

ZONING BOARD OF APPEALS
MINUTES
FEBRUARY 12, 2013

The meeting was called to order by Chairman Richard Garrity at 7:30 p.m. Board Members Gregory Constantino, Gary Fasules, Barbara Fried, Edward Kolar, Meg Maloney, John Micheli and Chip Miller were present. 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 Fasules moved, seconded by ZBA Member Kolar, to approve the minutes of the January 8, 2013 ZBA meeting. The motion carried unanimously by voice vote.

A continuation of a public hearing for the property at 277 Newton Avenue and a public hearing for the property at 269 Newton Avenue were on the agenda.

CONTINUED PUBLIC HEARING – 277 NEWTON AVENUE

A CONTINUATION OF THE PUBLIC HEARING CONDUCTED ON JANUARY 8, 2013 REGARDING A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW THE CONSTRUCTION OF A ONE-STORY HOME ADDITION WITH A PROPOSED 3'-0" SIDE YARD SETBACK IN LIEU OF THE MINIMUM REQUIRED 7'-6" SIDE YARD SETBACK.

(Michael and Mary Campagna, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that this public hearing is a continuation from January 8, 2013 for the property at 277 Newton Avenue and he displayed a photograph of the subject property. He stated that the owners of the property are Michael and Mary Campagna who are requesting approval of one variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of a one-story addition with a side yard setback of 3'-0" in lieu of the minimum required side yard setback of 7'-6". Mr. Kvapil stated that the kitchen is proposed to be enlarged by 83 square feet. He added that the lot is an unusual parallelogram shape, the house is parallel to the street and the lot is at an angle to the street which creates unusual circumstances. Mr. Kvapil stated that the home is nonconforming at 5.8 feet from the existing side yard setback and the addition would be 3 feet from the same side yard setback. Mr. Kvapil displayed surveys of the subject property and the property to the south (269 Newton Avenue) for comparison purposes.

Mr. Kvapil stated that only a portion of the proposed kitchen addition is in the side yard setback (35-40 feet).

Chairman Garrity stated that the reason the meeting was continued is because some ZBA members were not in attendance at the January 8, 2013 meeting and the motion would not have passed.

Petitioners' Presentation

Michael and Mary Campagna, the owners of 277 Newton Avenue, and Preston C. Fawcett, their architect, of 207 Norwood Avenue, Itasca, Illinois were present to speak on behalf of the subject variation request. Mr. Campagna explained that after exploring several options, he feels that the subject presentation is the best for the safety of his family, for flow and layout, for visual appearance from the front and side and for budget reasons.

Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Kolar that no changes have been proposed regarding the subject project since the previous ZBA meeting. ZBA Member Fried asked what is unique about the subject request, and Mr. Campagna responded what is unique is the squareness of the house and the parallelogram shape of the lot which makes it difficult to have a complying angular addition. He added that for cosmetic and efficiency reasons, the squared-up version works best. Ms. Campagna explained that the back of the house where the kitchen is goes in from where the front of the house is because of the parallel. She stated that if they could bring out the back, it would not come out as far as the front of the house but if it was done on an angle, having cabinets, etc., would be difficult. She added that it would be nice to have a wider kitchen so that more space is available for the family members. Mr. Fawcett responded to ZBA Member Miller that the roof will be pitched to match the existing slopes and shingles.

Persons in Favor of or in Opposition to the Petition

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

Comments from the ZBA

ZBA Members Constantino, Fasules, Fried, Maloney and Miller were in favor of the proposed variation request, and ZBA Members Kolar, Micheli and Chairman Garrity were not in favor of the proposed variation request. ZBA Member Constantino felt that the buffer between the subject house and the house next door is sufficient. ZBA Member Maloney commented that she did not feel that construction would be a problem for school children walking by the home because the construction will take place toward the rear of the home. ZBA Member Fasules felt there was a significant hardship in this case. ZBA Member Fried felt there was no other alternative available to the petitioners and that the lot coverage ratio was sufficient. ZBA Member Miller felt that the subject lot has plenty of room regarding safety in the event firemen need to access the site. ZBA Member Kolar felt that 3 feet is too close for an addition at a property line. He felt that alternatives are available and that the addition could be built onto the back of the home

rather than along the property line. ZBA Member Micheli stated that a new house that could be built next door would narrow the space even more between the two existing homes. He stated that well thought out construction that improves the property can be considered good for the neighborhood. He felt that the proposed plan is tasteful but encroaches too much on the lot next door and, therefore, was not in favor of the proposed project. Chairman Garrity was not in support of the project as he feels 3 feet is too close to the lot line and has never been approved before by the ZBA.

