ZONING BOARD OF APPEALS MINUTES FEBRUARY 28, 2012

The meeting was called to order by Chairman Richard Garrity at 7:35 p.m. Board Members Gregory Constantino, Gary Fasules, Barbara Fried, Edward Kolar and Dale Siligmueller were present. Board Member Piotr Szczesniewski was excused. 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.

Two public hearings were on the agenda for properties at 603 Midway Park and 444 Arlington Avenue.

PUBLIC HEARING – 603 MIDWAY PARK

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)2, TO ALLOW A TWO-STORY ADDITION WITH A REAR YARD SETBACK OF 24.5 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET.

(Rich and Laura McEnroe, owners)

Staff Report

Building and Zoning Official Joe Kvapil displayed a photograph of the subject property owned by Rich and Laura McEnroe. He stated that Mr. and Mrs. McEnroe are requesting approval of a variation from Section 10-4-8(D)2 of the Glen Ellyn Zoning Code to allow a two-story addition with a rear yard setback of 24.5 feet in lieu of the minimum required rear yard setback of 40 feet. Mr. Kvapil stated that the subject property is an interior lot located on the east side of Midway Park. The subject property is in the R2 Residential zoning district as are the surrounding properties. Several permits have been issued for the subject house since its construction in 1952, however, no zoning variations have been granted for this property.

Mr. Kvapil displayed a site plan of the subject property. He indicated that the minimum required setback from the rear property line is 40 feet and the requested setback from the rear property line is 24 feet 11-1/4 inches. Mr. Kvapil added that the existing home is existing nonconforming with a rear yard setback of 25 feet 4-7/8 inches. He stated that the proposed two-story addition is located on the south side of the home and consists of a one-car attached garage on the lower level and a living area/study on the upper level. He added that the proposed lower level attached garage is adjacent to an existing one-car garage and will share a reconfigured driveway. He added that a portion of the proposed addition will replace a raised porch that will be removed. Mr. Kvapil also displayed elevations that highlighted the proposed additions to the existing home and stated that the addition does not exceed the height or width of the existing building.

Mr. Kvapil added that the proposed work disturbs in excess of 300 feet but does not require a stormwater permit, however, a drainage plan and review will be required. He also stated that the subject property is not located in a designated flood area.

Petitioners' Presentation

Laura McEnroe, owner of the property at 603 Midway Park, and Steve Poteracki, Architect, 1105 Burlington Avenue, Western Springs, Illinois were present to speak on behalf of the proposed project. Ms. McEnroe clarified that an existing area of the home that was previously a screened-in porch is now a study. Mr. Poteracki added that that space will be removed and the floor space will be increased to cover the garage being added below. Mr. Poteracki stated that a hardship pertaining to the variation request is the location of the house on the lot as originally platted in relation to the existing setback. He also stated that the requested variation is the minimal size needed for a garage with minimal storage space. Ms. McEnroe stated that the goal of the variation request is to acquire another garage stall.

Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Constantino that the petitioners will be required to submit a tree preservation plan that will indicate trees to be removed. Mr. Poteracki responded to Chairman Garrity that the requested variation will not change the essential character of the neighborhood and that some trees on the lot will be removed to allow space for the second garage bay. Mr. Poteracki responded to ZBA Member Kolar that moving the garage portion and addition forward on the lot was not considered because the design would be awkward and not practical. Ms. McEnroe responded to ZBA Member Fried that they have received positive feedback from neighbors in their immediate surrounding area.

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

Five of the six ZBA Members present were in favor of the variation request. ZBA Member Constantino stated that he was in favor of the request because the subject house was originally built toward the rear of the lot and it would not be practical to move the house forward or construct the garage closer to the front lot line. He added that the proposed construction will expand the nonconformity which is minimal in size to add a second garage with minimal storage space. He also added that the outward appearance of the structure will be maintained, drainage will be reviewed by the Village and the neighbors are supportive of the project. ZBA Members Siligmueller, Fasules and Fried were also supportive of the project and felt that the placement of the house on the lot was a practical difficulty and that the variation was minimal. ZBA Member Kolar was not

supportive of the variation request because the proposed addition would be located in a nonconforming area.

