

ZONING BOARD OF APPEALS
MINUTES
MARCH 25, 2014

The meeting was called to order by Acting Chairperson Greg Constantino at 7:01 p.m. ZBA Members James Bourke, Larry LaVanway, Meg Maloney, John Micheli and Chip Miller were present. Chairperson Rick Garrity and ZBA Member Ed Kolar were excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Acting Chairperson Constantino explained the procedures of the Zoning Board of Appeals.

On the agenda were two public hearings regarding the properties at 280 Hawthorne Blvd. and 593 Glen Ellyn Place.

PUBLIC HEARING – 280 HAWTHORNE BOULEVARD

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION WITH A SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET. (Michael and Jill Flaherty, petitioners)

Staff Presentation

Joe Kvapil, Building and Zoning Official, stated that Michael and Jill Flaherty, owners of the property at 280 Hawthorne Boulevard, and Architect Rick Rearick are requesting approval of a variation from Section 10-4-8(D)3 of the Glen Ellyn Zoning Code to allow the construction of a two-story addition with a side yard setback of 3 feet in lieu of the minimum required side yard setback of 6.5 feet. Mr. Kvapil displayed a map of the subject area and indicated the location of the subject property which is in the R2 Residential Zoning District. He stated that the property is defined as a corner lot on the northwest corner at the intersection of Hawthorne Boulevard and Kenilworth Avenue and the zoning and land use surrounding the property is single-family residential. Mr. Kvapil also indicated the location of nearby property owners who signed a petition in support of the variation request. Mr. Kvapil stated that Village records indicate that no other variations have previously been granted for this property. He added that the home was constructed in 1928 and only a few building permits have been issued over the years.

Mr. Kvapil displayed a plat of the subject property and stated that the owners propose to remove an existing one-story attached garage on the side of the home and construct a new two-story addition on the same side of the home and a one-story addition to the rear of the home. He added that the addition to the side of the home will include a two-car attached garage that will replace the existing one-car attached garage. He added that the addition is proposed to be set back 3 feet from the side yard lot line in lieu of the minimum required side yard setback of 6.5 feet, and a variation is, therefore, required.

Mr. Kvapil displayed a plat of survey of the property at 276 Hawthorne Boulevard which is next door to the subject property and is set back approximately 16.5 feet from the common side yard lot line. He added that their driveway which goes to a detached garage is included within this space. Mr. Kvapil also stated that the petitioners' application packet includes a letter from the property owners of 276 Hawthorne Boulevard stating that they are in support of the subject variation request.

Mr. Kvapil displayed an elevation sketch that indicated the proposed roof height which is in compliance with the code. He added that the property is not located within a designated flood area or a local depressional area. He stated that topographical contour maps indicate 2-foot contour lines and a general slope in the area of 4-5 feet from the far northwest corner to the southeast corner. He added that since the disturbed area will exceed 1,500 square feet, a stormwater engineering plan must be reviewed and approved by the Village stormwater engineer prior to issuance of the building permit. He also stated that since the disturbed area will exceed 300 square feet, a tree preservation permit plan must be approved by the Village consulting arborist prior to the issuance of a building permit.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Miller asked if the 3-foot setback extends from the roof line to the edge or from the ground level, and Mr. Kvapil responded that the setback extends from the ground level. Mr. Kvapil also responded that eaves are allowed to go into a setback as much as 3 feet. ZBA Member LaVanway asked if side yard setbacks are universal or if there are any allowances pertaining to what structures are being built on a neighboring property. Mr. Kvapil responded that the Zoning Code disregards adjacent property conditions. ZBA Member Bourke commented that in a letter from a neighbor, the required setback was referred to as being 6 feet, and Mr. Kvapil responded that the required setback is actually 6-1/2 feet. Mr. Kvapil responded to ZBA Member Micheli that a property would need to meet all building requirements (unless a variation(s) was granted) even though a house next door had a variation(s) granted. Mr. Kvapil also stated that a building permit could be denied even though it met zoning code requirements if there were safety issues involved. At ZBA Member Micheli's request, Mr. Kvapil clarified contour line numbers on the topographical map. Mr. Kvapil also added that the greatest drop between the northwest corner and the southeast corner would be seven feet.

