

ZONING BOARD OF APPEALS
MINUTES
OCTOBER 8, 2013

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members James Bourke, Gregory Constantino, Edward Kolar, Larry LaVanway, Meg Maloney and Chip Miller were present. ZBA Member John Micheli was excused. Also present were Trustee Liaison Tim Elliott, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairperson Garrity described the proceedings of the Zoning Board of Appeals.

ZBA Member Kolar moved, seconded by ZBA Member Bourke, to approve the minutes of the September 24, 2013 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Two public hearings for properties at 558 Taylor Avenue and 475 Hillside Avenue were on the agenda.

PUBLIC HEARING – 558 TAYLOR 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 FAMILY ROOM ADDITION WITH A 23.2% LOT COVERAGE RATIO IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(Scott and Julie Ruoti, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Scott and Julie Ruoti, owners of the property at 558 Taylor Avenue, are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a one-story family room addition with a 23.2% lot coverage ratio in lieu of the maximum permitted lot coverage ratio of 20%. Mr. Kvapil displayed a photograph of the rear yard of the subject home and the location of the one-story addition. He stated that the subject property is in the R2 Zoning District and is defined as an interior lot on the west side of Taylor Avenue. He added that the zoning and land use surrounding the subject property is single-family residential. Mr. Kvapil stated that no zoning variations have been granted for this property.

Mr. Kvapil displayed a site plan of the subject property and indicated the location of the proposed addition. He stated that the subject home was built in 2003 at the maximum permitted lot coverage ratio of 20%. He added that a bonus of approximately 120 square feet was allowed for the open front porch and that a detached garage bonus of 500 square feet was not allowed. Mr. Kvapil stated that the owners propose to construct a one-story addition to the rear of the home to allow expansion of the kitchen, dinette and family

room areas. He stated that the proposed addition is 180 square feet in area which is approximately a 2.3% lot coverage ratio and increases the lot coverage ratio to 22.3% which requires a variation. Mr. Kvapil explained that the variation was incorrectly advertised in the newspaper at 23.2%. He added that the proposed addition meets the current Zoning Code regulations for side yard and rear yard setback and roof height.

Mr. Kvapil stated that the existing lot coverage ratio was listed as 20.1% in the petitioners' application packet, however, the correct lot coverage ratio is 20% as calculated when the home was constructed in 2003. Mr. Kvapil stated that the lot area and lot width do not meet the minimum requirements as the lot is nonconforming but that a new home is permitted on a nonconforming lot provided the exceptions of Section 10-4-1 are met. Those exceptions are that a new home can be built if a lot is at least 50 feet wide and 6,534 square feet in area.

Petitioners' Presentation

Scott and Julie Ruoti, the petitioners, of 558 Taylor Avenue, Glen Ellyn, Illinois were present to speak on behalf of their variation request. Ms. Ruoti stated that she had a letter for the ZBA members to read that explains personal reasons why their family needs the requested variation. Ms. Ruoti stated that their main hardship is that they currently have an attached garage and cannot take advantage of the lot coverage bonus that is allowed for attached garages. She added that they were unaware of requirements regarding their lot when they purchased it. She added that they hope to be able to add 180 square feet to the rear of their home so that their living space can be slightly increased for higher functionality. She added that they reviewed many options regarding increasing their existing space, however, other options were cost prohibitive. Mr. Ruoti added that they have more green space than their neighbors on their lot because they do not have a driveway and garage in their back yard. He also stated they would like additional space in their home because they have two young sons who need additional space. Ms. Ruoti distributed two photos of their neighbors' properties to the north and south. She stated that if her property had a detached garage, their lot coverage ratio would be equal to their neighbors. Ms. Ruoti added that she did not feel her neighbors would be impacted by their proposed addition.

Responses to Questions from the ZBA

ZBA Member Bourke stated that he did not see the neighbors to the north of the subject property listed on the notification list that was sent regarding the project, and Mr. Kvapil stated that he will research that issue. Chairperson Garrity stated that he believed the petitioners received a letter from the neighbors to the north in support of the proposed project. Ms. Ruoti responded to ZBA Member Constantino that no neighbors have voiced any objections to the proposed variation request. Ms. Ruoti responded to ZBA Member Constantino that the proposed 26.3-foot by 6.8-foot addition is the absolute minimum size required for an addition to their home. ZBA Member Constantino asked if any drainage issues would be caused by the proposed addition, and Mr. Ruoti responded there are currently no water issues at their property because their lot slopes down to

