

ZONING BOARD OF APPEALS
MINUTES
JULY 12, 2011

The meeting was called to order by Acting Chairman Ed Kolar at 7:30 p.m. Board Members Barbara Fried, Mary Ozog and Dale SiligmueLLer were present. Also present were Trustee Liaison Peter Cooper, Building and Zoning Official Joe Kvpil and Recording Secretary Barbara Utterback.

Acting Chairman Kolar described the proceedings of the Zoning Board of Appeals.

Board Member Fried moved, seconded by Board Member SiligmueLLer, to approve the minutes of the June 14, 2011 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Two public hearing agendas were on the agenda for the properties at 566 Hillside Avenue and 780 Harding Avenue.

PUBLIC HEARING – 566 HILLSIDE AVENUE

A REQUEST FOR A ZONING VARIATION FROM THE MAXIMUM DISTANCE AN OPEN FRONT PORCH CAN EXTEND INTO THE REQUIRED FRONT YARD SETBACK.

(Lincoln and Gail Bode, owners)

Staff Report

Mr. Kvpil explained that Lincoln and Gail Bode, the owners of the property at 566 Hillside Avenue, are requesting a variation to allow the construction of an open front porch that projects 15 feet 3 inches or 51% into the required front yard setback in lieu of the maximum permitted projection of 7 feet 6 inches or 25% into the required front yard setback. Mr. Kvpil displayed a photograph of the subject home which is on an interior lot in the R2 Single Family Residential Zoning District. Mr. Kvpil stated that the lot is nonconforming at 60 feet wide with a minimum interior lot width of 66 feet. He also stated that the house is nonconforming with a front yard setback of 19-1/2 feet and the minimum required setback is 30 feet. Mr. Kvpil stated that no variation requests have been granted for this property, however, several building permits have been issued over the years. Mr. Kvpil displayed a site plan of the subject property which showed that the house extends into the required setback. The site plan also showed the location of an existing porch which projects from the 30-foot lot line into the front yard 51 percent of the distance (15 feet 3 inches). Mr. Kvpil stated that the maximum permitted projection for a front porch from the 30-foot setback line is 7-1/2 feet or 25 percent of the distance. Mr. Kvpil stated that the subject home was constructed in 1894 and has been plaqued by the Glen Ellyn Historical Society who stated in a letter that removal of the front porch would jeopardize the historic recognition of the subject home because of the significance of the architectural design. Board Member Fried read to those present a portion of the Historical Society letter which stated that removal of a porch would no longer allow a

home to be plaqued by the Historical Society. Mr. Kvapil added that the homes on both sides of the subject house are close to 30 feet from the front yard setback.

Petitioners' Presentation

Lincoln and Gail Bode, the owners of 566 Hillside Avenue, and Daryl Drake, architect, 422 Phillips Avenue, Glen Ellyn, Illinois were present to speak on behalf of the variation request. Mr. Drake stated that the subject home which is an interesting historic home was built approximately 10 feet in front of the road in 1894 prior to zoning in Glen Ellyn. The homes on either side of the subject home were built in approximately the same position on the street in the 1950's. Mr. Drake stated that the petitioners would like to fix the outside of the house but were required to appear before the ZBA in order to gain permission to repair the porch. Mr. Drake stated that the porch roof swales approximately 7 inches and the deck also slopes approximately 7 inches which creates an unsightly and unsafe condition. He added that the stairs and railing are at incorrect heights. Mr. Drake stated that the homeowners would like to remove the posts and replace or possibly re-use the posts, and the front railing would be raised to the proper required height. The deck would then be built to modern codes and would almost entirely maintain the original architectural structure. Displaying an elevation, Mr. Drake stated that the west end of the roof currently hips up, however, the homeowners and he would like the roof to go straight back which is believed to be the original design. Mr. Drake stated that the Historical Society and the Village Building Department would like to use this home as an example of how to save other similar houses from having to go through the variation process. Mr. Drake stated that the hardship regarding this home is that the front is falling apart and needs to be repaired.

