

ZONING BOARD OF APPEALS
MINUTES
MARCH 11, 2014

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members James Bourke (arrived at 7:45 p.m.), Greg Constantino, Ed Kolar, Larry LaVanway, Meg Maloney, John Micheli and Chip Miller were present. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Joe Kvpil and Recording Secretary Barbara Utterback.

Chairperson Garrity explained the procedures of the Zoning Board of Appeals.

ZBA Member LaVanway moved, seconded by ZBA Member Constantino, to approve the minutes of the December 10, 2013 ZBA meeting. The motion carried unanimously by voice vote.

On the agenda was one public hearing regarding the property at 470 Phillips Avenue.

PUBLIC HEARING – 470 PHILLIPS 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 TWO-STORY ADDITION THAT RESULTS IN A LOT COVERAGE RATIO OF 21.8% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% FOR A TWO-STORY HOME.

(Francis and Betty Meier, petitioners)

Staff Presentation

Joe Kvpil, Building and Zoning Official, stated that Francis and Betty Meier, owners of the property at 470 Phillips, are requesting approval of a variation from Section 10-4-8(E)1 of the Glen Ellyn Zoning Code to allow the construction of a two-story addition that results in a lot coverage ratio of 21.8% in lieu of the maximum permitted lot coverage ratio of 20% for a two-story home. Mr. Kvpil displayed a photo of the subject house which he stated is in the R2 Zoning District and is an interior lot on the north side of Phillips Avenue. He also stated that the zoning and land use surrounding the property is R2 Residential. Mr. Kvpil added that no zoning variations have been granted for this property and that several small additions have been permitted since 1961.

Mr. Kvpil stated that the subject property is legal nonconforming in several ways. The lot width of 50 feet does not meet the minimum required lot width of 66 feet, the lot area of 7,000 square feet does not meet the minimum required lot area of 8,712 square feet, and the front yard setback of 14 feet 3 inches does not meet the minimum required front yard setback of 30 feet. Mr. Kvpil stated that although those nonconforming conditions exist, the Zoning Code permits an addition to be constructed on this home since it meets other restrictions for nonconforming homes in the code.

Mr. Kvapil stated that the scope of work includes the removal of an existing detached frame garage, the removal of an existing one-story frame addition on the rear of the home and the construction of a new two-story frame addition on the rear of the home which he indicated on plans of the subject property. He stated that the resulting lot coverage area is an increase from 14% to 21.8% which exceeds the maximum permitted lot coverage ratio of 20% for a two-story home, and a variation is required. Mr. Kvapil also stated that the submitted plans indicate that a detached garage is proposed to be constructed in the future and that the Zoning Code allows the construction of a detached garage up to 500 square feet without contributing to the lot coverage ratio. He added that the future proposed detached garage can be constructed on this nonconforming property provided it does not exceed 500 square feet and meets all current zoning regulations for setback and height. He also added that the setback is not less than 3 feet from the property line and the maximum height is 17 feet.

Mr. Kvapil stated that the property is not located within a designated flood area or local depression area that the Building Department is aware of. He stated that the subject lot has a moderate slope from front to rear of approximately 6 to 7 feet and the natural existing stormwater runoff is from the front to the rear of the property and from the rear of the property across adjacent properties on that lot to the northwest. Mr. Kvapil stated that the project disturbs more than 300 square feet of area on the lot, therefore, a stormwater permit and engineering review plans are required to be submitted and approved. He added that a tree preservation plan is required to be submitted and approved.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Constantino asked if the drainage portions, especially for the rear of the lot to the north, would be considered by the stormwater permit process. Mr. Kvapil responded that they would and added that the code has been amended to require stormwater mitigation sites where the new impervious area exceeds 300 square feet. ZBA Member Constantino asked if any neighbors had comments regarding the proposed variation, and Mr. Kvapil stated that he received a petition with eight (8) signatures in support of the project and one e-mail in support of the project today. He displayed a site plan that had the addresses of the neighbors in favor of the project circled. Mr. Kvapil responded to ZBA Member LaVanway that he received no other calls or questions regarding this request. ZBA Member Kolar stated that the only people affected by drainage, for example, regarding this project will be residents on the south side of Hillside Avenue and asked what will happen if drainage increases onto Hillside Avenue after the project is completed. Mr. Kvapil responded that all of those homes were in the area of those that received notice of this public hearing. He indicated that stormwater runs northwest in the subject area and flows through the rear yards of the properties north on Hillside Avenue and probably drains onto Prospect Avenue. ZBA Member Kolar also stated that a future garage is proposed to be located 10 feet 9 inches from the property line on the west side in the front of the house and asked how far a garage would need to be to conform to the code. Mr. Kvapil stated that the proposed garage would meet the requirement. He added that the minimum

width for a driveway is 9 feet and the minimum impervious surface setback from the property line is 2% of the lot width and 1 foot is the minimum setback. He added that 10 feet is the minimum width for the setback and the driveway and the current width is 10 feet 9 inches.

