

ZONING BOARD OF APPEALS
MINUTES
AUGUST 12, 2014

The meeting was called to order by Acting Chairperson Edward Kolar at 7:06 p.m. ZBA Members James Bourke, Greg Constantino, Larry LaVanway and Chip Miller were present. ZBA Member John Micheli and Chairperson Rick Garrity were excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

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

ZBA Member Bourke moved, seconded by ZBA Member Constantino, to approve the minutes of the July 8, 2014 ZBA meeting. The motion carried unanimously by voice vote.

On the agenda was one public hearing regarding the property at 690 Grand Avenue.

PUBLIC HEARING – 690 GRAND AVENUE

A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF FRONT AND REAR TWO-STORY ADDITIONS THAT RESULT IN A LOT COVERAGE RATIO OF 21.8% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%. 2. SECTION 10-4-8(D)1c TO ALLOW THE CONSTRUCTION OF A FRONT TWO-STORY ADDITION SET BACK 36.4 FEET FROM THE FRONT YARD LOT LINE IN LIEU OF THE MINIMUM REQUIRED 50-FOOT SETBACK. 3. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A FRONT TWO-STORY ADDITION SET BACK 5.6 FEET FROM THE RIGHT SIDE YARD LOT LINE IN LIEU OF THE MINIMUM REQUIRED 6.5 FOOT SETBACK. 4. SECTION 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF A FRONT PORCH SET BACK 30.4 FEET FROM THE FRONT YARD LOT LINE IN LIEU OF THE MINIMUM REQUIRED 37.5-FOOT SETBACK.

(Mark Simon, petitioner)

Staff Presentation

Joe Kvapil, Building and Zoning Official, stated that Mark Simon, owner of the property at 690 Grand Avenue, is requesting approval of four (4) variations from the Glen Ellyn Zoning Code. He displayed a photograph of the subject home which is a one-story Cape Cod with a lower level attached garage. Mr. Kvapil stated that the zoning variations being requested are from Section 10-4-8(E)1 to allow the construction of front and rear two-story additions that result in a lot coverage ratio of 21.8% in lieu of the maximum permitted lot coverage ratio of 20%, from Section 10-4-8(D)1c to allow the construction of a front two-story addition set back 36.4 feet from the front yard lot line in lieu of the minimum required 50-foot setback, from Section 10-4-8(D)3 to allow the construction of a front two-story addition set back 5.6 feet from the right side yard lot line in lieu of the minimum required 6.5 foot setback and from Section 10-5-5(B)4

to allow the construction of a front porch set back 30.4 feet from the front yard lot line in lieu of the minimum required 37.5 foot setback.

Mr. Kvapil stated that the property is located in the R2 Zoning District and is defined as an interior lot on the west side of Grand Avenue. He also stated that the zoning and land use surrounding the subject property is single-family residential. Mr. Kvapil also stated that Village records indicate no prior zoning variations have been granted for this property and the only building permit in the records was the original construction of the house in 1950.

Mr. Kvapil displayed a site plan of the existing home, with proposed changes including a 2-story addition in the front of the home, an open front porch, and a 2-story addition in the rear of the home. Mr. Kvapil stated that the proposed construction over the existing 1-1/2-story home that would bring it up to a full 2-story home does not require a variation although it is only approximately 5.95 feet from the side yard lot line in lieu of the general minimum requirement of 6-1.2 feet. He added that there is an exception in the code that allows existing second story construction over a first floor existing structure provided it is not closer than 4-1/2 feet to the side yard lot line. He also stated that the code permits the existing 1-1/2-story building to become a full 2-story building. Mr. Kvapil stated that the subject home is served by a depressed driveway from Grand Avenue that goes to the 1-car garage which would be considered a lower level or basement in the home. Mr. Kvapil stated that the proposed addition in the front of the home will include a 2-car attached garage at the grade level. He stated that the front yard setback for the proposed addition is 36.4 feet which encroaches into the 50-foot front yard setback. Mr. Kvapil was unable to obtain plats of survey for the homes on either side of the subject home but stated that 696 Grand Avenue has a front yard setback of approximately 51 feet and 684 Grand Avenue has a front yard setback of approximately 56 feet. Mr. Simon, the petitioner, stated that the front of 704 Grand is on Grand Avenue and the driveway and garage for that property is on Oak Street.

