

ZONING BOARD OF APPEALS
MINUTES
APRIL 27, 2010

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

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

Board Member Fried moved, seconded by Board Member Kolar, to approve the minutes of the March 23, 2010 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

A public hearing was on the agenda for the property at 349 Fairview Avenue.

PUBLIC HEARING – 349 FAIRVIEW AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-8-6(B)4e, TO ALLOW THE CONSTRUCTION OF A NEW SECOND STORY OVER A ONE-STORY RECONSTRUCTED GARAGE. THE SECOND-STORY ADDITION RESULTS IN A FLOOR AREA RATIO OF 46.15% IN LIEU OF THE MAXIMUM PERMITTED FLOOR AREA RATIO OF 40%. (*Kevin and Julie Fry, owners*)

Staff Report

Building and Zoning Official Joe Kvapil stated that Kevin and Julie Fry, the owners of the property at 349 Fairview Avenue, are requesting a variation to Section 10-8-6(B)4e of the Zoning Code to allow the construction of a new second-floor addition over an existing attached garage that will be reconstructed in the same location. Mr. Kvapil stated that the proposed addition results in a 46.15% floor area ratio which exceeds the permitted floor area ratio of 40%. Mr. Kvapil added that the proposed addition meets all of the other five conditions in this section of the code. Mr. Kvapil stated that the petitioners could add only approximately four square feet to a second floor over the garage without requiring a variation. He also added that the lot area and lot width are existing nonconforming. Mr. Kvapil displayed an area map. He described the location of the subject property which is in the R2 Residential zoning district and also described the surrounding uses. Mr. Kvapil stated that Village records indicate that four previous building permits have been issued for the subject property and no variations have been granted for the subject property. Mr. Kvapil described a home on Illinois Street in the petitioners' neighborhood that has an addition similar to the proposed request, and he described various dimensions of that house and lot. When Mr. Waterman asked a question regarding the floor area ratio of that home, Ms. Fried commented that the subject area was a planned unit development. Mr. Fry added that the subdivision

development was called Manor Woods. Mr. Kvapil also responded to Mr. Kolar that the house on Illinois Street would have conformed to the code if it had been built before the Zoning Code change that reduced the permitted lot coverage ratio. Mr. Kvapil displayed a Flood Insurance Rate Map. He explained that a special use permit would be required to reconstruct the existing garage if it is located within 30 feet of the flood area, however, the garage does not appear to be that close. He stated that an Elevation Certificate will be required prior to the issuance of a building permit to verify that the existing garage is located more than 30 feet from the flood area.

Petitioners' Presentation

Kevin Fry, the petitioner and owner of 349 Fairview Avenue, stated that the hardship regarding his variation request is the size of the lot. He added that if the size of his lot met today's code, floor area ratio would not be in question. Mr. Fry also stated that his variation request stems from trying to repair the existing garage which is separating from the house. Mr. Fry stated that a water test has been done by a surveyor to determine the distance of his proposed garage to the flood plain boundary and that he will provide that document to the Village Board. Mr. Fry submitted four letters in favor of his variation request from Charles Cross of 132 Newton, Mary Ellen Kuhn of 340 Fairview Avenue, Penny Hookham of 133 Lambert Road and Jesse Strittmater of 128 Newton Avenue.

Responses to Questions from the ZBA

Mr. Kolar asked Mr. Fry what the unique circumstances are regarding the subject property to add a second story onto the garage, and Mr. Fry responded that his and his neighbors' small lot sizes were affected by the code change to reduce lot coverage ratio. Mr. Fry responded to Mr. Siligmuller that he did not feel that the proposed addition would change the character of the neighborhood or negatively affect his neighbors in any way. Mr. Fry responded to Ms. Ozog that the depth of the existing slab under the garage is 4-6 inches and that the footings farthest from the house are 4 feet. Mr. Fry responded to Mr. Constantino that two other homes in his neighborhood on Newton Avenue have additions similar to his requested addition.

Persons in Favor of or in Opposition to the Petition

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

Comments from the ZBA

Four of the seven ZBA members were supportive of the variation request because they felt the substandard lots from the original Planned Unit Development and the layout of the house on the lot are unique circumstances. They also felt that the proposed addition will not change the essential character of the neighborhood nor negatively impact the neighbors. Mr. Siligmuller felt that a practical difficulty regarding the variation request would be problems created by constructing a second story over the garage that is smaller than the first floor instead of building a straight-up addition that would be the same size

as the first floor. Mr. SiligmueLLer added that building straight up would also be less expensive than building a different size second story. Ms. Ozog commented that reducing the LCR from 25% to 20% was intended to reduce bulk and height on "McMansions." The ZBA members who were not supportive of the variation request felt that no hardships or unique circumstances were demonstrated by the petitioners to add a second story over the reconstructed garage. Some members commented that the subject FAR is currently near its maximum, and some members expressed concerns regarding precedent setting.

Motion

Mr. SiligmueLLer moved, seconded by Ms. Fried, to recommend that the Village Board approve a variation from Section 10-8-6(B)4e of the Zoning Code for property at 349 Fairview Avenue to construct a new second story over a reconstructed one-story garage with a 46.15% floor area ratio in lieu of the required 40% floor area ratio. The recommendation for approval was based on the findings of fact that the essential character of the neighborhood will not be changed by the construction of the addition and that there are unique circumstances related to the original Planned Unit Development. The recommendation for approval was contingent on the construction being in compliance with the plans as submitted at this public hearing as well as the water test prepared by the petitioners' surveyor to determine the distance of the proposed garage to the flood plain boundary being presented to the Village Board.

The motion carried with four (4) "yes" and three (3) "no" votes as follows: Board Members SiligmueLLer, Fried, Ozog and Chairman Garrity voted yes; Board Members Constantino, Kolar and Waterman voted no.

Trustee Report

Trustee Ladesic suggested that the ZBA review increasing the lot coverage ratio to 22-1/2 percent since code changes have created nonconformities and many variation requests just over the 20 percent LCR have been approved. Trustee Ladesic added that increasing the LCR would reduce the number of variation requests and subsequent Board/Commission time.

Staff Report

Mr. Kvapil stated that the next two regularly scheduled ZBA meetings will be cancelled due to a lack of petitions. He also announced that there is currently a vacancy on the Building Board of Appeals.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:48 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official