Petitioner's Presentation

Francis Meier, the petitioner and owner of 470 Phillips Avenue, stated that his home and lot are over 100 years old. Mr. Meier stated that the home has small rooms, including two small bathrooms. He feels the house has a great deal of potential and they would like to preserve and update this older home to make it more livable. He added that they would like to add an addition to the rear of the home and make changes in order to make it more livable. Mr. Meier stated that the existing home is only 20 feet wide which creates a railroad flat type layout which is inefficient and caused problems for them and their architect when they were trying to create room layouts. He added that due to the slope of the land, they decided to build a full basement below the proposed addition which will be an English type of basement where half of the basement walls will be above grade. He added that the rear stairs going out to the garage will also function as access to the basement area and it became imperative that they enclose the stairs which caused a problem with the layout.

Mr. Meier stated that a conforming lot is approximately 8,700 square feet, this footprint is approximately 1,700 square feet and they are asking for approximately 1,525 square feet which is less than what would be permitted if the lot was conforming. He added that if the lot was conforming, it would be easy to construct a modern house that would meet all their needs. Mr. Meier stated that even with their increased lot coverage ratio of 1,525 square feet, there are portions of the building that are single story and they are still under the bulk that would occur if they built to 20% of 1,400 square feet which would total 2,800 square feet for two stories. He stated that they plan to build 2,637 square feet and therefore will not exceed the bulk regulations. He added that they are asking for slightly more square footage on the footprint to the existing construction and working with the lot size. Mr. Meier stated that they have addressed their neighbors' concerns by providing the required side and rear yards and height of the building.

Questions from the Zoning Board of Appeals

ZBA Member Constantino asked Mr. Meier if he had considered any alternative plans to be within the 20% lot coverage ratio and, if so, why were they not acceptable. Mr. Meier stated he has many sketches and that the staircase created a real problem because of its size. He stated that the proposed plan is the best that his architect could create that would satisfy all of his family's needs. ZBA Member Constantino asked if any neighbors have two-story additions similar in size to the petitioners' plan, and Mr. Meier replied no. ZBA Member Constantino also

asked if the petitioners had any plans for the future garage to be built on the site, and Mr. Meier replied yes, adding that it may be built at the same time as the proposed addition. Mr. Meier also responded to ZBA Member Constantino that no significant change in the topography at the rear of the lot will be required to construct the garage and the drainage off of his property will not be affected. Mr. Meier responded to ZBA Member Maloney that neither his neighbors nor he have suffered from drainage issues and added that they purchased this home because it is on a hillside. ZBA Member LaVanway asked the petitioner if he could reduce the size of the living room by a couple of feet as it is quite large and that would eliminate the need for a lot coverage ratio variation. Mr. Meier stated that they are spending a significant amount of money constructing the addition and the living room would be too small and too cramped if they reduced the size. ZBA Member Kolar asked if the petitioners had looked into incorporating the front porch into the house as a whole as it already exists and will not affect the lot coverage ratio. Mr. Meier responded that the porch is not insulated or heated and construction is probably substandard. ZBA Member Kolar stated that could be corrected and would provide space without any cost as far as lot coverage ratio is concerned. Mr. Meier responded that the porch is in the front yard which is a problem and incorporating that into the existing living room does not help with the kitchen/family room layout. ZBA Member Kolar asked how many neighbors along Hillside Avenue the petition was circulated to, and Mr. Meier responded that he asked one neighbor to send him an e-mail but he didn't. Mr. Meier stated that another neighbor on Phillips expressed to him that they had flooding issues and felt that any work upwards of their property will impact them. Mr. Meier added that water from all of the houses on Phillips Avenue drains toward that property and that water from many lots in the area that slope south runs west and goes out between 457 and 467 Hillside. ZBA Member Kolar asked the petitioner if his proposed project will exacerbate the existing water situation, and Mr. Meier responded that his impervious surface area will be increased only slightly.

Mr. Meier responded to ZBA Member Miller that he had attended a ZBA meeting in the past to observe the procedure and that, while in attendance, he spoke in opposition to a variation request.

Mr. Kvapil responded to ZBA Member LaVanway that a stormwater engineer will review this project and the surrounding area due to the amount of excavation at this site to be sure that there will be no significant impact regarding water on any adjacent properties. ZBA Member Miller asked if the future garage will be taken into consideration during the stormwater review of this site, and Mr. Kvapil responded that it will be taken into consideration as it is part of this zoning variation.