Mr. Kvapil stated that the subject property is not located in a designated flood area or a local depression area, however, the depressed driveway to the underground garage creates a stormwater control problem. He displayed a contour map and stated that the grade elevation of Grand Avenue continues down the driveway to the garage door of 690 Grand Avenue which is approximately one foot higher than the elevation of the street. He also stated that there have been overflow rains in the area and the lower level of the subject home is at risk when these events occur. Mr. Kvapil stated that the subject property slopes modestly from south to north and continues north across adjacent properties. He added there is no evidence of any stormwater problems or complaints on any of these properties. He also stated that the subject project will disturb over 1,500 square feet of area; therefore, a stormwater review will be required during the building permit process. Mr. Kvapil stated that a tree preservation plan will be required because the disturbed area exceeds 300 square feet. He also stated that the subject property is not located within any historic district and is not a landmarked property or a plaqued home.

Mr. Kvapil added that one person inquired at the Planning and Development Department about the subject project prior to this meeting and expressed no objections.

Mr. Kvapil added that regarding the building permit that would be submitted for this project, Mr. Simon has some self-imposed limitations. He stated that Mr. Simon is not interested in a Class III Addition/Remodeling because that would trigger requirements for fire sprinklers and compliance with current zoning regulations. So instead of getting to that degree of alterations, Mr. Kvapil stated that Mr. Simon is planning a project that does not exceed Class II limits which are that the addition to the house cannot exceed 150% of the current floor space in the house, 75% of the existing exterior roof and wall area of the house cannot be altered, the ridge height cannot be higher than 32 feet from the average existing grade and the eave height can't be higher than 22 feet from the average existing grade.

Petitioner's Presentation

Mark Simon, the petitioner and owner of 690 Grand Avenue, and Jim Minneci, his contractor, of 910 Garfield Avenue, Batavia, Illinois spoke on behalf of the proposed variation requests. Mr. Simon stated that he loves the subject house where he has lived for 11 years. He stated that his neighbors are extraordinary and he cannot imagine a better place to raise his family. Mr. Simon stated that he is trying to bring his 1,260-square foot house with an unusable garage into the modern age in order to have a more livable lifestyle. Mr. Simon stated he would like to be respectful of the age of his home and expand rather than demolish it.

Questions from the Zoning Board of Appeals

ZBA Member Bourke asked at what grade line the new 2-story garage would be, and Mr. Kvapil responded that will be determined when the building permit is applied for and the designs are completed. Mr. Kvapil stated he assumes the grade line will be raised up to the first floor level that currently exists. He added that a garage floor has to be one step below the first floor of the house. Mr. Kvapil responded to ZBA Member Bourke that this height cannot be higher because automobiles and gasoline are stored in garages which requires a margin of safety. ZBA Member Constantino asked what the required minimum depth would be for an average garage and how many square feet might be paired off to reduce or remove the request for the lot coverage ratio variance. Mr. Kvapil responded that a reasonable minimum depth of a garage is 20 feet, intermediate size automobiles generally are 16-17 feet long, and the minimum width of a 2-car garage is 22 feet. He also stated that the first 500 square feet of a detached garage does not count against the lot coverage area. He added that the subject garage has two stories with living space on the second floor. ZBA Member Miller asked if the side yard setback is a problem because the building is going out as well as straight up. Mr. Kvapil responded that the side yard setback variation is due to the requirement for a minimum 6-1/2-foot setback. Mr. Kvapil also verified for ZBA Member Miller that if the homeowners built straight up, a variation would not be required, however, because they are increasing the size of the addition, a

