

ZONING BOARD OF APPEALS  
MINUTES  
JULY 24, 2012

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

Acting Chairman Kolar described the proceedings of the Zoning Board of Appeals.

Board Member Fried moved, seconded by Board Member SiligmueLLer, to approve the minutes of the July 10, 2012 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Two public hearings were on the agenda for properties at 970 Clifton Avenue and 586 Lowden Avenue.

PUBLIC HEARING – 970 CLIFTON AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM GLEN ELLYN ZONING CODE SECTION 10-5-5(B)4, ITEM 30, TO ALLOW THE CONSTRUCTION OF A SHED ACCESSORY BUILDING THAT EXCEEDS THE MAXIMUM PERMITTED AREA FOR A SHED AND A VARIATION FROM GLEN ELLYN ZONING CODE SECTION 10-5-4(A)2a TO ALLOW THE CONSTRUCTION OF A SHED ACCESSORY BUILDING THAT WILL EXCEED THE MAXIMUM PERMITTED AREA FOR ALL ACCESSORY BUILDINGS ON A LOT.

(Norman and Lynda Rahal, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Norman and Lynda Rahal, the owners of the property at 970 Clifton Avenue, represented by Steve Poteracki, architect with Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois are requesting approval of two variations from the Glen Ellyn Zoning Code. Mr. Kvapil stated that the first variation is from Section 10-5-5(B)4, Item 30, to allow the construction of a shed accessory building within the rear yard setback that is 450 square feet in area in lieu of the maximum permitted area of 150 square feet for a shed in the rear yard setback. He added that the second variation is to allow the construction of a shed accessory building that is 450 square feet in area and increases the accessory building area on the lot to 1,716 square feet in lieu of the maximum permitted accessory building area on the lot of 1,000 square feet.

Mr. Kvapil stated that the subject property is located in the R1 zoning district. He stated that lots in the R1 zoning district are generally larger than lots in the R2 zoning district so the minimum required lot width and lot area are greater. He displayed a location map and photos of the subject property and stated that all properties within 250 square feet of the site were notified regarding the public hearing. Mr. Kvapil displayed a site plan and stated that Village records indicate that one zoning variation had been granted for the subject property in 2009 to allow a screen porch addition to the existing detached garage. He also stated that other miscellaneous permits have been issued for the property in the past.

Mr. Kvapil stated that the owners propose to remove an approximately 125-square foot shed located in the northeast corner of the lot and construct a new 450-square foot shed in approximately the same location. He added that the proposed location of the shed is in the required rear yard setback on the property, and the Zoning Code limits the size of a shed in a rear yard setback to 150 square feet. Mr. Kvapil added that the total building area for accessory structures is exceeded because the detached garage has an open stairway and walkway into the house that is not an enclosed structure with a code-compliant footing that would cause it to be an attached garage. The detached garage is considered to be an accessory building and is, therefore, included in the area of accessory buildings on the site that exceed the 1,000 square foot maximum area. Mr. Kvapil stated that the subject property is almost five times as large as a typical interior zoning lot in Glen Ellyn and, if subdivided into four lots, each lot would be entitled to have an accessory shed building of 150 square feet and a total accessory building area of 1,000 square feet. Mr. Kvapil also stated that vehicles are not permitted to be stored in a shed.

#### Petitioners' Presentation

Steven Poteracki, Architect, Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois and Norman Rahal, owner of 970 Clifton Avenue, Glen Ellyn, Illinois spoke on behalf of the variation request. Mr. Poteracki stated that the existing shed is buried in the corner of the lot and is extremely difficult to find. (Several ZBA Members stated that they had been unable to locate the shed when they were at the site). Mr. Poteracki stated that the owners of the property would like to remove the existing 125-square foot shed and replace it with a 450-square foot shed. He stated that the hardship for this request is because the subject lot is being penalized for its large size (68,000-plus square feet) with regard to the size of permitted accessory structures. Mr. Poteracki stated that the owners are asking for an approximately ½ percent increase in the overall lot coverage of the site. He added that the accessory structure allotment on the subject size lot is disproportionate to that of an in-town lot. Norman Rahal, the owner of 970 Clifton Avenue, stated that he currently pays a company to store his outdoor furniture and he would like to store the furniture, a tractor, a mower and other items on his property. Mr. Rahal stated that the new storage shed will not be able to be seen. Mr. Rahal responded to Acting Chairman Kolar that no additional pathways will be built to the shed. Mr. Rahal also added that he has no

expectation regarding ever selling or dividing the subject property and that if the property was ever sold in the future, the proposed shed would be demolished.

