

ZONING BOARD OF APPEALS
MINUTES
APRIL 8, 2014

The meeting was called to order by Chairperson Rick Garrity at 7:01 p.m. ZBA Members James Bourke, Greg Constantino, Edward Kolar, John Micheli and Chip Miller were present. ZBA Members Larry LaVanway and Meg Maloney were excused. Also present were Trustee Liaison Pete Ladesic (who left at 7:45 p.m.), Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

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

ZBA Member Miller moved, seconded by ZBA Member Kolar, to approve the minutes of the March 11, 2014 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were two public hearings regarding the properties at 739 Duane Street and 381 Forest Avenue.

PUBLIC HEARING – 739 DUANE STREET

A REQUEST FOR APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)4 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ENTRY ADDITION WITH A CORNER SIDE YARD SETBACK OF 25 FEET IN LIEU OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 30 FEET. 2. SECTION 10-4-8(D)2 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ENTRY ADDITION WITH A REAR YARD SETBACK OF 37 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET.

(David and Erin Bennett, petitioners, and Daryl Drake, Architect)

Staff Presentation

Joe Kvapil, Building and Zoning Official, displayed a photograph of the rear yard area of 739 Duane Street in which an addition is proposed to be constructed. He stated that the petitioners are David and Erin Bennett, owners of the subject property, and that Erin Bennett and Architect Daryl Drake were present at this meeting.

Mr. Kvapil stated that the property owners are requesting approval of two variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(D)4 to allow the construction of a one-story addition with a corner side yard setback of 25 feet in lieu of the minimum required corner side yard setback of 30 feet. 2. Section 10-4-8(D)2 to allow the construction of a one-story entry addition with a rear yard setback of 37 feet in lieu of the minimum required rear yard setback of 40 feet. He stated that the subject property is in the R2 Zoning District and is defined as a corner lot on the southwest corner of the intersection of Duane Street and Taylor

Avenue. He added that the zoning and land use surrounding the property is R2 Single Family Residential. He also stated that Village records indicate that there have been no other zoning variations granted to this property in the past and that a number of typical building permits and improvements have been constructed on the property since prior to 1934 when the house was constructed. Mr. Kvapil displayed a diagram indicating the position of the new entrance addition at the corner of the home that does not meet the corner side and rear yard setbacks. Mr. Kvapil stated that the addition is a one-story mud room of approximately 163 square feet and a roofed-over porch of approximately 30 square feet which is a total additional area of approximately 193 square feet. Mr. Kvapil stated that the small open front porch is not eligible for a front porch bonus because it does not extend beyond the front of the home and does not meet the minimum required depth of 6 feet.

Mr. Kvapil stated that while the width, depth and area of the subject lot meet the current zoning code requirements for a corner lot, the home was constructed at a location on the lot that does not meet all of the current setback requirements and a variation is, therefore, required. Mr. Kvapil indicated on a diagram the area of the addition that encroaches into the corner side yard and rear side yard setbacks. Mr. Kvapil stated that on the rear side yard setback, the addition is considered to be a porch because it is supported by columns. He added that if the columns had not been installed, the addition would have been considered to be a roofed-over eave overhang and the building code permits eave overhangs to encroach up to 3 feet into the rear yard. He added that if the columns had not been provided, the variation into the rear yard would have been eliminated. Mr. Kvapil also stated that the addition encroaches slightly into the rear yard and that the rear yard complies with the additional encroachment of the porch with the maximum permitted area for structures and impervious surfaces.

Mr. Kvapil stated that the subject property is not located in a designated flood area or a local depressional area. He stated that the topographical contour map indicates that the property has a moderate slope of approximately 10 feet from the southwest corner to the northeast corner of the property and the property receives stormwater from the southwest that flows into the adjacent street sewers. He added that since the new impervious surface area or the disturbed area will not exceed 300 square feet, compensatory stormwater storage or a drainage plan review and approval by the Village Stormwater Engineer is not required. He also stated that since the disturbed area will not exceed 300 square feet, a tree preservation review is not required.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Kolar asked what would happen to the variation if the proposed addition was moved over to the south to line up with the existing house because there would still be space available to have the doors open on the west side. Mr. Kvapil responded that approximately half of the side yard setback variation would still be required. ZBA Member Micheli asked if the rear porch pillars underneath are architectural or structural, and Mr. Kvapil responded he

assumes they are structural. He added that even if they weren't structural, the outside face of the wall or columns determines the area of the porch and that the subject porch will be 30 square feet. Mr. Kvapil responded to ZBA Member Micheli that the pillars would need to have a structured cantilever that could be constructed from the roof structure. Mr. Kvapil added that it is the columns that create a porch which then applies to their lot coverage area.

