Village has made efforts to correct the drainage issues, however, those efforts were not effective. Mr. Siligmueller added that the lot coverage ratio will still be well below the maximum and that the neighbors are supportive of the project. Board Member Kolar was not in favor of the variation request as he felt the side yard setback of 2.21 feet was too small.

Motion

Mr. Siligmueller moved, seconded by Ms. Fried, to recommend that the Village Board approve a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of a two-story addition attached to the existing detached garage that results in a side yard setback of 2.21 feet in lieu of the minimum required side yard setback of 6.5 feet. The recommendation for approval was based on the findings of fact that hardships are demonstrated by the changes in elevation and flooding in the rear yard. The recommendation for approval was contingent upon the work being done in substantial conformance with the plans as submitted.

The motion carried with five (5) "yes" votes and one (1) "no" vote as follows: Board Members Siligmueller, Fried, Constantino, Waterman and Chairman Garrity voted yes; Board Member Kolar voted no.

Trustee Report

Trustee Ladesic reported on a power line on Roosevelt Road that recently went down and caught a gas line on fire which caused flames to come through cracks in the roads and sidewalks. Trustee Ladesic also announced that Village Board Workshops are now being televised.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:40 p.m.

Submitted by:

Barbara Utterback, Recording Secretary

Reviewed by:

Joe Kvapil, Building and Zoning Official