

ZONING BOARD OF APPEALS  
MINUTES  
SEPTEMBER 25, 2012

The meeting was called to order by Acting Chairman Barbara Fried at 7:30 p.m. ZBA Members Gregory Constantino, Gary Fasules, Mary Loch and Dale SiligmueLLer were present. ZBA Members Edward Kolar and Chairman Richard Garrity were absent. Also present were Trustee Liaison Peter Cooper, Building and Zoning Official Joe Kvpil and Recording Secretary Barbara Utterback.

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

ZBA Member Fasules moved, seconded by ZBA Member Constantino, to approve the minutes of the August 28, 2012 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Two public hearings were on the agenda for properties at 934 Oakwood Court and 207 East Road.

PUBLIC HEARING – 934 OAKWOOD COURT

A REQUEST FOR APPROVAL OF A ZONING VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-7(D)2, TO ALLOW THE CONSTRUCTION OF A ONE-STORY HOME ADDITION WITH A PROPOSED 14’10” REAR YARD SETBACK IN LIEU OF THE MINIMUM REQUIRED 50’0” REAR YARD SETBACK.

*(Dennis and Bonnie Clarke, owners)*

Staff Report

Building and Zoning Official Joe Kvpil displayed a photograph of the subject property and stated that Dennis and Bonnie Clarke, the petitioners, are requesting approval of a variation from Glen Ellyn Zoning Code Section 10-4-7(D)2 to construct a one-story addition to their existing home with a proposed rear yard setback of 14’10” in lieu of the minimum required rear yard setback of 50’0”. Mr. Kvpil stated that the subject property is in the R1 zoning district and is defined as an interior lot on the west side of Oakwood Court. He also stated that the zoning and land use surrounding the subject property is R1 Residential and approximately the south one-half of the rear lot is adjacent to a stormwater detention pond for this residential development. Mr. Kvpil indicated the location of the pond on a map of the site. Mr. Kvpil also stated that the subject property is not in a designated flood plain. The subject home was built in 1983 and several miscellaneous building permits have been issued since that time.

Mr. Kvpil displayed a site plan and stated that the petitioners propose to build a one-story addition to the rear of the existing home that is proposed to be 14’ 10” from the rear of the lot line. He added that the minimum required setback from the home to the rear lot

line in the R1 zoning district is 50 feet. He indicated the rear yard setback line for the subject property and stated that a large portion of the lot is limited from the buildable area. He added that the lot does not meet the minimum required depth and the house does not meet either the minimum required rear yard setback or front yard setback. He added that a corner of the home is closer to the rear yard than permitted, the front of the home is closer to the front yard lot line than permitted and the lot does not meet the minimum required depth by approximately 5 feet. Mr. Kvapil stated that the subject lot is wider than it is deep and is contrary to the typical depth and width on a configuration of a typical lot on which the Zoning Code and the setbacks are based. He also stated that the proposed addition will increase the lot coverage ratio of the property from 13.9% to 15.5% which remains well below the 20% lot coverage ratio. Mr. Kvapil stated that a survey of the subject property indicates a 15-foot deep rear yard stormwater and utility easement and the 14'10" setback will encroach 2 inches into the easement. He added that the Village will ask an applicant to obtain the necessary approvals from the easement holder, the utility companies and the Public Works Department if there is water and sewer in the easement as a condition of a permit application. Mr. Kvapil added that the proposed project will disturb in excess of 300 square feet of site area even though the footprint of the building is less than 300 square feet and will require a tree preservation review and approval and a stormwater review and approval.

#### Petitioners' Presentation

The petitioners, Dennis and Bonnie Clarke, 934 Oakwood Court, Glen Ellyn, Illinois and their architect, Sam Salahi, APS Architects, Ltd., 123 W. Front Street, Suite 202, Wheaton, Illinois were present. Mr. Salahi stated that Mr. and Mrs. Clarke have been residents at the subject home for 12 years and would like to expand their kitchen and dinette area to accommodate get-togethers with family and friends. Mr. Salahi stated that the subject property has three rear lot lines which, if offset by 50 feet, makes the house nonconforming. Mr. Salahi stated that the condition of the lot, the homeowners' needs and what has happened to the construction of the home has caused a hardship for the owners in terms of being able to enjoy family gatherings in their home. He added that the lot coverage ratio is currently under the required 20% and he displayed and described seven photographs of the subject property and two white boards with a site plan, a proposed rear elevation, an existing floor plan and a proposed floor plan. Mr. Salahi recommended that the homeowners amend the proposed rear yard setback of 14'10" in one area by 2 inches to avoid the public utility easement.