Lincoln Bode stated they have owned the subject property since 1994 and have spent a great deal of money renovating the inside of the home. Mr. Bode stated that they would now like to work on the outside of the home. Gail Bode stated that they would like to stabilize their home and bring it up to code.

Responses to Questions from the ZBA

The ZBA members had no questions for the Building and Zoning Official or the petitioners.

Persons in Favor of or in Opposition to the Petition

Building and Zoning Official Joe Kvapil distributed a letter from Rinda Allison of 537 Hillside Avenue, Glen Ellyn, Illinois in favor of the proposed variation request. No persons spoke in favor of or in opposition to the petition being requested.

Comments from the ZBA

All of the ZBA members present were fully supportive of the requested zoning variation and felt that the hardship is the location of the original placement of the home on the lot.

Motion

Board Member Fried moved, seconded by Ms. Ozog, to grant permission to the petitioners to reconstruct the front porch of the historic home at 566 Hillside Avenue because safety issues exist, the lot is nonconforming and the location of the repaired porch will not change. Ms. Fried stated that if the variation is not approved, the homeowners will lose their historical front porch. The recommendation for approval was based on the condition that the construction is in compliance with the plans as submitted at this public hearing

The motion carried unanimously with four (4) "yes" votes as follows: Board Members Fried, Ozog, Siligmuller and Acting Chairman Kolar voted yes.

PUBLIC HEARING – 780 HARDING AVENUE

A REQUEST FOR A ZONING VARIATION FROM THE MAXIMUM HEIGHT REQUIREMENTS FOR A NEW FENCE IN THE REQUIRED FRONT, SIDE AND REAR YARDS.

(Joseph and Roxanne Simon, owners)

Staff Report

Building and Zoning Official Joe Kvpil stated that Joseph and Roxanne Simon, the owners of the property at 780 Harding Avenue, are requesting a variation from the Glen Ellyn Zoning Code, Section 10-5-5(B)4, Item 11, to allow the construction of a solid wood fence that is 8'6" high in the front, side and rear yards along the east property line. The Zoning Code does not allow a fence to be less than 50% open in the front yard or to exceed 4'0" high in the front yard or 6'6" high in the side and rear yards. Mr. Kvpil displayed photographs of the subject house which is located on an interior lot and explained that the home complies with all current zoning requirements. He also displayed a zoning map and described the surrounding land uses. Mr. Kvpil stated that Village records indicate that one permit was issued for the home constructed in 2008 at the subject property and no variations have been granted. Mr. Kvpil explained that the property to the east of the subject property is a 2-1/2-story condominium building that has balconies and significant amounts of glass facing towards the west. Mr. Kvpil explained that the condominium building is at a higher elevation than the subject property by approximately 4-5 feet and that no screening is required nor exists between the two properties.

Petitioners' Presentation

Roxanne Simon, the petitioner, of 780 Harding Avenue, Glen Ellyn, Illinois summarized the three variations her family is requesting to the existing code. Ms. Simon stated that they are requesting a solid fence to be 2 feet higher than the 6 feet 6 inches allowed per code, and they would like to install the fence to the front property line. The Zoning Code does not allow a fence to be less than 50% open in the front yard or exceed 4 feet 0 inches high in the front yard or 6 feet 6 inches high in the side and rear yards. Regarding

hardships, Ms. Simon displayed a side view of their home and stated that the 2-1/2-story condominium property next door is 2 feet higher than her property and she would like to make up some of the difference related to the 2-foot elevation change. Ms. Simon added that her family would like more privacy as some condominium units with glass areas face the front, side and rear of their home. She added that the addition of a fence would also keep neighbors' dogs out of their yard and afford some condominium owners more privacy. Ms. Simon also stated that they would like a privacy fence in their front yard to block noise from Route 53. Ms. Simon stated that their only option regarding adding privacy screening to the 7-foot side of their home would be to add a fence in their yard or ask their neighbor to install fencing. Ms. Simon stated that all of her neighbors are very supportive of their variation request although one neighbor did not sign a petition because they did not know if their condo association would approve.

