

ZONING BOARD OF APPEALS
MINUTES
MARCH 27, 2012

The meeting was called to order by Chairman Richard Garrity at 7:33 p.m. Also present were Board Members Gregory Constantino, Edward Kolar, Mary Loch and Dale SiligmueLLer. Board Members Gary Fasules, Barbara Fried and Piotr Szczesniewski 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.

One public hearing was on the agenda for the property at 662 Oak Street.

PUBLIC HEARING – 662 OAK STREET

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)1, TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH A FRONT YARD SETBACK OF 32 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 50 FEET.

(Patrice and David Menzel, owners/Ray Whalen, owner's representative)

Staff Report

Building and Zoning Official Joe Kvpil stated that Patrice and David Menzel, owners of 662 Oak Street, are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)1, to allow the construction of a new home with a front yard setback of 32 feet in lieu of the minimum required front yard setback of 50 feet. Mr. Kvpil displayed photographs of the existing house and a map of the subject area. He stated that the subject property is located in the R2 Zoning District and is defined as a corner lot on the northwest corner at the intersection of Lenox Road and Oak Street. The zoning and land use surrounding the property is single-family residential in the R2 Zoning District. Mr. Kvpil indicated that two building permits have been issued for the subject property and no zoning variations have been granted.

Mr. Kvpil distributed a diagram of the subject site plan. He stated that the property owners propose to demolish the existing home and construct a new single-family home that will be closer than permitted to Oak Street. He stated that the front yard setback distance for the new home may not be less than the existing front yard setback of the adjacent homes but need not be more than 50 feet. The existing front yard setback of the adjacent home at 654 Oak Street is approximately 55 feet. Mr. Kvpil stated that a variation is required to allow a front yard setback of 32 feet in lieu of the minimum required front yard setback of 50 feet. (The submitted site plan indicates that the existing home has a front yard setback of approximately 37 feet). He added that all other setbacks for the proposed home meet the code.

Mr. Kvapil stated that a land transfer option and a re-subdivision option could be applied to the subject lot.

Petitioners' Presentation

Ray Whalen, a builder, 177 Sunset Avenue, Glen Ellyn, Illinois and Dan Marshall with Marshall Architects, 812 E. Main, St. Charles, Illinois spoke on behalf of the subject petition. Mr. Whalen stated he has won awards regarding building in Glen Ellyn over the years. He added that the homeowners are currently out of town and he submitted a photograph of the subject home.

Mr. Whalen stated that the proposed home was designed to fit with a 50-foot setback and that they wanted to allow additional room for the house to the north. He added that homes in the area have 30-32-foot front yard setbacks. He also stated that the homeowners approached the neighbor to the west regarding moving their house forward and the neighbors were in favor of doing so. Mr. Whalen stated that the subject lot could be divided into two lots and that the homeowners could build their house on one of the lots. He added that if the lot was subdivided, the garage could be 18 feet off of the sidewalk and 4 feet off of the existing lot to the west which would change the character of the neighborhood. He added that the house has a driveway approach from Lenox Road and another driveway approach from Oak Street to a one-car attached garage. Mr. Whalen displayed a photograph that showed a significant grade change that goes up to the north and stated that the petitioners would like to create a more useable back yard. He stated that 15 properties in the subject area are new or remodeled and none were corner lots. He stated that the owners intend to stay at the subject property. He also stated that the subject house will have no adverse impacts to the neighbors and will provide more air and light to neighbors. He added that no Village expenditures will be used for the subject property.

Mr. Marshall stated that moving the proposed house forward will help with drainage because the slope of the lot would create an ideal situation to move water forward and away from the neighbors at 754 Lenox Road.

Responses to Questions from the ZBA

When ZBA Member SiligmueLLer asked if the proposed pergola changes the setback, Mr. Kvapil responded that the pergola is included as part of the house. ZBA Member Kolar asked if the proposed home could be moved toward the rear of the lot, and Mr. Kvapil responded that the rear yard setback is 40 feet, the proposed dimension from the rear of the home is 58 feet 3 inches, and it may be moved back 18 feet 3 inches. Mr. Kvapil responded to ZBA Member Constantino that a drainage study for the subject property has not been done. Mr. Kvapil responded to ZBA Member Kolar that the lot coverage of the proposed home is less than 20 percent at approximately 4,000 square feet. ZBA Member Constantino asked if any discussions were had regarding a smaller footprint than the current one or meeting a 37 or 40-foot setback. Mr. Marshall responded that it makes sense to have a larger rear yard and more curve for the driveway. When ZBA Member

Kolar asked what the proposed lot coverage ratio would be, Mr. Whalen replied that it would be compliant. Mr. Kvapil responded to ZBA Member Garrity that if the roof of the pergola is solid, it would be counted as lot coverage and if the pergola is open, it would not count as lot coverage. Mr. Marshall responded to ZBA Member Kolar that the drainage direction is to the southeast and can spread out from there. Mr. Marshall responded to ZBA Member Siligmuller that the house will be a 2-story house, and he also responded to ZBA Member Kolar that the roof peak is under the maximum of 36 feet. Mr. Kvapil responded to Chairman Garrity that the roof of the proposed house can be 42 feet (with bonuses). Mr. Marshall added they do not intend to apply for any bonuses.

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

ZBA Member Loch felt that the subject house might look like it is part of the row of houses to the east along Oak Street since the proposed setback is similar. ZBA Member Siligmuller stated that if the front of the house was on Lenox Road, the property would comply with the Zoning Code and he wondered if the pergola could be moved. ZBA Members Constantino and Siligmuller were in favor of the variation because the footprint would fall within the lot coverage, the drainage could be adversely affected if the house was moved backward, the slope on the lot is unique, and the proposed house would be in conformance with the neighborhood. Chairman Garrity stated he was reluctantly in favor of the proposed project. ZBA Member Kolar felt that the proposed house should be set back on the lot as it will be the largest home in any direction. Chairman Garrity stated that a letter was submitted by 10 neighbors who expressed concern regarding the proposed home. ZBA Member Kolar felt that a setback of 40 feet would be acceptable, however, Mr. Whalen responded that he had not been authorized by the homeowners to change the setback request and that the home to the north on Lenox Road is 4 feet off of the lot line.

Motion

ZBA Member Constantino moved, seconded by ZBA Member Siligmuller, to recommend approval of a request for a variation from the Zoning Code, Section 10-4-8(D)1, to allow the construction of a new single-family residence with a front yard setback of 32 feet in lieu of the minimum required front yard setback of 50 feet based on the unique shape and characteristics of the lot, consideration for future drainage issues and that the proposal would generally match the general characteristics of the neighborhood.

The motion carried with three (3) "yes" votes by ZBA Members Constantino and Siligmuller and Chairman Garrity, one abstention by ZBA Member Loch, and one (1) "no" vote by ZBA Member Kolar.

Trustee Report

Trustee Cooper reviewed the budget status and discussions regarding the ambulance service. He also stated that each Village department has been requested to reduce their budget by 2 percent.

Staff Report

Mr. Kvapil stated that one variation will be on the next ZBA agenda on April 10. He added that the April 24, 2012 ZBA meeting will be cancelled.

The meeting was adjourned at 9:02 p.m.

Submitted by:

Barbara Utterback

Recording Secretary

Reviewed by:

Joe Kvapil

Building & Zoning Official