

ZONING BOARD OF APPEALS
MINUTES
AUGUST 23, 2011

The meeting was called to order by Acting Chairperson Barbara Fried at 7:30 p.m. Board Members Gregory Constantino, Gary Fasules, Mary Ozog and Dale SiligmueLLer were present. Board Member Ed Kolar and Chairman Rick Garrity were excused. Also present were Trustee Liaison Peter Cooper, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Acting Chairperson Fried described the proceedings of the Zoning Board of Appeals.

Board Member Ozog moved, seconded by Board Member Constantino, to approve the minutes of the July 12, 2011 and July 26, 2011 ZBA minutes. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 325 Windsor Avenue.

PUBLIC HEARING – 325 WINDSOR AVENUE

A REQUEST FOR APPROVAL OF A ZONING VARIATION REQUEST FROM THE GLEN ELLYN ZONING CODE, SECTION 10-5-4(A)4c, TO ALLOW THE CONSTRUCTION OF A ONE-CAR DETACHED GARAGE THAT IS 2.56 FEET FROM THE RIGHT SIDE YARD LOT LINE, 4 FEET FROM THE LEFT SIDE YARD LOT LINE AND 10 FEET FROM THE REAR LOT LINE IN LIEU OF THE MINIMUM REQUIRED SIDE AND REAR LOT LINE SETBACK OF 13.5 FEET.

(Phillip and Shannon Damato, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Phillip and Shannon Damato, owners of the property at 325 Windsor Avenue, are requesting one variation from the Glen Ellyn Zoning Code to allow the reconstruction of an existing one-car detached garage of the same size and at the same location as the existing garage. Mr. Kvapil stated that the variation is necessary because the existing garage does not meet the minimum side and rear yard setbacks. Mr. Kvapil displayed a photograph of the subject house and stated that the property is on an interior lot on the east side of Windsor Avenue in the R2 Zoning District. He also stated that the subject property is not in a designated flood area. Mr. Kvapil added that four building permits have been granted for the subject property and no prior zoning variations have been granted. Mr. Kvapil displayed a map of the subject property and surrounding area. Mr. Kvapil also stated that the public hearing notice and staff report contained an error regarding the required setback which should have been 6.75 feet instead of 13.50 feet. He added that republishing the notice is unnecessary because correction of the error actually reduces the variation requested. Board Member Ozog pointed out that in the Zoning Variation Table, the right and left side yard setbacks should be corrected to reflect the 6.75-foot requirement and that the rear yard “point” setback subsequently would be eliminated. Mr. Kvapil agreed that the

detached garage would be 2.56 feet from the right side yard lot line and 4 feet from the left side yard lot line, both of which would require a variation. Mr. Kvapil stated that building a new garage in the same location as the existing deteriorated garage requires a variation.

Mr. Kvapil stated that the pie shape of the subject lot results in an unusually wide lot width and a fairly small rear yard area. He added that the area of the required rear yard is approximately 1,000 square feet and that the required rear yard area of a normal 66-foot wide lot would be 2,640 square feet.

Petitioners' Presentation

Philip Damato, owner of the subject property at 325 Windsor Avenue, Glen Ellyn, Illinois, displayed a photograph of the deteriorated garage on his property which he believes was built in 1948. Mr. Damato stated that building a new garage near the middle of his yard would meet the Village zoning requirements, however, building at that location would eliminate the living space in the yard. Mr. Damato stated that he is asking for permission to demolish his existing garage and build an exact duplicate in the same location. Mr. Damato displayed a photograph of his and his neighbor's garages and stated that his neighbor would like Mr. Damato to replace his existing deteriorated garage. Mr. Damato added that the garage would look skewed if it was built 6-1/2 feet from the property line. Mr. Damato also added that he is not comfortable with his children currently being in the garage nor with parking his car in the garage due to its deteriorated condition.

Responses to Questions from the ZBA

Mr. Damato responded to Board Member Constantino that the existing garage is dangerous because there are a number of holes in the roof, the garage is leaning, the rear of the garage is shored up with plywood and there is mold, water damage and cracked concrete in the garage. Mr. Damato added that the driveway will remain as is. Mr. Damato also responded that there will be no water drainage problems to impact the neighbors and that the new garage will be the same height as the existing garage.

Persons in Favor of or in Opposition to the Petition

David Leach, 252 Sawyer Avenue, Glen Ellyn, Illinois stated he has no objection to the proposed garage being built as he feels it would be safer than the current garage which is leaning.

Comments from the ZBA

The ZBA members were supportive of the proposed garage because they felt that the pie shape of the lot is a practical difficulty which limits the location of the garage and the small yard would be eliminated if the garage was relocated. They also felt that unusual circumstances regarding this project are the wide frontage of the lot that creates a wider

side yard requirement. The ZBA members also were in favor of the proposed project because the neighbors are supportive and there are no apparent adverse effects that would be caused regarding drainage issues.

Motion

Board Member Constantino moved, seconded by Board Member Siligmuller, to recommend that the Village Board approve a variation at 325 Windsor Avenue for a variation from Section 10-5-4(A)4c of the Glen Ellyn Zoning Code to allow the construction of a one-car detached garage that is 2.56 feet from the right side yard lot line and 4 feet from the left side yard lot line in lieu of the minimum required side lot line setback of 6.75 feet. The reasons for the recommendation of approval of the proposed garage are the unique shape of the lot, the potential loss of the back yard, the unique circumstances created by the pie shaped wide frontage, the proposed garage will be the exact same size and height as the existing garage and will alleviate the hazardous condition of the existing building and the existing condition was not created by the property owner.

The motion carried unanimously with 5 “yes” votes as follows: Board Members Constantino, Siligmuller, Fasules, Ozog and Acting Chairman Fried voted yes.

Trustee Report

Trustee Cooper updated the ZBA regarding the proposed widening of Hawthorne Boulevard and a variation presented to the Village Board regarding a property on Harding Avenue.

Staff Report

In response to Acting Chairperson Fried, Mr. Kvpil updated the ZBA members regarding the College of DuPage.

Mr. Kvpil stated that a notation will be added to the Notice of Public Hearing in the future stating, “Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.” Mr. Kvpil stated that this statement is included for Plan Commission projects and that the notation is also applicable to the ZBA process.

Mr. Kvpil stated that the next regularly scheduled ZBA meeting will be cancelled.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:20 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official