#### Responses to Questions from the ZBA

ZBA Member Constantino asked if the requested shed would need to be moved if the subject property was subdivided in the future. Mr. Kvapil responded that in order for the house to remain on the site, the property would need to be divided in a method that did not create any nonconforming conditions and that the lots that were created would need to meet the minimum lot area and lot width. He added that the property could not be subdivided into four properties unless the existing house was removed. ZBA Member SiligmueLLer asked if any neighbors contacted the Village in support of or against the variation request. Mr. Kvapil responded that the Village received no letters in support of or in opposition to the request and that two residents came to the Building Department for information regarding this request. Mr. Poteracki displayed a drawing of the proposed shed at Acting Chairman Kolar's request. ZBA Member Constantino asked why the variation request is so large. Mr. Poteracki responded that the request is for proportional storage for the subject size property including landscaping equipment, tractor, etc., and that the proposed building is modest in relation to the overall scale of the subject lot. Mr. Rahal responded to ZBA Member Loch that the proposed structure has screens and windows for appearance reasons and for his artist wife who may want to use the shed as a studio. Mr. Kvapil responded to Acting Chairman Kolar that a studio is a permitted accessory use to a residential building, however, is not included in the definition of a shed.

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

William Findlay, 987 Crescent Boulevard, Glen Ellyn, Illinois stated that his rear yard and the subject rear yard back up to each other and he is troubled by the size and location of the proposed shed which he stated is three times the Glen Ellyn maximum code requirement. He added that the proposed shed is almost half the size of his existing home and will be an eyesore. Mr. Findlay responded to ZBA Member Constantino that he is able to see the current shed and that he has not discussed the proposed shed with Mr. Rahal. Mr. Findlay also requested that the petitioner compromise with respect to the size of the shed, and Mr. Rahal responded that he will "do right by it."

Richard Hayden, 959 Crescent Boulevard, Glen Ellyn, Illinois asked if trees will be removed on the subject site, and Mr. Rahal responded no and added that he wants to keep his yard wooded. Mr. Rahal also stated that he did not have a problem with moving the shed forward and that additional shrubbery will be planted where the shed will be located. Mr. Rahal stated that the proposed shed will be minimalist and not distasteful. He also added that no trees on his property will be removed. Mr. Rahal also responded to Mr. Hayden that the structure will only have a single floor.

Comments from the Zoning Board of Appeals

ZBA Member Constantino stated that he was reluctant to vote in favor of the requested variation because the subject lot is very large and the shed is proposed to be placed within the neighbors' view. He stated that there is plenty of room to place the structure which is three times the allowed size elsewhere on the lot. He also recommended scaling down the size of the shed and providing for adequate cover to take into consideration the neighbors to the north. ZBA Member SiligmueLLer was supportive of the petitioner volunteering to shift the shed to another place on the lot and adding landscaping as the proposed shed is extremely large. He stated that there were unique circumstances and practical difficulties regarding the proposed shed as maintaining a lot of such a large size requires space to store yard equipment. ZBA Member Fried felt that there was a hardship regarding the proposed shed as the Zoning Code does not allow an accessory structure on a large lot. She felt that this situation is unique because the garage is not attached to the home. She stated she would support the variation request as submitted if a condition could be included to have landscaping in the rear so the neighbors would not be impacted. ZBA Member Loch asked if Lots 20 and 19 were detached and separated, could an owner build a home with a detached garage in the footprint of where the shed will be located, and Mr. Kvapil responded yes—up to 660 square feet. She then clarified that a 450-square foot garage is less than what might be at that location if the lot was subdivided and, therefore, was supportive of the variation request. She added that she was also supportive because the lot is wooded and the garage will be difficult to view based on the condition that the petitioner follows through with providing screening for the neighbors to the north and east. Acting Chairman Kolar was not in favor of the petitioner's zoning variation request. ZBA Member SiligmueLLer suggested moving the garage forward 5 feet, and Mr. Rahal agreed and stated he will also add evergreens as he does not want to lose the tree canopy if the garage is moved forward. Mr. Findlay requested reducing the size of the garage by 20% which he felt was more important than moving the garage forward.

