

ZONING BOARD OF APPEALS
MINUTES
MAY 10, 2011

The meeting was called to order by Chairman Richard Garrity at 7:32 p.m. Board Members Gregory Constantino, Edward Kolar, Mary Ozog and Dale SiligmueLLer were present. Board Members Barbara Fried and Michael Waterman were 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 SiligmueLLer moved, seconded by Board Member Kolar, to approve the minutes of the March 22, 2011 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

Two public hearings were on the agenda for properties at 791 Crescent Blvd. and 488 Lowell Avenue/820 Duane Street. Mr. Kvapil stated, however, that the variation request for 791 Crescent Blvd. has been withdrawn this evening and will be heard at a later date.

PUBLIC HEARING – 488 LOWELL AVENUE/820 DUANE STREET

A REQUEST FOR APPROVAL OF TWO (2) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(C) TO CONSTRUCT A FENCE ON THE VACANT ZONING LOT AT 820 DUANE STREET WHICH IS PROHIBITED ON A LOT WITH NO PRINCIPAL BUILDING. 2. SECTION 10-5-5(B)4, ITEM 11, TO CONSTRUCT A FENCE THAT IS 54 INCHES HIGH IN THE FRONT YARD OF LOTS 820 DUANE STREET AND 488 LOWELL AVENUE WHICH EXCEEDS THE MAXIMUM FENCE HEIGHT OF 48 INCHES IN A FRONT YARD.

(John and Jean Chereskin, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that John and Jean Chereskin own the property at 488 Lowell Avenue which has a single-family home and the adjacent vacant lot at 820 Duane Street which had a single-family home in the past. They are requesting two variations from the Zoning Code to allow the construction of a fence on a vacant lot where accessory structures are not permitted and to allow a 4' 6" high fence in the front yards of both lots when the maximum height of a fence in a front yard is limited to 4 feet. Mr. Kvapil displayed photographs of the current home and two fence designs that the petitioners are considering. Mr. Kvapil stated that the property is in the R2 Residential district and that the 488 Lowell property is a corner lot and the 820 Duane lot is an interior lot. Mr. Kvapil stated that one minor building permit had been issued for the 488 Lowell property and no previous variations have been granted to either property. Mr. Kvapil stated that the owners could consolidate both lots into one lot, however, the petitioners have chosen to retain two independent zoning lots and are asking for a

variation to allow them to construct a fence on both lots. Mr. Kvapil stated that both lots are of a size that they will remain buildable per the Zoning Code. Mr. Kvapil displayed a survey that indicated the locations of the proposed new and existing fences. He stated that the metal fence is proposed to be 54 inches high which is higher than the required 4 feet (48 inches) and is on the 820 Duane Street lot which doesn't include a principal structure. Mr. Kvapil explained that the new section of fence in the rear of 820 Duane Street requires one variation for a fence on a structure without a principal structure. Mr. Kvapil also explained that the new fence section on 488 Lowell Street is excluded from any variations. Mr. Kvapil displayed two fence designs that the petitioners are considering.

Petitioners' Presentation

John Chereskin, the petitioner, lives at 488 Lowell Avenue. Mr. Chereskin stated that there was a house and a garage on the lot next door with wide open space. He stated they would like some privacy in their rear yard with space for their dog to run.

Responses to Questions from the ZBA

Mr. Kvapil clarified for Mr. Kolar that the front yard of the subject property is on Duane Street. Mr. Kvapil explained for Ms. Ozog that cyclone and/or mesh are allowed in front yards in Glen Ellyn and that those fences must be 50 percent open. Mr. Kvapil explained for Mr. Siligmuller that if the subject lots were consolidated, the front yard would shift to Lowell Avenue. He also explained that the height of the fence to the west is 5 feet high although it should not have been built over 4 feet high and that a pool requires a 4-foot high fence. Mr. Constantino asked what the process would be to undo the consolidation if two zoning lots were consolidated as one zoning lot to allow the construction of a fence, and Mr. Kvapil replied the process would be a simple resubdivision process done administratively in the Planning and Development Department. Mr. Kvapil added that when the lots are consolidated, the variation for the fence would remain.

Mr. Chereskin responded to Mr. Constantino that the landscaping was done approximately one year ago. He added that a portion of the property was used as a staging area last year by Riteway construction, and landscaping of the subject property is currently being completed. Mr. Siligmuller asked why the fence height is being requested at 54 inches, and Mr. Chereskin responded that they would like their fence to match the fence next door but could live with the fence being 4 feet in height. Mr. Chereskin responded to Mr. Constantino that they plan two gates for access to the property. Mr. Chereskin responded to Mr. Constantino that they currently are planning to keep the lots separate because they don't know what their future plans will be. Mr. Chereskin also responded to Mr. Constantino that several neighbors have been supportive regarding the variation request.

Persons in Favor of or in Opposition to the Petition

Kathy Evangelist, 500 Lowell Street, Glen Ellyn, Illinois claimed that her chain link fence is 4 feet but is almost completely covered with bushes. Ms. Evangelist stated that a hardship for the Chereskins' is to keep their dog in the yard and she was definitely in favor of attaching the Chereskins' fence to her own fence. Ms. Evangelist responded to Mr. Constantino that some kids occasionally cut through their yard.

Comments from the ZBA

Chairman Garrity, Mr. Constantino, Mr. Kolar and Mr. Siligmueller were in favor of granting the two variance requests as long as two viable lots were created, however, believed the fence should remain at 48 inches instead of 54 inches as requested by the petitioner. Mr. Constantino also appreciated the support from the petitioners' neighbors for the fence. Ms. Ozog was in favor of a 54-inch fence which she felt would be more aesthetically pleasing as the fence would be connected to the neighbors. Ms. Ozog also expressed a preference for a metal picket fence. Mr. Chereskin stated he was concerned with the portion of the fence on Duane Street and would prefer 54 inches there. Mr. Kolar moved to close the public hearing and Ms. Ozog seconded the motion.

Motions

Two motions were made as follows regarding the subject requests at 488 Lowell Avenue/820 Duane Street. 1. Mr. Constantino moved, seconded by Mr. Kolar, to recommend that the Village Board approve a variation to Section 10-4-1(C) of the Zoning Code as requested by the petitioner to allow the construction of a fence on a vacant zoning lot which is prohibited on a lot with no principal building. 2. Mr. Constantino moved, seconded by Mr. Kolar, to recommend that the Village Board approve a variation from 10-5-5(B)4, Item 11, to allow the construction of a fence that is 54 inches high in the front yard of the lot on 820 Duane Street and 488 Lowell Avenue which exceeds the maximum fence height of 48 inches in a front yard.

Motion 1 carried unanimously with five (5) yes votes as follows: Board Members Constantino, Kolar, Ozog, Siligmueller and Chairman Garrity voted yes.

Motion 2 did not carry with one (1) yes and four (4) no votes as follows: Board Members Constantino, Kolar, Siligmueller and Chairman Garrity voted no; Board Member Ozog voted yes.

Trustee Report

Trustee Ladesic reported on the existing College of DuPage situation.

Staff Report

Mr. Kvapil stated that two variations will be heard at the next ZBA meeting. There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:41 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official