

ZONING BOARD OF APPEALS  
MINUTES  
JULY 10, 2012

The meeting was called to order by Chairman Rick Garrity at 7:32 p.m. Board Members Gary Fasules, Barbara Fried, Edward Kolar and Dale Siligmueller were present. Board Members Gregory Constantino, Mary Loch and Piotr Szczesniewski were 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.

ZBA Member Fried moved, seconded by ZBA Member Fasules, to approve the minutes of the June 12, 2012 ZBA meeting.

Three public hearings were on the agenda for properties at 400 Windsor Avenue, 724 Meredith Place and 636 Harding Avenue.

PUBLIC HEARING – 400 WINDSOR AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)4b, TO ALLOW THE CONSTRUCTION OF AN ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE THAT WILL BE SET BACK 14.2 FEET FROM THE CORNER SIDE YARD LOT LINE IN LIEU OF THE MINIMUM REQUIRED SETBACK OF 16.5 FEET FROM THE CORNER SIDE YARD LOT LINE.

*(Keith and Danielle Bollman, owners)*

Staff Report

Building and Zoning Official Joe Kvapil stated that the subject property at 400 Windsor Avenue is owned by Keith and Danielle Bollman. He stated that the homeowners are requesting approval of a variation from Zoning Code Section 10-4-8(D)4b to allow the construction of an addition to an existing single-family residence that will be set back 14.2 feet from the corner side yard lot line in lieu of the minimum required setback of 16.5 feet from the corner side yard lot line. Mr. Kvapil displayed photographs of the subject property that included the subject home with an addition under construction and the home with the addition completed. Mr. Kvapil displayed a map and stated that the subject property is a corner lot on the west side of Windsor Avenue located in the R2 zoning district. He added that the zoning and land use surrounding the subject property is single-family residential.

Mr. Kvapil stated that two prior zoning variations had previously been granted for the subject property. One variation was for an addition constructed at a 14.2-foot setback in lieu of the required 16.5-foot setback which is identical to the variation currently being requested. The second variation was to allow a roof ridge height of 32.7 feet in lieu of

the maximum allowed roof height of 32.feet. Mr. Kvapil displayed a site plan and indicated the original perimeter of the house, the previously granted variations and the proposed mudroom addition that is not in compliance with the setback. Mr. Kvapil stated that the entire area of the proposed mud room is 118 square feet which will replace an existing nonconforming porch that is approximately half of the 118-square foot area. He stated that the existing porch aligns with the exterior wall of the house setback and is nonconforming. He added that the petitioners propose to construct the addition to align with the side of the existing house which is not in compliance with the setback requirements. Mr. Kvapil also stated that the area of the proposed addition that is located within the prohibited corner side yard setback is 18.4 square feet.

#### Petitioners' Presentation

Keith Bollman, owner of 400 Windsor Avenue, Glen Ellyn, Illinois, stated that due to their lot structure and lot setup, the garage is detached. He also stated that the main entrance into their home is at the rear of the house. He stated that because their family has increased to five members, they are proposing to add an additional 4 feet to their 56-square foot porch and enclose the space for use as a mud room. Mr. Bollman stated that their home was built 14.2 feet off of the property line in 1926 and they would like to stay in alignment with the current structure as per the variation granted in 2003. Mr. Bollman stated that the length of the mud room is currently proposed at 14.7 feet wide and will have five 2-foot lockers for family members. He added that if the property line was moved in at 2.3 feet to meet the Zoning Code, 8 feet would remain for five lockers as space would be limited due to required space for a door, switches and door jambs, and a non-functional mud room would be the result.

#### 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 supportive of the variation request to allow the construction of an addition that will be set back 14.2 feet from the corner side yard lot line in lieu of the minimum required setback of 16.5 feet from the corner side yard lot line. ZBA Member SiligmueLLer was supportive because a prior variance for a 14.2-foot setback was granted which did not have a significant impact on the neighborhood. He stated he was also supportive because the lot coverage ratio, including the proposed variation, will remain below the 20% maximum. ZBA Member Kolar added that the location of the variation is far enough away from the intersection so that a visibility issue does not apply.