Motion

ZBA Member Fasules moved, seconded by ZBA Member Fried, to approve the petitioners' request for one variation from Glen Ellyn Zoning Code Section 10-4-8(D)3 to allow the construction of a one-story addition with a side yard setback of 3 feet in lieu of the minimum required side yard setback of 7 feet 6 inches. The recommendation for approval was based on the parallelogram shape of the subject lot which is a hardship.

The motion to approve carried with four (4) yes votes and three (3) no votes as follows: ZBA Members Fasules, Fried, Constantino and Miller voted yes; ZBA Members Kolar, Micheli and Chairman Garrity voted no.

PUBLIC HEARING – 269 NEWTON AVENUE

A REQUEST FOR APPROVAL OF THREE (3) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(N)3 TO ALLOW A NEW SECOND FLOOR ADDITION WITH A CORNER SIDE YARD SETBACK OF 9.8 FEET IN LIEU OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 20 FEET. 2. SECTION 10-4-1(N)3 TO ALLOW AN EXISTING ROOF ALTERATION WITH A CORNER SIDE YARD SETBACK OF 11.98 FEET IN LIEU OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 20 FEET. 3. SECTION 10-4-1(N) TO ALLOW AN EXISTING ROOF ALTERATION SETBACK VARIATION THAT IS PROHIBITED TO A STRUCTURE PREVIOUSLY GRANTED A SETBACK VARIATION.

(David and Deanna Legman, owners)

Staff Report

Joe Kvapil, Building and Zoning Official, stated that David and Deanna Ligman, owners of the property at 269 Newton Avenue, are requesting approval of three (3) variations from the Glen Ellyn Zoning Code: 1. Section 10-4-1(N)3 to allow a new second floor addition over the existing first floor with a corner side yard setback of 9.8 feet in lieu of the minimum required corner side yard setback of 20 feet. 2. Section 10-4-1(N)3 to allow an existing roof alteration with a corner side yard setback of 11.98 feet in lieu of the minimum required corner side yard setback of 20 feet. 3. Section 10-4-1(N) to allow an existing roof alteration setback variation that is prohibited to a structure previously granted a setback variation. Mr. Kvapil displayed a photograph and plat of survey of the subject property.

Mr. Kvapil stated that the property is located in the R2 zoning district and is defined as a corner lot on the northeast corner of the intersection of Newton Avenue and Turner Avenue. He added that the zoning and land use surrounding the subject property is single-family residential and is not in any designated stormwater, floodplain or detention area. Mr. Kvapil stated that Village records indicate that Ordinance 1779 that granted the construction of an addition with a corner side yard setback of 13.9 feet was passed in 1972. He stated that the house was built in 1951 and he listed several permits that have been issued for the home.

Mr. Kvapil stated that the owners propose to construct a second floor addition over the original one-story home and a bump-out projection on the second floor over the first floor at the front of the house. He stated that the project is permitted up to a point where it doesn't extend past the front of 277 Newton. Mr. Kvapil stated that the Zoning Code allows an exception for a straight-up addition over an existing one-story home that is located in the required side yard setback with some conditions. He stated that one condition is that the side yard setback is not less than 20 feet and added that the existing corner side yard setback of the home is 9.8 feet which does not comply and requires a variation. Mr. Kvapil stated that a second variation will be necessary as the owners propose to remove the existing roof on the existing addition. He added that the petitioners propose to reconstruct a new higher roof that matches the slope of the roof on the new second story addition. He also stated that a vaulted ceiling would be provided over the existing first floor space in the existing addition. Mr. Kvapil added that the same zoning code exception applies. He stated that the construction over the existing footprint in the required corner side yards of the setback is 20 feet and the actual setback is 11.98 feet which does not comply and requires a variation. Mr. Kvapil stated that another condition is that the existing roof nonconforming corner side yard setback was not the result of a variation previously granted by the Village. He stated that a variation was granted for this addition to allow it to be constructed in this corner side yard setback granted in 1972.

Mr. Kvapil stated that the subject lot meets the minimum area, width and depth requirements for a corner lot, however, this existing home was constructed with a nonconforming corner side yard setback of 9.8 feet for unknown reasons. Mr. Kvapil added that when the house was built in 1951, the zoning ordinance did not specify corner side yard setbacks. He stated that setbacks were 10 percent of the lot width which could mean that the required corner setback was 10 percent of the lot width which would have been 8.2 feet in this case and would have complied with the code. Mr. Kvapil added that current zoning regulations would require a corner side yard setback of 30 feet.

