

ZONING BOARD OF APPEALS
MINUTES
AUGUST 28, 2012

The meeting was called to order by Chairman Rick Garrity at 7:34 p.m. Board Members Gregory Constantino, Barbara Fried, Mary Loch and Dale Siligmueller were present. Board Members Gary Fasules, Edward Kolar 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 Loch, to approve the minutes of the July 24, 2012 ZBA meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 596 Phillips Avenue.

PUBLIC HEARING – 596 PHILLIPS AVENUE

A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A BUILDING ADDITION THAT RESULTS IN A LOT COVERAGE RATIO OF 24.5% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%. 2. SECTION 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF AN OPEN FRONT PORCH THAT IS SET BACK 16 FEET FROM THE FRONT YARD LOT LINE IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 22.5 FEET.

(Keith and Amanda Cyzen, owners)

Staff Report

Building and Zoning Official Joe Kvapil displayed a photograph of the subject home at 596 Phillips Avenue. He stated that the petitioners are requesting approval of two (2) variations as follows: One variation from Section 10-4-8(E)1 to allow the construction of a building addition that results in a lot coverage ratio of 24.5% in lieu of the maximum permitted lot coverage ratio of 20% and a second variation from Section 10-5-5(B)4 to allow the construction of an open front porch that is set back 16 feet from the front yard lot line in lieu of the minimum required front yard setback of 22.5 feet. Mr. Kvapil stated that the subject property is an interior lot located in the R2 Zoning District on the north side of Phillips Avenue and that the zoning and land use surrounding the subject property is single-family residential. He added that the subject property is not in or near any designated flood area.

Mr. Kvapil stated that the subject lot is nonconforming at 5,727 square feet which is substantially under the current required minimum of 8,712 square feet. He stated that the property is nonconforming regarding lot area, lot width, lot depth, front yard setback, rear

yard setback, left side interior side yard setback and lot coverage ratio. Mr. Kvapil stated that the subject property has had no alterations in the recent past that were significant and no zoning variations have been granted for this property.

Mr. Kvapil displayed a site plan of the subject property. He stated that the owners are proposing to enclose the existing 120-square foot open front porch to add interior living space to the home. He stated that the existing open front porch is currently excluded from the lot coverage area, however, the porch will be included in the lot coverage area and considered to be a building addition when it becomes enclosed. Mr. Kvapil added that the porch will result in an increase in the lot coverage area from 22.5 percent to 24.5 percent and will require a zoning variation. Mr. Kvapil stated that the owners also propose to construct an open front porch that will be 8-1/2 feet deep and will extend approximately 29 feet across the entire front of the home. He added that the proposed porch will be set back from the front lot line 16 feet at its closest point which requires a zoning variation since the Zoning Code requires that the front porch must be set back a minimum of 22-1/2 feet from the front lot line. Mr. Kvapil stated that the Zoning Code requires a front porch to be a minimum of 6 feet deep in order to qualify for the lot coverage exemption. He added that if the porch was less than 6 feet deep, the front yard setback variation would be reduced but the square footage would need to be added into the lot coverage. Mr. Kvapil also stated that one-half of the front porch will not comply with the setback requirement.

Mr. Kvapil distributed to the ZBA members a petition with the names of 11 neighbors in support of the variation requests that the Village received earlier today from the petitioner. He also distributed a note that indicated an anonymous person had come into the Building Department today with concerns regarding the proposed project. The person was concerned that adding onto the building would eliminate most of the green space in the front yard and impact the beauty of the neighborhood. The person also felt that adding an additional structure to the front of the house would obstruct the view down Phillips Avenue and create a dangerous situation for cars and children riding bikes. Mr. Kvapil also stated that Carl Karg of 600 Phillips Avenue and the owner of 603 Phillips Avenue phoned and said that he was aware of the petition but did not have time to adequately review it and understand the proposal so he was unable to provide an opinion for or against the variation requests.

Petitioners' Presentation

Keith Cyzen, the homeowner of 596 Phillips Avenue, Glen Ellyn, Illinois and Daniel James Simoneit, Z + O Architects, 504 Hillside Avenue, Glen Ellyn, Illinois spoke on behalf of the variation requests. Mr. Cyzen introduced the members of his family, including Amanda Cyzen, his wife, and four children. He stated that his children play in the front yard of their home and since the front door of the home does not look directly into the front yard, it is difficult to monitor the children when they are outdoors. He added that the impetus for the change is to have the front door face the street like most other homes and to have their porch available for access to the children. Mr. Cyzen

stated that the existing front porch will be closed in so that more space is available in the home.

