

ZONING BOARD OF APPEALS
MINUTES
NOVEMBER 12, 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, John Micheli and Chip Miller were present. Also present were Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

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

ZBA Member Bourke moved, seconded by ZBA Member Kolar, to approve the minutes of the October 8, 2013 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Two public hearings for properties at 475 Hillside Avenue (a continuation) and 566 Newton Avenue were on the agenda.

PUBLIC HEARING – 475 HILLSIDE AVENUE (continued)

A CONTINUATION OF THE PUBLIC HEARING CONDUCTED ON OCTOBER 8, 2013 FOR DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ATTACHED GARAGE ADDITION WITH A 3'-0" SIDE YARD SETBACK IN LIEU OF THE MINIMUM REQUIRED 6'-5" 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/Jamie Simoneit, owners' representative)

Staff Report

Building and Zoning Official Joe Kvapil stated that this variation request is continued from the October 8, 2013 Zoning Board of Appeals meeting for further discussion, consideration and recommendations. Mr. Kvapil stated that the petitioners are requesting approval of two variations from the Glen Ellyn Zoning Code—one variation from Section 10-4-8(D)3 to allow the construction of a two-story attached garage addition with a 3'-0" side yard setback in lieu of the minimum required 6'-5" side yard setback and a second variation from 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%. He added that since the ZBA meeting on October 8, 2013, the Village has received no additional information from the petitioner.

Petitioner's Presentation

Jamie Simoneit, the petitioners' architect, spoke on behalf of the subject variation requests. He stated that the petitioners are building a 1-1/2-story addition and not a 2-story addition as per the Building and Zoning Official and that there are 2-1/2 bedrooms as opposed to 3 bedrooms in the subject home. ZBA Member Kolar explained that, per the building code, a 1-1/2-story addition is considered to be a 2-story addition and 2-1/2 bedrooms are considered to be 3 bedrooms.

Mr. Simoneit stated that he believes the proposed solution is preferable both aesthetically and scale-wise to other options researched, and he described those options. He stated that the subject home is in need of updating and could have been torn down if the petitioners had not added a porch onto the front of the home. He also stated that western light will be available to windows on the first and second floors of the neighbor to the east with the proposed variation request and that different building options could block more of the neighbors' windows than the proposed plan. Mr. Simoneit stated that the petitioners would like to maintain a 2-car garage and that a variance of 2 feet 6 inches is being requested on the side of the subject home. He added that a kitchen window of the home next door will be impacted by the location of the proposed garage as the view from that window will be altered. He stated that the side yard variance is needed in order to build the proposed 2-car garage and that moving the garage forward would eliminate the existing rear yard setback. Chairperson Garrity pointed out that many homes in Glen Ellyn have one-car garages. Mr. Simoneit stated that most homes are torn down because homeowners want a 2-car attached garage and he displayed photos of some of those homes. He also displayed three images on a computer screen of the proposed plan and five drawings of additional plans that meet the code. He stated that a much larger addition than that proposed could be built without variations. He also stated that a tandem garage could be built but that a variation for the square footage being requested would be required because the lot coverage ratio would exceed .20 percent. Mr. Simoneit also added that the petitioners' new construction will not change any natural light on the second floor of the home next door and a tree in the yard will not need to be cut down.

Responses to Questions from the ZBA

Mr. Simoneit responded to ZBA Member Micheli that the petitioners plan to replace the vinyl siding with Hardie board and horizontal siding and all of the historic profiles on the home would be matched. Mr. Simoneit also described for ZBA Member Micheli the proposed garage that will be 16 feet wide and 24-25 feet deep. Mr. Kvapil responded to ZBA Member Kolar that exterior finish is not a structural alteration. Mr. Kvapil responded to ZBA Member Bourke that the front yard setback is determined by the house on either side of the subject house that is closest to the front property line but is neither less than 30 feet nor more than 50 feet from that line.

Persons in Favor of or in Opposition to the Petition

Georgia Dudley, 479 Hillside Avenue, Glen Ellyn, Illinois stated that she is still not in favor of the proposed variation requests and has still not been included in this process by the petitioners. Ms. Dudley stated she feels violated and the garage will still be in front of her kitchen window which will cause light and view issues. She stated that she does not understand why the petitioners need extra space as their children are grown and out of the house. She also did not understand why a variation was being requested for something that she feels is unnecessary. ZBA Member Micheli asked Ms. Dudley if there was anything more palatable to her that the petitioners could do regarding the project such as use certain materials and Ms. Dudley responded that the proposed project is too close to her property and in her view when she looks out her windows.