Mr. Salahi stated that the addition will not cause any harm to anyone. He also stated that the owners would like to remain in their subject location and that requesting a setback variation is a valid reason for their appearance at this meeting.

#### Responses to Questions from the ZBA

ZBA Member Constantino asked if a house could be built within the setbacks on the subject property if the lot was vacant. Mr. Kvapil replied that the lot is unique in shape and the setbacks result in an almost unbuildable practical area with a strip of land that is

12 feet wide and 30 feet long. Mr. Salahi responded to ZBA Member Constantino that the proposed addition would be approximately 15-18 feet from the jogging path. In response to ZBA Member Constantino regarding whether or not the proposed configuration is the best for the addition, Mr. Salahi displayed drawings of the subject home, the buildable area and the proposed one-story addition and stated that the kitchen will be expanded slightly to provide a larger eat-in area. Mr. Salahi added that all of the materials to be used for the addition will match the existing house. Mr. Salahi responded to Acting Chairman Fried that the addition will be adjacent to the existing deck. ZBA Member Siligmuller asked if the size of the addition could be made smaller to have a less significant rear yard variance request. Mr. Salahi stated that the variation is 12 feet out but could be reduced by a few inches. He added that a large dining table is proposed to be placed in the addition.

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

Acting Chairman Fried stated that a petition signed by eight (8) neighbors was included in the petitioners' packet. Mr. Salahi responded to ZBA Member Siligmuller that the homeowners association did not object to the petitioners' variation request, and Ms. Clarke stated that a member of the architectural review board of their homeowners' association had signed a petition supporting their variation request.

Mr. Kvapil stated that an e-mail in opposition to the variation was received in the Building Department today from Alexander Hoffmeister, 874 Baker Court, Glen Ellyn, Illinois.

Ken Adamik, 936 Oakwood Court, Glen Ellyn, Illinois stated he lives next door to the petitioners and is supportive of their variation request as they need additional space for their visiting family members.

#### Comments from the ZBA

All of the ZBA Members were in favor of the requested zoning variation to allow the construction of a one-story home addition with a proposed 14'10" rear yard setback in lieu of the minimum required 50' rear yard setback. ZBA Member Constantino felt that the practical difficulties are that the only buildable area for the addition would be on other side of the structure off of the garage and that it would not be possible to build a residence on the subject lot without some type of variation. He added that the lot coverage ratio with the addition will still be well below the maximum allowed. He also stated that the minimum request of the size of the addition of 12 feet to allow the placement of a dining table is approximately 15 feet off of the jogging path and only an increase of 6 feet into the setback from the existing home. ZBA Member Constantino also stated that the unique circumstance regarding this property is the configuration of the lot which makes it impractical and almost unbuildable according to the code. ZBA Member Siligmuller added that the existing gazebo and deck create a significant amount of encroachment into the back yard from neighbors or people on the jogging path and the

proposed addition which is tucked away as presented by photographs presented at this meeting would not have an adverse impact on the neighbors.

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

#### Motion

ZBA Member Constantino moved, seconded by ZBA Member Loch, that the Zoning Board of Appeals recommends that the Village Board approve the petitioners' request for a variation from Glen Ellyn Zoning Code Section 10-4-7(D)2 to allow the construction of a one-story home addition with a proposed 14'10" rear yard setback in lieu of the minimum required 50' rear yard setback for the property at 934 Oakwood Court. The recommendation for approval was based on practical difficulties regarding the lack of a location on the site for a permitted addition, the unique size of the lot as a third-acre that requires greater side yards and setbacks and that utility, stormwater and tree preservation requirements will be met.

