

ZONING BOARD OF APPEALS
MINUTES
DECEMBER 13, 2011

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

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

Board Member Fried moved, seconded by Board Member Ozog, to approve the minutes of the November 8, 2011 ZBA minutes. The motion carried unanimously by voice vote.

Two public hearings were on the agenda for properties at 588 Maple Street and 885 Glen Oak Avenue.

PUBLIC HEARING – 588 MAPLE STREET

A REQUEST FOR APPROVAL OF A ZONING VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(E)1, TO ALLOW THE CONSTRUCTION OF A ONE-STORY ADDITION TO AN EXISTING HOME THAT RESULTS IN A LOT COVERAGE RATIO OF 22.2% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% FOR A TWO-STORY HOME.

(Susan and Francesco Cristiano, owners)

Staff Report

Building and Zoning Official Joe Kvpil stated that Susan and Francesco Cristiano, owners of the property at 588 Maple Street, are requesting one variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a one-story addition to the existing home that results in a lot coverage ratio of 22.2% in lieu of the maximum permitted lot coverage ratio of 20%. Mr. Kvpil displayed photos of the existing home and a location map. He stated that the subject home is in the R2 Residential zoning district and is defined as an interior lot on the north side of Maple Street between Forest Avenue and Park Boulevard. He added that the land use surrounding the subject property is single-family residential. Mr. Kvpil displayed a site plan with the proposed one-story addition highlighted. Mr. Kvpil added that a variance was granted in 1994 to allow an addition that did not meet the side yard setback requirements, and he displayed an outline of that addition on the site plan. He added that other improvements had been made to the subject home prior to the 20% lot coverage ratio being approved by the Village.

Mr. Kvpil stated that the owners propose to construct a one-story mud/laundry/utility room addition with an area of 101 square feet to the side and rear of the home. Mr. Kvpil explained that the existing lot coverage ratio is a nonconforming 21.2% and the

proposed addition will increase the lot coverage ratio to a nonconforming 22.2% which requires a variation.

Petitioners' Presentation

Susan and Francesco Cristiano, the homeowners at 588 Maple Street, Glen Ellyn, Illinois, Lance Weber, Architect, 2090 Jericho Road, Aurora, Illinois and Walt Arway, Riteway Custom Homes, 540 Duane Street, Glen Ellyn, Illinois were present to speak on behalf of the subject variation. Mr. Cristiano stated that they would like to build an addition because there is currently no side entrance to the home and a deck is located at the rear which makes entry difficult for their children when snow is on the ground. He stated that the addition would also have storage space for their children as there is currently no closet on the first floor of the home. Mr. Cristiano stated they believe the space they plan to convert was formerly a screened-in porch area. Ms. Cristiano stated that she would appreciate a first floor laundry area for safety reasons as it is difficult to use the existing second-floor laundry room with three small children in the home. She added that having a laundry area only on the second floor is a practical difficulty. Ms. Cristiano also stated that not having a side door is a safety issue as she does not want the children entering the home via the front door when they return from school in the future.

Responses to Questions from the ZBA

Mr. Kvapil verified for Chairman Garrity that the petitioners would not require a variation if their garage was detached. Ms. Cristiano responded to Board Member Constantino that all of their immediate neighbors are supportive of the variation request. Architect Lance Weber responded to Board Member Constantino that no water will drain onto the neighbors' property to the west from the Cristianos' property as the neighbors' land is higher than the petitioners' land and there is a retaining wall between the two properties. Mr. Weber added that the back wall of the subject family room and proposed mud room drops off sharply into the back yard. Mr. Weber also responded to Board Member Constantino that no impact on light or air will occur when the addition is constructed and that the proposed addition is minimal. Mr. Arway added that the ridge height of the existing structure will not raise at all with the new addition, and Mr. Weber added that the view from the neighbor to the west will not change.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the petition.

