

ZONING BOARD OF APPEALS
MINUTES
JUNE 14, 2011

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 Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairman Garrity thanked ZBA Member Michael Waterman for his many years of service on the ZBA.

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

Board Member Ozog moved, seconded by Board Member Kolar, to approve the minutes of the May 10, 2011 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote. Also distributed to the ZBA Members were minutes from the Plan Commission/Zoning Board of Appeals Special Meeting Workshop held on April 28, 2011 regarding Commission responsibilities and procedures.

Two public hearing agendas were on the agenda for the properties at 380 Linden Street and 791 Crescent Boulevard.

PUBLIC HEARING – 380 LINDEN STREET

A REQUEST FOR APPROVAL OF A ZONING VARIATION REQUEST FROM THE MINIMUM REQUIRED SIDE AND REAR YARD SETBACK FOR A NEW DETACHED GARAGE AND A ZONING VARIATION FROM A REQUIRED PAVED DRIVEWAY TO REPLACE THE EXISTING GRAVEL DRIVEWAY.

(Chad and Julie Allman, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Chad and Julie Allman, the owners of the property at 380 Linden Street, are requesting two (2) variations from the Glen Ellyn Zoning Code. Mr. Kvapil displayed photographs of the subject house and the area where the existing garage had formerly been located in the far northwest corner of the property. He explained that the former garage will be replaced with a new garage at the same location and displayed a diagram of the proposed garage. Mr. Kvapil also displayed a map of the subject property which is located in the R2 Residential zoning district and described the surrounding land uses. He also described building permits that have been issued for the subject property. Mr. Kvapil displayed a site plan of the subject property which indicated that the house is 31 feet from the rear lot line and added that the distance from the front to the rear property line is slightly over 300 feet.

The first requested variation is from Section 10-5-4(A)c to allow the construction of a new detached garage set back 3.04 feet from the rear lot line and set back 3.65 feet from

the side lot line in lieu of the minimum required setback of 5.94 feet from both the rear and side yard lot lines. The second variation is from Section 10-5-11(M) to allow the construction of a new enlarged detached garage and retain the existing gravel driveway in lieu of a new hard surface driveway required with the expansion of an existing garage or construction of a new detached garage. Mr. Kvapil displayed a photograph of the new 600-square foot garage design which is within the permitted size allowed and the location of the original smaller garage. Mr. Kvapil explained that the smaller garage could not have been reconstructed or structurally repaired because it was in a noncompliant condition. He also explained that a new detached garage must be served by a driveway with a hard surface material which does not include gravel.

Petitioners' Presentation

Chad Allman, owner of the subject property at 380 Linden Street, Glen Ellyn, Illinois, responded to questions previously asked of the Building and Zoning Official. He stated that the maximum ridge height is 37 feet and that the garage will be built at just under 36 feet. He also responded that the garage foundation, footing and slab will be new because the garage was torn down since it was built at approximately the same time as the existing house and was unsafe.

Mr. Allen said that it is difficult to state that there is a hardship regarding the variation requests because the property is so large. He stated that because of the location of the house on the site, in order to locate the garage in the rear yard, a variation is required. He added that a mud room will be approximately 10 steps from the garage to accommodate his children. Mr. Allen displayed two photographs of the subject property at the garage location which indicated a downward slope to the east and a view up at the northeast corner that included two neighboring garages. Mr. Allen displayed a drawing that indicated the size of the proposed garage. Mr. Allen stated that he would like to utilize the location of the existing garage for the proposed garage and never thought that he would be unable to rebuild a new garage in the same location as the previous garage. He added that the new garage would be a storage barn during the construction period when they build a new home on the site. Mr. Allen stated that all of the neighbors understand the plans for his property.

Mr. Allen distributed five copies of photographs and plats related to his property.