Petitioners' Presentation

Erin Bennett, 739 Duane Street, Glen Ellyn, Illinois, the petitioner, and Architect Daryl Drake, 422 Phillips Avenue, Glen Ellyn, Illinois spoke before the ZBA. Regarding the first variation which was the construction of a one-story entry addition with a corner side yard setback of 25 feet in lieu of the minimum required corner side yard setback of 30 feet, Mr. Drake began by stating that the two columns in the setback were designed strictly as an architectural element and because the columns touch the support of the beams outside, the porch is considered to be open. Mr. Drake stated that if the columns were short from the top of the structure, they could be considered decorative elements and would not be structural. Mr. Drake stated that the second variation being requested is for a setback. He stated that if the line of the house went straight back instead of being built on an angle on the lot, the encroachment would be even greater on the side yard setback. He stated that they have squared off that line to allow room and he added that a balcony has been pushed over as far as possible because the petitioners don't have much of a back yard and the slope of the yard makes it more problematic to get into the building. Mr. Drake stated that the small size of the variation request is very minimal and no neighbors are being affected. He also stated that two letters from neighbors have been written in support of the proposed project.

Questions from the Zoning Board of Appeals

ZBA Member Constantino asked if any neighbors were not supportive of the variation requests, and Mr. Kvapil responded two neighbors were supportive. Mr. Kolar asked why the mud room needs to be 150 square feet, and Ms. Bennett responded the room will be a secondary entry into the home and they also need room for her sons' sports equipment. Mr. Drake added that a washer and dryer may also be added to that area. Mr. Drake responded to ZBA Member Micheli that the petitioners recently spent a great deal of money digging a large area of their basement deeper and do not intend to add plumbing to the added space at this time for financial reasons. ZBA Member Micheli asked what sizes had been considered for the mud room. Ms. Bennett responded that contractors had advised her to construct some type of offset as the exterior is stone and the stone may not match the existing stone of the house.

Persons in Favor of or in Opposition to the Variation Requests

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

Comments from the Zoning Board of Appeals

All of the ZBA Members were supportive of the petitioners' variation requests. ZBA Member Constantino felt that the requests essentially do not affect the footprint of the home along Duane Street and is no closer to the street than the elevation facing Taylor Avenue. He added that the improvements on the property create a hardship because although the lot is more than adequate in size, the improvements were created prior to the creation of the Zoning Code and cause a sufficient hardship. ZBA Member Constantino added that the applicant did not create the problem, and he felt that variation requests would enhance and maintain the appearance and character of the area. ZBA Member Micheli stated that he did not feel there was a problem with the rear yard setback request. He stated that he would not be in support of the side yard setback request for the addition of storage, however, was swayed by the architectural argument that it is necessary in order to enhance and maintain the quality of the structure in the neighborhood.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, that after considering the application of David and Erin Bennett, the petitioners, of 739 Duane Street, Glen Ellyn, Illinois and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends the approval of the variations requested after deliberation and the following: That the plight of the homeowners is unique due to the location of the house on the lot, the location of the subject room is the only location possible to place the room, the open columns make the room a porch and the porch is too small to be allowed a bonus. He added that the proposed variation, if granted, will not alter the essential character of the locale.

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

PUBLIC HEARING – 381 FOREST AVENUE

A REQUEST FOR APPROVAL OF THREE (3) VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ATTACHED GARAGE ADDITION AND A SECOND FLOOR ROOF DECK WITH A SIDE YARD SETBACK OF 9 FEET 5 INCHES IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 11 FEET 10 INCHES. 2. SECTION 10-4-8(D)2 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ATTACHED GARAGE ADDITION AND A SECOND FLOOR ROOF DECK WITH A REAR YARD SETBACK OF 33 FEET 0 INCHES IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET 0 INCHES. 3. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ATTACHED GARAGE

ADDITION AND A SECOND FLOOR ROOF DECK WITH A LOT COVERAGE RATIO OF 22% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(Mark and Siri Gadbois, petitioners)

Staff Presentation

Building and Zoning Official Joe Kvapil stated that the petitioners are Mark and Siri Gadbois, the owners of the property, and Jamie Simoneit, their architect. He stated that the petitioners are requesting three (3) variations from the Zoning Code as follows: 1. Section 10-4-8(D)3 to allow the construction of a one-story attached garage addition and a second floor roof deck with a side yard setback of 9 feet 5 inches in lieu of the minimum required side yard setback of 11 feet 10 inches. 2. Section 10-4-8(D)2 to allow the construction of a one-story attached garage addition and a second floor roof deck with a rear yard setback of 33 feet 0 inches in lieu of the minimum required rear yard setback of 40 feet 0 inches. 3. Section 10-4-8(E)1 to allow the construction of a one-story attached garage addition and a second floor roof deck with a lot coverage ratio of 22% in lieu of the maximum permitted lot coverage ratio of 20%.