Comments from the ZBA

The ZBA members were in favor of the variation request. Board Member Constantino stated that the variation request is minimal, the neighbors are supportive of the petitioners' request, no drainage issues exist, and there are no adverse effects regarding light or air. Board Member Fried felt that safety and security issues exist as there is no entrance at the side of the home for the petitioners' three small children to enter.

Motion

Board Member Constantino moved, seconded by Board Member Ozog, to recommend that the Village Board approve a variation from Section 10-4-8(E)1 of the Zoning Code at 588 Maple Street to allow the construction of a one-story addition to the existing home that results in a lot coverage ratio of 22.2% in lieu of the maximum permitted lot coverage ratio of 20%. The recommendation for approval is based on the neighbors' approval of the request, no drainage issues exist, no adverse effects exist regarding light or air and the proposed construction will be a minimal amount in excess of the lot coverage ratio requirement. Board Member Constantino added that as a condition of approval, all construction must meet the setback requirements of the property.

The motion carried unanimously with four (4) yes votes and zero (0) no votes as follows: Board Members Constantino, Ozog, Fried and Chairman Garrity voted yes.

PUBLIC HEARING – 885 GLEN OAK AVENUE

A REQUEST FOR APPROVAL OF A CONSTRUCTION NECESSITATED VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-5-5(B)4, ITEM 18, TO ALLOW AN IN-GROUND SWIMMING POOL, PREVIOUSLY CONSTRUCTED, WITH A 52.6% IMPERVIOUS SURFACE COVERAGE OF THE REAR YARD IN LIEU OF THE 50% MAXIMUM PERMITTED IMPERVIOUS SURFACE COVERAGE OF THE REAR YARD.

(R. Michael and Valerie O'Dea, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that R. Michael and Valerie O'Dea, the owners of the property at 885 Glen Oak Avenue, are requesting approval of a construction necessitated variation from the Glen Ellyn Zoning Code, Section 10-5-5(B)4, Item 18, to allow an in-ground swimming pool, previously constructed, with 52.6% impervious surface coverage of the rear yard in lieu of the 50% maximum permitted impervious surface coverage of a rear yard. Mr. Kvapil stated that the subject property is located in the R2 Zoning District and is defined as an interior lot on the south side of Glen Oak Avenue between Hill Avenue and Spring Avenue. The zoning and land use surrounding the subject property is single-family residential. Mr. Kvapil stated that no variations have been granted for the subject property and several permits have been issued for this property.

Mr. Kvapil stated that the originally submitted plans included a plat of survey that indicated a pool setback of 10 feet from the rear lot line, and he displayed a plat of survey which showed the 10-foot dimension. It was then determined by the Village Plan Reviewer that the impervious surface would exceed the maximum of 50 percent allowed, and the plan was not approved by the Building Department. Mr. Kvapil stated that a site plan was resubmitted that corrected the non-compliant condition and moved the swimming pool area farther from the rear property line so that the rear part of the pool deck is scaled at 19 feet 1 inch from the rear property line. A building permit was

subsequently approved and issued. Mr. Kvapil added that the originally rejected plat of survey was also approved with a condition to refer to the site plan for pool and equipment setbacks. Mr. Kvapil then stated that at a subsequent inspection, it was discovered that the rear line of the pool deck area was constructed at a dimension of 14 feet 2 inches from the rear property line which doesn't correspond to the approved site plan of 19 feet 1 inch. Mr. Kvapil added that the maximum impervious surface area also was not met. Mr. Kvapil stated that the petitioner was notified to either remove impervious surface area in the rear yard to bring it to the 50% maximum or proceed with the construction necessitated variation. He displayed a diagram of the subject project and stated that 68 square feet of impervious surface would need to be removed to bring the project into compliance.