Motion

Board Member Constantino moved, seconded by Board Member Fried, to recommend that the Village Board approve a variation from Section 10-4-8(D)2 of the Glen Ellyn Zoning Code to allow a two-story addition with a rear yard setback of 24.5 feet in lieu of the minimum required rear yard setback of 40 feet for 603 Midway Park as requested by owners Rich and Laura McEnroe. The recommendation for approval was based on the hardships regarding the existing location of the home and the impracticality of moving the proposed addition or the house forward and that the expansion is minimal and the neighbors are supportive of the request.

The motion carried with five (5) "yes" votes and one (1) "no" vote as follows: ZBA Members Constantino, Fried, Fasules, Siligmueller and Chairman Garrity voted yes; ZBA Member Kolar voted no.

PUBLIC HEARING – 444 ARLINGTON AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW AN ATTACHED GARAGE ADDITION WITH A SIDE YARD SETBACK OF 2.0 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET.

(Tom and Carrie Russell, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Tom and Carrie Russell are the owners of the subject property and Architect Daryl Drake of 422 Phillips Avenue, Glen Ellyn, Illinois is the petitioners' architect. Mr. Kvapil stated that the owners are requesting approval of a variation from Section 10-4-8(D)3 of the Glen Ellyn Zoning Code to allow an attached garage addition with a side yard setback of 2.0 feet in lieu of the minimum required side yard setback of 6.5 feet. Mr. Kvapil displayed a photograph and a map of the subject property which he stated is on the north side of Arlington Avenue. He also stated that the subject property is in the R2 zoning district and that the zoning and land use surrounding the subject property is single-family residential. Mr. Kvapil also stated that Village records indicate that one building permit and no zoning variations have been issued for this property.

Mr. Kvapil stated that the owners are proposing to remove an existing one-car detached garage on the east side of the home and construct a two-car attached garage in its place. He added that the existing detached garage is 2 feet from the side yard lot line at its closest point. He also stated that the minimum required side yard setback is 6-1/2 feet for a detached garage within 10 feet of the principal structure or for an attached garage on the subject property. He added that the existing garage on the subject property is also an existing nonconforming condition. Mr. Kvapil stated that the subject lot is not in a

designated flood area and the addition will disturb an area of approximately 330 square feet. Therefore, a drainage plan review is required to be submitted and approved by a stormwater engineer and a tree preservation plan is required to be submitted and reviewed by the Village Forester. Mr. Kvapil added that the proposed garage dimensions are less than the minimum reasonable requirements for a garage.

Mr. Kvapil added that the owners of 252 Sunset Avenue, Glen Ellyn, Illinois forwarded a letter of support regarding the variation request that was included in the ZBA members' packets.

Petitioners' Presentation

Tom and Carrie Russell, owners of 444 Arlington Avenue, and Architect Daryl Drake, Drake Design Company, 422 Phillips Avenue, Glen Ellyn, Illinois spoke on behalf of the subject project. Mr. Drake stated that the issue with the subject variation is problematic and he is utilizing a creative solution to add an attached garage to the home. He stated that many options were considered regarding the garage. He displayed a plat of survey and corrected a dimension on the west side of the house which should be 9 feet instead of 8 feet because the chimney protrudes out one foot on that side. Mr. Drake stated that the existing garage is unsafe and must be removed and that the petitioners would like to add an attached garage. He stated that adding an unattached garage in the rear of the property would be difficult because the yard would be eliminated and the 44-1/2-foot width of the rear yard would make the installation of a driveway difficult due to the closeness of the neighbors' garage. Mr. Drake added that a tandem garage would be possible but all the light and ventilation from one side of the house would be blocked and a variation would be required. Mr. Drake stated that the side yard of the existing nonconforming garage is 2 feet 5 inches and the side yard of the proposed garage is 2 feet. He added that the proposed 2-car garage has a 16-foot door which is 2 feet smaller than a typical garage door. He added that the nonconformity will be slightly increased. He added that the front of the house is difficult to enter because of large steps at that location. Mr. Drake felt that a dry well or a mechanical system would be necessary to bring water from the back yard to the front or the west side where there is more grass. He stated that the concrete driveway presently is within approximately six inches of the side yard setback, and he stated that he believed the petitioners would be willing to cut the driveway back a couple of feet in order to comply with the impervious surface setback. Mr. Drake added that he has designed the addition to complement the house which has resulted in the house being near the lot line.