Responses to Questions from the ZBA

Mr. Allman responded to Mr. Constantino that he is requesting a variation to retain the gravel driveway because the house in its current location is a 3-5 year plan, at which time they intend to build a new house on the site and demolish the existing house. In response to Mr. Constantino's question regarding whether or not there were unique circumstances or particular hardships regarding the driveway being constructed with a hard surface, Mr. Allman stated that the reason for not installing a concrete driveway is financial. Mr. Allman added that the cost to replace the driveway is approximately \$22,000 and that the driveway would be destroyed during the construction process. Mr. Kolar responded that

the driveway does not have to cost as much as Mr. Allman stated because it can be smaller per code.

Mr. Kvapil responded to Mr. Constantino that the new garage structure will need to comply with the Zoning Code requirements for height based upon the width of the subject lot. Mr. Kvapil also responded to Mr. Constantino that the cost to install a concrete driveway for the subject property would be approximately \$13,000 and that a letter of credit for driveway work has not been allowed in the Village in the past. Mr. Kvapil replied to Mr. Siligmuller that he had no information on the history of the subject lot. Mr. Kvapil responded to Mr. Kolar that a shed in the far northwest corner of the subject property does not affect the variation requests. Mr. Kvapil responded to Mr. Kolar that Grasscrete or pavers with open voids could be installed for the subject driveway.

Mr. Allman responded to Mr. Constantino that the northeast corner of the lot would not be a good location for the garage because the grading would need to be raised approximately 4 feet at that location to avoid water from the west. Mr. Kolar felt that there would not be a water issue if the garage was rotated 90 degrees so that the doors faced south, however, Mr. Allman believed that the ground would still need to be raised so that the footing and foundation would be above the water line. Mr. Allman responded to Mr. Constantino that bigger drainage issues would be created to the north and west if the garage was not installed in its original location, and he displayed a photograph of an existing retaining wall that holds up the neighbor's back yard. Mr. Allman stated that his plan is to rip out the retaining wall and pour a new one that would be incorporated into the foundation. Mr. Allman responded to Ms. Ozog that he is unaware of water issues in the corner of the property where the garage was located. Mr. Kvapil responded to Mr. Siligmuller that since the disturbed area of the property will exceed 300 square feet, the petitioner must submit a drainage plan to the Village for review. Mr. Allman responded to Mr. Constantino that the existing swales will be used for the garage. Mr. Waterman questioned why the garage couldn't be moved 2-1/2 feet to the east to avoid being too close to the west lot line, and Mr. Allman replied that another variation would then be required because the garage would be closer than 10 feet to the corner of the existing structure. Mr. Waterman again questioned why Mr. Allman couldn't move the garage 10 feet to the east which would eliminate that variation. Mr. Kvapil responded that a variation would still be required for the rear lot line, and Mr. Allman felt that the garage being less than 10 feet from the house would be a concern from a fire hazard perspective. Mr. Kvapil added that there is no minimum distance requirement between a detached garage and a house. Chairman Garrity asked if the proposed garage could be moved off the north and west lot lines to comply, and Mr. Kvapil replied it could as long as the garage was 12 feet from the lot lines. Mr. Allman added that 5 feet to 12 feet off the lot line will occur if the garage is closer than 10 feet to the house. Mr. Kolar commented that the house will be torn down, however, and Mr. Kvapil responded to Mr. Waterman that if the house were torn down and the garage was an accessory structure, the setbacks would be 5.94 feet and the accessory structures must be a minimum of 5 feet apart. Mr. Kvapil responded to Mr. Kolar that the largest accessory structure on a lot can be a 660-square foot garage. Mr. Constantino asked Mr. Allman why the northeast corner of the

lot would not be a good alternative location for the garage, and Mr. Allman replied that the significant grading there would require him to raise the foundation approximately 4 feet so that water would not go into the garage. Mr. Allman responded to Mr. Constantino that there are no drainage issues at the pool area and that the pool will be removed.

Mr. Allman responded to Ms. Ozog that he does not currently know where the house will be placed but would like it to be closer to Linden Street so that there will be a large back yard. He also responded to Mr. Waterman that his family will be moving into the subject home in approximately 1-1/2 weeks. Mr. Allman responded to Ms. Fried that he had no petitions from neighbors.