#### Motion

ZBA Member Fasules moved, seconded by Board Member Fried, to recommend that the Village Board approve a variation from Section 10-4-8(D)4b of the Glen Ellyn Zoning

Code to allow the construction of an addition to an existing single-family residence at 400 Windsor Avenue that will be set back 14.2 feet from the corner side yard lot line in lieu of the minimum required setback of 16.5 feet from the corner side yard lot line. The recommendation for approval was based on compliance with the plans as submitted at this public hearing.

The motion carried with five (5) “yes” votes and zero (0) “no” votes as follows: ZBA Members Fasules, Fried, Kolar, Siligmuller and Chairman Garrity voted yes.

PUBLIC HEARING – 724 MEREDITH PLACE

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(E)1, TO ALLOW THE CONSTRUCTION OF A ONE-STORY SCREENED PORCH ADDITION THAT WILL RESULT IN A LOT COVERAGE RATIO OF 21.5% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% ON A PROPERTY WITH A TWO-STORY HOME.

*(Al and Dawn MacIsaac, owners)*

Staff Report

Building and Zoning Official Joe Kvapil stated that the owners of the subject property at 724 Meredith Place are Al and Dawn MacIsaac, and he displayed elevations of the house that was constructed in February, 2004. He added that the petitioners were represented at this meeting by their architect, Steve Poteracki. He stated that the owners of the property are requesting a variation from Glen Ellyn Zoning Code Section 10-4-8(E)1 to allow the construction of a one-story screened porch addition that will result in a lot coverage ratio of 21.5% in lieu of the maximum permitted lot coverage ratio of 20% on a property with a two-story home.

Mr. Kvapil stated that the subject property is located in the R2 Zoning District and is defined as an interior lot on the north side of Meredith Place. The zoning and land use surrounding the subject property is single-family residential. Village records indicate that no zoning variations have been granted for this property and that permits were issued for a finished basement and water meter for the home that was constructed in 2004.

Mr. Kvapil displayed a site plan of the subject property which indicated the existing and proposed additions. He also indicated the location of a raised patio that exists at the northwest corner of the home with an overhead open trellis roof structure. Mr. Kvapil stated that there is a slight discrepancy between the documents approved for the previous building permit and the existing structure as a deck was originally proposed for this area. He stated that there is no impact to the site regarding the construction of a patio instead of a deck and added that no records regarding a patio were found. Mr. Kvapil stated that he does not feel this issue impacts the variation request in any way.

Mr. Kvapil stated that the petitioners plan to remove the existing trellis structure over the raised patio and construct an approximately 133 square foot one-story screened porch addition in exactly the same area. He added that the existing trellis structure roof and the

proposed screen porch roof will be similar in size, height and area, however, the trellis structure roof is 50% or more open and, therefore, does not contribute to the lot coverage area and did not increase the lot coverage ratio. He also stated that the proposed screened porch will have a conventional roof which will be counted in the lot coverage area and will increase the lot coverage ratio.

#### Petitioners' Presentation

Steve Poteracki, architect, Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois spoke on behalf of the subject project. Mr. Poteracki stated that the petitioners did not want to increase any impervious surface and preferred utilizing the existing concrete patio due to the slope of the lot. He added that they did not want to increase run-off on the site.

#### Responses to Questions from the ZBA

Mr. Kvapil clarified for ZBA Member Siligmuller that the covered patio was not included in the lot coverage ratio because the roof is 50 percent open. Mr. Kvapil also responded to ZBA Member Siligmuller that the subject project will not qualify for a stormwater review because it is less than 300 square feet, however, gutters and downspouts on the house will provide control over stormwater discharge. Mr. Kvapil responded to ZBA Member Kolar that the subject house was built at the maximum lot coverage ratio of 20 percent.

ZBA Member Siligmuller inquired as to the hardship related to the project, and Mr. Poteracki responded that they will be utilizing the existing space instead of constructing a gazebo or some such item with increased square footage. Regarding ZBA Member Kolar's concern regarding whether or not a hardship existed, Mr. Poteracki responded that that they are trying to use the space that currently exists. ZBA Member Kolar commented that he did not feel that a unique circumstance or particular hardship existed, and ZBA Member Fasules responded that the area is currently a concrete slab. Mr. Poteracki responded to ZBA Member Siligmuller that the homeowners have not spoken to any neighbors regarding the subject project, and ZBA Member Fried added that when she was at the subject home, she had spoken to the neighbor to the west who was in favor of the proposed project.