Mr. Kvapil stated that the subject property is located in the R2 Zoning District and is defined as an interior lot on the east side of Forest Avenue between Phillips Avenue and Hillside Avenue. He also stated that the zoning and land use surrounding the property is R2 single-family residential. Mr. Kvapil displayed a map that showed the ten (10) neighboring property owners who have signed a petition in support of the requested variations.

Mr. Kvapil stated that the notice of public hearing that was published indicated that the requested lot coverage ratio was 22% which was based upon a lot area of 12,026 square feet. He stated that that lot area was identified in the petitioners' application, in DuPage County records as 12,022 square feet, in the Village's data records as 12,025 square feet and in Milton Township records as 12,026 square feet. Mr. Kvapil added that the Milton Township property dimensions are the same as those shown on the plat of survey provided in the petitioners' packet. Mr. Kvapil stated that the calculation he provided for the subject lot is 11,717 square feet which is approximately 300 square feet less than the figure provided by the other agencies, and he does not know if the plat of survey is in error or if the records from various agencies are in error. Mr. Kvapil stated that since the larger footprint of 12,026 square feet has been used for these requests, the lot coverage area was calculated at 22%. He stated that if the smaller lot footprint of 11,717 square feet was used, the lot coverage area would be 22.7%. Mr. Kvapil stated that the most restrictive condition of 22.7% lot coverage ratio will be assumed to be correct and will be used for these variation requests. He added that approval is requested for any other zoning relief in the Notice of Public Hearing issued for ZBA projects. Mr. Kvapil responded to ZBA Member Kolar that the Village Attorney may or may not accept the condition in the Notice of Public Hearing at the Village Board meeting.

Mr. Kvapil stated that research of Village records indicates that a zoning variation was issued for the subject property in 1991 to allow the construction of a second floor addition over the existing first floor that would be set back 33.8 feet from the rear yard lot line in lieu of the minimum required rear yard setback of 40 feet. He added that the variation request was unanimously approved. Mr. Kvapil also stated that several permits have been issued for this property since 1951.

Mr. Kvapil indicated the nonconforming areas of the subject home on a site plan. He stated that the owners propose to construct a one-story attached garage addition to the north side of the existing two-story home. He stated that the roof of the proposed attached garage is a flat roof deck for outdoor use with a perimeter low height guard wall around the exterior and an interior access door from the second floor of the existing home. Mr. Kvapil stated that the proposed addition increases the lot coverage ratio to 22.7 percent and the maximum permitted lot coverage ratio for a two-story home is 20% and a variation is, therefore, required. He also stated that the proposed addition is set back 9.4 feet from the side yard lot line and the proposed addition will be set back 33 feet from the rear yard lot line. Mr. Kvapil added that the subject property is nonconforming in lot depth and rear yard setback. He also stated that the subject lot is only 100 feet deep and approximately 118 feet wide which is unusual as it is wider than it is deep. He added that lots in the Village are generally deeper than they are wide at a ratio of approximately 1 to 2 and that lots that have more width than length generally have more variations than other lots. He also stated that the 100-foot lot depth does not meet the current minimum lot depth for a lot in this zoning district of 110 feet and the existing home does not meet the minimum 40-foot rear yard setback.

Mr. Kvapil stated that the subject property is not located in a designated flood area or a local depressional area. He stated that the topographical contour map indicates that the subject property has a slight slope of approximate 2-3 feet down from the rear to the front of the property and receives stormwater runoff from properties to the east that flows into the adjacent street sewers. He added that a drainage plan and review by the Village stormwater engineer will be required as the disturbed area exceeds 300 square feet. He added that a tree plan will also be reviewed by the Village arborist.

Questions to Staff from the Zoning Board of Appeals

Mr. Kvapil responded to ZBA Member Kolar that currently there is a 2-car garage on the property.