Mr. Drake stated that there is quite a bit of distance between the subject property and three neighbors whose rear yards back up to the petitioners' property. He added that the proposed plans were presented to two neighbors who are directly affected by the subject project and the neighbors were complimentary toward the project.

Mr. Russell stated that they currently have a one-car detached garage with steps up the side of the structure and that ice drips down from the overhang on the house. Mr. Russell felt it would be difficult to swing cars around the back of the house and then use most of

the back yard for a detached garage. Mr. Russell was pleased with the proposed design which he felt fits the structure and design of his Dutch Colonial home. He added that their existing garage is an eyesore and the proposed garage will fit in well with the overall character of the neighborhood. Ms. Russell added that the garage must be removed and that the design fits within the character of the neighborhood. She also stated that their neighbors like the plan.

Responses to Questions from the ZBA

Mr. Kvapil clarified the side yard area for ZBA Member Constantino. Mr. Kvapil responded to ZBA Member Constantino that a drainage plan is required to be submitted for the subject project. Mr. Kvapil also responded to ZBA Member Constantino that it would be impossible to install a detached garage in the rear yard of the subject property without a variation because there are only 9 feet between the existing house and the property line and the driveway impervious surface must be set back on the subject lot one foot from the property line which does not meet the minimum 9-foot driveway width requirement. Mr. Kvapil also responded to ZBA Member Constantino that it might be possible to install a driveway on the east side of the property, however, safety could be an issue because the driveway would be very close to the corner of the structure. response to ZBA Member Fried, Mr. Kvapil stated that a tandem structure could be constructed without a variation but not attached to the existing garage in its current location because it would not meet the setback requirements (6-1/2 feet from the side yard property line). Mr. Kvapil responded to ZBA Member Kolar that the petitioners plan to demolish the existing garage. Mr. Drake responded to Board Member Siligmueller that the proposed second floor space is an attic with a pull-down stair.

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

Four (4) of the six (6) ZBA members present were supportive of the proposed request. The ZBA members who were in favor of the request felt that the lot was a unique size and the addition was impacted by the location of the existing residence. They also felt that the existing garage is unsafe and it would be impractical to locate a new garage in the rear yard for safety reasons and because the driveway would be too close to the house, impervious surface issues exist and having minimum width requirements on the westerly side of the house is not acceptable. The four members in support of the variation request felt that a tandem garage is not practical, would require a variance from the side yard setback and would drastically alter the residence with regard to light and ventilation. They also felt that they could support the proposal based on the minimal size of the garage. The ZBA members in support also felt that the proposed plan was a good plan for the subject difficult and unique circumstances and that no other alternatives are available. Two ZBA members were not in favor of the proposed variation request

because they did not feel that building a structure two (2) feet from a property line was fair for the neighbors and a tandem garage would work on the lot.

Motion

ZBA Member Fasules moved, seconded by ZBA Member Siligmueller, to approve the requested variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow an attached garage addition with a side yard setback of 2.0 feet in lieu of the minimum required side yard setback of 6.5 feet. The motion carried with four (4) "yes" votes and two (2) "no" votes as follows: ZBA Members Fasules, Siligmueller, Constantino, Fried and Siligmueller voted yes; ZBA Member Kolar and Chairman Garrity voted no.

Trustee Report

Trustee Cooper stated that an IGA was passed yesterday between DuPage County and the College of DuPage to transfer jurisdiction to the County for a 5-year period. He also stated the budget is in process.

Staff Report

Mr. Kvapil stated that the regularly scheduled March 13 meeting will be cancelled.

The meeting was adjourned at 8:50 p.m.

Submitted by: Barbara Utterback Recording Secretary

Reviewed by: Joe Kvapil Building & Zoning Official