Petitioners' Presentation

Michael and Jill Flaherty, the petitioners, of 280 Hawthorne Boulevard, Glen Ellyn, Illinois and Rick Rearick, architect, of 155 N. Park Blvd., Glen Ellyn, Illinois spoke on behalf of the proposed variation request. Ms. Flaherty stated that they purchased the subject home 13 years ago. She stated that the home was built in 1928 and has been very well maintained over the years. She stated that they very much like the deep rear yard.

Ms. Flaherty stated that she and her husband have three (3) children and their home which has three bedrooms and one bathroom has become crowded. She also stated that they now have a second car. Ms. Flaherty stated that they would like to add more family area to the home as well as parking and storage space. Ms. Flaherty stated that her husband has a business in Glen Ellyn and that they love the town. She stated that they have looked at other houses for sale in Glen Ellyn but have decided they would like to stay where they are.

Ms. Flaherty stated that Architect Rick Rearick has prepared architectural plans that expand on the existing 1-car garage and add space to the rear of the home. She added that the added space is practical and would be the least disruptive option to the lot. Ms. Flaherty stated that they had considered a detached garage, however, that would require extending the driveway and that having a garage in the middle or back corner of the yard would eat up much of the yard and, therefore, was not a practical option. She added that the addition will not change the character of the house. She stated that they brought the plans and spoke to all of their neighbors regarding the proposed project. Ms. Flaherty stated that they have an undersized corner lot and that the size of their lot limits their options which is why they are asking for a side yard setback variation.

Dr. Flaherty stated that traffic near their home is terrible as they live close to Hadley Junior High and have difficulty pulling in and out of their driveway during school start and close times. He stated that they felt it would be most practical to add onto the existing driveway so that they do not have to continue to juggle their cars in and out of the driveway. Dr. Flaherty stated that there is an 8-foot drop to their property from the house to the north and that rain runs through their yard during a storm and onto Kenilworth Avenue. He added that they are, therefore, concerned regarding adding additional impervious surface in their rear yard that could cause flooding. Ms. Flaherty stated they would like to maintain as much of their yard as they currently have.

Mr. Rearick stated that one of the hardships is that the subject lot is only 60 feet wide and that the minimum width for a corner lot in Glen Ellyn is 80 feet and with setbacks being more on a corner lot than an interior lot, any expansion in the east-west direction is restricted. He added it is too difficult to do any type of change in the north-south direction.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the petitioners had inquired how the stormwater that runs into their yard would be affected if they built their garage in the northwest corner of their lot. Dr. Flaherty responded that they have the ability to have a 3-foot setback if the garage was put in the north corner, however, their neighbors' southern exposure would be obstructed. Dr. Flaherty stated that parking on Kenilworth Avenue is a hardship due to the amount of traffic, and he added that there have been two auto accidents in front of their home. Ms. Flaherty stated that if a garage in the corner of the lot has Kenilworth Avenue access, 170 feet of the

driveway will need to be shoveled when it snows and that flooding could also result. Mr. Rearick, the petitioners' architect, stated that he had looked into detaching the garage but that accessing the house by walking down Kenilworth to enter the home would be a hardship. He added that moving the garage from the front to the rear of the home is not practical, the homes to the north will have a view of the garage and it is not a good design. Mr. Rearick responded to ZBA Member LaVanway that the subject lot is nonconforming. Acting Chairperson Constantino asked if a detached garage was added to the lot, would it be required to be in the rear, and Mr. Kvapil responded that the garage would need to be set back 18 feet from the east property line. Acting Chairperson Constantino asked if it would be possible to have a detached garage not in the far end of the lot but near the house and maintain the driveway on the westerly side. Mr. Rearick responded that would not be possible due to the contours of the land which have a heavy slope on the western edge and that a retaining wall would be necessary, much impervious surface would be taken up and there would be water issues. ZBA Member Bourke stated he is sympathetic with the petitioners regarding the busy intersection by their corner lot. He asked about having the garage come in right by the house off of Hawthorne and then slide the addition to the west. He stated that would afford closeness to the house for visitors and to bring in groceries and that a variation wouldn't be required on the other side. Mr. Rearick responded that was not good design because of the setback at that location. Mr. Kvapil responded to ZBA Member Bourke that a drainage plan will be required for this project. Mr. Flaherty submitted a photo looking off of Kenilworth Avenue and stated they had at one time thought about locating their garage at that location but stated an electric pole is there. Mr. and Ms. Flaherty responded to ZBA Member Micheli that the pole is one of the reasons that they did not locate the garage there as it is an obstacle. They also responded to ZBA Member Micheli that they did not inquire as to the cost of removing the pole. ZBA Member Micheli asked what the minimum required width for a garage per car is. Mr. Kvapil responded 12 feet for 1 car with an 8-foot wide door and 2 feet on each side. He also responded 20 feet for 2 cars with a 16-foot wide door and 2 feet on each side. Mr. Rearick responded to ZBA Member Micheli that the inside of the subject garage will be 19 feet 8 inches which will be tight. Regarding the western variation that is being requested to 3 feet from 6-1/2 feet, ZBA Member Micheli asked Mr. Kvapil how that would change for any other situation. Mr. Kvapil responded that if the lot width is 80 feet, the required side yard setback would be 10% of the lot width or 8 feet.

