

ZONING BOARD OF APPEALS
MINUTES
NOVEMBER 26, 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. Trustee Liaison Tim Elliott was excused. 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 Kolar moved, seconded by ZBA Member Micheli, to approve the minutes of the November 12, 2013 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

Two items were on the agenda for properties at 475 Hillside Avenue (to be continued) and 315 Hawthorne Boulevard.

475 HILLSIDE AVENUE

THE PUBLIC HEARING WAS CONDUCTED ON OCTOBER 8, 2013 FOR DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE. THE PUBLIC HEARING WAS CONTINUED TO THE NOVEMBER 12, 2013 ZONING BOARD OF APPEALS MEETING AT WHICH TIME IT WAS FURTHER CONTINUED TO THIS NOVEMBER 26, 2013 ZONING BOARD OF APPEALS MEETING. HOWEVER, BASED ON THE APPLICANTS' REQUEST, THE DATE OF THIS CONTINUED PUBLIC HEARING WILL BE RESCHEDULED TO THE NEXT REGULAR ZONING BOARD OF APPEALS MEETING ON DECEMBER 10, 2013.

(Matthew and Susan Johanson, owners/Jamie Simoneit, owners' representative)

Mr. Kvapil stated that the petitioners are considering and evaluating options regarding this project and are not prepared to present to the ZBA this evening.

315 HAWTHORNE BOULEVARD

DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(E)1, TO ALLOW THE CONSTRUCTION OF AN ATTACHED GARAGE AND FRONT ENTRY PORCH ADDITION THAT RESULTS IN A LOT COVERAGE RATIO OF 25.5% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(John and Kalli Martin, owners)

Staff Report

Mr. Kvpil stated that John and Kalli Martin are owners of the subject property at 315 Hawthorne Boulevard, and he displayed photographs of the property and a map of the surrounding area. He stated that the property owners are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of an attached garage and a front entry porch addition that results in a lot coverage ratio of 25.5% in lieu of the maximum permitted lot coverage ratio of 20% on a lot with a home of more than one story. Mr. Kvpil stated that the subject property is an interior lot located in the R2 Residential Zoning District on the south side of Hawthorne Boulevard. He stated that the zoning and land use surrounding the subject property is single-family residential. Mr. Kvpil added that Village records indicate that no zoning variations have been granted for this property in the past and that typical home improvement permits have been issued for this property in the past.

Mr. Kvpil displayed a diagram and indicated the proposed addition. He stated that the owners propose to remove and reconstruct an existing enclosed rear porch and rear deck (which are not part of the application) and construct a new one-story attached garage and new front porch and entrance additions to the existing home. He added that an existing detached garage was recently damaged in a storm and has been demolished and removed.

Mr. Kvpil stated that although the home and lot have several existing conditions that do not conform to the current zoning regulations, the proposed conditions comply in all other respects with current zoning regulations or with the exceptions for existing nonconforming homes. He stated that a records search did not determine the date the home or detached garage were constructed but that it is likely that both were constructed prior to Ordinance 5035 passed in 2002 that reduced the permitted lot coverage ratio from 25% to 20% and prior to Ordinance 4235 passed in 1995 that excluded detached garage area from the lot coverage ratio.

Mr. Kvpil stated that when compared against the prior existing detached garage, the proposed new attached garage will result in a reduction of approximately 20 square feet of garage area on the lot. He added that the existing impervious surface driveway area on the lot will be reduced by approximately 300 square feet depending on the final configuration of the proposed new driveway.

Mr. Kvpil stated that the application suggests that a second floor addition to the subject home may be pursued in the future. He added that it should be understood that a second floor addition would be prohibited if this variation were granted since the code exception for additions to existing nonconforming homes in Section 10-8-6(B)4.a. does not apply if the lot coverage exceeds 25%.

Mr. Kvpil stated that the proposed location of the new attached garage and adjacent new porch and entry addition will restrict vehicle access to the garage to some extent. He added that it

should be understood that the proposed location of the new attached garage could not be significantly changed if this variation were granted.

Mr. Kvapil stated that the subject property is not located within a designated flood area or a local depressional area, however, the disturbed area exceeds 300 square feet and the submittal of a stormwater drainage plan will be required for review and approval by the Village stormwater engineer. He added that a tree preservation plan will also be required to be submitted for review and approval by the Village consulting arborist. Mr. Kvapil added that the subject property is not designated as a landmark or historically significant home by the Historic Preservation Commission or the Historical Society.

Mr. Kvapil added no inquiries either in favor of or in opposition to the subject request were received at the Village.

Petitioner's Presentation

John Martin, the petitioner, of 315 Hawthorne Boulevard, Glen Ellyn, Illinois stated that he and his wife moved into the subject home in 2006. He stated that the condition of the existing garage is dilapidated and unsafe and he believes it was built in the 1920's. He added that the garage was severely damaged when hit by a large tree last summer. He stated that he would like to put a second level onto the home and was unaware that there is a 25% lot coverage ratio restriction. He added that the back porch is where the deck used to be.