Mr. Simoneit stated that the reason that the petitioners and he are at this meeting is because the entire home is nonconforming and variations are required to do any work at all to the home. He stated that an issue that adds to the hardship is that the codes were adopted long after the home was built in approximately 1930. Mr. Simoneit stated that the subject home, although small, is of a nice scale. He stated that the proposed enclosure at the front of the house is to create an entranceway to transition into the home as there is currently no vestibule into the home. He also stated that half of the porch is legally conforming and half is not due to codes being created after the home was built and that the existing home is not quite parallel to the property lines. Mr. Simoneit stated that the 8-foot depth of the proposed porch is standard and will allow enough space for adults to sit on the porch to watch the children play in the yard. Mr. Simoneit displayed and described some photographs/graphics as shown in the petitioners' packet including a plat of survey and 3D models of the home. He stated that if the subject home was squared up on a standard 50-foot x 150-foot lot, only a small variance on the front of the home for the extension would be necessary. He added that in the worst case scenario, on the northeast side of the house, the corner on the farthest point on the eave would be 3 feet 3 inches farther than the porch that exists on the home next door.

Mr. Simoneit stated that the proposed project in size and scale is humble as is the subject house and he displayed before and after photos of the subject home as well as other photos. He added that the lot coverage ratio will increase at the porch area when glass is added and the area will be closed to create an entrance vestibule. Mr. Simoneit also stated they would like to add charm and character to the home and the porch. He added that almost every home on the subject block is in violation of the current front yard setback.

Mr. Simoneit stated that the subject home is very small with 925 square feet on the first floor and 600 square feet on the second floor for a total of 1,525 square feet which includes the 120-square foot open front porch and 240 square feet of the attached garage. Mr. Simoneit added that the space being added to the home will be more of a thoroughfare to the home and a space for guests to enter with a window seat and coat area.

Responses to Questions from the ZBA

ZBA Member Constantino asked a question regarding the allowance of a bonus for the property. Mr. Kvapil stated that a porch is eligible for a bonus when open on two sides; therefore, the existing 120-square foot porch space was not included in the original lot coverage calculation which is nonconforming. Mr. Kvapil explained that the lot coverage ratio will increase from 22.5% to 24.5% with the enclosure of the existing open porch. He also stated that the proposed porch will be open on three sides and the Zoning Code allows an exemption up to 240 square feet from lot coverage area for open front porches on three sides. He added that, therefore, none of the area on the new front porch counts

toward lot coverage area or lot coverage ratio. ZBA Member SiligmueLLer asked Mr. Kvpil if he had information regarding other houses in the neighborhood that did not appear to have compliant front yard setbacks. Mr. Kvpil displayed an aerial photo of the area and responded that no setback information was received from the houses on either side of the subject property although the houses appear to be very close to the street and may be nonconforming (less than 30 feet from the front property line). Mr. Kvpil also displayed a survey of the property at 600 Phillips Avenue from the Village files that indicates that the front yard setback is approximately 20.75 feet which is nonconforming (conforming is 30 feet). He stated that the front yard setback at the subject property is currently 25.75 feet. Mr. Kvpil responded to ZBA Member Loch that he did not have the lot size of 600 Phillips Avenue but stated that the lot is nonconforming in several ways.