Mr. Kvapil responded to ZBA Member Fried that a gazebo would be included in the lot coverage ratio if it had a solid roof. Mr. Kvapil responded to ZBA Member Fasules that a roof added without any screens would be counted as lot coverage ratio. He also responded to ZBA Member Siligmuller that a porch counts as lot coverage ratio unless it is a front porch open on two or three sides.

#### Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the subject variation request.

Comments from the ZBA

ZBA Member SiligmueLLer stated that there really is no reason to grant a variation on the lot coverage ratio and that there was a lot coverage ratio violation when the home was constructed. He wasn't sure if this part of the house should have been allowed when the home was constructed and expressed a concern regarding whether or not the zoning code was enforced when the home was originally constructed as the house was maxed out at that time. He stated that two other variations had previously been granted and now they are requesting another variation for a nonconforming existing trellis patio. ZBA Member Fasules had no problem and stated that the variation being requested is the same as a foundation that is there. ZBA Member Fried agreed with ZBA Member Fasules. ZBA Member Kolar was not in favor of the variation request because the house was maxed out when built and believes no justification exists for unique circumstances or a hardship. He added that by constructing walls and a roof, the bulk increases.

Motion

ZBA Member Fasules moved, seconded by ZBA Member Fried, to approve the property owners' request for approval of a variation from Glen Ellyn Zoning Code Section 10-4-8(E)1 to allow the construction of a one-story screened porch addition at 724 Meredith Place that will result in a lot coverage ratio of 21.5% in lieu of the maximum permitted lot coverage ratio of 20% on a property with a two-story home according to the plan as submitted.

The motion carried with four (4) yes votes and one (1) no vote as follows: ZBA Members Fasules, Fried, SiligmueLLer and Chairman Garrity voted yes; ZBA Member Kolar voted no.

PUBLIC HEARING – 636 HARDING AVENUE

A REQUEST FOR APPROVAL OF A CONSTRUCTION NECESSITATED VARIATION FROM GLEN ELLYN ZONING CODE SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A ONE-STORY SCREENED PORCH ADDITION THAT WILL RESULT IN A LOT COVERAGE RATIO OF 22.5% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% ON A PROPERTY WITH A TWO-STORY HOME.

*(Mark and Stephanie Wilson, owners)*

Staff Report

Building and Zoning Official Joe Kvapil stated that Mark and Stephanie Wilson are the owners of the property at 636 Harding Avenue. Mr. Wilson displayed a photograph of the subject property and stated that the subject house was built in 1995. He stated that the property owners are requesting approval of a construction necessitated variation from Glen Ellyn Zoning Code Section 10-4-8(E)1 to allow the construction of a one-story screened porch addition that will result in a lot coverage ratio of 22.5% in lieu of the maximum permitted lot coverage ratio of 20% on a property with a two-story home. Mr.

Kvapil stated that the subject property is an interior lot located in an R2 Zoning District on the north side of Harding Avenue. The zoning and land use on the east, south and west is single-family residential and to the north, the property is adjacent to a parcel under the ownership of the Village that includes a designated flood plain and is part of Panfish Park. He added that no zoning variations have been granted for the subject property and that three permits have been issued since 1995.

Mr. Kvapil stated that in 2010, the owners started construction of a screened porch addition over a section of an existing deck prior to submitting an application and obtaining a required building permit. The owners were notified of the violation and stopped all further work on the screened porch addition. Mr. Kvapil stated that a citation was issued for work without a permit which is currently pending Village Board action on this variation request. A building permit was submitted and an action on that building permit application is also pending Village Board action on this variation request.

