

ZONING BOARD OF APPEALS
MINUTES
FEBRUARY 16, 2012

The meeting was called to order by Chairman Richard Garrity at 7:32 p.m. Board Members Gregory Constantino, Gary Fasules, Barbara Fried, Edward Kolar, Mary Ozog, Dale SiligmueLLer and Piotr Szesesniewski were present. 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. He also introduced new ZBA member Piotr Szczesniewski who is a College of DuPage student.

Board Member Fried moved, seconded by Board Member Kolar, to approve the minutes of the January 10, 2012 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 567 Lake Road.

PUBLIC HEARING – 567 LAKE ROAD

A REQUEST FOR APPROVAL OF A SEVEN (7) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(N)1 TO CONSTRUCT TWO NEW DORMER ADDITIONS WHICH HAVE FRONT YARD SETBACKS OF 8 FEET AND 22 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 25 FEET. 2. SECTION 10-5-5(B)4, TABLE ITEM 4, TO CONSTRUCT THREE NEW BALCONIES WHICH HAVE FRONT YARD SETBACKS OF 5 FEET, 13 FEET AND 21 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 30 FEET. 3. SECTION 10-5-5(B)4, TABLE ITEM 8, TO CONSTRUCT A NEW FIREPLACE CHIMNEY WHICH HAS A FRONT YARD SETBACK OF 9 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 28 FEET. 4. SECTION 10-5-5(B)4, TABLE ITEM 29, TO CONSTRUCT AN OUTDOOR FIREPLACE WHICH HAS A FRONT YARD SETBACK OF 22 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 30 FEET. 5. SECTION 10-5-5(B)4, TABLE ITEM 33, TO CONSTRUCT AN EXTERIOR STAIR 4 FEET 6 INCHES IN HEIGHT IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 4 FEET IN A CORNER SIDE YARD SETBACK. 6. SECTION 10-5-5(B)4, TABLE ITEM 36, TO CONSTRUCT A RAISED PATIO AVERAGEING OVER 3 FEET ABOVE THE ADJACENT GRADE IN LIEU OF THE MAXIMUM PERMITTED HEIGHT AVERAGEING LESS THAN 3 FEET ABOVE GRADE. 7. SECTION 10-5-11(B)2 TO CONSTRUCT TWO DRIVEWAY APPROACHES IN LIEU OF ONE DRIVEWAY APPROACH PERMITTED ON INTERSECTING STREETS ON A THROUGH CORNER LOT.

Staff Report

Building and Zoning Official Joe Kvapil stated that Tom and Katherine Condon, the owners of 567 Lake Road, are requesting seven (7) variations from the Glen Ellyn Zoning Code and he displayed a photo of the subject property. Mr. Kvapil also displayed an existing site plan of the existing house.

Mr. Kvapil stated that the requested variations include front yard setback requirements for dormers, balconies, a fireplace chimney and an outdoor fireplace, a maximum height requirement variation for the exterior stair and a raised patio, and a variation request for two street approaches to the subject lot. He stated that the subject property is in the R2 zoning district. The property is defined as a corner through lot on the north side of Crescent Boulevard and the zoning and land use to the north and south are Conservation Recreation including Lake Ellyn Park. R2 Residential zoning is located to the east and west and includes Glenbard West High School. Mr. Kvapil stated that the subject lot is unusual because it is a through lot and a corner lot. He explained that the through lot has two front property lines and no rear lot. He added that both ends of the lot are considered front yards and must comply with the front yard requirements in the zoning code.

Mr. Kvapil stated that a letter in support of the subject variation requests was received by the owners of 682 Crescent Boulevard and a home at 680 Crescent Boulevard is currently under construction.

Mr. Kvapil stated that no zoning variations have been granted for the subject property in the past and that two additions have been granted on the subject house. He stated that the existing house is two stories with an attached garage and a detached garage. He added that there are several raised deck balconies and patios around the exterior of the home and he showed various photographs of these amenities at the house. Mr. Kvapil stated that the owners are proposing to construct two additions to the subject home—one in the northwest corner and a second addition to the south. The existing attic space is also proposed to be improved with third floor living space and alterations will be made to the patios, steps and balconies on the exterior of the home. Mr. Kvapil stated that the additions apply to all the current zoning setbacks, the home is in compliance with the maximum permitted lot coverage area and the variations are associated with the patios, balconies and dormer improvements that are proposed for the home.