Taylor Avenue. ZBA Member Constantino asked how close to the neighbors both of the petitioners' side yards are, and Ms. Ruoti replied approximately 6-1/2 feet. Mr. Ruoti responded that the side yard is larger on one side because a driveway is located there. He also stated that the addition will be kept at a low height so that the neighbors' light and air will not be impacted. When ZBA Member Maloney asked why the proposed option was best, Mr. Ruoti replied that other options that they researched were more extensive and expensive. ZBA Member Kolar asked what the unique circumstances or hardships are regarding the variation request, and Ms. Ruoti responded that their hardship is that they have not been able to take advantage of the 500 square foot bonus allowed for a detached garage due to the width of their lot. ZBA Member Bourke stated that the petitioners have explored many options and asked if they have had any conversations with Mr. Kurzio to the south about a common driveway. Ms. Ruoti responded that they are not interested in having a shared driveway, and Mr. Ruoti added that more green space would be lost with a shared driveway. ZBA Member Bourke stated he has a shared driveway and that a shared driveway would solve the petitioners' issues. ZBA Member Kolar stated that green space would be gained if the existing patio was removed, and Chairperson Garrity responded that neighbors can look over a green space but that a structure would be within their view.

Persons in Favor of or in Opposition to the Petition

Jamie Simoneit, 722 Hillside Avenue, Glen Ellyn, Illinois stated he is one of the architects who the petitioners had asked to look at their property for building suggestions. Mr. Simoneit stated that building on the subject lot is a challenge because of the lot size. He also stated that everything in the home is at a minimum per the original design and that the petitioners are asking for a humble variation.

Comments from the ZBA

ZBA Members Constantino, Maloney, LaVanway, Bourke and Chairman Garrity were in favor of the variation requested by the petitioners. ZBA Member Constantino felt the proposed addition would create no adverse effects upon the neighbors, the variation is the minimum size that would accomplish the petitioners' goal, the variation will not create any drainage, light or air issues and the existing attached garage is a unique circumstance. ZBA Member Maloney stated that the property value of the house will increase with the proposed addition and also stated she was not in favor of shared driveways. ZBA Member Kolar was not in favor of the proposed variation request as the house was maxed out in size when built. ZBA Member Miller felt there were practical difficulties related to the site that included a shared driveway, and ZBA Member Bourke added that a shared driveway would cause green space to be lost.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, to recommend approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a one-story family room addition at 558 Taylor Avenue, Glen Ellyn, Illinois with a 22.3% lot coverage ratio in lieu of the maximum permitted lot coverage ratio of 20% based on the practical difficulty that the petitioners are requesting the smallest possible addition for their lot and the only other opportunity would be a shared driveway which would mean a loss of green space on the property.

The motion carried with five (5) "yes" votes and one (1) "no" vote as follows: ZBA Members Miller, Bourke, Constantino, LaVanway and Chairperson Garrity voted yes; ZBA Member Kolar voted no.

PUBLIC HEARING – 475 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ATTACHED GARAGE ADDITION WITH A 3-FOOT 0-INCH SIDE YARD SETBACK IN LIEU OF THE MINIMUM REQUIRED 6-FOOT 5-INCH SIDE YARD SETBACK. 2. SECTION 10-8-6(B)3 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ATTACHED GARAGE ADDITION WITH A 25% LOT COVERAGE RATIO IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(Matthew and Susan Johanson, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that Matthew and Susan Johanson would like to build an attached garage addition to their home at 475 Hillside Avenue and are requesting two variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(D)3 to allow the construction of a two-story attached garage addition with a 3-foot 0-inch side yard setback in lieu of the minimum required 6-foot 5-inch side yard setback. 2. Section 10-8-6(B)3 to allow the construction of a two-story attached garage addition with a 25% lot coverage ratio in lieu of the maximum permitted lot coverage ratio of 20%. Mr. Kvapil added that the lot coverage ratio variation had inadvertently been omitted from being advertised in the newspaper for a previous meeting and had subsequently been re-advertised for this meeting.