Petitioners' Presentation

Siri and Mark Gadbois of 381 Forest Avenue, Glen Ellyn, Illinois and Architect Jamie Simoneit, 504 Hillside Avenue, Glen Ellyn, Illinois spoke on behalf of the subject variation requests. Ms. Gadbois stated she is a long-time resident of Glen Ellyn and that her mother who had lived in

the subject home had requested the previous variation. She stated that exiting their driveway is difficult due to the amount of traffic and cars parking in her neighborhood which is near the downtown. She stated that their home was built in the 1950's and the garage is narrow as it is configured to that time period. She stated they would like to have a garage that would accommodate three cars which would allow them to continue to live in the residence. She added that the lot is too shallow to allow them to have an aesthetically pleasing building constructed there.

Regarding lot coverage ratio, Architect Jamie Simoneit stated that he finds that plats of survey provided to him by homeowners are inaccurate approximately 25% of the time. He stated that a former Building Official had told him that the recorded word is what should be used so he uses the recorded plats for projects he submits. Mr. Simoneit stated that Mr. Gadbois is an auto enthusiast who always has a project in the garage and they also have two children with vehicles. He stated that Mr. Gadbois would like to keep the cars in the garage instead of in the driveway.

Mr. Simoneit displayed and described two plans that they feel do not work well for the petitioner. He stated that the space between the petitioners' home and their neighbors to the north is the largest gap between homes on their block. He stated that they measured the distance of the neighbor to the north and mirrored that distance around the property line which allowed a garage with 13 feet 6 inches clear to the inside so that one could access in and out of the garage. He added that they are just trying to match the context of the neighbor to the north. Mr. Simoneit also stated that they do not intend to build a roof over the space and that there is some unfinished space over the garage that they intend to convert to an in-law suite or extended guest stay.

Regarding hardships, Mr. Simoneit stated that Ms. Gadbois' mother previously owned the subject property before the code changed. He stated that their solution is recessive at the rear to the existing home that already exists and they are trying to keep the alleyway and the distance between the yards as open as possible. Mr. Simoneit stated they are asking for just enough space to get a workable garage but no more or less than what the neighbor to the north has. Mr. Simoneit stated that the shape of the subject property is a hardship as the property is wider than it is long. He stated that a hardship also is that they do not want to do what is available to them through the code.

Mr. Gadbois stated that the re-arrangement of the upstairs over the deck will allow them to use some space that they currently cannot use. He stated it is a furnace room that is attached to one of the bedrooms and is currently being taxed as living space. He stated that he is self-employed and would be able to use this area as office space without having to walk through a bedroom.

Questions from the Zoning Board of Appeals

ZBA Member Constantino asked if there will be a wall between the new addition and the existing two-car garage or if the wall will be removed. Mr. Simoneit responded that there are two glass block windows there that have a steel header so if he removes the windows, there will be two doorways going in. He added that this is the more economical solution. ZBA Member Constantino asked if there are any drainage issues at the subject site, and Mr. Simoneit responded that water runs through the site, there is a swale with a drop, and positive water will always run through there. ZBA Member Bourke pointed out that one of the side yard setbacks at 382 Forest Avenue is much larger than the 4-foot setback on the other side. In response to ZBA Member Kolar, Mr. Simoneit described the proposed garage and stated that the total length of the garage, corner to corner, is 29 feet 4-1/2 inches and is symmetrically centered on the center line which is the pair of doors that centers on the gable in the back of the house. Mr. Simoneit responded to ZBA Member Kolar that the width in the front is 14 feet from masonry corner to masonry corner and that the staircase is outdoors. ZBA Member Micheli felt that the design of the home is not in keeping with the character of the neighborhood as the design looks like a homeowner wanted to build a garage and put a square garage next to it. He asked what prevented them from bringing the roof across, and Ms. Gadbois responded that she did not want the roof because it would give the appearance of too much mass. ZBA Member Bourke asked if the access stairs in the rear are enclosed, and Mr. Simoneit responded that those stairs are open and the only reason they are closed is for security reasons. Chairman Garrity asked why the stairs are not covered, and Mr. Simoneit responded that the roof would be very tall. ZBA Member Kolar asked why the petitioners need a 3-car garage. Ms. Gadbois responded that her daughter who lives with them has a car and that they have to jockey cars if someone is blocked in the driveway. She also stated that there is no overnight parking allowed on the street. Ms. Gadbois also stated that one person must exit the car before it is driven into the garage because of the narrowness of the garage.