Persons in Favor of or in Opposition to the Request

Rosie Gardner of 276 Hawthorne Avenue, Glen Ellyn, Illinois stated she is the Flahertys' neighbor on the west side. She stated that the Flahertys' provided the details of their proposed project and she supports their project. Mr. Flaherty responded to ZBA Member LaVanway that Ms. Gardner viewed the correct plans. ZBA Member Micheli asked Ms. Gardner if she was concerned that her property could be impacted and she could be unable to build on her site if the proposed variation is approved. Ms. Gardner stated she did not have a problem regarding the approval of the proposed variation. Mr. Kvapil added that Fire Department access to

single-family homes is generally adequate from the street. He stated that the Fire Code states that as long as a vehicle can approach within 150 feet of any part of the building, the Fire Code regulations are met. He added that all homes in town can probably be served adequately by a fire truck in the street. Mr. Rearick added that an advantage to having a corner lot would be that a fire truck could access a site more easily.

Comments from the Zoning Board of Appeals

All of the ZBA Members were in favor of the proposed variation request. ZBA Member Miller stated that although he originally felt opposed to the request, after he learned about the elevation changes and the swale in the back of the property, he felt the petitioners were limited regarding their choices to keep the character of their home and to prevent flooding. He felt they did their due diligence in trying to figure out their best solution. ZBA Member Maloney felt that the petitioners have a difficult lot to work with. ZBA Member LaVanway stated that the neighbors were supportive and that the variation request will not impact light, air, etc., to other properties. ZBA Member Bourke felt that the unique situation is the side lot and the location near a school. Acting Chairperson Constantino was supportive of the request. He stated that concerns regarding the attached garage could create greater risk of flooding or disrupting water drainage. He added that the subject lot is narrow and nonconforming and that the unique circumstances involve the traffic pattern and the location of the nearby school. He added there are more practical options to locating the two-car garage and the owners have not contributed to the condition as it is an existing condition related to the age of the lot.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, after considering the application of Michael and Jill Flaherty and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends the approval of the variation requested after deliberations and the following findings of fact: That the plight of the owners is due to unique circumstances of a 7-foot elevation drop from the northwest to the southeast with a swale running to Kenilworth Avenue and that the variation, if granted, will not alter the essential character of the locality because the home will be similar in design to other homes in the area. He stated that additional findings of fact are that the lot is 60 feet wide versus the standard 80-foot wide lot which results in a practical hardship under the conditions permitted in the Zoning regulations to avoid flooding and to avoid side yard setback the garage cannot really be placed anywhere in the back yard except for in the center which would dramatically alter the character of the property and the neighborhood.

The motion carried unanimously with five (5) yes votes as follows: ZBA Members Miller, Bourke, LaVanway, Micheli and Acting Chairperson Constantino voted yes.

PUBLIC HEARING –593 GLEN ELLYN PLACE

A REQUEST FOR APPROVAL OF THREE (3) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A SECOND-FLOOR ADDITION AND A FIRST FLOOR STAIR AND FRONT PORCH ADDITION WITH A 23% LOT COVERAGE RATIO IN LIEU OF THE MAXIMUM PERMITTED 20% LOT COVERAGE RATIO. 2. SECTION 10-8-6(B)4.e TO ALLOW THE CONSTRUCTION OF A SECOND-FLOOR ADDITION AND A FIRST FLOOR STAIR AND FRONT PORCH ADDITION WITH A 41% FLOOR AREA RATIO IN LIEU OF THE MAXIMUM PERMITTED 40% FLOOR AREA RATIO. 3. SECTION 10-8-6(B)3 TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR ADDITION AND A FIRST FLOOR STAIR AND FRONT PORCH ADDITION ON A 5,686-SQUARE FOOT LOT IN LIEU OF THE MINIMUM REQUIRED 6,534 SQUARE FOOT LOT AREA.

