

ZONING BOARD OF APPEALS  
MINUTES  
SEPTEMBER 9, 2014

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members James Bourke, Gregory Constantino, Edward Kolar, Larry LaVanway and Chip Miller were present. ZBA Member John Micheli was excused. Also present were Trustee Liaison Pete Ladesic who arrived at 7:25 p.m., Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

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

ZBA Member Bourke moved, seconded by ZBA Member Miller, to approve the minutes of the August 12, 2014 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were two public hearings for the properties at 690 Grand Avenue and 879 Hillside Avenue.

PUBLIC HEARING – 690 GRAND AVENUE

A CONTINUATION OF THE PUBLIC HEARING HELD ON AUGUST 22, 2014 FOR DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A REQUEST FOR APPROVAL OF THE FOLLOWING AMENDED VARIATIONS FROM GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)1c TO ALLOW THE CONSTRUCTION OF A FRONT TWO-STORY ADDITION SET BACK 45.5 FEET FROM THE FRONT YARD LOT LINE IN LIEU OF THE MINIMUM REQUIRED 50-FOOT SETBACK. 2. 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. 3. SECTION 10-8-6(B)3 TO ALLOW THE CONSTRUCTION OF FRONT AND REAR TWO-STORY ADDITIONS THAT RESULT IN A CLASS II ALTERATION (70% ALTERED) IN LIEU OF THE MAXIMUM PERMITTED CLASS I ALTERATION (50% ALTERED).  
(Mark Simon, petitioner)

Staff Presentation

Joe Kvapil, Building and Zoning Official, stated that this public hearing is a continuation of the Zoning Board of Appeals hearing held on August 22, 2014 and that the petitioner has revised his request. He stated that the front addition has been reduced and he displayed a drawing of the original request where the addition extends 24 feet towards the street. He also stated that the current request is an addition in the front yard that extends 15 feet further into the street and affects almost all of the variations originally requested.

Mr. Kvapil stated that the first variation requested was for a lot coverage area variation and that the larger addition exceeded the maximum 20% lot coverage ratio. He stated that that

variation request has been deleted. He also stated that the current requested addition on the subject lot is 18.2% which does not exceed the 20% lot coverage ratio. Mr. Kvapil stated that the second variation request was to allow a setback of 36.4 feet from the front lot line, and he displayed a setback diagram. He stated that the original request was for a 36.4-foot setback and a 50-foot setback is required. He stated that the new proposal with the smaller addition in the front yard still requires a variation because the required setback is 45.5 feet which is 4.5 feet beyond the 50-foot required setback. He added that a variation is still required, however, the variation has been modified to be less of a variation than the previous proposal. Mr. Kvapil stated that the third variation was to allow construction of the front two-story addition set back 5.6 feet from the right side yard lot line in lieu of the minimum required 6.5 feet and he displayed a setback diagram. He stated because of the 5.95-foot nonconforming setback, the new addition would extend out further into the front yard which would require another variation of approximately 6 inches. He added that that variation does not change. Mr. Kvapil stated that the fourth variation that was originally requested was to allow the construction of a front porch setback of 30.4 feet from the front yard lot line in lieu of the minimum requirement of 37 feet. He stated that the small front porch was set back closer to the front lot line than permitted. He also stated that when the addition moves back, the porch moves back and the porch is now set back 39-1/2 feet from the front lot line and meets the 37.5-foot setback; therefore, that variation is no longer applicable. Mr. Kvapil stated that the last variation is an additional variation that did not appear on the original request due to an oversight by staff who did not recognize that a technical alteration in class variation is required. He added that the Zoning Code prohibits the exterior wall and roof surface of nonconforming homes (such as the subject home due to its lot width and side yard setback) from being altered more than 50% without a variation. Mr. Kvapil added that he believes the intent of that prohibition is to reduce dramatic changes to the existing housing stock. He stated that this variation is to allow 70% of the exterior wall and roof surface to be altered in lieu of the maximum 50% allowed.

#### Questions to Staff from the Zoning Board of Appeals

ZBA Member Constantino asked to be added to the record that the proposal still involves more than 300 square feet so there will be requirements for stormwater and tree preservation studies and compliance. Mr. Kvapil responded that the disturbed area will exceed 1,500 square feet for stormwater, therefore, a stormwater permit will be required and more than 300 square feet will be added, therefore, a tree preservation plan will be required. Mr. Kvapil also responded to ZBA Member Constantino that the ZBA members have the only detailed plans that have been submitted by the petitioner. Mr. Kvapil responded to ZBA Member Kolar that zoning variation number 5 was inadvertently not submitted to the ZBA prior to this meeting but was subsequently added to be sure that everything necessary was included in the request to avoid any challenge or problem in the future. ZBA Member Miller stated that the variation sign has been removed from the subject property and asked if that was acceptable as the variation process is not yet complete. Mr. Kvapil stated that the Zoning Code states that the sign can be removed after the first public hearing.