ZBA Member Miller felt that there is no problem with the design but struggled with unique circumstances. Mr. Simoneit responded that the unique circumstance is the 100-foot lot depth. Mr. Simoneit stated that the hardship is that the code was changed after the petitioners owned the property and the solutions that the code will allow would be considered a detriment. Mr. Simoneit added that the lot is odd with three nearby homes that face each other and two that are end to end. He added that the conditions are all unique and atypical.

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 ZBA Members

ZBA Member Constantino was in support of the variations as requested. He felt that the unique circumstance involving the smaller depth than the width of the property creates an unusual problem and he did not feel that the petitioners are able to use the rear portion of the property to maintain the space between the other lots and create a practical use of the property. He stated he did not think that those potential designs were proper for the subject lot. He felt that the unique circumstance appears to be that the lot depth versus the lot width is not common to the Village which he feels is a hardship and unique situation. He added that the current owner did not create the problem and it appears that the variations would not be injurious to other properties as ten (10) nearby residents signed a petition in support of the variations. He added that he is not aware of a drainage issue nor is there any adverse effect upon the light or air space surrounding the properties. He added that he sees no adverse effect upon the light or the air space on the surrounding properties and the appearance and integrity will be maintained. Chairman Garrity stated that the impervious surfaces that would be added because of a garage in the rear might affect the drainage where, in this case, it doesn't. ZBA Bourke was supportive of the variation requests and felt that the unique circumstances were the unique lot. He stated that the architect could put the garage in the back yard and turn it sideways, however, that would destroy what the homeowners are trying to accomplish which is to get the greatest amount of usable green space in the back yard. He stated that the Village has granted a variation further in the back yard than the subject request and since the building is one story, it helps to break down the bulk look from the street. ZBA Member Kolar stated that the number of cars is not justification for a zoning variation. He also stated there is an alternative that does not require a code variation and that he has never voted for an increase in the maximum allowed lot coverage ratio. He also stated that petitions presented to the ZBA can be signed by people who are not impacted by a project. ZBA Member Miller stated that he likes the design of the project. He stated he just first felt there were no practical difficulties related to this project, however, changed his mind and, therefore, felt he could vote in favor of the project. ZBA Member Micheli stated did not see a hardship regarding the desire to have a 3-car garage. He stated that he felt the shape of the subject lot puts unique pressures on the petitioners. He stated he does not see an argument made that there is a hardship that requires a variance. ZBA Chairperson Garrity stated that these variation requests are the lesser of two evils and added he was totally against garages in the back yard. He added that the neighbor would be surrounded by two garages in his back yard if a garage was built in the rear yard of the subject house. He also stated that impervious surfaces would be quadrupled if a garage was built in the rear yard of the subject house.

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

Motion

ZBA Member Bourke moved, seconded by ZBA Member Constantino, that after considering the request of the petitioners and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends approval of the variations requested after deliberations and the following findings of fact: The property is unique in its situation, the plight of the owner is due to unique circumstances, including the lot size, and the variations will not alter the essential character or the locality. He stated that the owners' purpose is to construct a one-story attached garage addition on the north side of the existing 2-story home. He added that the roof of the proposed attached garage is a flat roof deck for outdoor use with a perimeter low height guard wall and an exterior access door from the second floor of the existing home. He stated that the proposed addition increases the lot coverage ratio to 22.7% and that the maximum permitted lot coverage ratio is 20%. He added that the proposed addition will be set back 9.4 feet on the side yard and that the minimum required setback is 11.8 feet. He stated that the proposed setback of 9.4 feet is approximately equal to the existing side yard setback and the adjacent home to the north and the proposed addition will be set back 30 feet from the rear yard lot line. He added that the minimum required rear yard setback is 40 feet. He stated that the petitioners have explored various alternatives to these variations and added that they will not alter the character of the neighborhood.

The motion carried with four (4) yes and two (2) no votes as follows: ZBA Members Bourke, Constantino, Miller and Chairman Garrity voted yes; ZBA Members Kolar and Micheli voted no.

Trustee Report

Trustee Liaison Ladesic stated that the Village Board is continuing to work on the budget. He also thanked the high school students in the audience for being at the ZBA meeting. He added that the Village has student liaisons at various Board meetings and recommended that students apply for a position if they are interested in doing so.

Staff Report

Mr. Kvapil stated that the next ZBA meeting will be cancelled, however, two variations will be heard at the following ZBA meeting.

The meeting was adjourned at 9:16 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official