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

#### PUBLIC HEARING – 207 EAST ROAD

A REQUEST FOR APPROVAL OF TWO ZONING VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)(4)14c TO CONSTRUCT AN ADDITION TO AN EXISTING DETACHED GARAGE THAT WILL INCREASE THE GARAGE AREA TO 692 SQUARE FEET IN LIEU OF THE MAXIMUM PERMITTED DETACHED GARAGE AREA OF 660 SQUARE FEET. 2. SECTION 10-4-8(E)1 TO CONSTRUCT AN ADDITION TO AN EXISTING DETACHED GARAGE THAT WILL INCREASE THE LOT COVERAGE RATIO TO 20.57% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

*(Edward Moore and Erica Rogers, owners)*

#### Staff Report

Building and Zoning Official Joe Kvapil stated that Edward Moore and Erica Rogers, owners of the subject property at 207 East Road, are requesting approval of two variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-5-5(B)(4)14c to construct an addition to an existing detached garage that will increase the garage area to 692 square feet in lieu of the maximum permitted detached garage area of 660 square feet; 2. Section 10-4-8(E)1 to construct an addition to an existing detached garage that will increase the lot coverage ratio to 20.57% in lieu of the maximum permitted lot coverage ratio of 20%.

Mr. Kvapil stated that the subject property is in the R2 zoning district and is defined as an interior lot on the east side of East Road. The zoning and land use surrounding the

subject property is R2 single-family residential. He stated that a history of Village records indicates that no zoning variations have been granted for the subject property and that the home was constructed in 2003 with a fence permit issued in 2005. Mr. Kvpil indicated the proposed addition to the existing garage on a site plan and stated that the addition is approximately 8 feet wide and 21 feet long. He added that the owners propose to enlarge the existing garage by adding 180 square feet for a total garage area of 692 square feet. Mr. Kvpil stated that the maximum allowed garage area is 660 square feet; therefore, a variation is required. Mr. Kvpil added that the lot coverage ratio on the property is currently 18.97 percent per the documentation submitted when the house was built. He stated that a 500-square foot bonus for the garage is included in that percentage and, therefore, adding the 180 square feet additional area to the garage is counted in the lot coverage area and results in a 20.57 percent lot coverage ratio. Mr. Kvpil added that the proposed enlarged garage is intended to house three vehicles and is the minimum practical size for a garage in length and width for typical vehicles. He added that the zoning code allows up to four vehicles to be parked on a single-family lot in a residential area. Mr. Kvpil stated that the public hearing notice for this property inadvertently did not include the variation for the lot coverage ratio, however, the notice included a statement that other relief may be requested by the property owners at the public hearing. Mr. Kvpil stated that the disturbed area on the site will be less than 300 square feet; therefore, neither stormwater nor tree preservation approval will be required.

Mr. Kvpil displayed a plan highlighting the area of the addition and garage which he stated is compatible with the existing garage in size, shape, appearance, height and materials.

#### Petitioners' Presentation

Edward Moore, the petitioner, of 207 East Road, Glen Ellyn, Illinois indicated an unnecessary strip of impervious surface that can be removed if impervious surface exceeds the limit. Mr. Moore stated that when his family first moved to Glen Ellyn, he was taking the train downtown to work, however, when he began driving to work, a third car was necessary for his family as his wife also needed to drive to work and his children needed a car to attend school in another city. Mr. Moore added that he would like to keep the style of the garage and make it more useable for their cars. Mr. Kvpil responded to Acting Chairman Fried that the petitioner can enlarge the existing 512-square foot garage to 660 square feet without a variation but the garage will become a functional 3-car garage if it is increased to 692 square feet.

#### Responses to Questions from the ZBA

ZBA Member Constantino asked what reduction in size would be necessary to get the lot coverage at or below 20 percent. Mr. Kvpil responded 55 square feet and verified for ZBA Member Constantino that the requested variation would need to be reduced by approximately one-third. Mr. Kvpil clarified for ZBA Member Fasules that 500 square feet is deducted as a bonus for a detached garage and that the petitioners are requesting to add 180 square feet to their garage. Mr. Kvpil responded to Acting Chairman Fried that

the petitioners will need to add some type of pavement to access the overhead door and that the requirement is that no more than 50 percent of the required rear yard can be impervious surface (buildings and pavement). Mr. Moore responded to ZBA Member SiligmueLLer that some of his neighbors have indicated to him that they are in favor of the proposed garage.

