

ZONING BOARD OF APPEALS  
MINUTES  
JUNE 28, 2011

The meeting was called to order by Chairman Richard Garrity at 7:33 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar and Dale SiligmueLLer were present. Board Member Mary Ozog was excused. Also present were Trustee Liaison Peter Cooper, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

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

One public hearing was on the agenda for the property at 364 Hillside Avenue.

PUBLIC HEARING – 364 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF SEVEN (7) VARIATIONS FROM THE ZONING CODE REGARDING THE MAXIMUM LOT COVERAGE RATIO, MAXIMUM FLOOR AREA RATIO, MINIMUM SIDE AND REAR YARD SETBACKS AND MAXIMUM ALTERATION CLASS FOR A NEW ATTACHED GARAGE AND SECOND FLOOR ADDITION.

*(Shane and Victoria Rodgers, owners)*

Staff Report

Building and Zoning Official Joe Kvapil stated that Shane and Victoria Rodgers own the property at 364 Hillside Avenue, and he displayed photographs of the subject house. Mr. Kvapil stated that the petitioners are proposing to modify the existing home by constructing a second-floor addition over a portion of the existing first floor and adding a new one-story, attached, one-car garage. He stated that several restrictions were placed upon the proposed construction of the additions on the small, nonconforming lot and that seven variations will be required. Mr. Kvapil stated that the lot area is less than the required minimum, the width is 50 feet (less than the required 66 feet), the lot depth is 106 feet (minimum is 110 feet), the front yard setback is 22 feet (less than the 30 feet required), and the lot coverage ratio of the existing home is 25.4 percent when 20 percent is the maximum allowed. Mr. Kvapil stated that the subject property is an interior lot in the R2 single family residential zoning district, and he described its location. Surrounding properties are located in the R2 and R4 multi-family zoning districts. Mr. Kvapil stated that Village records indicate no prior variations have been granted for the subject property and that a few minor permits have been issued over the years.

Mr. Kvapil displayed a site plan and reviewed the requested variation requests as follows:

1. A variation to Section 10-4-8(E)1 to allow the construction of an attached garage that results in a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 20%. Mr. Kvapil explained that the existing lot coverage ratio of this property is 25.4%, and the proposed additions will increase the lot coverage ratio by 1.4%. Mr. Kvapil added that there are also some reductions in the proposed plan as follows: The

enclosed front porch will become an open front porch that will no longer be included in the lot coverage ratio, and the elimination of an enclosed screen porch will also reduce the lot coverage ratio. 2. A variation to Section 10-4-8(D)3 to allow the construction of an attached garage that results in a side yard setback of 5.2 feet in lieu of the minimum required side yard setback of 6.5 feet. Mr. Kvapil explained that this variation results in a garage width of 11 feet 5 inches and that a one-car garage width typically is 12 feet. 3. A variation to Section 10-4-8(D)2 to allow the construction of an attached garage that results in a rear yard setback of 32.75 feet in lieu of the minimum required rear yard setback of 40 feet. (Please note that the newspaper notice and Staff Report inadvertently stated “side yard setback of 40 feet” in lieu of “rear yard setback of 40 feet” at the end of the sentence. Mr. Kvapil responded to Mr. Kolar that the error could potentially be an issue, however, the ZBA will move forward and address any objections.). 4. A variation to Section 10-8-6(B)4a to allow the construction of a second floor addition over an existing structure with a lot coverage ratio of 26.8% in lieu of the maximum permitted lot coverage ratio of 25%. Mr. Kvapil stated that many small homes in the Village exceed the lot coverage ratio, however, are allowed to add a second floor if the LCR does not exceed 25%. He added that the LCR in this case will exceed 25% at 26.8%. 5. A variation to Section 10-8-6(B)4d to allow the construction of the second floor addition over an existing structure that projects 12.4 feet into the minimum required rear yard setback in lieu of the maximum permitted projection of 10 feet. Mr. Kvapil stated that the code allows a second floor addition to encroach up to 10 feet into a 40-foot setback. 6. A variation to Section 10-8-6(B)4c to allow the construction of an attached garage and second floor addition over an existing structure that results in an equivalent lot coverage ratio floor area of 41.6% in lieu of the maximum permitted floor area of 40%. Mr. Kvapil explained that the code allows building a second floor up to a combined first and second floor area of 40%. 7. A variation to Section 10-8-6(B)3 to allow the construction of an attached garage and second floor addition over an existing structure that results in a Class II alteration in lieu of the maximum permitted Class I alteration. Mr. Kvapil stated that the Zoning Code restricts the amount of the exterior wall and roof area that can be structurally altered. Mr. Kvapil added that this code would prevent a house from being taken down to the foundation and being rebuilt without the upgrades necessary for a new house. Mr. Kvapil stated that the structurally altered wall and roof area on the existing home only exceeds the permitted amount of 2% which puts it into the Class II classification that is prohibited in a lot of the subject size.

#### Petitioners' Presentation

Shane and Victoria Rodgers, the homeowners, and Architect Christopher Lauriat, 1000 S. Lorraine Road, #110, Wheaton, Illinois spoke on behalf of the variation requests. Mr. Rodgers stated he has owned the subject house for approximately 10 years, enjoys the location of the home and would like to remain there. Mr. Rodgers stated they have done as much work inside their home as is possible and would now like to upgrade and modernize the house. He added that his family currently has no plans to move but that if they were required to move in the future, they would like their home to be more marketable than it currently is.

