

ZONING BOARD OF APPEALS  
MINUTES  
JANUARY 10, 2012

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Board Members Gregory Constantino, Gary Fasules, Barbara Fried, Edward Kolar, 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.

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 December 13, 2011 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 621 Forest Avenue.

PUBLIC HEARING – 621 FOREST AVENUE

A REQUEST FOR APPROVAL OF A ZONING VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW THE RECONSTRUCTION OF AN EXISTING STRUCTURE WITH A SIDE YARD SETBACK OF 6.37 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 9 FEET WHEN MORE THAN 75% OF THE EXTERIOR WALL AND ROOF AREA OF THE EXISTING HOME WILL BE STRUCTURALLY ALTERED.  
*(Steve and Melisa Knez, owners)*

Staff Report

Building and Zoning Official Joe Kvpil distributed a letter from James and Colleen Helenhouse, 629 N. Park Boulevard, Glen Ellyn, Illinois that requested the subject property owners to implement a water retention field on the property to prevent run-off and redirection if their plans are to build a larger house on the subject lot.

Mr. Kvpil stated that Steve and Melisa Knez, the owners of the property at 621 Forest Avenue, are requesting one (1) variation from Section 10-4-8(D)3 of the Glen Ellyn Zoning Code to allow the reconstruction of an existing home with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home has been structurally altered or, in this case, removed. Mr. Kvpil displayed a map and plat of the subject property and added that the property is located on the east side of Forest Avenue between Linden Street and Hawthorne Boulevard in the R2 Residential District. He stated that no date was available regarding the construction of the subject home, however, the second floor addition was constructed in 1965. He added that no previous zoning variations have been granted for the subject property. Mr. Kvpil described the location of a bird sanctuary across the street from the subject property. He also indicated the location of a dry creek bed that transmits water when it rains which begins near the bird sanctuary area and

crosses Forest Avenue underground and comes up onto the property at 631 Forest Avenue, flows across the property at 627 Forest Avenue, goes underground at Park Boulevard and resurfaces and flows across the property at 623 Park Boulevard.

Mr. Kvapil displayed a photograph of the demolished house which currently has a foundation in its place. Mr. Kvapil explained that a permit had been applied for which indicated that less than 75% of the exterior walls and roof would be altered or removed. However, a permit was issued during the demolition of the structure in preparation for the alteration/addition because more than 75% of the exterior walls and roof were removed. Mr. Kvapil stated that all requirements of the building and zoning codes for a new home on the site then applied, including a sprinkler system. Mr. Kvapil stated that the setback line for any new construction on the site is 9 feet from the side yard property line, however, a portion of the foundation in the southeast corner of the existing home is 6.37 feet from the side property line which necessitates the petitioners' variation request. Mr. Kvapil added that the requested variation is for a small triangle that is 10 feet long by 3 feet deep or approximately 15 square feet that encroaches into the side yard setback. He stated that the subject request is not a construction-necessitated variation request because construction has not occurred in the nonconforming area. He added that if the petitioners would like to proceed with construction on the existing foundation, they will need to apply for and receive approval for the subject variation.

Mr. Kvapil stated that the stormwater and grading plan submitted for the subject property has been reviewed and approved by the Village stormwater engineer. He added that a retaining wall will be constructed that will support the driveway. He also added that stormwater will flow toward Forest Avenue and that the downspouts from the new addition will flow into four flow wells. Mr. Kvapil stated that a tree preservation plan has been reviewed and approved by the Village landscape consultant. He added that if the location of the subject house conformed to the Zoning Code, a number of existing trees would have been impacted.

Mr. Kvapil stated that the petitioner has amended the current building permit application to eliminate the nonconforming corner of the building, however, they are currently requesting the subject variation to retain the existing foundation and reconstruct the building over that foundation.

Mr. Kvapil added that a nearby homeowner had contacted the Building and Zoning Department regarding the subject project and stated they were concerned about stormwater which they hoped would not cause problems.

#### Petitioners' Presentation

Steve and Melissa Knez, owners of the property at 621 Forest Avenue, and Ken Nunkovich, the builder, of 1707 S. Thompson, Wheaton, Illinois were present. Mr. Knez stated that he and his wife would like to keep the character of their lot in the neighborhood, retain as many trees on their lot as possible and build a home of approximately 3,000 square feet with no variances. Mr. Knez stated that as excavation

began under their garage, it was discovered that the back walls behind the existing one-car garage did not have proper footings for support. He stated that the garage in the new plan would be lowered, however, there was nothing there to support the walls so they were removed. Mr. Knez stated they were shocked when they learned that their construction class changed from a Class II to a Class III. Mr. Knez stated that one of the hardships is the extreme slope of their lot that drops off quickly near the creek which makes it difficult to move the house in that direction. He added that another hardship would be the substantial cost of moving the foundation as excavation has been done and the character of the lot would be lost. Mr. Knez added that part of the reason they bought their home was because of the bird sanctuary across the street. Mr. Knez stated that they will cut a corner off of their home if they are not granted a variance although an aesthetic hardship would then be created for their neighbors. Ms. Knez distributed a petition with seven (7) signatures in support of the subject variation request and a letter from Ted and Judy Moody of 617 Forest Avenue also in support of the variation request. Mr. Nunkovich, the petitioners' builder, reiterated that an additional portion of the house was removed because it was not structurally sound as proper footings were not under the wall. Mr. Knez added that once their construction became a Class III, they decided to remove the brick wall in order to install new framing and insulation. Mr. Nunkovich added that the existing foundation will be used.