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

Ken and Mary Ann Burke, 189 East Road, Glen Ellyn, Illinois were not in favor of the proposed project. Mr. Burke stated that he lives south of the petitioner and asked which direction the water will run off of the property. He added that the property of the people behind the petitioners is on a slope toward Park Boulevard. He also stated that a flood two years ago produced two inches of water and he expressed concern regarding adding more concrete in the subject area. Mr. Burke stated that when the petitioners' home was built approximately seven years ago, the garage was not allowed to be as large as the petitioner is now requesting it to be. He also asked if East Road will receive new sewers in the future and if the Village will remove any trees in the subject area, and Mr. Kvpil responded that that information can be provided prior to the Village Board meeting. Ms. Burke added that they have had their home floodproofed, however, both homes on the north and south side of their home have had trouble with water on the north wall of their homes. She stated she had hoped this project could be postponed until after new storm sewers are installed.

Pat Turley, 184 N. Park Boulevard, Glen Ellyn, Illinois stated he is a downstream homeowner and shared Mr. and Ms. Burke's concerns regarding the proposed project. Mr. Turley stated he is very familiar with the subject property and is not opposed to the expansion of the subject garage. Mr. Turley stated he lives at the corner of Park Boulevard and Revere Road and that the amount of watershed that flows through his yard can be significant and in certain rains can be up to 2 inches running through the common line in the neighborhood and onto the public walk which can become icy in the spring and fall. Mr. Turley stated he wants to be sure that the watershed is managed from any additional impervious surface. He also stated he was curious where the stormwater from the sump goes because water used to pool in the front yard but no longer does. He stated he assumes there is a storm sewer in East Road. Mr. Kvpil responded to Mr. Turley that he believes there are storm sewers in East Road but did not know where they were located and whether or not they are adequate. Mr. Kvpil added that when a drainage stormwater review is done, the entire property is thoroughly reviewed. Mr. Turley concluded by stating that he is speaking to express concern regarding sump pump water management and runoff.

#### Comments from the ZBA

Four of the five ZBA Members present were in favor of the proposed variation requests. ZBA Member Loch who was in favor wanted to be sure that impervious surface ratios are met. ZBA Member Fasules who was in favor requested a stormwater plan and review. ZBA Member Constantino was supportive but did not see a particular hardship or

circumstance posed by this particular lot. He stated that while the variation is minimal, the only hardship is gaining access to the third bay of the garage. He stated that he has somewhat of a problem with whether or not the variation would change the character of the lot or the neighborhood if a 3-foot variance was granted or was pulled back 3 feet to be within the permitted area. ZBA Member Constantino also stated that, if passed, he would want a recommendation to include a review of the impervious surface on the property to be sure it does not exceed the permitted amounts and that a condition of a building permit would be a stormwater review and approval before any construction occurs. Acting Chairman Fried was supportive but stated she was concerned regarding water runoff. ZBA Member Siligmeueller was not supportive of the variation request. He felt that because the property was new construction in 2003, the homeowners had the opportunity at that to build within the lot coverage ratio. He added that the garage construction is too new to have a variation at this time.

### Motion

ZBA Member Fasules moved, seconded by ZBA Member Loch, to recommend approval of the following variations: 1. Section 10-5-5(B)(4)14c to construct an addition to an existing detached garage that will increase the garage area to 692 square feet in lieu of the maximum permitted detached garage area of 660 square feet. 2. Section 10-4-8(E)1 to construct an addition to an existing detached garage that will increase the lot coverage ratio to 20.57% in lieu of the maximum permitted lot coverage ratio of 20%. The recommendation for approval was based on the condition that the petitioner submits to the Village an approved stormwater and impervious land plan before being issued a permit.

The motion carried with 4 yes votes and one no vote as follows: ZBA Members Fasules, Loch, Constantino and Acting Chairman Fried voted yes; ZBA Member Siligmeueller voted no.

### Trustee Report

Trustee Cooper stated that plans have been approved regarding the renovation of the Village Links.

### Staff Report

Mr. Kvapil stated that the next ZBA meeting will be on October 9, 2012 regarding the property at 323 Linden Street.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:55 p.m.

Submitted by:  
Barbara Utterback  
Recording Secretary

Reviewed by:  
Joe Kvapil  
Building & Zoning Official