

ZONING BOARD OF APPEALS
MINUTES
MAY 8, 2012

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Present were Zoning Board Members Gregory Constantino, Gary Fasules, Edward Kolar, Mary Loch and Dale SiligmueLLer. Board Members 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.

ZBA Member Kolar moved, seconded by ZBA Member Constantino, to recommend approval of the April 10, 2012 Zoning Board of Appeals minutes. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 243 Hawthorne Street.

PUBLIC HEARING – 243 HAWTHORNE BOULEVARD

A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE TO ALLOW THE MINIMUM REQUIRED INTERIOR LOT SIDE YARD SETBACK AND INTERIOR LOT WIDTH TO APPLY TO THIS CORNER LOT AS FOLLOWS: 1. SECTION 10-4-8(D)4 TO ALLOW A MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 10% OF THE LOT WIDTH, BUT NOT LESS THAN 6.5 FEET, IN LIEU OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 30 FEET FOR A CORNER LOT. 2. SECTION 10-4-8(D)8 TO ALLOW A MINIMUM REQUIRED LOT WIDTH OF 66 FEET IN LIEU OF THE MINIMUM REQUIRED LOT WIDTH OF 80 FEET FOR A CORNER LOT.

(Yibing (Brian) Xue and Wei Song, petitioners)

Staff Report

Building and Zoning Official Joe Kvpil stated that Brian Xue and Wei Song, owners of 243 Hawthorne Boulevard, are requesting approval of two (2) variations for a change of classification of the subject corner lot at 243 Hawthorne Boulevard to a regular interior lot. Mr. Kvpil stated that the two differences between an interior lot and a corner lot are the corner side yard setback and the required lot width. He also stated that the two variations being requested are: 1. To allow a minimum required corner side yard setback of 10% of the lot width but not less than 6.5 feet in lieu of the minimum required corner side yard setback of 30 feet for a corner lot. 2. To allow a minimum required lot width of 66 feet in lieu of the minimum required lot width of 80 feet for a corner lot. Mr. Kvpil added that the petitioner will need to clarify variation number 2 so that the ZBA members can determine if that variation is appropriate and required.

Mr. Kvapil displayed a map and a photograph of the subject property which included a house that has been demolished in 2008. He stated that the subject property is located in the R2 Zoning District and is a corner lot on the southeast corner of Hawthorne Boulevard and Limits Street. He stated that no variations have been granted for the subject property in the past.

Mr. Kvapil stated that the owners are proposing to construct a single-family home on the property and he displayed a site plan. He stated that the subject corner lot meets the minimum 80-foot by 110-foot dimensions as well as the minimum 8,712 square foot area requirement dimension for a corner lot in the R2 zoning district. He also stated that the minimum required corner side yard setback along Limits Street is 30 feet, the side yard setback is 10% of the lot width or 8.34 feet, and the rear yard setback is 40 feet. He also described the dimensions for a possible future lot located to the west of the subject property that is currently the Limits Street unimproved right-of-way. He also referred the ZBA members to a letter from Village Engineer Bob Minix stating that no future use is intended for development on Limits Street and that he is aware of no Village utilities located in this parcel.

Petitioners' Presentation

Yibing (Brian) Xue, the petitioner, 413 Second Place, Glendale Heights, Illinois, spoke regarding the subject requests. Mr. Xue stated that he would like to change his lot at 243 Hawthorne Boulevard from a corner lot to an interior lot. He displayed an aerial map of the subject area and described the surrounding land uses. Mr. Xue stated that the unique circumstance regarding his request is that Limits Street will never be improved to the west. He added that the Village has no infrastructure on this land and has vacated a portion of Limits Street which indicates no intention to develop the land at any time in the future. Mr. Xue stated that the subject lot is 83 feet wide and because the corner side yard setback is required to be 30 feet from the street, only 44 feet of buildable area would be available for a new home. He added that one-third of the buildable area will not be able to be used. Mr. Xue also stated that if the building codes are strictly followed, the house that will be constructed will be disproportionate which would detract from its appearance in the neighborhood. Mr. Xue stated that the classification change from an R2 corner lot to a regular R2 interior lot would not negatively affect the geographical or physical features of the zoning area and would not change the essential character of the neighborhood. He stated that if the variation is approved, his home will be more centrally located on the lot and more space will be created between his home and the home next door which will decrease fire hazards and allow more light exposure to both houses. Mr. Xue stated that he has learned that the Village believes that Limits Street would be a potential safety hazard if used as a regular street because of a change in the traffic pattern that would impact children attending the nearby school and daycare center.