Mr. Kvapil stated that the subject property is located in the R2 Residential Zoning District and is defined as an interior lot on the south side of Hillside Avenue. He displayed a zoning map and a photo of the side of the subject home. He stated that the land use surrounding the property is single-family residential except the property directly north across Hillside Avenue which contains St. Petronille Church and School. Mr. Kvapil stated that Village records indicate that no zoning variations have been granted for the subject property and that several miscellaneous permits have been issued since 1984. Mr. Kvapil displayed site plans of the subject property and the property to the east. He

also displayed plans that indicated the existing garage that is proposed to be removed, the proposed garage and the second floor addition and explained that the owners propose to remove the existing one-story attached garage and construct a new two-story attached garage addition in the general area of the existing garage. He stated that the existing house is nonconforming since the existing attached garage encroaches into the minimum required side and rear yard setbacks on the lot and the lot coverage ratio exceeds 20%. Mr. Kvpil also stated that the Zoning Code permits additions and alterations to nonconforming structures provided the addition or alteration complies with all current zoning regulations or the exceptions allowed in Zoning Code Section 10-8-6(B)4. He added that the additions do not comply with all of the current zoning regulations or exceptions allowed and, therefore, a variation is required. Mr. Kvpil stated that the garage encroaches further than the maximum permitted 2 feet into the permitted side yard setback. An addition would be permitted as close as 4-1/2 feet to the side yard lot line, however, the proposal requires a variation to allow a setback of 3 feet to the side yard lot line. Mr. Kvpil stated that the second variation is for lot coverage of 25% in lieu of the maximum permitted lot coverage ratio of 20%. He stated that an exception permits homes that have a lot coverage ratio of 25% or less to have additions and alterations constructed provided the addition or alteration does not exceed or extend beyond the footprint of the original house. He stated that the garage addition does extend beyond the footprint of the original attached garage; therefore, it does not meet this exception and a variation is required. Mr. Kvpil stated that the maximum permitted roof ridge height is 32 feet and roof eave height is 22 feet. He said that the roof, ridge and eave height on alterations and additions on existing structures may extend up to the existing roof ridge and eave height which it does and is in compliance.

Mr. Kvpil stated that the subject property is not located within any designated flood hazard area or locally identified depressional area. He also stated that the subject home is not listed as a landmarked property or significant home published by the Historic Preservation Commission or on the list of plaqued homes designated by the Historical Society. He added that the disturbed construction area will not exceed 300 square feet, therefore, a tree preservation application and plan will not be required to be submitted for review and approval. Mr. Kvpil also displayed a diagram submitted by the petitioners that showed the area in nonconforming setbacks and stated that the subject proposal will reduce the amount of nonconforming area on the lot by approximately 85 square feet.

Petitioners' Presentation

Jamie Simoneit, Z + O AI, 504 Hillside Avenue, Glen Ellyn, Illinois, the owners' architect/representative, spoke regarding the subject variations. Mr. Simoneit stated he had been to see Matthew and Susan Johanson regarding their dilapidated garage. He stated that six people live in the subject home which is very small with three bedrooms. Mr. Simoneit stated that if the garage is to be repaired, the owners would also like to add a bedroom and a bathroom onto their home at the same time. Mr. Simoneit added that the code was written after this home was built which has created its nonconforming status. Mr. Simoneit stated that his design strategy is to retain green space in the back yard for the children by moving the garage forward on the property. He stated that the hardships

regarding this project are that the home is small and the garage is circa 1950 and is falling apart. He also stated that the existing home currently is at 24.95% lot coverage ratio and added that he could extrude the home straight up. Mr. Simoneit suggested eliminating the rear yard conflict by moving the garage which will reduce pavement in front and add green space in the rear. He added that this recommendation will require only one variation. He also stated that if the square footage was not increasing, the second variation to increase the lot coverage ratio would not be triggered. Mr. Kvapil stated that a code exception allows straight-up additions over the existing foundation for any existing home that is in excess of 20% lot coverage ratio and 25% or less lot coverage ratio. Mr. Kvapil stated that this variation would keep the petitioners' lot coverage ratio at 25% and the lot coverage area is being redistributed over the lot. He explained that this variation applies because the second exception is not met. Mr. Simoneit stated the petitioners never intended to increase the lot coverage ratio. He also stated that another hardship is the width of the garage and that one cannot get out of the cars when they are both in the garage; therefore, they would like to slide the garage forward. He added that the width of the garage will not change.

Mr. Simoneit displayed and described a presentation of the subject home and garage. He pointed out the half sleeping area and stated that the side yard conditions remain the same but the garage will be sliding forward. He added that the existing garage is 592 square feet. He stated that 1-1/2 stories will be added to the home for the master bedroom sleeping area. He stated that a triangular piece will be added to the top of the home. Mr. Simoneit stated that another hardship related to the home is that there are currently no doors to the rear yard. A shed will be added to the site for the storage of tools.