(John and Charlene Bedrosian, owners, and Jamie Simoneit, architect)

Staff Presentation

Building and Zoning Official Joe Kvapil stated that the petitioners are John and Charlene Bedrosian, owners of the property at 593 Glen Ellyn Place, and the applicants' representative is Architect Jamie Simoneit. Mr. Kvapil stated that the petitioners are requesting approval of three variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(E)1 to allow the construction of a second floor addition and a first floor stair and front porch addition with a 23% lot coverage ratio in lieu of the maximum permitted 20% lot coverage ratio. 2. Section 10-8-6(B)4.e to allow the construction of a second-floor addition and a first floor stair and front porch addition with a 41% floor area ratio in lieu of the maximum permitted 40% floor area ratio. 3. Section 10-8-6(B)3 to allow the construction of a second floor addition and a first floor stair and front porch addition on a 5,686-square foot lot in lieu of the minimum required 6,534 square foot lot area. Mr. Kvapil displayed a map and stated that the property is an interior lot on the south side of Glen Ellyn Place. He added that the zoning and land use surrounding the subject property is single-family residential. He also displayed a map and indicated that nine (9) property owners have signed a petition in support of the variation requests. He stated that Village records indicate that no zoning variations have been granted for the subject property and that very few permits have been issued for this property.

Mr. Kvapil stated that the owners propose to remove part of an existing one-story rear screened porch, and he displayed an outline of the existing building and the proposed additions superimposed on a plat of survey. He stated that an existing first floor is being constructed up to the second floor. He also indicated the location of an existing one-story porch and stated that the end of the porch will be removed and the balance of the porch will be reconstructed. He indicated the location of a new one-story open entrance porch and stated that on one side

of the house is a new extension bump-out from the exterior wall for a new interior stairway that goes up from the first through the second floors. Mr. Kvpil stated that the proposed additions result in a lot coverage area that exceeds the maximum 20% for a two-story home and a variation is required. Mr. Kvpil clarified that the variation documents indicate that the proposed lot coverage ratio is 23%, however, the lot coverage ratio is actually 23.4% which is consistent with variation calculations in the past. Mr. Kvpil added that the zoning code also places restrictions on additions and alterations to nonconforming properties and this property does not conform in lot area, lot width or in the rear yard setback. He stated that those restrictions mean that this condition is limited to a total floor area of 40% of the lot. He added that if the first and second floor areas are calculated, the floor area would be slightly over 40%. He stated that open porches, screen porches, attics and basements are not counted in that percentage. He also stated that these alterations are permitted on nonconforming properties where the lot is at least 6,530 square feet. He added that the subject lot was subdivided at only 5,686 square feet and, therefore, a variation is required. Mr. Kvpil stated one other factor to consider is that the new entry front porch is not eligible for an open front porch bonus because the Zoning Code states that a front porch is eligible when the front porch projects beyond the front line of the house.

Mr. Kvpil displayed a topographical map and stated that the subject property is not located in a designated flood area or local depressional area. He stated that contour map records indicate that this property has a moderate slope and the existing natural stormwater runoff direction is to the southeast. He stated that this property receives stormwater runoff from adjacent properties to the west that flows to the Glenbard West High School parking lot and Ellyn Avenue. Mr. Kvpil stated that since the new impervious area or the disturbed area will not exceed 300 square feet, neither compensatory storage nor a drainage plan is required to be submitted for review.

Petitioner's Presentation

Daniel James Simoneit, the petitioner's architect, Z + O, 504 Hillside Avenue, Glen Ellyn, Illinois stated that John and Charlene Bedrosian, the homeowners, were unable to attend this evening's meeting. He stated that this home is one of the smallest homes on one of the smallest lots he has ever worked on in town. Mr. Simoneit stated that he had issues regarding the location of the front yard and issues regarding floor area ratio which he stated was eliminated in 2002.