Mr. Xue summarized that the subject lot has no outward characteristics of a corner lot because the right-of-way is unbuilt and will never be built; therefore, the lot is an interior lot in every way except the name. He also stated that he believes the lot classification is outdated and serves no practical purpose because the Village vacated a portion of the lot

in the past. He added that the requested change will not disturb the community in the Village of Glen Ellyn and will make land use more efficient and reasonable.

Mr. Xue stated that he spoke with neighbors in the subject area who signed a petition in favor of the subject request.

Responses to Questions from the ZBA

Mr. Kvapil clarified for ZBA Member Constantino that the second variation is not required because the subject lot meets the qualifications for minimum width of both a corner lot and interior lot. Mr. Kvapil added that the variation may prove beneficial if the petitioner had development plans for the subject lot and the lot to the west. ZBA Member Fasules inquired why the Village added a second variance that the petitioner had not requested. Mr. Kvapil responded that the variation request included "a change to a regular interior lot" and that the two requirements that apply to a regular interior lot are that the lot width would have to be reduced to the minimum required 66 feet and side yard setbacks would be reduced to 10 percent of the lot width but not less than 6-1/2 feet. Mr. Kvapil responded to ZBA Member Fasules that there are interior lots in the Village that are wider than 66 feet and that the subject lot can be granted interior status. Mr. Kvapil responded to ZBA Member Kolar that neither 243 Hawthorne Boulevard nor Limits Street right-of-way is in a designated flood area. Mr. Kvapil also responded to ZBA Member Kolar that the City of Wheaton would not be involved in the Village's actions regarding this request.

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

All of the ZBA Members were in favor of the subject variation requests. ZBA Member Constantino commented that he was not sure that Variation 2 was necessary as future plans for the site are unknown. He also stated that there is no likelihood that Limits Street will be opened up for a variety of reasons and the fact that the subject lot is on Limits Street makes it unique and creates a hardship.

Motion

ZBA Member Constantino moved, seconded by ZBA Member Loch, to recommend approval of a request for two variations from the Glen Ellyn Zoning Code for property at 243 Hawthorne Boulevard to allow the minimum required interior lot side yard setback and interior lot width to apply to this corner lot as follows: 1. Section 10-4-8(D)4 to allow a minimum required corner side yard setback of 10% of the lot width, but not less than 6.5 feet, in lieu of the minimum required corner side yard setback of 30 feet for a corner lot; 2. Section 10-4-8(D)8 to allow a minimum required lot width of 66 feet in lieu of the minimum required lot width of 80 feet for a corner lot. The recommendation

for approval is based on the unique circumstances created by the fact that the lot is situated next to a dedicated but unimproved right-of-way known as Limits Street.

The motion carried unanimously with six (6) "yes" votes as follows: ZBA Members Constantino, Loch, Fasules, Kolar, Siligmuller and Chairman Garrity voted yes; no ZBA Members voted no.

Trustee Report

Trustee Cooper stated that there is currently a proposal to redevelop the parcel on the corner of Sheehan Avenue and Route 53 for 20-26 houses that will be before the Plan Commission in the near future. He also stated that the College of DuPage has submitted a substantial request for variances to DuPage County regarding future plans for COD. Trustee Cooper also stated that the Village passed the budget on April 23, 2012. He also announced that the Jazz Fest is currently in flux. Trustee Cooper also provided the ZBA members with information regarding his lone dissent vote due to the removal of three trees at 622 Oak Street prior to a zoning variation request.

Staff Report

Mr. Kvapil stated that two variations will be on the next ZBA agenda on May 22, 2012.

The meeting was adjourned at 8:20 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official