Mr. Kvapil added that the ordinance granting the construction of the one-story addition granted a setback of 13.9 feet, however, the addition instead was built 11.98 feet from the property line for unknown reasons.

Petitioners' Presentation

Deanna and Dave Ligman, 269 Newton Avenue, Glen Ellyn, Illinois spoke on behalf of their requested variations. Mr. Ligman stated that their existing home is well built with a great history and a good sized yard. He stated that they would like to add more space by building up on their home. He stated that on the existing portion of the house, there would be a second story addition and that a roof change is proposed on the back portion of the house because the roof is low with an unattractive pitch. He added that the changes will be tasteful and not excessive. Mr. Ligman displayed and described plans of the proposed changes and stated that the house will remain under the 20 percent lot coverage ratio.

Ms. Ligman stated that she and her husband are Glenbard West graduates and wanted to move back to Glen Ellyn. He added that they had explored other options for their home but feel the proposed request is the best option.

Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Kolar that additional lot coverage area comes from the overhang of the second story even though the overhang does not reach the grade of the land. ZBA Member Kolar asked what other options for their home had been explored. Mr. Ligman responded that they had looked at building out and keeping the house as one story, however, that would not provide the space they needed because the other lot line is angled, yard space would be decreased, and covering more of the yard surface could cause water issues for their neighbors. Ms. Ligman added that the bottom of Turner Avenue is a flood zone.

Mr. Ligman responded to ZBA Member Constantino that the roof change is proposed for structural, drainage and aesthetic improvements. Mr. Kvapil responded to ZBA Member Kolar that the proposed project is a Class II Addition and, therefore, the entire house does not need to be brought up to current code requirements. Mr. Kvapil also responded to ZBA Member Miller that the proposed project will have no new foundations, however, the second floor will extend over the first floor with a projection of 1 foot 4 inches x 20 feet. ZBA Member Micheli asked if there would be significant issues if a new house was built on the subject lot given the unusual size of the lot and the setback restrictions. Mr. Kvapil responded that there is adequate buildable area on this property for a new home. Mr. Kvapil responded to ZBA Member Kolar that the setback along the north property line would be 8.2 feet and at the 30 foot setback from Newton Avenue where the lot width is measured, it is 82 feet. He added that a new home on this lot would need to be set back 8.2 feet from the home to the north. Mr. Kvapil verified for ZBA Member Fried that the existing home would comply with the code if it was moved on the lot.

At ZBA Member Micheli's request, Mr. Ligman described the materials that will be used on the outside of the house.

Persons in Favor of or in Opposition to the Petition

Michael and Mary Campagna, 277 Newton Avenue, Glen Ellyn, stated that they fully support the petitioners' variation request. They feel the design is beautiful and will add much value to their neighborhood as well as the Village.

Comments from the ZBA

All of the ZBA members were supportive of the petitioners' variation requests. ZBA Member Constantino felt that given the history of the lot, it is unknown why the home was built in its current location. He stated that because the existing footprint will be maintained, the existing structure on the first floor will be improved, and building straight up on the second floor will cause no significant adverse effects. He added that this home is a unique situation. ZBA Member Constantino also stated that the addition could be built onto the first floor only, however, he was concerned that flooding issues could then increase in the neighborhood. The ZBA members felt that the petitioners showed hardship regarding their home and ZBA Member Kolar felt that the petitioners have no other alternative. He added that sight lines at the corner are not affected because the house is set back from the intersection.

Motion

ZBA Member Fried moved, seconded by ZBA Member Fasules, to recommend that the ZBA approve the three (3) variations for the property at 269 Newton Avenue as requested by the petitioners because of the position of the existing home on the lot.

The motion carried with seven (7) "yes" votes and zero (0) "no" votes as follows: ZBA Members Fried, Fasules, Constantino, Kolar, Micheli, Miller and Chairman Garrity voted yes.

Trustee Cooper stated that this variation request will be on the consent agenda as it was unanimously approved by the ZBA.

Staff Report

Mr. Kvapil stated that appearance could be included in the review of the project per the Zoning Code.

Mr. Kvapil also stated that the Planning and Development Department has received no new variations for review.

Chairman's Report

Chairman Garrity welcomed new members Chip Miller and student Meg Maloney.

Trustee Report

Trustee Cooper stated that budget season is in process. He also reported on President Pfefferman vetoing legislation regarding home rule sales tax.

The meeting was adjourned at 8:46 p.m.

Submitted by:

Barbara Utterback

Recording Secretary

Reviewed by:

Joe Kvapil

Building & Zoning Official