

ZONING BOARD OF APPEALS
MINUTES
JULY 28, 2009

The meeting was called to order by Chairman Richard Garrity at 7:30 p.m. Board Members Barbara Fried, Edward Kolar, Dale SiligmueLLer and Michael Waterman were present. Board Members Gregory Constantino and Mary Ozog were excused. Also present were Trustee Liaison Pete Ladesic and Building and Zoning Official Joe Kvapil.

Chairman Garrity described the proceedings of the Zoning Board of Appeals and stated that one public hearing was on the agenda for the property at 275 Sunset Avenue.

Ms. Fried moved, seconded by Mr. Kolar, to approve the minutes of the June 23, 2009 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

PUBLIC HEARING – 275 SUNSET

A REQUEST FOR APPROVAL OF THREE (3) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION RESULTING IN A LOT COVERAGE RATIO OF 21.6% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%. 2. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION RESULTING IN A SIDE YARD SETBACK OF 5.15 FEET IN LIEU OF THE MINIMUM PERMITTED SIDE YARD SETBACK OF 8.0 FEET. 3. SECTION 10-4-8(D)A1b TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION RESULTING IN A FRONT YARD SETBACK OF 31.83 FEET IN LIEU OF THE MINIMUM PERMITTED FRONT YARD SETBACK OF 39.9 FEET.

(Alan and Jessica Buttimer, owners)

Staff Introduction

Building and Zoning Official Joe Kvapil displayed a map and described the location of the subject property. Mr. Kvapil also displayed a photograph of the subject house which is on an interior lot zoned R2 and which is surrounded on all sides by single-family residential properties. Village records indicate that five permits have been issued for the subject property which include plumbing work, a pool, a water connection and a fence. Mr. Kvapil stated that Village records indicate no variations have been requested for the subject property.

Mr. Kvapil displayed and described a site plan, stating that the petitioners, Alan and Jessica Buttimer, would like to remove the existing attached one-car garage on the north side of the building and construct a one- and two-story addition in that area. Mr. Kvapil stated that the project also includes a new front porch and second-floor addition over the first floor of the split-level house. Mr. Kvapil stated that the scope of work would require a variation for lot coverage ratio of 21.6% in lieu of the maximum permitted lot coverage ratio of 20% and that the existing lot coverage ratio is 17.9%. Mr. Kvapil also stated that a variation would be required to allow the construction of a two-story addition that would result in a side yard setback of 5.15 feet in lieu of the minimum permitted side yard

setback of 8.0 feet. The third variation being requested by the petitioners to allow the construction of a two-story addition is to allow a front yard setback of 31.83 feet in lieu of the minimum permitted side yard setback of 39.9 feet. Mr. Kvpil indicated a corner of the proposed second-floor addition that is non-conforming but that does not require a variation due to an exception in the code that permits a two-story addition over an existing first floor even if the side yard setbacks are nonconforming provided there is a minimum setback of 4.5 feet. Mr. Kvpil added that the lot does not meet the minimum square foot requirement per the code and is unusual in shape (pie-shaped) with most of the lot in the front yard.

Petitioners' Presentation

Alan and Jessica Buttimer, the owners of 275 Sunset Avenue, and Miguel Avitia with Cody Design Group were present. Mr. Avitia gave his address as 1725 Birch, Apt. 205, Schaumburg, Illinois. Ms. Buttimer stated that they bought the subject home three years ago and would like to retain the modest character while enhancing the functionality of the home. Ms. Buttimer stated that much of the infrastructure of their home needs repair—that the asphalt driveway is crumbling, the attached garage is dilapidated and no cars are parked in it because the angle makes it difficult to get out of the car, there is no entryway from the garage into the house, the trash and recycle containers are visible from the street, the current garage slab is cracked and cannot support a second story and the house has only one full bath original to the home that cannot be expanded due to its location in the home. Ms. Buttimer also stated that they would like to add a porch onto the front of their home.

Ms. Buttimer stated that hardships include the pie shape of the lot which makes the lot seem smaller than other lots of that size, room for expansion is only in the front which limits options for width and placement of a garage, and other options would require more variations. Ms. Buttimer added that the square footage of living space in their existing home is approximately 1,500 square feet and they would like to increase the living space to 2,500 square feet which they feel is a modest request. Regarding the side yard setback, Ms. Buttimer stated that the current garage already exceeds the lot requirement and that they would be rebuilding in the same footprint and although the addition would be longer, it would not be wider. Ms. Buttimer stated that they do not exceed the minimum front yard setback per code except that they surpass their neighbor's setback. Ms. Buttimer stated that for aesthetic reasons, the proposed garage would terminate where their porch and the neighbors' stoop terminates and that the length of the proposed garage will allow two cars to fit comfortably inside with room for storage space. Ms. Buttimer added that the curvature of the road will make the addition less obtrusive visually. Mr. Buttimer added they do not want their garage to be designed so that it extends into a field of view and is a straight line with the porch.