Mr. Lauriat stated that the petitioners would like to un-enclose the front porch in order to have an open porch and add a garage and 2-story addition. Mr. Lauriat stated that the home originally had a front porch that was enclosed by a previous owner and that the current owners would like to open up the porch again. The second story addition will be built within the existing setbacks. Mr. Lauriat stated that hardships related to the property include the fact that the property is small and the area, width and depth are nonconforming. Mr. Lauriat stated that the subject house is currently 20-1/2 feet from the property line, however, the porch addition will move the setback to approximately 30 feet. Mr. Lauriat added that most of the houses on the subject street are set back approximately 20 feet. Mr. Lauriat stated that opening the porch will reduce the lot coverage. He also stated that the space to be added on the first floor of the garage and the access vestibule is to mediate the height difference of the deck and ground. Mr. Lauriat explained that a detached garage located in the back yard would take up too much room on the small lot. Regarding the specific variations, Mr. Lauriat stated that the reason for the large amount of surface to be altered is to provide a greater ceiling height on the first floor.

#### Responses to Questions from the ZBA

Mr. Kvapil responded to Ms. Fried that the house could possibly be redesigned so that variations were not required. Mr. Kvapil responded to Mr. Kolar that the subject house currently has two stories with the second story being small.

Mr. Rodgers responded to Mr. Constantino that they received positive feedback regarding all of their plans from their neighbors to the east, west and north. Mr. Rodgers responded to Mr. Siligmuller that there are currently no water issues in the neighborhood. Mr. Lauriat responded to Mr. Kolar that the ridge height will be well below 32 feet which does not require a variation.

Mr. Lauriat agreed with Mr. Constantino's comment that the scope of the proposed work could not have been reduced any more to make it worthwhile from economic and practical uses. Mr. Lauriat added that the size of the house will be approximately 2,100 square feet when completed. Mr. Lauriat responded to Mr. Constantino that the house is currently approximately 1,700 square feet, including the second story. Mr. Lauriat responded to Mr. Kolar that the current plan is to enclose the second floor area which doesn't change the requested variations. Mr. Lauriat responded to Mr. Constantino that there are no drainage issues on the lot, and rain barrels will collect water on the garage roof. Mr. Kvapil clarified for Mr. Kolar that if the garage was set in the rear yard, the setback would be 3 feet from the side and 3 feet from the rear property line. Mr. Kvapil added that if the garage was detached, the lot coverage ratio would be reduced to 21.8% from 26.8% currently being requested. He added that the 21.8% LCR would still require a variation. Mr. Kvapil responded to Mr. Garrity that the petitioner could detach the garage and be 10 feet from the structure. Mr. Lauriat responded to Chairman Garrity that the petitioners do not want to have a detached garage because an attached garage is more convenient and the petitioners would like to maintain an open back yard. Mr. Lauriat also added that the petitioners are trying to make the project as compact as possible. Mr.

Lauriat responded to Mr. Kolar that they have tried to minimize the percentage of lot coverage by uncovering a porch in front and removing a screen porch in the back corner.

#### 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 and in favor of all variation requests which they felt were minimal. They felt that the practical difficulties regarding the project are the small size of the lot that would prohibit major reconstruction and that the plans cannot be reduced further to be any more economically worthwhile. The proposed plan will bring the front yard almost to the proper setback, and opening up the porch will help reduce the variation request to a minimum. The ZBA members felt that the proposed plan of the home fits well into the neighborhood and will not alter the essential character of the neighborhood. Additionally, the neighbors do not object to the proposed plan. Ms. Fried commented that the third variation request should be changed to reflect the word “rear” instead of “side” yard setback. Mr. Kvapil responded to Mr. Kolar that he will review the issue with staff to see if a review is required by the Village Attorney and that the incorrect word will be corrected for the ordinance.

#### Motion

Mr. Constantino moved, seconded by Ms. Fried, to approve the recommendations of the seven (7) variations requested by Shane and Victoria Rodgers, the owners of the property at 364 Hillside Avenue, Glen Ellyn, Illinois, with a correction to variation 43 to change the “required side” yard setback to “required rear” yard setback. The ZBA’s recommendation was to approve the seven (7) variations to the Zoning Code as listed above related to the new attached one-car garage, construction of a second floor addition to the existing house and a Class II alteration where a maximum permitted Class I alteration is allowed. The recommendation for approval is based on the lot size which is too small for major rehabilitation and that the petitioners could not reduce the proposed plans any further to make the renovations economically worthwhile. Mr. Constantino stated that hardships exist related to the lot’s nonconforming area, width and depth and that constructing a detached garage would take up too much room in the rear yard.

The motion carried unanimously with five (5) “yes” votes as follows: Board Members Constantino, Fried, Kolar, Siligmuller and Chairman Garrity voted “yes.” No Board Members voted “no.”

#### Trustee Report

Trustee Peter Cooper stated that the Village Board has recently discussed various Commission items. He then updated the ZBA on issues regarding the College of

DuPage. Trustee Cooper also stated that the Village will have a new Manager on July 13, 2011.

Staff Report

Mr. Kvapil stated that two variations are scheduled for the next ZBA agenda.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:02 p.m.

Submitted by:  
Barbara Utterback  
Recording Secretary

Reviewed by:  
Joe Kvapil  
Building & Zoning Official