Petitioners' Presentation

Valerie and Michael O'Dea, owners of 885 Glen Oak Avenue, and Don and Cindy Lauterbach, pool builders, 8S450 River Drive, Naperville, Illinois were present. Ms. O'Dea stated that they are approximately 55 feet over the allowed impervious surface and she stated they passed an inspection at a critical point when they could have made changes to correct the situation. She stated that if the pool deck concrete is removed, the pool cover mechanisms will no longer be functional which is a safety hazard. She also stated that if too much of the pool deck is removed, there will be no access to the pool except for dirt or grass and that resale of the home would be difficult with no pool decking. Ms. O'Dea stated that they have approached their neighbor to the south about purchasing additional land, however, the neighbor was not interested in selling. She stated that they have explored moving their garage, however, are not sure it would survive a relocation. She distributed three letters from neighbors who verified that water is not a problem in their area. Ms. O'Dea stated that her builders and she are ethical people and would not have deliberately built the pool in the wrong location.

Responses to Questions from the ZBA

Mr. Kvapil responded to Board Member Fried that the Village has not found a product that meets its standards for impervious surface requirements but that 50% paver and 50% open space would be an acceptable alternative for this project. Board Member Constantino asked if any objection was made by the Village prior to the final inspection, and Mr. Kvapil stated that no errors were noted when inspections were done prior to the concrete being poured. Ms. O'Dea responded to Board Member Constantino that they do not feel they can remove the driveway apron due to a potential loss of integrity. Mr. Kvapil responded to Board Member Ozog that no comments regarding the subject variation request were received by the Village.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the petition.

Comments from the ZBA

The ZBA members were supportive of the subject variation request. Although somewhat conflicted, Board Member Constantino felt that it would be safer to allow the pool than to repair it. He also stated that, in an effort to solve their problem, the petitioners unsuccessfully attempted to purchase additional land or relocate the garage which is not feasible. He also was concerned that the excavation discrepancy was not pointed out during the plumbing inspection. Board Member Fried was concerned that the pool error was made without the Village being aware of the problem and recommended inspections as a project progresses. Board Member Ozog stated that it is important that the Village look at projects with two parts, however, she was supportive of the project as she felt there was no intent on the part of the pool builders or homeowners.

Motion

Board Member Constantino moved, seconded by Board Member Ozog, to recommend that the Village Board approve a construction-necessitated variation from Section 10-5-5(B)4, Item 18, of the Zoning Code at 885 Glen Oak Avenue to allow an in-ground swimming pool, previously constructed, with a 52.6% impervious surface coverage of the rear yard in lieu of a 50% maximum permitted impervious surface coverage of the rear yard. The recommendation for approval was based on the fact that an automatic existing safety cover would be rendered useless if any attempt to correct the problem was made at the rear of the pool, the petitioners have attempted to solve the problem by purchasing some property to the south, however, were unsuccessful, no drainage problem currently exists, their existing garage is too old to be moved and the homeowner stated there was no intention not to comply with the code.

Mr. Kvapil suggested that the homeowners be required to have the Village stormwater engineer review a revised plan to see if any changes may be required because of the different location of the impervious surface. Ms. Ozog questioned Mr. Kvapil's suggestion as there have been no water problems from the subject site since the pool was built. Trustee Cooper added that he believed the Trustees would want an engineer to review the project to determine if a further stormwater plan is necessary. Ms. O'Dea added that although the pool cover was not intended to be installed to trap stormwater, its 740 feet of space traps water on top of the pool and the water is then pumped back into the swimming pool or used to water plants in the yard.

The motion carried unanimously with four (4) "yes" votes and zero (0) "no" votes as follows: Board Members Constantino, Ozog, Fried and Chairman Garrity voted yes.

Trustee Report

Trustee Cooper spoke regarding two antennae projects located on the Cottage Avenue Water Tower that were voted on at last night's Village Board meeting. He also stated

that a Fresh Market project will be reviewed for the former Packey Webb site on Roosevelt Road. He also updated the ZBA on the College of DuPage situation.

Staff Report

Mr. Kvapil stated one variation is on the agenda for the January 10, 2012 meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:07 p.m.

Submitted by:

Barbara Utterback

Recording Secretary

Reviewed by:

Joe Kvapil

Building & Zoning Official