#### Responses to Questions from the ZBA

Mr. Kvapil responded to Board Member Constantino that the original application indicated that less than 75 percent of the exterior wall and exterior roof surfaces of the existing home would be removed. Mr. Kvapil then responded that removing more walls/surfaces than requested requires adding a fire sprinkler system and compliance with all of the current building and zoning codes. Mr. Kvapil responded to Board Member Constantino that a request to amend the application was made after the demolition occurred. Mr. Kvapil verified for Board Member Constantino that no variations would be required for the subject property if the petitioners chose not to proceed with construction in the nonconforming area. He also stated that a Village stormwater engineer stated that there would be no difference regarding improvement to stormwater conditions if the home was moved so that it was not in the south side yard setback. Mr. Kvapil responded to Board Member Fried that approximately half of the existing foundation will be used for the new home and that the variation is being requested for the existing foundation portion of the home. Mr. Kvapil responded to Board Member Kolar that the nearby bird sanctuary has no connection to the subject property. Mr. Kvapil responded to Board Member Kolar that an error occurred when more of the house was torn down than was stated and that the existing remaining walls could either be retained or removed. Mr. Kvapil responded to Board Member Ozog that the Village stormwater engineer has stated that the petitioners' plan satisfies the DuPage County Stormwater Ordinance requirements. Mr. Kvapil responded to Board Member Ozog that he is unaware of the creek in the area flooding and stated that a nearby homeowner stated there have been no problems with the creek although sediment should be removed by the owner. Board Member Constantino asked about the comparison between the previous and new homes regarding property elevation. Ms. Knez responded that the second floor

of the previous house was only at the back half of the house and the front end sloped up. She added that the new house will have a second floor that will be below the second floor of 617 Forest Avenue so light will not impede the second floor of that house. Mr. Nunkovich added that the ridge height of the new portion of the house will abide by the maximum height allowed in the Village which will be significantly lower than the house at 617 Forest Avenue. Mr. Nunkovich responded to Board Member Constantino that he did not know what the difference is between the new ridge height and the original ridge height. Mr. Kvapil added that the new roof may add bulk to the appearance but the first and second floors are essentially the same within the triangular encroachment area. Mr. Knez responded to Board Member Kolar that the garage problem was at the northeast corner which had nothing to do with the corner in question.

#### 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

Board Member Constantino stated he had been skeptical but felt that all items had been addressed by the petitioners. He felt that during the demolition process, the petitioners realized that the existing conditions would require removal of more of the existing home than was originally planned. He also stated that the petitioners wanted their home placed on the lot where the trees would not be removed which would change the character of the lot. Board Member Constantino felt that the new home would have no adverse effect on the lot, drainage or the character of the surrounding neighborhood. He also felt that the subject lot is a hardship because of its extreme slope to the north. Board Members SiligmueLLer, Fasules, Fried, Ozog and Kolar also supported the variation request, and Board Member Kolar added that he was supportive of the variation request because of its minimal size of 15 square feet.

Board Member Fried moved, seconded by Board Member Kolar, to close the public hearing. All ZBA members voted aye.

#### Motion

Board Member Constantino moved, seconded by Board Member Fried, to recommend that the Village Board approve a variation for Steve and Melisa Knez, owners of property at 621 Forest Avenue, from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the reconstruction of an existing structure with a side yard setback of 6.37 feet in lieu of the minimum required side yard setback of 9 feet when more than 75% of the exterior wall and roof area of the existing home will be structurally altered based on the hardships and unique circumstances involving the extreme slope of the property to the north and the potential loss of trees if the house is relocated. Board Member Constantino added that the subject variation would not create a nuisance or have an adverse effect on drainage as drainage issues related to the new construction have been addressed. He also

recommended that the drainage plans for the structure be in compliance with the application submitted.

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

#### Trustee Report

Trustee Cooper stated that a schedule and process have been arranged for Village Board public hearings regarding the Memorial Field project at Glenbard West High School. He also stated that a public hearing was held regarding a TIF District in Glen Ellyn as part of the downtown strategic plan. Trustee Cooper also stated that voting recently occurred regarding the redevelopment of the clubhouse facilities at the Village Links. Trustee Cooper also asked the ZBA members for input regarding what they feel the proper role of the Village Board of Trustees is in considering the variance petitions from School District 87. Board Member Fried responded that community input regarding that project has been huge and the community input and cost is what should be reviewed. Board Member Kolar felt that it is unknown what the community as a whole feels about the School District 87 project. Board Member Ozog stated that there will be a referendum regarding the School District 87 project.

#### Staff Report

Mr. Kvapil stated that the next regularly scheduled ZBA meeting will be cancelled. The meeting that was scheduled for February 14, 2012 will be moved to another day due to Valentine’s Day, and Mr. Kvapil reviewed the agenda for that upcoming meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:45 p.m.

Submitted by:  
Barbara Utterback  
Recording Secretary

Reviewed by:  
Joe Kvapil  
Building & Zoning Official