

ZONING BOARD OF APPEALS
MINUTES
OCTOBER 12, 2010

The meeting was called to order by Chairman Richard Garrity at 7:30 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Dale Siligmueller and Michael Waterman were present. Board Member Mary Ozog was excused. Also present were Trustee Liaison Pete 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 July 27, 2010 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

A public hearing was on the agenda for the property at 244 Anthony Street.

PUBLIC HEARING – 244 ANTHONY STREET

A REQUEST FOR APPROVAL OF ONE (1) VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)1, TO ALLOW THE CONSTRUCTION OF A ONE-STORY GARAGE ADDITION ATTACHED TO THE PRINCIPAL STRUCTURE WITH A FRONT YARD SETBACK OF 7 FEET IN LIEU OF THE MINIMUM PERMITTED FRONT YARD SETBACK OF 32 FEET.

(Randy and Kate Briasco, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Randy and Kate Briasco, the owners of the property at 244 Anthony Street, are requesting one (1) variation from Section 10-4-8(D)1 of the Glen Ellyn Zoning Code to allow the construction of a one-story garage addition attached to the front of their existing house with a front yard setback of 7 feet in lieu of the minimum required front yard setback of 32 feet. Mr. Kvapil displayed a location map and a photograph of the subject house which is located three lots in from the Village limits. He stated that the subject property is in the R2 Residential zoning district and he described the surrounding uses. Mr. Kvapil stated that no variations have previously been issued for the subject home and he reviewed a history of building permits that have been issued in the past. Mr. Kvapil stated that the width of the subject property is nonconforming at 50 feet but that the lot meets the minimum lot area requirements for a zoning lot. Mr. Kvapil displayed a survey of the subject property.

Mr. Kvapil stated that the subject house is a split-level design with an attached garage and a family room that are approximately four (4) feet below the adjacent grade. He stated that the petitioners would like to protect the lower level from future flooding by

abandoning the lower level garage and constructing a new foundation wall across the opening. The petitioners would also like to reconstruct a garage on grade in the front yard in the general area of the existing driveway. Mr. Kvapil stated that the petitioners have decided since first submitting their application to move the proposed garage to the west to align with the side of the house. Mr. Kvapil responded to Ms. Fried that moving the garage creates a side yard variation of 4.9 feet in lieu of the minimum side yard setback of 6.5 feet and that the petitioners will need to return to the ZBA for a side yard setback variation. Mr. Kvapil referred to a memo from Village Professional Engineer Bob Minix regarding flood conditions in the subject area and possible solutions to the problem. Mr. Kvapil also referred to a memo from Marilyn Sucoe of Engineering Resource Associates, an engineering consultant for the Village, that is a preliminary evaluation of existing conditions and possible available mitigation.

Petitioners' Presentation

Kate and Randy Briasco, the petitioners, of 244 Anthony Street, spoke regarding their variation request. Ms. Briasco described how water floods their property during 100-year rain events which now occur approximately every four years. She stated that the conditions on their street are unique and that their driveway is the only driveway on the street that slopes downward. She stated that their neighbors have standing water in their yards after some rains and also get some water in their basements. Ms. Briasco explained that the storm sewer system on Kenilworth Avenue does not reach down Anthony Street to the rest of the storm sewer in Wheaton. Ms. Briasco also stated that new homes in the area have elevations that are raised and that the topography of the petitioners' property has become increasingly lower over the years. She described methods they have used to try to alleviate their flooding problem. Mr. Briasco stated that their homeowners insurance has increased significantly over the years. He stated that during the last heavy rains, they lost two cars, a furnace, a hot water heater, a washer and dryer and all the contents of their family room and that this is the fourth time that their home has significantly flooded. Ms. Briasco added that they cannot sell their home in good conscience.