Mr. Kvapil displayed drawings of the subject site regarding variations being requested by the petitioners. He stated that a variation is being requested to Section 10-4-1(N)1 to construct two new dormer additions which have front yard setbacks of 8 feet and 22 feet in lieu of the minimum required front yard setback of 25 feet. A variation is being requested to Section 10-5-5(B)4, Table Item 4, to construct three new balconies that have front yard setbacks of 5 feet, 13 feet and 21 feet in lieu of the minimum required front yard setback of 30 feet. A variation is also being requested to Section 10-5-5(B)4, Table Item 8, to construct a new fireplace chimney which has a front yard setback of 9 feet in lieu of the minimum required front yard setback of 28 feet. A variation is being requested to Section 10-5-5(B)4, Table Item 29, to construct an outdoor fireplace which

has a front yard setback of 22 feet in lieu of the minimum required front yard setback of 30 feet. A variation to Section 10-5-5(B)4, Table Item 33, to construct an exterior stair 4 feet 6 inches in height in lieu of the maximum permitted height of 4 feet in a corner side yard setback. Mr. Kvapil explained that according to the elevations that are indicated in the plan, the actual height of the top of the stair from the existing grade is approximately 4 feet 6 inches and exceeds the maximum height by 6 inches. A variation to Section 10-5-5(B)4, Table Item 36, to construct a raised patio averaging over 3 feet above the adjacent grade in lieu of the maximum permitted height averaging less than 3 feet above grade. Mr. Kvapil responded to Board Member Fried that the patio will be 7-1/2 feet above the grade at the highest point. A variation to Section 10-5-11(B)2 to construct two driveway approaches in lieu of one driveway approach permitted on intersecting streets on a through corner lot. Mr. Kvapil added that the existing driveway approach is accessed off of Crescent Boulevard and the proposed second approach is off of Lake Road. A minimum lot width of 132 feet is required for two driveway approaches and the lot width of the subject property is 70 feet.

Petitioners' Presentation

Tom and Katherine Condon of 567 Lake Road and Daniel J. (Jamie) Simoneit, Architect, Z + O Architects, 504 Hillside Avenue, Glen Ellyn, Illinois were present to speak on behalf of the variation requests.

Mr. Simoneit displayed photographs of the subject home which he believes was built in the 1920's or 1930's before the code was written. He indicated an addition built in the 1960's which changed the style of the home. Mr. Simoneit stated that the petitioners now would like to restore and rehab the subject home and he described the proposed improvements. Mr. Simoneit stated that the square footage of the home will be doubled as the original design was a 2-car garage.

Mr. Simoneit stated that three variations being requested relate to modification of existing nonconforming structures and that no square footage is being added to the nonconforming portion with the exception of the chimney footprint. Mr. Simoneit displayed a 3D model and described some of the proposed improvements. He added that the house has no attached garage, however, a 3-car attached garage is proposed. Mr. Simoneit pointed out the grade on the site which dramatically falls off down the hill. A rear porch will be removed and three balconies will be added off the family room area. Mr. Simoneit added that they would like to return the hill to its natural slope. Mr. Simoneit added that an additional driveway apron is being requested because of the traffic on Crescent Boulevard which makes it difficult to back out onto Crescent Boulevard. Mr. Simoneit added that only one tree will be removed during the construction process.

Mr. Condon stated he grew up in Glen Ellyn and loves the location of their home near the high school and Lake Ellyn. Ms. Condon added that she would like to make her home special.

ZBA Member Kolar asked what the hardships were regarding the fire pit and the driveway. Mr. Simoneit responded that the hardship regarding the fire pit is that there is no rear yard in which it can be located. He added that the driveway is necessary for safety reasons because students often walk along Lake Road. Mr. Simoneit responded to ZBA Member Kolar that the paved area for the 3-car garage plus the passway is 42 feet wide. Mr. Kvapil stated that a stormwater permit is required for the subject project.

Ms. Condon distributed a petition signed by 11 of their neighbors who are in support of this project.