Mr. Kvapil clarified that the maximum permitted height of the detached garage is 22 feet. He stated that the detached garage has no minimum setback distance to the principal structure and could be attached to the house with no variations.

Persons in Favor of or in Opposition to the Petition

Paul Flynn, 650 Western Avenue, Glen Ellyn, Illinois, expressed a concern regarding drainage. He stated that water was not a problem when he moved into his home 14 years ago but he now has water in his back yard because of incremental impervious surfaces being built. Mr. Flynn stated that his neighbors at 386 Linden Street who have a heavy duty sump pump system get water in their basement and that the neighbors at 654 Western Avenue also get ponding in their back yard. Mr. Flynn stated that he has a concern regarding a large house with a large amount of surface being built on the subject site and asked that the Village have a solid stormwater plan for the proposed house so that water doesn't run down the hill toward his property. Ms. Ozog responded to Mr. Flynn that the Village would follow property stormwater/engineering procedures. Ms. Ozog asked Mr. Flynn if he was in his home when the street was reconstructed, and he replied that he moved in approximately a year after that time. Mr. Flynn responded to Ms. Ozog that a large home was built downhill at 538 Western Street that is twice its original size. Mr. Flynn requested sending water to a different storm drain in the area. He also stated that he was happy that the petitioner's driveway will remain as gravel but was also told that once the driveway is packed, it becomes impervious. Mr. Flynn responded to Mr. Waterman that he is not in favor of the petitioner's variation request.

Comments from the ZBA

Mr. Constantino was favorable to the granting of the variation for the garage because the existing garage was a nuisance and the owner was planning to remove it. He stated he could see granting a variation for the requested location but felt that the garage could possibly be placed at the northeast corner of the lot. Mr. Constantino felt that no hardship or unique situation to allow the gravel driveway was proven. Mr. SiligmueLLer felt he did not have enough information regarding garage placement to make a decision and had issues with the long-term plan for the property with variations being requested. Mr. SiligmueLLer, Mr. Waterman, Ms. Fried and Ms. Ozog stated they did not have a problem

with the driveway remaining as gravel although Mr. Waterman expressed concern regarding precedence. Mr. Waterman had problems with granting variations on the garage setbacks. Ms. Fried reminded the ZBA members that they are not being asked to vote on what the petitioner will do in the future. Ms. Fried was in favor of the garage as long as a study was done regarding water run-off. Ms. Ozog was in favor of the garage placement because of access for the petitioners' children, however, Mr. Kolar responded that children should not be used as a zoning argument. Mr. Kolar had a concern with a 600-square foot garage built in the northeast corner with appropriate drainage considerations handled. Mr. Kvapil responded that the petitioner could have a 600-square foot accessory structure as well as an attached garage. Mr. Kvapil informed Mr. Garrity that 6 inches less than published could be granted to allow a 20-foot garage. Mr. Waterman was in favor of a 6-inch variation to keep the garage 20 feet wide. The petitioner responded that he does not want the garage to be located 3 feet from the house. The Board Members were not in favor of allowing the construction of a new detached garage set back 3.04 feet from the rear lot line and 3.65 feet from the side lot line in lieu of the minimum required setback of 5.94 feet. Most ZBA members were in favor of allowing the gravel driveway to be retained.

Motion

Two motions were made as follows:

Motion 1: Board Member SiligmueLLer moved, seconded by Board Member Fried, to recommend that the Village Board deny a variation from Section 10-5-4(A)c to allow the construction of a new detached garage set back 3.04 feet from the rear lot line and set back 3.65 feet from the side lot line in lieu of the minimum required setback of 5.94 feet and to allow a setback of 6 feet from the rear lot line and a setback at approximately 8 feet as long as it would line up east side of the garage with the west side of the house on the west property line. The motion to deny carried with seven (7) "yes" votes as follows: Board Members SiligmueLLer, Fried, Constantino, Kolar, Ozog, Waterman and Garrity voted yes.