Responses to Questions from the ZBA

Mr. Kvapil agreed with Mr. Constantino that, based on Marilyn Sucoe's memo, Village facilities are inadequate to deal with the petitioners' drainage problem. Mr. Kvapil responded to Mr. Constantino that Village staff are not aware of any other homes with significant flooding issues in the subject area. Mr. Siligmuller asked if the Village could require the next door neighbor to share a driveway with the petitioners as the petitioners have insufficient space for a driveway and Mr. Kvapil replied no. Mr. Kvapil confirmed for Mr. Kolar that the petitioner could park on a driveway with no garage on the property without a zoning variation. Mr. Kvapil responded to Chairman Garrity that it could take years for the Village to correct the drainage problem in the subject area, including time for project approval, engineering and funding. Mr. Kolar commented that there is no storm sewer under Anthony Street so there would be nothing to tie to in a storm sewer on Kenilworth Avenue. Ms. Briasco responded to Mr. Constantino that they have spoken

with three engineers who believe the proposed plan is the only reasonable solution to help alleviate the flooding. Ms. Briasco responded to Mr. Constantino that the proposed plan will not cause any problems for the neighbors and she displayed an architectural drawing of the proposed garage. She stated that she has been unable to contact the renters at 248 Anthony about their requested variation. Mr. SiligmueLLer asked if the homeowners at 240 Anthony were aware of the potential problem with sight lines when backing out of their driveway, and Ms. Briasco responded that the neighbors are aware of the configuration and use a turnaround so that they do not have to back out. Ms. Briasco responded to Ms. Fried that the current garage will become additional space in the house. Ms. Briasco responded to Ms. Fried that an engineer explained to her that the displaced water will be infinitesimal because of the way it will spread out. Ms. Briasco responded to Mr. Kolar that they have owned their home since 1986. Ms. Briasco responded to Chairman Garrity that the design of the garage was meant to align with the house on the western wall but the line indicating the garage was incorrectly drawn on the plan. Mr. Kolar questioned if a berm built on a Wheaton College-owned property near the petitioners' home is causing stormwater from Wheaton to spill into Glen Ellyn. Mr. Kvapil responded that the stormwater engineers evaluating the petitioners' home did not have a problem with the berm at that location. Ms. Briasco added that one foot had been added onto the berm just last year but that their property was flooding prior to when they moved in over 20 years ago. Mr. Kvapil responded to Mr. SiligmueLLer that the width of the proposed garage is less than the actual minimum size of a two-car garage. Ms. Briasco responded to Mr. Waterman that their neighbors to the west prefer not to have a shared driveway with them.

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

The ZBA members were supportive of the petitioners' variation request because they felt the petitioners demonstrated unique circumstances, practical difficulties and an extreme hardship related to severe flooding they have experienced over a course of more than 20 years. Based on opinions of engineers contacted by the petitioners, the ZBA members felt that the proposed plan was the only option the petitioners have to protect the inside of their home from water. Connecting to the storm sewer is not an option because there is no storm sewer in Anthony Street. Although Mr. Kolar expressed a concern regarding setting a precedent, the other ZBA members felt that the style of the petitioners' home with the below grade level garage was unique to the neighborhood. Mr. Constantino added that he would be in favor of recommending approval for a variation if another resident had the same flooding issues as the petitioners. Mr. Constantino stated that the variation request is necessary for safety and health reasons and for the petitioners to retain the value of their home. Mr. Constantino also commented that he was in favor of the proposed variation request because there will be no adverse effects on the neighbors.

Motion

Because the side yard setback variation needed to be published in the newspaper, a motion was made by Ms. Fried and seconded by Mr. Waterman to continue the meeting to November 9, 2010. The motion carried unanimously by voice vote.

Staff Report

Mr. Kvapil announced that the next regularly scheduled ZBA meeting is cancelled due to a lack of petitions and he reviewed upcoming items on the two following regularly scheduled meetings.

Trustee Report

Trustee Ladesic stated that drop-down microphones are being considered for audience participation purposes in the Board Room.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:44 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official