Mr. Simoneit stated that the petitioners have lived in the subject home for 22 years and have performed minor improvements to the interior of the house. He also described some changes made to the home over the years prior to the petitioners living there and displayed and described floor plans of the existing home. He added there is a flat roof design at the back of the home with multiple eaves that hold water.

Mr. Simoneit stated that the Bedrosians' have one child and would like to have his grandparents visit for extended periods of time. He stated it is the Bedrosians' desire to expand their home and keep it in character with the neighborhood, the block and the existing architecture as well as emulate all of the details on the home. Mr. Simoneit stated they believe they will have a more traditional floor plan when the project is complete. He stated the key to the project is to get some connections to the rear yard. Mr. Simoneit stated that he plans to add doors to the back of the home, shorten the original sun porch, open up the wall and the single door off of the family room and create a new family room out of the former master bedroom. He stated that the reason for the bump-out on the side is so a staircase can be built to the second floor. Mr. Simoneit stated that one of the reasons for adding the porch addition is to add character and to provide some type of shelter for guests at the front door. He added that one enters the home at grade and in order to open the door, one must open the door then stand back up on a staircase to allow the door to open and then come back down to open the screen door so that guests can enter. Mr. Simoneit stated by adding a porch, the staircase will be removed from the home and brought outside and the home will have a typical entry.

Mr. Simoneit stated that the bedrooms will move to the second floor. He stated that they will continue to have three bedrooms and the rooms will be small. He stated that Ms. Bedrosian will also be able to move her office from the basement to an upper floor. Mr. Simoneit displayed and described a 3D model of the improvements.

Mr. Simoneit stated that every house on the block with the exception of one ranch has been modified to a great extent. He added that the petitioners plan to stay in their home for a long time.

Questions from the Zoning Board of Appeals

Mr. Kvpil explained for Acting Chairperson Constantino that the existing lot coverage ratio is 22% and that the increase being requested is 1.4%. Mr. Kvpil responded to ZBA Member Micheli that the front porch is added to the area calculated in lot coverage area. Acting Chairperson Constantino asked what the net increase in lot coverage ratio is, and Mr. Kvpil responded 45 square feet. ZBA Member Miller asked if the bump-out goes all the way to the ground, and Mr. Simoneit responded no. ZBA Member Bourke asked if the back porch received a bonus, and Mr. Kvpil responded no. Mr. Kvpil responded to ZBA Member Micheli that the front porch bonus was created to enhance and maintain the existing character of the Village.

Persons in Favor of or in Opposition to the Request

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

Comments from the Plan Commissioners

ZBA Member Miller stated that he was supportive of the proposed project. ZBA Member Maloney also was supportive as she felt the small addition adds value to the property. ZBA Member LaVanway was in favor of the project as the lot is significantly nonconforming, neighbors signed a petition supporting the project and there currently is an issue with the front porch. ZBA Member Bourke was supportive of the requests due to the unique character of the neighborhood and added that the project would be an enhancement to the neighborhood. ZBA Member Micheli stated that he was strongly in support of the project and added that the subject neighborhood is very unique. Acting Chairperson Constantino was in favor of the requests as the lot is extremely small and the additional lot coverage is only 45 square feet.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, that after considering the application of John and Charlene Bedrosian of 593 Glen Ellyn Place and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends the approval of the variation(s) requested after deliberations and the following findings of fact: That the plight of the owner is due to unique circumstances, including the 5,686 square foot lot which is one of the smallest lots in the Village and that the variation, if granted, will not alter the essential character of the locality because the design will enhance the neighborhood. Also that the conditions upon which the petition is based are not applicable to other properties because of the small size of the lot and that the variation is the minimum variation that will make possible the reasonable use of the property because the porch does not get a bonus without enlarging it and the current entry is a tripping hazard and nearly impossible for emergency services to use.

The motion carried unanimously with five (5) yes votes and zero (0) no votes as follows: ZBA Members Miller, Bourke, LaVanway, Micheli and Acting Chairperson Constantino voted yes.

Trustee Report

Trustee Liaison Pete Ladesic reported on the status of the Village budget.

Staff Report

Mr. Kvapil stated that two variations will be heard at the next ZBA meeting.

The meeting was adjourned at 9:20 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official