variation is required. Mr. Kvapil also stated that the proposed new two-story addition in the front is required to comply with the current setback of 6-1/2 feet and because it will be aligned with the existing structure, a variation is required. Acting Chairperson Kolar asked if the porch is considered part of the computation of the square footage. Mr. Kvapil replied no and added that the porch has been excluded from the lot coverage ratio because it meets the requirements for an open porch. Acting Chairperson Kolar asked if the lot coverage ratio would be under 20% if the addition on the rear of the home was removed, and the answer was yes. Acting Chairperson Kolar inquired about the 50-foot setback, and Mr. Kvapil responded that when a required setback is computed, there are certain limits. He added that if the homes on either side of a house are set far back, it is a burden for a home to have to meet the extreme requirements so a maximum setback of 50 feet was established. Mr. Kvapil responded to Acting Chairperson Kolar that the subject home would be 15 feet farther forward than the house to its right and 20 feet farther forward than the house to its left.

ZBA Member Constantino asked what unique circumstances there are related to the subject property that would justify granting the requested variations. Mr. Minneci responded that the grade is dramatic and slopes from the back of the property to the front of the house and in front of the garage. He stated that the location and positioning of the garage, water flow and drainage are problematic. Mr. Minneci stated the petitioner would like to add a two-car garage further forward and raise the grade somewhat so that water will not infiltrate the garage, install a trench drain in front of the garage and have a bit of slope down into the garage just to get some height so that water doesn't run into the garage. ZBA Member Constantino asked if there were any flood issues related to the subject property. Mr. Simon responded that their home does not have a sump pump and they have no water issues except when there is a major rain, water does come in under the garage door. ZBA Member Constantino asked if the petitioners have drainage or stormwater plans proposed in order to protect the neighbors. Mr. Minneci responded that a trench drain will be done that will run to the front of the house. He stated it will be located in front of the apron of the garage before it enters the house and then drainage will flow towards the front of the house towards the street. He added that there will be no side drainage and that everything will run to the front of the house. ZBA Member Constantino asked if the proposed plans have been presented to the neighbors. Mr. Simon stated he has left messages regarding this project with his next door neighbors on both sides and that he will provide more information when a plan is more developed.

ZBA Member Constantino asked the petitioner about the statement in his packet that he had attempted to save one of the trees in the front. Mr. Simon responded that they love their trees but they can be a liability at times. He stated that they have two oak trees, one of which is not healthy. He also responded to Acting Chairperson Kolar that another tree is one foot from their home on their property and they feel it should not be there. He stated they would like to retain two of their trees, however, that would require a single lane entry turning into a double lane entry so they are trying to determine which tree to remove.

ZBA Member Bourke asked the petitioner if he could build at the back of the home instead of in the front as no variations would be necessary. Mr. Simon stated that cost is a factor and Mr. Minneci responded that access to the rear of the house would be very difficult as equipment would not easily fit into the area. Mr. Minneci also stated that the foundation in the back would be on a 4-foot foundation on a crawl space. Mr. Simon added that dirt removal from a high hill in the rear yard is extremely atypical to a normal grade. He also stated that they do not have the ability to drive to the rear of their property to enter a garage. Mr. Simon stated that he hopes the Zoning Board understands why they want to maintain the line of the home by continuing it forward. Mr. Minneci displayed a proposal of their plan with a 2-car garage, sidewalk, front door and open porch. Acting Chairperson Kolar asked what will be removed in addition to the retaining walls and existing stairs when the front yard is re-graded. Mr. Minneci responded that a tree, stone wall, bushes, trees and stairs will be removed and the new grade would not be as high. He responded to Acting Chairperson Kolar that there will be a new retaining wall. He also responded to Acting Chairperson Kolar that the grading is higher to the south and they would not do anything regarding grading to the house to the south. Mr. Minneci responded to Acting Chairperson Kolar that water will roll toward the subject home from the south.

Mr. Simon responded to Acting Chairperson Kolar that the square footage of the existing home is 1,260 and will be 2,750 square feet when the house is completed. ZBA Member Miller asked the petitioner if he told the neighbors how far forward the house is planned to be and that the front porch will be where the tree currently is, and Mr. Simon replied no.