Mr. Kvapil displayed a site plan and stated that the owners are requesting approval to continue construction of a screened porch addition to the rear of the existing home that covers approximately 220 square feet in area. He stated that the screened porch addition is a one-story structure constructed over a section of an existing wood deck at approximately the same floor level as the deck which adds 220 square feet of additional lot coverage area and results in a lot coverage ratio of 22.5% and requires a construction necessitated variation.

Mr. Kvapil displayed a floodplain map and stated that the property is adjacent to, but not within, a designated flood area to the north in Panfish Park. Mr. Kvapil added that the Village Zoning Code requires that the floor of any structure must be a minimum of 2 feet above the base flood elevation which is 750 feet. He added that the proposed floor of the house and the screened porch are approximately 5 feet above that so there is a significant difference in elevation above the floodplain elevation. Mr. Kvapil also stated that the Village Zoning Code limits the distance a structure can be constructed to the floodplain and that a Special Use Permit is necessary if a structure is within 30 feet of a floodplain. Mr. Kvapil stated that the floodplain does not reach the rear of the lot in this case; therefore, the distance exceeds 30 feet and a Special Use Permit is not required.

Mr. Kvapil distributed a petition signed by the neighbors at 740 Harding and 732 Harding in support of the subject variation request.

#### Petitioner's Presentation

Mark Wilson, the petitioner, of 636 Harding Avenue, Glen Ellyn, Illinois stated that they moved into their home in 1995 and shortly after built a 3-tiered deck. He stated that they had anticipated at one time to enclose the top floor to create a 3-season room that would be next to their kitchen.

Mr. Wilson stated that the lot coverage ratio was 25% when they built their home and that their home was constructed at a 20% lot coverage ratio that included the attached

garage. He stated that the Village of Glen Ellyn changed the lot coverage ratio to 20% in 2002 (seven years after they moved into their home).

Mr Wilson stated that they live in a floodplain and that Panfish Park floods which causes many mosquitoes in the area. He stated that it has become difficult to work in his yard because of the number of mosquitoes. He added that the mosquito problem is unfortunate because their lot is very nice and they are unable to enjoy their yard.

Mr. Wilson stated that their hardship is two-fold. He said if they had decided to build the 3-season room in 1995 when the deck was built, the lot coverage ratio would not have been a problem, however, financial issues caused them to postpone that construction. He added that the second hardship is mosquitoes which makes enjoyment of the back yard impossible. Mr Wilson added that the 3-season deck would enable his family to enjoy the summer, spring and fall seasons.

#### Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Siligmuller that the enforcement actions with respect to this project do not impact the ZBA proceedings. Mr. Kvapil also verified for ZBA Member Fried that the house has an attached garage which counts toward lot coverage ratio.

#### Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the subject variation request.

#### Comments from the ZBA

ZBA Member Siligmuller stated that there would be no impact to the neighborhood regarding the subject request because the porch would not be visible to their neighbors. He also added that the proximity to Panfish Park is a unique circumstance. The other ZBA Members agreed with ZBA Member Siligmuller with the exception of ZBA Member Kolar who was not in favor of the requested variation for lot coverage ratio expansion as the lot coverage ratio had changed to 20% 10 years ago. ZBA Member Kolar also added that mosquitoes are not a hardship.

#### Motion

ZBA Member Fasules moved, seconded by ZBA Member Fried, to recommend approval of a variation from Section 10-4-8(E)1 to allow the construction of a one-story screened porch addition that will result in a lot coverage ratio of 22.5% in lieu of the maximum permitted lot coverage ratio of 20% on a property with a two-story home per the plans submitted.

ZBA Members Fasules, Fried, Siligmuller and Chairman Garrity voted yes; ZBA Member Kolar voted no. The motion carried with four (4) yes votes and one (1) no vote.

Trustee Report

Trustee Cooper updated the ZBA on the recent storms and damage, and ZBA Member Fasules commented that the Village Trustees should research methods to handle disaster issues. Trustee Cooper also updated the ZBA on a potential garbage contract.

Staff Report

Mr. Kvapil stated that two variations will be on the July 24, 2012 ZBA meeting agenda.

The meeting was adjourned at 8:45 p.m.

Submitted by:

Barbara Utterback

Recording Secretary

Reviewed by:

Joe Kvapil

Building & Zoning Official