Motion

ZBA Member Constantino moved, seconded by ZBA Member Fried, to recommend that the Village Board approve two (2) requested variations from the Glen Ellyn Zoning Code as follows: To Section 10-5-5(B)4, Item 30, to allow the construction of a shed accessory building within the rear yard setback that is 450 square feet in area in lieu of the maximum permitted area of 150 square feet for a shed in the rear yard setback and to Section 10-5-4(A)2a to allow the construction of a shed accessory building that is 450 square feet in area and increases the accessory building area on the lot to 1,716 square feet in lieu of the maximum permitted accessory building area on the lot of 1,000 square feet with the condition that additional landscape material will be required to screen the structure along the north boundary of the property line with evergreens and to relocate the structure at least 20 feet off of the rear and side yard boundary lines.

The motion carried with four (4) yes and one (1) no vote as follows: ZBA Members Constantino, Fried, Loch and SiligmueLLer voted yes; Acting Chairman Kolar voted no.

PUBLIC HEARING – 586 LOWDEN AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM GLEN ELLYN ZONING CODE SECTION 10-4-8(D)1b TO ALLOW THE CONSTRUCTION OF A ONE-STORY ATTACHED GARAGE ADDITION THAT DOES NOT MEET THE MINIMUM REQUIRED FRONT YARD SETBACK, A VARIATION FROM ZONING CODE SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ATTACHED GARAGE ADDITION AND A TWO-STORY HOME ADDITION THAT DOES NOT MEET THE MINIMUM REQUIRED SIDE YARD SETBACKS, AND A VARIATION FROM ZONING CODE SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ATTACHED GARAGE ADDITION AND A TWO-STORY HOME ADDITION THAT EXCEEDS THE MAXIMUM PERMITTED LOT COVERAGE RATIO.

*(Gary and Christine Schlosser, owners)*

Staff Report

Building and Zoning Official Joe Kvapil began his presentation by distributing a site drawing and photos of the home at 586 Lowden Avenue. He stated that Gary and Christine Schlosser are the owners of the subject property and are requesting approval of three variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(D)1b to allow the construction of an attached garage addition that will be set back 37 feet from the front yard lot line in lieu of the minimum required setback of 40.9 feet from the front yard lot line. (Mr. Kvapil stated that the “37” figure is a staff error and that the petitioner had requested a 36-foot setback). 2. Section 10-4-8(D)3 to allow the construction of an attached garage addition that will be set back 5 feet from the right side yard lot line, and a home addition that will be set back 5 feet from both side yard lot lines, in lieu of the minimum required setback of 6.5 feet from the side yard lot lines. 3. Section 10-4-8(E)1 to allow the construction of an attached garage addition and a home addition that will result in a lot coverage ratio of 23.3% in lieu of the maximum permitted lot coverage ratio of 20%.

The subject property is an interior lot located in the R2 Zoning District surrounded on all sides by single-family residential. Village records indicate that the subject home was built in 1967, a deck addition was built in 2007 and no zoning variations have been granted for this property. Mr. Kvapil displayed a plat of survey of the subject property. He added that the owners are proposing to construct a garage addition at the front of the home that covers 140 square feet and is set back 37 feet from the front yard lot line. The proposed garage addition is aligned with the existing home and will be set back five (5) feet from the right side yard lot line. The minimum required setback is 6.5 feet; therefore, a variation is required. The garage addition is set back 37 feet from the front yard lot line and the required setback is 40.94 feet; therefore, a variation from

the front yard setback is necessary. Mr. Kvapil stated that the owners also propose to construct a home addition on the rear of the house that will cover 560 square feet (14' x 40') that will be set back 5 feet from the right lot line and 5 feet from the left lot line. He added that the minimum side yard setback is 6.5 feet; therefore, a variation is required for the rear addition. Mr. Kvapil stated that the front addition will total 140 square feet and the rear home addition will total 560 square feet which increases the lot coverage ratio to 23.3% which exceeds the maximum permitted lot coverage ratio of 20%. Due to the previously noted error, Mr. Kvapil stated that the variation process could continue at the applicant's request as originally published with a 37-foot setback or the public notice could be republished with a 36-foot setback and reconvene the meeting at a later date or recommend approval of a 36-foot setback with a consultation by the Village Attorney regarding allowing the minor deviation. Mr. Kvapil pointed out that the public notice allows zoning relief necessary to construct the project as depicted.

#### Petitioners' Presentation

Gary J. Schlosser, 586 Lowden Avenue, Glen Ellyn, Illinois stated that currently their home has a single-car garage that they would like to turn into a two-car garage. Mr. Schlosser stated that the critical components of the house (furnace, main water line, hot water heater) are within the garage setback and must be moved in order to add the second garage. He stated that he hoped the 36-foot setback will allow him to recess into the house just far enough to not have to remove the furnace, etc., and the original single-car will remain as is. He added that the existing house setbacks are currently different than they were originally. He also stated that the driveway would continue to be narrow after construction and the apron would not change as it is shared with the neighbors. He added that he would shape the driveway to fit into the garage.