ZBA Member Micheli asked what the minimum width of the aisle in the master bath on the second floor is. Mr. Kvapil stated that the minimum width allowed in the building code is 36 inches, and Mr. Meier responded that the width in their bathroom will be 36 inches.

Mr. Meier responded to Chairman Garrity that he considered moving the garage away from the tree and the corner of the lot, however, stated that the farther back the driveway is, the steeper it becomes. Mr. Meier also responded to Chairman Garrity that he is planning to remove some trees on his property because they are unhealthy.

Persons in Favor of or in Opposition to the Variation Requests

Andy Callaway, 467 Hillside Avenue, Glen Ellyn, Illinois stated that his house is in the line of houses in the subject area where run-offs occur. He stated that he and his wife support people making improvements to their homes, however, they cannot support the variation for additional lot coverage in this case. Mr. Callaway stated that they have lived in their home for five years and, during rainstorms, water has collected in their back yard. He stated that in this area the front lot line areas are slightly higher than the rear yards. He also stated there is a distance of 6 to 10 feet from the top of Phillips Avenue to the bottom of Hillside Avenue. Mr. Callaway stated that their concern is the variance will cause faster and focused run-off that will run into his back yard. He also stated that the lot coverage will be significantly increased by a proposed large driveway and garage. He added that 466 Hillside Avenue is currently under contract to be sold as a teardown and a fairly large home will likely be constructed at that location. He also stated that when 462 Phillips Avenue was built, run-off issues were created in the rear yard of 459 Phillips Avenue as the speed of the water runs directly into that back yard. He stated that the water slowly moves when it rains, however, the driveway and drainage funnels it into one area in a quick period of time which exacerbates the water problem. Mr. Callaway stated that they have installed drain tiles to mitigate some of the storms which works but their concern is that flooding will create more runoff in the neighborhood with future additions and changes occurring. Mr. Callaway and the homeowners at 459 Hillside Avenue and 465 Hillside Avenue hope that the Village will install a sewer or other water management system to help with the water issue in their neighborhood. Mr. Callaway responded to ZBA Member Constantino that he would happily participate with a stormwater engineering review of the proposed plans. Mr. Callaway responded to ZBA Member Miller that he had not been aware that there were water problems on his street and that the person who owned his house previously stated there had never been flooding in their basement. Mr. Callaway stated he now believes there has been water in his basement. Mr. Callaway also stated that this variation request is similar to the work done at 462 Hillside Avenue and that water runs back down the driveway. ZBA Member Micheli asked Mr. Callaway if he was generally comfortable with the fact that this situation can be an engineering problem that can be solved, and Mr. Callaway expressed concern that the problem would become his to solve and that he would need to spend a great deal of money on grading instead of an addition if he decided to add onto his home.

Brian Scobe, 471 Hillside Avenue, Glen Ellyn, Illinois asked if there is an easement at the rear of the subject property line, and Mr. Kvapil responded that the plat of survey shows no easement

for utilities or stormwater, therefore, the proposed garage can be as close as 3 feet to the rear property line and to the side property line. Mr. Kvpil responded to Mr. Scobe that no easements are shown on his or the petitioners' property and added that easements exist in various locations for various reasons. Mr. Scobe stated that after the proposed construction he will be looking out of his window at a 500-square foot garage. He stated he would like to know if anything can be done to push the garage back as water will flow into his back yard. He also expressed concern regarding the aesthetics of the proposed garage and how the garage will impact his home. Mr. Scobe also stated that a very large tree is located in his yard that overhangs into the Meiers' yard and asked if he will be required to cut down that tree. Mr. Kvpil stated that the Village's position is that situation is not addressed in the building or Village codes and is an issue between private property owners. Mr. Scobe expressed concern that the tree will die if branches are cut off to accommodate the petitioners' garage and that the tree will fall onto either one of their homes if the roots are cut. Mr. Meier responded that half of that forked tree is in his yard and the other half that is in Mr. Scobe's yard was damaged by lightning and cut off. He added that this situation is a legal property rights issue and that he is allowed to cut off tree branches that overhang into his yard. Mr. Scobe asked what the current Village fence setback is, and Mr. Kvpil responded that fences have no setback requirements from the property line but will generally be setback from the property line to accommodate the size of the post holes. Chairman Garrity responded to Mr. Scobe that a surveyor could tell him whose property the subject tree is on and that a tree preservation plan will be submitted for the subject property. Mr. Kvpil also responded to Mr. Scobe that detached garages are typically on slab foundations that are 8-10 inches below the surface of the grade so a significant portion of the root system is still intact underground stabilizing the tree. Mr. Kvpil added that an arborist may be able to offer additional suggestions to compensate for the loss of some of the root system. Mr. Scobe stated that he does not want the proposed garage 3 feet from his property line. Mr. Scobe also stated that when Mr. Meier removes the 3-4 trees in his yard, he will be left looking at a large addition and garage. ZBA Member Micheli suggested that Mr. Scobe attend a tree clinic at the Morton Arboretum this weekend for information regarding preserving trees. Mr. Kvpil stated that the Village stormwater engineer can contact Mr. Scobe after the review is complete and that Mr. Kvpil can ask the tree preservation person for information and recommendations regarding future impact related to the tree in the rear yard.