Responses to Questions from the ZBA

Mr. Kvpil responded to Mr. Siligmuller that a two-sided porch is eligible for a bonus of up to 140 square feet and that the proposed two-sided porch is 154 square feet which adds 14 square feet to the lot coverage area. Mr. Kvpil responded to Chairman Garrity that the side yard setback is measured at 30 feet behind the front property line and that if

shape of the lot was reversed with the narrow portion in front, the side yard setback would be required to be 6-1/2 feet. Mr. Kvapil clarified for Ms. Fried that the front yard setback must be a minimum of 30 feet or the same as the closest house on either side of the subject house. Mr. Kvapil added that the plat of survey of one of the neighbors as submitted did not include a bay window on the house which would have made their house (and not the house used to determine the front yard calculations) the house to be used for calculating the front yard setback. Mr. Kolar pointed out discrepancies in the site plan and plat of survey drawing regarding the north property line setback. Ms. Buttimer clarified that the plat shows the garage as having walls parallel to the home when the outer garage walls are at an angle and that their plan to rebuild the structure is to follow the existing footprint—not the plat of survey. Ms. Buttimer verified for Mr. SiligmueLLer that the plat submitted is incorrect and that the existing side of the house is parallel to the lot line. Ms. Buttimer responded to Mr. SiligmueLLer that they do not want to construct a detached garage in the rear yard because the pointed shape of the lot would limit the width and it would take up too much room. Mr. Kvapil responded to Mr. SiligmueLLer that an attached garage could be built in the rear yard without a variation but would take up almost the entire backyard and driveway. Ms. Buttimer responded to Mr. SiligmueLLer that they did not consider sliding the garage back to be even with the front of the house because the entrance behind the house would be impacted and a side yard setback variation would become necessary. Mr. Kvapil responded to Mr. SiligmueLLer that a minimum one-car garage width is 12 feet and a minimum two-car garage width is 24 feet. Ms. Buttimer responded to Mr. SiligmueLLer that one of the neighbors was informed of the variations but did not respond for or against and that they have spoken to the neighbors and sent letters to the neighbors twice but did not receive any objections.

Mr. Kvapil responded to Ms. Fried that the public hearing notice advertising the variation requests was inadvertently not placed on the subject property, however, the validity of the public hearing is not compromised because the omission was not an act of the petitioner.

Ms. Buttimer responded to Mr. Kolar that decreasing the size of the garage would be the only option to minimize the lot coverage ratio but that option is not feasible because they can only get a certain width at a certain length because the side steps jut out and would interfere with opening the car door. Mr. Kolar commented that moving the door to the front of the house would be an option.

Persons in Favor of or in Opposition to the Petition

Mr. Kvapil distributed a petition to the ZBA in support of the variation request signed by the neighbors who live at 279 Sunset Avenue. No persons spoke in favor of or in opposition to the variation requests.

Comments from the ZBA

The ZBA members were in favor of the proposed variation requests because they felt that the requests were minimal and the pie shape of the lot was a hardship. Although some ZBA members were not comfortable with increasing the lot coverage ratio, they felt that locating a detached garage in the rear yard was not practical because a garage would take up almost the entire back yard and negatively impact the essential character of the

neighborhood. Some ZBA members also commented that they did not have a problem with the front and side yard setbacks because the addition will align with the front of the house and the curve of the street will minimize the size of the addition. Mr. Kolar added that although the existing house will double in size with the additions, many other homes in the neighborhood are large, and Mr. Waterman commented that other homes in the neighborhood also have front-load garages.

Motion

Mr. SiligmueLLer moved, seconded by Ms. Fried, to recommend approval of three variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(E)1 to allow the construction of a two-story addition resulting in a lot coverage ratio of 21.6% in lieu of the maximum permitted lot coverage ratio of 20%. 2. Section 10-4-8(D)3 to allow the construction of a two-story addition resulting in a side yard setback of 5.15 feet in lieu of the minimum permitted side yard setback of 8.0 feet. 3. Section 10-4-8(D)1 to allow the construction of a two-story addition resulting in a front yard setback of 31.83 feet in lieu of the minimum permitted side yard setback of 39.9 feet. The recommendations for approval were based on the findings of fact that the shape of the lot is a practical difficulty and that the proposed addition is minimal in size and will not change the character of the neighborhood. The recommendation for approval was contingent upon the petitioners complying with plans for development as submitted at this public hearing.

In response to Mr. Kolar's concerns regarding the incorrect plat of survey, Mr. Kvapil stated that a revised plat of survey will be required during the building permit process.

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

Trustee Report

Trustee Ladesic encouraged everyone to review the Downtown Strategic Plan.

Staff Report

Mr. Kvapil reviewed the agenda for the next regularly scheduled ZBA meeting. Mr. Kvapil responded to Mr. Kolar that a pending ZBA appeal will most likely be withdrawn.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:36 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official