

ZONING BOARD OF APPEALS
MINUTES
APRIL 10, 2012

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Also present were Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Mary Loch and Dale Siligmuller. Board Members Gary Fasules and Piotr Szczesniewski were excused. Also excused was Trustee Liaison Peter Cooper. Building and Zoning Official Joe Kvpil and Recording Secretary Barbara Utterback were present.

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

Board Member Kolar moved, seconded by Board Member Fried, to approve the minutes of the February 16, 2012 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Board Member Kolar moved, seconded by Board Member Fried, to approve the minutes of the February 28, 2012 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Board Member Kolar moved, seconded by Board Member Fried, to approve the minutes of the March 27, 2012 Zoning Board of Appeals meeting.

One public hearing was on the agenda for the property at 200 Montclair Avenue.

PUBLIC HEARING – 200 MONTCLAIR AVENUE

A REQUEST FOR APPROVAL OF A CONSTRUCTION-NECESSITATED VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-1(N), TO ALLOW THE RECONSTRUCTION OF AN EXISTING SCREENED PORCH THAT IS NOT CONSTRUCTED ON A CODE COMPLIANT FOUNDATION IN LIEU OF A REQUIRED CODE COMPLIANT FOUNDATION.

(200 Montclair LLC, owners, represented by Matthew Rooney, minority owner)

Staff Report

Building and Zoning Official Joe Kvpil stated that 200 Montclair LLC is the owner of the subject property at 200 Montclair Avenue and was represented by Matthew Rooney as the minority owner at this meeting. Mr. Kvpil stated that the property owner is requesting approval of a construction-necessitated variation from Glen Ellyn Zoning Code Section 10-4-1(N) to allow the reconstruction of an existing screened porch that is not constructed on a code compliant foundation in lieu of a required existing code compliant foundation. Mr. Kvpil displayed a map of the subject property and a photograph of the porch taken in 2006. He stated that the subject property is located in the R2 zoning district and is defined as an interior lot on the west side of Montclair Avenue. He added that the land use surrounding the property is R2 single-family

residential. Mr. Kvapil stated that Village records indicate that no other zoning variations have been granted for this property and that two other building permits were issued in the past. He displayed a plat of survey of the subject property that showed the existing nonconforming screened porch is set back from the side yard lot line a distance of 6.39 feet in lieu of the required 7-1/2 feet. Mr. Kvapil added that Section 10-4-1(N) was added to the Zoning Code to make exceptions to the setback requirements since many existing homes in Glen Ellyn do not meet the setback requirements. He added that the subject porch would be allowed to be reconstructed since a minimum of 4-1/2 feet from the side yard is required for reconstruction and the subject porch is 6.39 feet from the side yard. Mr. Kvapil added that this Zoning Code requirement also states that a porch could be reconstructed if it currently had a code-compliant foundation that extends down 3-1/2 feet to the frost line below grade. He added that since the existing porch does not have a code-compliant foundation that extends 3-1/2 feet below grade, a variation is necessary in order to reconstruct the porch.

Mr. Kvapil added that work on the porch had begun without a building permit but has since been stopped until a permit is issued. He added that if the requested construction necessitated variation is granted, the screened porch will be required to be constructed in exactly the same position as it currently is and a code-compliant foundation will be required beneath the porch to meet the building code.

Petitioners' Presentation

Matt Rooney, 601 Forest Avenue, Glen Ellyn, Illinois stated that the practical difficulty related to the project is that the porch and slab need to be torn down and rebuilt according to the code.

Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Constantino that the foundation request is a typical building code requirement that has been inserted into the Zoning Code. Mr. Kvapil responded to ZBA Member Fried that if a structure is attached to a home, the structure requires a code-compliant foundation.

In response to Chairman Garrity, Mr. Rooney stated that, per Mr. Kvapil, he can leave that which is currently in place and add piers or excavate a trench around the perimeter or put concrete piers in. Mr. Rooney responded to ZBA Member Kolar that the posts were from handrails that had been installed in the 1940's and were removed.

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 construction-necessitated variation request although ZBA Member Constantino felt that the ZBA was being asked to change the building code which he felt the ZBA does not have jurisdiction over. He also felt that the ZBA should discuss a zoning variation setback due to the non-compliant foundation. ZBA Members Kolar and Loch commented that the dilemma in this case is the wording of the Zoning Code.

Motion

ZBA Member Fried moved, seconded by ZBA Member Loch, to approve a construction necessitated variation from Zoning Code Section 10-4-1(N) to allow the reconstruction of an existing nonconforming screened porch that does not have an existing code compliant foundation.

The motion carried with six (6) “yes” and zero “no” votes as follows: ZBA Members Fried, Loch, Constantino, Kolar, Siligmueller and Chairman Garrity voted yes.

Staff Report

Mr. Kvapil stated that the April 24, 2012 ZBA meeting will be cancelled and he described one variation that will be on the May 8, 2012 agenda.

The meeting was adjourned at 8:10 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official