Persons in Favor of or in Opposition to the Variation Requests

Ken Given, 684 Grand Avenue, Glen Ellyn, Illinois stated his home is south of the subject home. He stated he is a long-time resident and has lived in his current home since 1987. Mr. Given stated that there was a 100-year rain in 1987 and that Lake Ellyn has overflowed five times since his family moved into their home. He stated that during these rain events, water flows over the banks of Lake Ellyn and down the parkway to Riford Road and floods the homes at that end. He stated that the last major rain was approximately 10 years ago. Mr. Given stated he has never objected at a meeting before and that his neighbors have sometimes done things they shouldn't have and the neighborhood has paid the price. Mr. Given stated that the front porch at 690 Grand Avenue was built after he moved into his home and no permit was issued. He stated that 12 trees have died since a teardown in the area and two trees fell on his home during a storm due to root system damage. Mr. Given stated that the Simons' are good neighbors and he felt awkward speaking at this meeting. Mr. Given stated that the subject lot is 50 feet by 175 feet. He stated that the subject home is being doubled in size and he was not in favor of the home being built out farther in front than the neighbors. He stated that the entire block slopes from Essex all the way down to Oak which will cause major drainage in the area. He was also unhappy that the petitioner planned to cut down three trees on his lot and

double the size of his house on a 50-foot wide lot. He added that saving trees is extremely important and that many of the trees in town are 150-250 years old. Mr. Given also stated that there is very little setback on each side of his home and construction should be limited. Acting Chairperson Kolar stated that the petitioner's lot line is 9 feet from the existing home. Mr. Given stated that his main concern would be that the subject house would be out farther in front than his home and block his view.

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

Comments from the Zoning Board of Appeals

None of the ZBA Members supported the variations being requested by the petitioner. ZBA Member Constantino stated he understood the petitioner's request to correct potential grading problems if there is the presence of water seepage with heavy rains or flooding. He did not, however, feel they were dealing with anything unique or a particular hardship with the subject lot as compared to other properties in the neighborhood. He stated he is not sure that plans have been thoroughly examined to determine if expanding the size of the home could be pushed to the rear or if it is physically possible to locate a 2-car detached garage to the rear versus the cost. ZBA Member Constantino was also concerned that the new addition to the rear has not been discussed and whether the setback could be reduced to remove the need for a lot coverage ratio variation. He also expressed concern regarding construction that would adversely affect the neighbors and was not supportive of the requested variations. ZBA Member Bourke stated he was sympathetic to the parents trying to raise their family in a 1,260 square foot home and the hardship caused by the present placement of the garage. He also stated he was appreciative of the neighbor's comments. ZBA Member Miller stated he appreciated Mr. Simon's plight. He stated that although he felt the flooding of the petitioner's garage is unique, he did not feel it overruled the front yard setback and, therefore, was not in favor of the variation requests. He added that the front yard setback would change the character of the entire neighborhood and also expressed concern regarding additional building on the 50-foot subject site. ZBA Member LaVanway was not in favor of the variation requests, in particular, because of the front yard setback. Acting Chairperson Kolar also was not supportive of the variation requests, in particular, because he was not in favor of exceeding the 20% lot coverage ratio. He felt that the addition projects too far forward on the block and also felt that there is space in the rear that could be utilized. He also stated that perhaps portions of the back could be re-graded instead of the front yard.

The ZBA Members and Mr. Simon decided to continue this public hearing to give the petitioner an opportunity to re-work his plans.

Motion

ZBA Member Miller moved, seconded by ZBA Member LaVanway, to continue the public hearing to September 9, 2014. The motion carried unanimously by voice vote.

Trustee Report

No Trustee report was given.

Staff Report

Mr. Kvapil stated that the next meeting scheduled on August 26, 2014, will be cancelled and that there will be two (2) items on the September 9, 2014 meeting.

ZBA Member LaVanway moved, seconded by ZBA Member Bourke, to adjourn the meeting at 8:36 pm. The motion carried by voice vote.

Respectfully submitted,

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official