Responses to Questions from the ZBA

ZBA Member Constantino asked if the average height that exceeds 3 feet over the adjacent grade occurs because of the severe slope of the lot, and Mr. Kvapil responded that the lot has a significant slope toward the northwest and there is an 8-foot difference in elevation of the grade from the base of a raised patio to the curb. Mr. Kvapil responded to ZBA Member Constantino that the height would generally be the same as currently exists. Mr. Kvapil added that the slope continues to the east on the subject lot, and the proposed plans accommodate the slope on the lot. Mr. Kvapil responded to ZBA Member Fried that the stormwater run-off and drainage patterns will be the same as they previously were and, in fact, may be improved as the plans were reviewed by a stormwater engineer for compliance with the DuPage County Stormwater Ordinance. Mr. Kvapil responded to ZBA Member Siligmüller that the corner property between the lot line and the street that is not part of the subject property is owned by the Village. Mr. Kvapil added that he was unable to locate information as to why the street and property lines do not correspond at that location. Mr. Kvapil added that Village Engineer Bob Minix has stated there are some unusual conditions on Lake Road and the Village has no plans currently to correct that intersection. Mr. Kvapil responded to ZBA Member Kolar that no lot coverage or impervious surface variations are required for the subject site.

Mr. Kvapil responded to ZBA Member Fried that a condition added to the subject request allowing any other zoning relief necessary for the subject project has been added to avoid possible re-publication. Mr. Kvapil also responded to ZBA Member Kolar that the subject project is not being coordinated with the high school.

Persons in Favor of or in Opposition to the Petition

Thomas L. Whalls, 680 Crescent Boulevard and 949 Oxford, was very much in favor of the subject variation requests. He stated he and Jamie Simoneit have worked with the petitioners and Village employees to improve both of their sites regarding drainage and sanitary sewer issues.

Comments from the ZBA

ZBA Member Constantino was in favor of all of the zoning variations regarding the subject property. He noted that practical difficulties and hardships related to the site

include the severe slope of the lot, the lot size, the through lot that creates two front yards and two setbacks, and the unique traffic pattern involving Crescent Boulevard and the high school activities. ZBA Member Constantino added that the homeowners are addressing repairs and upgrades to a house that is very old and deteriorated. He also was supportive of a second driveway apron on Lake Road as requested by the petitioners. ZBA Member Constantino added that the subject site will be highly visible and a great improvement near the school in town. ZBA Member Siligmueller was supportive of the variation requests with the exception of the request for construction of a second driveway as he felt no hardship or practical difficulty existed. Board Member Fasules supported the first six variations as he felt hardships existed but did not feel hardships existed regarding a second driveway on the site. Board Member Fried supported all of the variation requests and felt that not having a second driveway is a safety issue. Board Member Kolar had no problem with Variations 1, 2, 5 and 6 but did not feel a fire pit was necessary. He was also opposed to two driveways on the nonconforming site. He added that the size of a family is not a zoning issue. ZBA Member Ozog was in favor of all of the variation requests and felt that two driveways was acceptable because of the number of school children in the area. ZBA Member Szczesniewski was supportive of the variation requests. Chairman Garrity also was supportive of the variation requests, including the driveway turnaround.

Motion

Two motions were made—one motion on Variations 1 through 6 and one motion on Variation 7.

ZBA Member Fried moved, seconded by ZBA Member Fasules, to recommend approval of variations 1 through 6. She stated that there are a number of unique circumstances at the site, the lot is a through lot with no back yard, there are two front yards and no back yard for a fireplace, and the location of the home on the lot is a hardship.

The motion carried with six (6) “yes” votes and one (1) “no” vote as follows: ZBA Members Fried, Fasules, Constantino, Ozog, Siligmueller and Chairman Garrity voted yes; ZBA Member Kolar voted no.

ZBA Member Fried moved, seconded by ZBA Member Ozog, to recommend approval of variation 7 to construct two driveway approaches in lieu of one allowed as a safety issue exists.

The motion carried with four (4) “yes” votes and three (3) “no” votes as follows: ZBA Members Fried, Ozog, Constantino and Chairman Garrity voted yes; ZBA Members Fasules, Kolar and Siligmueller voted no.

ZBA Member Report

ZBA Member Ozog resigned from the ZBA and read a statement to that effect.

Trustee Report

Trustee Cooper updated the ZBA regarding Memorial Field and the downtown TIF District. Trustee Cooper also stated that the Village has reached an agreement with College of DuPage which included keeping COD in the Village but have the County regulate the projects.

Staff Report

Mr. Kvapil updated the ZBA members regarding the next meeting and stated that the March 13, 2012 meeting will be cancelled.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:13 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official