Petitioner's Presentation

Mark Simon, the petitioner and owner of 690 Grand Avenue, Glen Ellyn, Illinois stated he worked with Joe Kvpil on his project after the last ZBA meeting and stated he has tried to do a major abbreviation of his originally proposed project. Mr. Simon stated that his current front setback is 60 feet but they have the ability to move forward 10 feet without a variation. He also stated that they would like to add a room with a width of 12-15 feet. Mr. Kvpil added that the addition is 15 feet deep by 35.2 feet wide. Mr. Simon stated that he has conceded his vision for his home but feels the revised change will enable them to have the room space they need and accommodate a two-car garage in the front of their home. Mr. Minneci responded to Chairperson Garrity that a hardship regarding this property is water coming into the garage and they plan to direct water away from the house by adding an addition in front and putting in some storm drains. He also stated that the garage is currently difficult to get into because of the way it is positioned with the house and a two-car garage would be more accessible. Mr. Simon added that the proposed request will give them some semblance of what they were striving for. He also stated that his neighbor to the right recently re-did her landscaping and told him that she did not want workers on her property traversing her yard to access the Simons' rear yard. He added that his property sits on a hill which makes access to the rear of their home very challenging. He stated they have been advised to work with what they can in the front.

Questions from the Zoning Board of Appeals

Chairperson Garrity asked the petitioner if he had considered going farther back in the yard where there is plenty of space. Mr. Minneci responded that they did but are still somewhat tight in the side yard in trying to bring machinery through. He also stated that if they could build on a trench or a crawl, that would work, however, that would not help in front for a two-car garage and accessibility of the garage. He stated that their main focus is to have a useable garage and stop water from entering the house. ZBA Member Constantino asked Mr. Simon to discuss in more detail his discussions with his neighbors. Mr. Simon stated that his neighbor to the right made it clear that she did not want access to the rear of his home by use of her property and added that he is trying to accommodate everyone. He also stated that he did not discuss this project with the Givens' but knew that they feel strongly about the project and he would therefore not infringe on their property. Mr. Minneci agreed with ZBA Member Bourke's statement that the petitioner's hardships are flooding in front of the property and that it is cost prohibitive to add onto the rear. Mr. Kvpil verified for ZBA Member LaVanway that the entirety of the house if the porch was included is that the front porch is in compliance at this point and does not need a variation, however, the home would require a variation. Mr. Kvpil added that the code makes an exception for front porches and allows them to be closer to the front lot line than the principal structure which is why the porch is in compliance but the house is not.

Persons in Favor of or in Opposition to the Variation Requests

Ken Given of 684 Grand Avenue, Glen Ellyn, Illinois asked the petitioner what the reason is for needing another foot on the side variance and why the figures are 5.6 feet and 5.9 feet in two different places on his submittal. He asked why another foot is needed on the side when the house is located there and another addition will be placed above. Mr. Minneci responded that they will follow the same foundation wall and as the yard is designed, they will encroach a bit more as the yard comes to the side and does not follow it straight along the line. He stated that the property line is on an angle and the house is not 100% parallel to the property line and as they extend the foundation out, they are encroaching on the side of the property line which is why they need the extra 6 inches. He explained for Mr. Given that the minimum required setback is 6.5 inches and will be changed to 5.6 inches. Chairperson Garrity asked Mr. Kvapil how far the existing point currently is from the lot line, and Mr. Kvapil responded that the closest point is 5.95 feet but the property on the side of the house becomes more narrow as it projects toward the front lot line. He added that when it came out the full 24 feet, it would have been approximately 5.6 feet from the right side yard lot line and now that it is farther back, it will be a bit wider than that—perhaps 5.8 feet or 5.9 feet. Mr. Given stated that if the setback is currently 60 feet, the petitioner would like to come forward an additional 10 feet, another 5 feet and then the front porch will also come further forward which Mr. Kvapil stated will be another 6 feet. Mr. Kvapil explained for Mr. Given that the principal structure will come out 10 feet which is permitted, an additional 4-1/2 feet toward the front lot line which requires a variation and then a front porch will be constructed on the front of the house that is within the required setback for a front porch; therefore, the porch can extend that far forward on the lot without a variation provided it is an open front porch with no screens and no enclosures. Mr. Minneci clarified for Mr. Given that they have plans to have a retaining wall along the petitioner's foundation wall but not along the Givens' property line that will be 6 inches above grade and will come out as far as they can with the porch and work their way down the stairs. Mr. Given stated that per original drawings shown at the previous meeting, it appears that the petitioner was bulldozing the front of the yard to make everything lower and the retaining wall will be put up on Mr. Given's side of the property. He added that 3-4 trees will be removed and the petitioner will come forward with everything on the front of the house. He stated that he has an issue with the wall coming out and forward and the porch extending 21 feet from the house. He also expressed concern regarding removal of the trees as the Village has a tree preservation ordinance. Mr. Kvapil responded to Chairperson Garrity that there is a tree preservation requirement and explained that process. Mr. Minneci stated that there is only one tree on the petitioner's property that will be removed if it must be. Mr. Given stated that he did not understand why there are variances and approvals without knowing what the design would be per a diagram. ZBA Member Kolar responded that the ZBA's issue is how a variation fits on a property and that aesthetics are not a major issue for the ZBA. Chairman Garrity added that the ZBA has no control over the aesthetics. Mr. Given stated his concern then is the 21 feet forward. ZBA Member Miller asked Mr. Given if he would have been silent at this