Motion 2: Board Member SiligmueLLer moved, seconded by Board Member Fried, to recommend that the Village Board approve a variation from Section 10-5-11(M) to allow the construction of a new garage while retaining the existing gravel driveway in lieu of a new hard surface driveway because of the practical difficulties involved with the construction of a driveway. The motion to approve carried with five (5) "yes" votes and two (2) "no" votes as follows: Board Members Fried, Ozog, SiligmueLLer, Waterman and Chairman Garrity votes yes; Board Members Constantino and Kolar voted no.

Mr. Kvapil clarified that a change regarding the motion has been made to Code 10-5-4(A)b instead of 10-5-4(A)c due to a change in the code.

791 CRESCENT BOULEVARD – ATTACHED GARAGE ADDITION.
DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A
ZONING VARIATION REQUEST FROM THE MINIMUM REQUIRED REAR YARD
SETBACK FOR A HOME ADDITION.

(Scott and Duska Pearson, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Scott and Duska Pearson, the owners of 791 Crescent Boulevard, are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of an addition to their principal structure with a setback of 13.5 feet from the rear lot line in lieu of the minimum required setback of 40 feet from the rear lot line. He displayed a picture of the house, plat of survey and location map.

The subject property is an interior lot zoned R2 Zoning District, and the zoning and land use surrounding the subject property is single-family residential. Per Village records, no zoning variations have been granted for the subject property, and several permits have been issued over the past 50+ years. Mr. Kvapil stated that Mr. and Ms. Pearson would like to remove an existing small greenhouse and the existing detached garage and construct a two-story attached garage and one-story mud room addition to the existing home. An existing driveway that encroaches into the adjacent property and portions of a walkway will also be removed. Mr. Kvapil displayed a plan of the site with the items that will be added and removed.

Petitioners' Presentation

Duska Pearson, the petitioner, and Steve Poteracki, their architect, Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois were present. Ms. Pearson stated that they purchased the subject house in 2008. She added that the house is historic and unique and that they want to enhance the character of the home by retaining the historic quality. Mr. Poteracki stated that the location of the existing garage and driveway is on the neighbors' property and the petitioners would like to remedy that situation. Doug Funk, an architect, 435 Duane Street, Glen Ellyn, Illinois addressed drainage, stating that the hill on the site will be leveled out to reduce run-off to the neighbors' property and contain more water on the petitioners' property.

Responses to Questions from the ZBA

Mr. Kvapil responded to Mr. Constantino that if the breezeway and garage were detached, no zoning variation would be required. Mr. Kvapil responded to Mr. SiligmueLLer that if the front faced east, the setback requirement would be 19.3 feet in the side yard.

Persons in Favor of or in Opposition to the Petition

George Kuzycz lives at 795 Crescent Boulevard which has an easement for access onto Crescent Boulevard. Mr. Kuzycz spoke regarding his concerns about the proposed improvements to the subject property. Mr. Kuzycz lives south of the subject property and wanted to possibly build a structure on his property at some point in the future and possibly subdivide his lot. Mr. Kuzycz stated that there is a pond in the southeast portion of his lot. He showed a picture (from his phone) of standing water on his lot after a rainfall.

Comments from the ZBA

All of the ZBA members were in favor of the proposed request for a zoning variation from the minimum required rear yard setback for a home addition because the subject lot is irregularly shaped with a residence that is not in a typical location. Mr. SiligmueLLer stated that the change on the subject lot will reduce the impervious surface on the neighbors' property. The ZBA members also felt that the residences in the area are not typical.

Motion

Mr. Constantino moved, seconded by Ms. Fried, to approve the request for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)2, to allow the construction of an addition to the principal structure with a setback of 13.5 feet from the rear lot line in lieu of the minimum required setback of 40 feet from the rear lot line. A stormwater review was recommended as a condition of approval.

The motion carried with seven (7) "yes" votes as follows: Board Members Constantino, Fried, Kolar, Ozog, SiligmueLLer, Waterman and Chairman Garrity voted yes.

Staff Report

Mr. Kvapil reviewed upcoming agenda items scheduled for future ZBA meetings.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:55 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official