Mr. Simoneit clarified for ZBA Member Constantino that the proposed addition of the porch would extend approximately 3 feet beyond what currently exists at 600 feet. He also added that the porch will remain open in the future and that there will be no foundation underneath. ZBA Member Constantino asked if the proposed size of the extension of the porch is the minimum that is practical and would the proposed increase of the encroachment into the setback work at 4 feet instead of 6 feet. Mr. Simoneit responded that changing the 6 feet to 4 feet would make the function obsolete because it would not allow enough space for chairs and for people to walk by the chairs. ZBA Member Constantino asked what is particularly unique about the subject property to require variations, and Mr. Simoneit responded the uniqueness is the nonconforming size and shape of the property. He added that the lots and homes to the south and west continually become larger and the subject home is one of two homes in the area that is unique in that it is "shoe-horned" onto the property. ZBA Member SiligmueLLer asked for confirmation that Mr. Simoneit did not agree with the note that was forwarded to the ZBA by an anonymous person who felt that having the new porch at the proposed distance from the street was a safety hazard as cars on the street would be unable to see children on bicycles. Mr. Simoneit responded that, as a citizen, he drives on the subject street up to four times per day and stated that the proposed porch will be somewhat open and not a problem. ZBA Member Fried asked what the width of the south side of the porch was, and Mr. Simoneit responded 2-3 feet. Mr. Kvpil responded to ZBA Member Fried that the porch projects 3 feet into the required setback at that location. ZBA Member Fried asked if it would be possible to build a porch 5 feet wide all the way across, and Mr. Simoneit replied yes but responded that the petitioners would like enough room to be able to enjoy the front porch. Mr. Simoneit responded to ZBA Member Fried that the current porch is 8 feet wide. Mr. Cyzen added that French doors will be added to the sun room that will allow a view from the house into the porch and if the porch was less wide, that access to the children would be lost. Ms. Cyzen stated that with four children and two dogs, they are outgrowing their house but not their neighborhood. She added that she would like to be able to make their house functional by gaining back the livable space. Mr. Simoneit added that the front door is the primary point of access to the home

Persons in Favor of or in Opposition to the Petition

No members of the public spoke in favor of or against the proposed project.

Comments from the Zoning Board of Appeals

ZBA Member Constantino was in favor of the proposed variations. He stated that the subject home has one of the smallest lots in building area and footprint that the ZBA has seen and while the lot area does not normally apply as a practical difficulty, he felt that the subject project is a unique situation with a great hardship. He was not concerned about the enclosure of the existing porch as the footprint for the main structure is not increased. ZBA Member Constantino had some concern regarding the size of the porch but was in favor given the fact that it is only 3 feet beyond the neighbor's extension of his porch and minimally 6 feet is necessary to obtain an exemption from lot coverage which will be from approximately 7-1/2 feet to 8 feet and the fact that testimony was presented that there is no apparent safety or traffic concerns in favor. ZBA Member Siligmuller was also supportive of the variation requests because of the unique circumstances regarding the size of the lot and the curve of the street. He also felt that the impact of the variations to the neighborhood is positive. ZBA Member Fried stated she would prefer a 7-foot porch. ZBA Member Loch felt that the proposed design was beautiful but had a problem with the bulk because of the small lot and, therefore, was not in favor of the proposal. She also was struggling with the lot coverage ratio because the lot was so small. Mr. Simoneit stated that an 8-foot deep porch can be standardize framed which is cost effective, and Mr. Cyzen stated he was concerned about the function of the porch if the size is smaller. After some discussion, Ms. Fried and Ms. Loch agreed to support the variation requests if the depth of the porch was reduced to 7 feet, and the other ZBA members agreed with that reduction.

Motion

ZBA Member Fried moved, seconded by ZBA Member Loch, to recommend that the Village Board approve two variations for 596 Phillips Avenue from Section 10-4-8(E)1 to allow the construction of a building addition that results in a lot coverage ratio of 24.5% in lieu of the maximum permitted lot coverage ratio of 20% and from Section 10-5-5(B)4 to allow the construction of an open front porch that is set back 17 feet from the front yard lot line in lieu of the minimum required front yard setback of 22.5 feet and shall not exceed 7 feet in depth. The unique circumstances regarding this request were that the subject older home is built on a substandard lot which is one of the smaller lots in the area and is one of the smaller building footprints for lot coverage ratio and there are nonconforming front and side yards. The hardship regarding this request is that no work could be done to the subject home without a variation being approved.

The motion carried unanimously with five (5) yes votes as follows: ZBA Members Fried, Loch, Constantino, Siligmuller and Chairman Garrity voted yes.

Trustee Report

Trustee Cooper described an item discussed at the Village Board meeting the previous evening regarding a request for a special use variance for a cookout with alcohol at J & R at Pennsylvania Avenue and Park Boulevard. He also recommended that the ZBA members review the interim financial report and he stated that income tax revenues are again beginning to increase. Trustee Cooper responded to ZBA Member Fried that he will request Village Manager Franz to appear at a ZBA meeting in the future. He also requested that the ZBA members attend a future Village Board workshop meeting where commissions will be discussed.

Staff Report

Mr. Kvapil stated that the September 11, 2012 ZBA meeting will be cancelled. He added that two variations are scheduled for the September 25, 2012 meeting and one variation is scheduled for the October 9, 2012 meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:57 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official