Responses to Questions from the ZBA

ZBA Member Constantino asked if a variation would be needed if there was no increased encroachment into the side yard or if the proposed construction remained within the footprint, and Mr. Kvapil replied no. Mr. Kvapil responded to ZBA Member Constantino that the petitioners would be permitted to construct 1-1/2 or 2 stories on the garage if it was on the existing footprint of the foundation which could be as high as the ridge on the existing house. Mr. Kvapil responded to Chairman Garrity that it could be built over the existing garage, however, this second floor addition would need to be set back 4-1/2 feet from the side yard property line—not 3 feet. Mr. Kvapil responded to ZBA Member Kolar that the Zoning Code does not recognize a 1-1/2 story addition and if there is second story living space within a home, it is considered to be a 2-story home.

ZBA Member Constantino stated that there was a letter in the packet from the neighbor to the east of the subject property objecting to their light and air being affected by the proposed addition and he asked how Mr. Simoneit can eliminate the neighbor's concerns. Mr. Simoneit responded he understands her concerns as her views will be changed by the addition and added that a much larger building could be constructed in the rear yard which would eliminate all variation requests. He added that the petitioners prefer an attached garage and that habitable space can also be created in the garage. Mr. Simoneit responded to ZBA Member LaVanway that the subject home was built in approximately

1900 and the garage was probably built in the 1950's or 1960's. Mr. Simoneit responded to ZBA Member Miller that the petitioners will build on their lot even if the requested variations are denied. Mr. Simoneit responded to ZBA Member Bourke that the garage door is 16 feet wide and that the square footage will not change on the garage. Mr. Simoneit responded to ZBA Member Kolar that building a tandem garage would violate the rear yard setback as well as create other issues.

Persons in Favor of or in Opposition to the Variation Requests

Georgia Dudley, 479 Hillside Avenue, Glen Ellyn, Illinois stated that she spoke to the petitioners several months ago but has not been involved in the project. Ms. Dudley stated she does not want a wall in front of her kitchen window and requested that the garage be moved to the rear yard. Ms. Dudley stated she has not heard a practical difficulty regarding the proposed location of the garage. She asked that the ZBA Members not approve the requested variations. She also expressed concern that a tree will need to be cut down if the project is approved. ZBA Member LaVanway asked if Ms. Dudley's primary concern is the height of the garage, and she responded that her concern was having the garage in front of a window of her home.

Frank Meier, 470 Phillips, Glen Ellyn, Illinois stated that he lives to the rear of the subject property. He stated he feels the petitioners should be required to conform to the zoning requirements and move the garage to the back yard. ZBA Member Bourke asked if 470 Phillips currently conforms to the Zoning Code, and Mr. Meier responded that his lot is in conformance with the lot coverage ratio. He also stated he has a porch in his front yard that is grandfathered.

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

Comments from the ZBA

ZBA Member Bourke was supportive of the variation requests as he felt there was an existing hardship for the family. ZBA Member Miller was conflicted as he could see issues regarding both the petitioners and the neighbors. ZBA Member Kolar was not supportive of the variation requests as the request would expand a nonconforming use and the petitioners' house would be 3 feet from the property line. He also expressed concern that the neighbor next door could request a variation for their property to be expanded 3 feet to their property line. Chairperson Garrity was not in favor of the variation requests as he felt building 3 feet from the property line was excessive. He also felt that the purpose of the ZBA is to protect neighbors from being affected by over-expansion. ZBA Member LaVanway stated he was leaning against the variation requests and expressed concern regarding the neighbor who would be impacted by the proposed project. ZBA Member Maloney was not supportive of the variation requests because she stated she would not like a structure outside her window. She also felt that the petitioners should have spoken with the next door neighbor more prior to this meeting. ZBA Member Constantino was also not supportive of the variation requests as he did not feel a

true hardship exists. He also felt that the homeowners can accomplish an expansion without being a burden to their neighbors. He felt that the proposed expansion would alter the character of the neighborhood and does create a major burden to their neighbor as to light and air. He also felt that the proposed addition could affect their neighbors' property value.

Mr. Kvapil suggested leaving the meeting open and having the petitioners return with a revised plan.

Motion

ZBA Member Kolar moved, seconded by ZBA Member Miller, to continue the public hearing to November 12, 2013. The motion carried unanimously by voice vote.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:54 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official