Mr. Martin stated they have a desire to put a second level on the existing home. He stated that hardships and practical difficulties regarding the subject property include his lot being 7,290 square feet which is below the minimum required lot size of 8,712 square feet in Glen Ellyn. He also stated that the garage needs to be torn down due to its poor condition and he would like to attach a garage to the home. Mr. Martin stated that another hardship is the inflexibility of the code and that there is no sliding scale between the lot coverage ratio of 20% for 2-story homes and 35% for 1-story homes. He stated that a design consideration is that the garage will be off the street and hidden by the new front porch. He also stated that when a detached garage is built, the impervious area on the lot will be 35-40% which is not good and more stormwater will enter Village drains/sewers.

Mr. Martin stated that neighbors were in support of the proposed project because the garage which is an eyesore would no longer be on the property and there would be more green space in the petitioners' rear yard.

Responses to Questions from the ZBA

ZBA Member Constantino asked Mr. Kvapil if this is the smallest footprint possible from the plans submitted or if there is a reduced amount of area that might bring the excess of lot

coverage ratio down a significant amount. Mr. Kvapil responded that the minimum size of an attached garage is 20 feet in width and 24 feet in depth. He added that what the petitioners are proposing is less than what he considers to be a minimal, reasonable and practical size for a detached garage. He added that it is reduced in width to 19 feet in order to be in compliance with the side yard setback. Mr. Kvapil added that the front entry is extremely small and the proposed porch is so small that it is not considered as a front porch exemption. Mr. Kvapil responded to ZBA Member Kolar that the front porch will be closed on the left side only. ZBA Member Constantino asked if a garage could be constructed where the prior garage was located and, if so, would a variance be required. Mr. Kvapil responded that the detached garage that was removed complied with the setbacks. He added that there is no restriction that would prohibit a garage of the same size from being reconstructed even if it did not comply with the code which is 3 feet from the rear property line and 3 feet from the side yard property line. ZBA Member Maloney asked if the petitioners could add a second story addition if they build an attached garage. Mr. Kvapil responded that the petitioners would not be permitted to construct a second story addition onto their house if the requested variation is granted that allows a 25.5% lot coverage ratio because the code section that allows a second story addition on a nonconforming home has a limit that allows a second story addition on a home only if the lot coverage ratio is 25% or less. Mr. Kvapil responded to ZBA Member LaVanway that the existing lot coverage ratio on the subject property is 18.5%--not 19.5% as indicated in the Zoning Variation Table. Mr. Kvapil also clarified for ZBA Member LaVanway that the code states that the maximum lot coverage ratio for one-story homes is 35% and that the maximum lot coverage ratio for any other structures with more than one story is 20%. He added that there is no sliding scale regarding lot coverage ratio for two-story homes. Mr. Kvapil responded to ZBA Member Kolar that there is no benefit nor penalty to the back porch space being used in the proposed addition.

ZBA Member Kolar asked the petitioner if he had considered rebuilding a detached garage. Mr. Martin responded that they had considered rebuilding a detached garage, however, stated that would not create the return on the investment. Mr. Martin also stated that the attached garage would be somewhat hidden by the front porch. Mr. Martin responded to ZBA Member Kolar that the shed is a temporary storage facility. Mr. Martin also responded to ZBA Member Kolar that a second story is the priority and that dimensions could be reduced to achieve a 25% lot coverage ratio. Mr. Kvapil responded to ZBA Member Kolar that there is no issue regarding impervious surface in the rear yard of the subject property.

Persons in Favor of or in Opposition to the Petition

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

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

Comments from the ZBA

All of the ZBA Members with the exception of ZBA Member Kolar were in favor of the proposed variation request. ZBA Member Constantino was supportive because of the small size of the subject lot and the hardships and uniquenesses as mentioned. ZBA Member Maloney commented that the value of the property would increase with the proposed improvements. ZBA Member Bourke felt that the proposal is a good solution for the subject property. ZBA Member Miller was supportive and felt the petitioners have done a good job regarding the location of the garage and keeping the expansion to a minimum. ZBA Member Micheli was supportive especially because a tree fell onto the garage which then needed to be replaced. He also felt that the narrowness of the subject lot is a unique situation. ZBA Member Kolar was not supportive and felt that the proposed bulk is greater than having a detached garage. He added that an alternative would be to replace the prior garage and build up on the home. He also stated that the Village needs varied home sizes and the issue of reducing lot coverage ratio from 25% to 20% was to reduce bulk. Mr. Kvpil responded to Chairperson Garrity that the Village Board could pass this variation request and if Mr. Martin only built to 25%, he could add a second story onto his home in the future if the combined area of the first and second floor does not exceed 40% of the lot.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Micheli, to recommend approval of the request by John and Kalli Martin of 315 Hawthorne Lane, Glen Ellyn, Illinois for approval of a variation from Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of an attached garage and front entry porch addition that results in a lot coverage ratio of 25.5% in lieu of the maximum permitted lot coverage ratio of 20% for a lot with a home of more than one story based on the hardship that the lot is more than 1,300 square feet less than what would currently be required and 12 feet narrower than required and if the porch was made larger, the petitioners could get the porch area deleted from the lot coverage ratio.

The motion carried with six (6) yes votes and one (1) no vote as follows: ZBA Members Miller, Micheli, Bourke, Constantino, LaVanway and Chairman Garrity voted yes; ZBA Member Kolar voted no.

Staff Report

Mr. Kvpil stated that one public hearing will be on the ZBA meeting on December 10, 2013.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:01 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official