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

Comments from the ZBA

ZBA Member Constantino was not in support of the variation requests. He felt that improvements can be made to the subject lot without variations being approved and that the proposed variations, if approved, would severely impact the neighbor to the east. He felt that the variations being requested were a convenience and not a hardship. ZBA Member LaVanway stated that the proposed improvements are aesthetically an improvement on the home and would be consistent with the neighborhood, however, an addition that would be more onerous to the neighbors could be built without a variation. He stated that because the impact of a variation on the neighbors must be considered and no changes regarding the variations were presented at this meeting, he was not in support of the variation requests. ZBA Member Maloney was not supportive of the variation requests as she did not feel uniqueness or hardships were indicated and other building options were available. She also was not supportive because of opposition to the requests from some neighbors. ZBA Member Kolar was not supportive of the variation requests and felt that there are alternatives available per the code that would move the building farther off the property line than is being requested. He felt that the petitioners were trying to cram too much into a certain space and recommended that the petitioners build the addition per code. ZBA Member Miller wanted to vote yes but was concerned because of the neighbors' objections and stated he would not be supportive of this request. ZBA Member Micheli stated that the neighbor has a legitimate complaint about wanting to keep her view especially since variations are to be granted only when a true hardship exists. He stated that he would be supportive if the petitioner could work with the neighbor and pull the project back a few feet. ZBA Member Micheli stated he would be abstaining from the vote since he was not present at the first variation meeting. ZBA Member Bourke stated that he feels a disservice has been made to the petitioners because the meeting was moved to a different room in the Civic Center building that had less visual aid equipment. He stated he was in favor of the variation because he would prefer the requested variations as opposed to some of the alternatives that were in compliance and he also believed the petitioners' situation is unique. Chairman Garrity was not

supportive of the variation requests as the ZBA is generally not supportive of variations as close to the lot line as is being requested by the petitioners. He stated that the ZBA must protect neighbors and he would still be against these variations even if Ms. Dudley was supportive. He added that supporting these variations would set a bad precedent.

Petitioner's Response

Mr. Simoneit asked if the ZBA Members would be supportive of changing the plan to reduce the lot coverage ratio from 25% to 22-1/2% and the 1-1/2-car garage changing to become a tandem garage located 6-1/2 feet from the property line. He added that the rear yard and side yard setback variation requests would be eliminated. The ZBA Members and Ms. Dudley were supportive of this request. Mr. Kvapil stated that a plat plan with all dimensions indicated will be needed to move forward with this request.

Motion

ZBA Member Kvapil moved, seconded by ZBA Member Miller, to continue the ZBA meeting to November 26, 2013. The motion carried unanimously by voice vote.

PUBLIC HEARING – 566 NEWTON AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM GLEN ELLYN ZONING CODE SECTION 10-8-6(B)3 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION THAT RESULTS IN AN EXTERIOR ALTERATION TO 74.3% OF THE EXISTING NONCONFORMING HOME IN LIEU OF THE 50% MAXIMUM PERMITTED EXTERIOR ALTERATION OF THE EXISTING NONCONFORMING HOME.

(Allan Breden, owner)

Staff Report

Building and Zoning Official Joe Kvapil stated that the property owner of 566 Newton Avenue, Glen Ellyn, Illinois is requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-8-6, to allow the construction of a two-story addition that results in an exterior alteration to 74.3% of the existing nonconforming home in lieu of the 50% maximum permitted exterior alteration of the existing nonconforming home. The homeowner was not present at the public hearing and Mr. Kvapil noticed that the consent form to allow another speaker was not included in his packet. The owner's father produced that document and Mr. Kvapil asked that the petitioner submit the document for the record. Mr. Breden agreed, and the meeting proceeded.

Mr. Kvapil stated that the subject property is located in the R2 Zoning District and is defined as a corner lot on the southwest corner of the intersection of Newton Avenue and Cottage. He also stated that the zoning and land use surrounding the subject property is R2 single-family residential. Mr. Kvapil stated that no zoning variations have previously been granted for the subject property and that various building permits have been issued since 1994.