Mr. Schlosser stated that he explained his project to his surrounding neighbors and letters in support of the project were included in the petitioner's packet.

#### Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Constantino that the proposed garage is planned to be a one-story, two-car attached garage. Mr. Kvapil verified for ZBA Member Fried that the lot coverage ratio would be approximately 21% if the front portion of the garage was removed. Mr. Schlosser responded to ZBA Member Fried that the width of the driveway would be increased at the time of the construction. Mr. Kvapil responded to ZBA Member Fried that lot coverage ratio would not be impacted by the additional driveway. Mr. Schlosser explained for ZBA Member Fried that he plans to add another bedroom, a master bedroom and bath and expand the kitchen at the rear of the home. He explained how his designs have been negatively impacted by certain calculations related to the type of home he has. He also explained that his square footage is negatively impacted because the garage is attached and he loses 2% of his lot square footage ratio because his home is a raised ranch design. Mr. Kvapil responded to ZBA Member

Siligmuller that a raised ranch is viewed as a 2-story home because of the elevation of the first floor per the Zoning Code regulations. Mr. Kvapil explained for ZBA Member Siligmuller that the interior building area and exterior wall are included in the lot coverage ratio. Mr. Kvapil agreed with ZBA Member Kolar that the subject area was formed as a Planned Unit Development.

Mr. Schlosser explained for Mr. Siligmuller that the house would not be aesthetically pleasing if the variations were not granted for the side of the house. He added that his house has a foot-and-a-half overhang which counts in the lot coverage ratio. He added that it would be easier and more cost effective to build straight up from 14 feet.

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

No persons spoke in favor of or against the requested petition.

#### Comments from the ZBA

The ZBA Members determined that the Building and Zoning Official would contact the Village Attorney regarding the setback error contained in the public hearing notice and staff report and verification regarding proceeding with this variation request. ZBA Member Fried expressed a concern that the proposed lot coverage ratio is too high for the subject lot. ZBA Member Constantino had a problem with the request for 23.3% lot coverage ratio without more specific detail. ZBA Member Siligmuller was concerned regarding setting a precedent as the nearby houses are similar with a 40-foot setback and a 36-foot setback is significant. He also stated he was uncomfortable with the variations. ZBA Member Fried was also uncomfortable with the proposed lot coverage ratio and stated she would prefer that he kept the garage as a single-story in the back. ZBA Member Loch stated she was uncomfortable with the building coming in 36 feet from the street and adding more asphalt to the yard. She stated that an addition could be constructed to the rear of the house rather than in front where it will look crowded. Acting Chairman Kolar was not in favor of voting for an increased lot coverage ratio at this property. It was determined that if the garage addition was removed from the plan, the lot coverage ratio would become 21.3%, and the ZBA members stated they would be supportive of that variation request.

#### Motion

ZBA Member Constantino moved, seconded by ZBA Member Fried, to recommend denial of the request by Gary and Christine Schlosser of 586 Lowden Avenue for three variations from the Zoning Code as follows: 1. Section 10-4-8(D)1b to allow the construction of an attached garage addition that will be set back 36 feet from the front yard lot line in lieu of the minimum required setback of 40.9 feet from the front yard lot line. 2. Section 10-4-8(D)3 to allow the construction

of an attached garage addition that will be set back 5 feet from the right side yard lot line, and a home addition that will be set back 5 feet from both side yard lot lines, in lieu of the minimum required setback of 6.5 feet from the side yard lot lines. 3. Section 10-4-8(E)1 to allow the construction of an attached garage addition and a home addition that will result in a lot coverage ratio of 23.3% in lieu of the maximum permitted lot coverage ratio of 20%.

The motion to deny carried unanimously with five (5) "yes" votes as follows: ZBA Members Constantino, Fried, Loch, SiligmueLLer and Acting Chairman Kolar voted yes.

#### Trustee Report

Trustee Cooper reviewed Civic Center space plan needs that are currently under discussion by the Village Board.

#### Staff Report

Building and Zoning Official Kvapil stated that there will be no ZBA meeting on August 13, 2012.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 9:29 p.m.

Submitted by:  
Barbara Utterback  
Recording Secretary

Reviewed by:  
Joe Kvapil  
Building & Zoning Official