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

Comments from the Zoning Board of Appeals

ZBA Member Constantino felt conflicted as the size of the home and lot and the topography create a hardship as opposed to a mere inconvenience. He felt that the variation being requested is not a significant change to the characteristics of the neighborhood, especially the property to the east, which has a similar two-story addition. ZBA Member Constantino was

concerned regarding the potential adverse effects on the property due to drainage issues. He added that stormwater engineering plans will be developed, approved and installed and that he will need to rely on the stormwater engineer to state that water issues will be addressed and the arborist to state that tree issues will be addressed. ZBA Member Constantino supported the zoning variation request as he felt a hardship is present, there will be no significant alteration to the character of the neighborhood and the variation request is relatively small. ZBA Member Bourke was in favor of the variation request as he felt that the proposed addition is small and will be an enhancement to the neighborhood. He added that drainage will be handled by a stormwater engineer as building progresses and will be contained on the subject property. ZBA Member Maloney felt that the neighbors who spoke in opposition to the variation request should be taken into consideration. She added that if stormwater issues can be resolved, the petitioners should be able to move forward with the variation. Mr. Kvapil responded to ZBA Member LaVanway that the Village stormwater engineer reviews a drainage area of approximately 250 square feet surrounding the location of a variation site. Chairman Garrity suggested adding a contingency that any approval would be subject to a suitable storm sewer report that the water from this project would not exacerbate the problem for the neighbors, and Mr. Kvapil responded that this condition could be added to the recommendation. ZBA Member LaVanway stated he would be in favor of adding a condition to a recommendation for approval. ZBA Member Kolar stated that the Village lot coverage ratio has changed from 25% to 20% to minimize the outside appearance of homes and the floor area ratio was eliminated in order to somewhat mitigate the size issue. He added that he will not vote for exceeding the lot coverage ratio in this instance. ZBA Member Miller stated that stormwater concerns him and he has a problem with one hardship being replaced by someone else's hardship. He also stated he would be in favor of the subject request if the Village stormwater engineer consulted with Mr. Callaway and Mr. Scobe and they were in agreement regarding this project. ZBA Member LaVanway added that a contingent, if added, would need to be the recommendation of the engineer although the neighbors could provide input. Mr. Kvapil responded to ZBA Member Micheli that the Village Board will review this request before the Building Department receives the plans for evaluation. Mr. Kvapil also suggested that the recommendation should address the potential for problems on the entire block or in the immediate vicinity. ZBA Member Miller requested adding that the stormwater engineer consult with the two neighbors as the neighborhood has gone through a tremendous amount of change for which there is no historical data available. ZBA Member Micheli stated that he is comfortable with the stormwater engineer's ability to do his job and he asked that the Village Board provide guidance to the ZBA as to whether or not they are following the best practices in approving this type of project.

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

Motion

Regarding the property at 470 Phillips Avenue owned by Francis and Betty Meier, ZBA Member Miller moved, seconded by ZBA Member LaVanway, to recommend approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow construction of a two-story addition that results in a lot coverage ratio of 21.8% in lieu of the maximum permitted lot coverage ratio of 20% for a two-story home. The recommendation for approval is based on the hardships regarding the contour of the land and the nonstandard lot size which allows very little space for construction purposes. The recommendation for approval was also based on the requirement that the stormwater engineer consult with the homeowners in the affected area on the block of Hillside Avenue, Phillips Avenue, Prospect Avenue and Glenwood Avenue to receive more current data on the flooding issues.

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

Staff Report

Mr. Kvapil stated that two variations will be on the March 25, 2014 ZBA agenda and two variations will be on the April 8, 2014 ZBA agenda.

Trustee Report

Trustee Ladesic thanked students for attending recent ZBA meetings. He also stated that the Village Board has been extremely busy preparing the budget. ZBA Member LaVanway inquired about cross-training for commissions, and Trustee Ladesic responded that he could request those meetings.

The meeting was adjourned at 8:38 am.

Respectfully submitted,

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official