Mr. Kvapil stated that the width of this corner lot is 78 feet which is less than the current minimum required corner lot width of 80 feet and is, therefore, nonconforming. He stated that nonconforming lots are restricted under this zoning section and one of the restrictions is to limit the amount of altered surface of the existing building. He added that the area of altered surface in this case exceeds the maximum 50% and a variation is, therefore, required. Mr. Kvapil stated that the existing home extends beyond the front and corner side yard setbacks, however, an addition may be constructed above the existing perimeter walls under the exception in Section 10-8-6(B)4 that allows a limited encroachment beyond the required setbacks. He also stated that the existing detached garage is nonconforming since it is 9.42 feet from the corner side yard setback. He stated that the required setback for an accessory structure is 18 feet from the corner side yard, however, this nonconforming condition has no impact upon the proposed house and is not a factor in the subject variation being requested. Mr. Kvapil stated that the subject property is not located within a depressional flood area, however, a local depressional area exists within Newton Avenue but does not affect this property. He added that because the disturbed area for the addition that exceeds 300 square feet, stormwater engineering plans are required to be submitted. He stated that tree preservation plans are also required to be submitted. Mr. Kvapil stated that the subject home is not designated as a landmark nor an historically significant home by the Historic Preservation Commission. He stated that a site plan has been included in the submittal packet which is the minimum required plan submittal for a zoning variation. He stated that if the variation is approved, the minimum roof ridge height of 35 feet and eave height of 25 feet must not be exceeded.

Petitioners' Presentation

Steve Poteracki, Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois spoke on behalf of the petitioner's variation request. Mr. Poteracki stated that the homeowner of this property is requesting a variation to add a Class II Addition on a 78-foot wide lot and added that if the lot was 80 feet wide, a variation would not be necessary. He also stated that a hardship is that one must maintain less than a 50% altered area with a bungalow style home and that the altered area is usually over 50%. He added that as one gets closer to 80 feet, there is not a proportional scale stating that one can alter more of the home. He added that if the petitioners had 2 additional feet of lot width, they would not be required to obtain a variation. Mr. Poteracki stated that it is difficult to maintain less than a 50% altered area with a bungalow style home. He added that the proposed lot coverage ratio will be 17-1/2%.

Responses to Questions from the ZBA

Mr. Kvapil clarified for ZBA Member Kolar that the proposed addition is set back 28 feet from the corner side yard setback in the Zoning Variation Table. ZBA Member Miller asked if the 50% rule would apply if the yard was 80 feet wide. Mr. Kvapil explained that the lot is not compliant and that the code states that there would still be restrictions because of two other nonconforming conditions that are in the variation table—the corner side yard setback and the front yard setback. Mr. Kvapil added that the subject house and

lot are nonconforming. Mr. Poteracki explained for ZBA Member Micheli that the practical difficulty is that the lot dimension is 2 feet shy of being conforming. Mr. Poteracki responded to ZBA Member Bourke that the subject building is a residence and not a business. Mr. Poteracki responded to ZBA Member LaVanway that no neighbors expressed opposition to the variation request.

Persons in Favor of or in Opposition to the Variation Requests

Two persons in support were included in the application packet, and no persons spoke in favor of or in opposition to the variation request.

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

Comments from the ZBA

All of the ZBA Members were in favor of the subject zoning variation request. ZBA Member Kolar stated that the subject request will not change the character of the neighborhood. ZBA Member Miller stated that being able to get only two bedrooms upstairs would be considered to be a practical difficulty. ZBA Member Bourke felt that the variation request would be a reasonable use of the subject property and felt that there is plenty of room between the subject house and the house to the south. ZBA Member Constantino stated that any work would bring the amount of alteration above the 50% change. He also stated there will be minimal encroachments into the side yard at the corner setbacks and that the variation request will not negatively affect the adjoining neighbor.

Motion

ZBA Member Miller moved, seconded by ZBA Member Constantino, to approve the requested variation from the Glen Ellyn Zoning Code, Section 10-8-6, to allow the construction of a two-story addition that results in an exterior alteration to 74.3% of the existing non-conforming home in lieu of the 50% maximum permitted exterior alteration of the existing nonconforming home for Allan Breden, the owner of 566 Newton Avenue, Glen Ellyn, Illinois based on the fact that the property is a bungalow and any addition would reach 50% and would limit space that they would be able to use and would limit the usable space if they were to comply with the 50% allowed. A condition was added that the Affidavit of Authorization must be submitted stating that the architect was authorized to speak on behalf of the homeowner.

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

Staff Report

Building and Zoning Official Joe Kvapil stated that two items will be on the next Zoning Board of Appeals agenda.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:58 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building & Zoning Official