Responses to Questions from the ZBA

Mr. Kvapil responded to Mr. Kolar that the condominium building was in existence prior to the subject property which was built on a vacant lot in 2008. Mr. Kvapil responded to Mr. Siligmuller that there is no limit to the height of landscape material except for vision obstruction at corners. Mr. Kvapil responded to Ms. Kolar that a dog issue is considered to be a nuisance that would be handled by the police. Ms. Fried commented that people on the second floor of a condominium building would be able to see into the petitioners' property even with an 8-foot fence, and Ms. Simon responded that the fence would provide privacy when everyone is outdoors. Ms. Simon added that the elevation differential would also cause the fence to seem shorter in height compared to the property next door. Mr. Kvapil responded to Mr. Siligmuller that the condominium building could have a 6-1/2 foot high fence on the rear and side if Harding Avenue was vacated. Mr. Siligmuller responded to Mr. Kolar that information regarding whether or not Harding Avenue is vacated will be available for the Village Board members at their meeting. Mr. Kvapil responded to Ms. Fried that the petitioners could landfill their property two feet high and then install the fence on top of that land, however, that process would be costly.

Persons in Favor of or in Opposition to the Petition

Travis and Jennifer Ledet, 775 Wilson Avenue, Glen Ellyn, Illinois spoke in favor of the proposed fence request. Mr. Ledet stated that installing a fence would help their older dog who has a bad leg to be protected from the petitioners' dog. He added that a fence would also help to screen from view the industrial look of the condominium building. Neil and Martha Bokemeier, 210 N. Cass Avenue, Westmont, Illinois stated that they spend a lot of time visiting the Simon residence and that they hear noise from the road when outdoors. Mr. Bokemeier stated that the Simons' have spent a lot of time and money upgrading the outside area of their home. He feels that a fence would offer some privacy so that the Simons' could feel they have their own back yard. Ms. Bokemeier added that a fence would be beneficial to offer privacy as neighbors pass by on foot within 15 feet of the Simons' home.

Comments from the ZBA

Mr. SiligmueLLer felt conflicted regarding the petitioners' request for a fence that is 8 feet 6 inches high in the front, side and rear yards because the petitioners were aware of the condominium building next door when they bought their house. Mr. SiligmueLLer felt that a 6.6-foot fence that meets the Zoning Code regulations would be effective to improve privacy issues as well as issues with their dog disturbing neighbors. Ms. Fried also felt that the requested fence is too tall and recommended that the petitioners plant tall bushes to allow privacy on their property. Ms. Ozog stated that nuisances sometimes become apparent after one moves into a house and was supportive of the petitioners' request. She stated that the hardship regarding this request is the slope of the lot and that the slope does not allow the fence to appear to be 8 feet in height. Ms. Ozog also felt that a fence rather than bushes would help with the noise reduction issue as noise from the street is a problem. Ms. Ozog stated that this unique situation does not set a precedent because of the proximity of the subject house to a condominium building and Route 53. Ms. Ozog added that support has been received from condominium owners and no objections were received from condominium owners. Mr. Kolar was not in favor of increasing the size of the petitioners' fence from the standard code height and stated that plantings could also be added. Mr. Kolar also stated that the Village Board could review transitional issues between single-family and multi-family homes.

Motion

Ms. Fried moved, seconded by Board Member Ozog, to continue the public hearing to June 26, 2011, when additional ZBA members may be present to vote in favor of the proposed project. The motion carried unanimously by voice vote.

Trustee Report

Trustee Cooper provided information regarding the lack of electrical power in the Village due to the heavy storm. He also stated that today was the first day of employment for Mark Franz, the new Village Manager of Glen Ellyn. Trustee Cooper also reported on four (4) water main failures at Roosevelt Road and Park Boulevard and continuing issues at the College of DuPage.

Staff Report

Mr. Kvapil reviewed upcoming agenda items scheduled for the July 26, 2011 ZBA meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:05 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official