

ZONING BOARD OF APPEALS
MINUTES
AUGUST 27, 2013

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Board Members Gregory Constantino, Edward Kolar, Meg Maloney, John Micheli and Chip Miller were present. Also present were Trustee Liaison Tim Elliott, Building and Zoning Official Joe Kvapil 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 approve the minutes of the May 28, 2013 ZBA meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 764 Lincoln Avenue.

PUBLIC HEARING – 764 LINCOLN AVENUE

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 RESULTS IN A LOT COVERAGE RATIO OF 22.6% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(Kevin S. Williams, owner)

Staff Report

Building and Zoning Official Joe Kvapil stated that Kevin Williams, owner of the property at 764 Lincoln Avenue, is requesting 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 results in a lot coverage ratio of 22.6% in lieu of the maximum permitted lot coverage ratio of 20% for a 2-story home. Mr. Kvapil displayed a photo of the subject home and stated that the property is located in the R2 Zoning District and is defined as a corner lot on the southwest corner of the intersection of Elm Street and Lincoln Avenue. He also stated that the zoning and land use surrounding the subject property is single-family residential. Mr. Kvapil stated that the subject home was built in 1958 with several permits subsequently issued that included additions, a garage, a deck and fences.

Mr. Kvapil stated that Village records indicate that a zoning variation was granted in 1993 to allow a second floor addition to be constructed within the required corner side yard setback. He stated that the side yard setback was 30 feet in 1993, and the existing home is set back approximately 14 feet from the corner side yard. Mr. Kvapil stated that the Zoning Code has been amended since that time, and the corner side yard setback has changed for this lot from 30 feet to 15% of the lot width. He added that the lot is 50 feet wide and that 30% of the lot width is 15 feet, therefore, the current required corner side

yard setback is 15 feet. Mr. Kvapil added that the prior variation that was granted has no relevance to the subject variation being requested at his public hearing.

Mr. Kvapil displayed a diagram and stated that the owners propose to construct a one-story screened porch addition with a second floor deck on the rear of the house that would result in a lot coverage ratio of 22.6%. He stated that the proposed addition would generally replace the space below an existing raised second floor deck. He stated that the proposed screened porch would be set back 16 feet 3-1/8 inches from the corner side yard lot line which is in compliance with the minimum 15 foot 0 inch setback requirement. The screened porch also complies with the rear yard setback requirement of 40 feet and the maximum height requirement. Mr. Kvapil stated that the screened porch complies with all other zoning requirements except lot coverage area. Mr. Kvapil displayed a map and stated that the property is close to, but not within, a designated flood area. He stated that the area of the addition is less than 300 square feet, therefore, a drainage or stormwater review is not required.

Petitioners' Presentation

Kevin Williams, 764 Lincoln Avenue, Glen Ellyn, Illinois stated that his property is a weird shape. He stated that he would really like to sit in his side yard to enjoy the outdoors as he has no back yard. Mr. Williams stated he lives in a wooded area and that he would like to have a screened-in porch because of the many bugs at that location. He stated that he currently needs to replace his deck, and friends and neighbors suggested that he screen-in that area. He stated that the upper balcony is currently in decent shape but would be removed as he would like to build a screened-in porch area. Mr. Williams stated that the screened porch would increase the value of his home and that his neighbors have been supportive of this project. He also added that the screened porch will not affect anyone's view in the neighborhood.

Responses to Questions from the ZBA

Mr. Kvapil responded to ZBA Member Constantino that no correspondence regarding the subject request was received from any neighbors. Mr. Kvapil verified for ZBA Member Constantino that the minimum requirements for square footage and lot width are not met with the subject lot and added that there are a number of nonconformities on the property, including the interior side yard setback on the west side, the corner side yard setback for the house and the existing lot coverage area for the existing house. He also stated that the subject house is existing nonconforming. Mr. Kvapil verified for ZBA Member Kolar that 100% of the subject request is beyond the lot coverage ratio authorized and added that the lot coverage ratio was revised in 2002 to 20%. He stated that at the time the house was constructed, the lot coverage ratio was 25%. Mr. Kvapil responded to Chairman Garrity that the petitioner receives a full 500 square foot exception due to the detached garage on the site. ZBA Member Miller stated that he is confused as the porch will remain the same size although walls and a roof will be added, however, the lot coverage ratio will increase but the footprint will not change. Mr. Kvapil stated that the deck and the area below the deck are not pervious surfaces, therefore, it is excluded from

the lot coverage ratio. Mr. Kvpil clarified that the deck is currently an accessory structure but would become an addition to the house if it was a screened-in porch with a roof. He also responded to ZBA Member Maloney that the balcony will be removed and a new screened porch addition will be constructed in its place in approximately the same position. Mr. Kvpil explained that the survey does not show the deck where it was actually built. Mr. Kvpil responded to ZBA Member Micheli that the deck would be conforming if the deck balcony was removed and replaced. Mr. Kvpil also stated that it is a requirement that a screen porch be on a code compliant foundation and that the existing structure could be repaired so that it is usable and safe.

ZBA Member Micheli asked Mr. Williams what alternatives he has considered, and Mr. Williams replied none. Mr. Williams stated that he needs to replace his deck and there is no other buildable space for the deck on his property. He stated that the porch would be a nice addition where he would enjoy sitting.

ZBA Member Micheli moved, seconded by ZBA Member Kolar, to accept the findings of fact. The motion carried unanimously by voice vote.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or against the requested zoning variation request.

Comments from the ZBA

ZBA Member Constantino stated he had a difficult time finding a hardship or unique circumstances regarding this request. He added that there is a lot going on on the subject site and recommended that the petitioner wrap screen around the porch instead of adding a roof so that a variation is not required. He also felt that the variation request at 22.6% was excessive. ZBA Member Maloney was not supportive of the variation request as she felt a porch is not a necessity. ZBA Member Kolar was not supportive of the variation request as he was not supportive of increasing the lot coverage ratio and felt this project had no unique circumstances. ZBA Member Miller was supportive of the variation request as he felt the subject property is unique. ZBA Member Micheli felt there was a unique circumstance in this case but stated the petitioner could build a screened porch with a screened roof. He also felt that a roofed porch could fit in in the subject neighborhood but stated he would not approve this request in any other neighborhood. ZBA Member Micheli also stated he would like to see a more architecturally pleasing plan that would add to the community. Chairman Garrity stated that the addition of a screened porch would increase the lot coverage ratio in excess of 25% and, therefore, was not in favor of that request.

ZBA Member Kolar moved, seconded by ZBA Member Miller, to close the public hearing. The motion carried unanimously by voice vote.

Motion

ZBA Member Kolar moved, seconded by ZBA Member Constantino, to deny a variation from Section 10-4-8(E)1 to allow the construction of a one-story screened porch addition that results in a lot coverage ratio of 22.6% in lieu of the maximum permitted lot coverage ratio of 20% located at 764 Lincoln Avenue. The recommendation for denial was based on the fact that there is no unique circumstance or hardship associated with the variation request.

The motion for denial carried with four (4) “yes” votes and one (1) “no” vote as follows: ZBA Members Kolar, Constantino, Micheli and Chairman Garrity voted yes; ZBA Member Miller voted no.

Staff Report

Mr. Kvapil reviewed upcoming variation requests for the next two ZBA meetings. He also asked the ZBA members if they were interested in changing the start time of ZBA meetings to 7:00 p.m. and they agreed. Mr. Kvapil stated he will implement that process.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:29 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official