meeting if his neighbor had come to him before today and tried to work with him and Mr. Given replied it may have been a major factor if he hadn't been surprised before the meeting. ZBA Member LaVanway asked if 9.2 feet is the side yard setback from Mr. Given's property to the property line, and Mr. Kvapil replied yes. Mr. Given responded to ZBA Member Kolar that his property is to the south of the subject property. He also responded to ZBA Member LaVanway that he would be willing to grant a temporary easement to allow his property to be used to allow equipment into the Givens' rear yard to allow construction. Mr. Minneci responded to Plan Commissioner LaVanway that there is 9 feet on the side yard, however, Mr. Given did not feel that there was 9 or 9-1/2 feet on the side yard but actually 10 feet between the two houses. ZBA Member LaVanway stated that for a bit more inconvenience during the construction phase, the end result could be more agreeable to him. Mr. Kvapil responded to Chairperson Garrity that that number was submitted on the applicant's plans and he calculated the number as 8.9 feet according to the plat of survey. Mr. Given stated that the neighbor on the other side has more room to allow construction material.

#### Comments from the Zoning Board of Appeals

ZBA Member Constantino stated he still has a problem as no plans have been submitted that describe the project. He added that he is reluctant to recommend approval of the requested variation as it is too premature to make a decision. ZBA Member LaVanway stated that he appreciated the petitioner's efforts to significantly pare back the request and he does not always expect all neighbors to approve of all petitioner's plans. He added that, at this point, he believes there are some unexplored options and would not grant a variation at this time. ZBA Member Bourke stated he appreciates the movement seen so far but believes there is still some work to be done. ZBA Member Kolar stated he believes there has been a good faith effort so far by the petitioner to address issues from the previous meeting and that the front yard setback is dramatically better than it previously was. ZBA Member Miller stated he appreciates some of the changes made by the petitioner, however, there is a lack of information. He stated he may have been able to live with some of the changes if the petitioner had gone to their neighbor before the ZBA meetings. He recommended that the petitioner speak to their neighbors and come back to the ZBA with more information if these variation requests do not pass. ZBA Member Miller added that there is a large water issue in the neighborhood. Chairperson Garrity stated that the major issue is the 45.5 foot addition setback. Chairperson Garrity stated that the public hearing could continue with the ZBA voting at this meeting and the petitioner then appearing before the Village Board or the ZBA meeting could be continued.

Mr. Simon stated that one of the variation requests is for 4.5 feet which is what his request hinges on. He stated that he did a significant abbreviation of his vision and must decide whether to move his family or work with what he has and expand his 1,260 square foot house. Mr. Simon displayed plans of two other homes in town with topography similar to his home with a lower level garage and a steep retaining wall, however, ZBA Member Constantino stated

that he would like to see plans of the proposed addition to the subject home. Chairperson Garrity suggested to the petitioner that he return to the ZBA with information specific to his lot and the streetscape indicating that his home will extend 4-1/2 feet into the setback. He added that the petitioner's request is also precedent-setting. When the petitioner stated that an addition will be put on the rear of the home, ZBA Member Bourke asked how equipment will get into the rear yard, and Mr. Minneci responded that that addition will be small with a crawl. ZBA Member Miller added that he would also like to see a rendering of how far the retaining wall will come out onto the property and how the people to the south will be affected.

Regarding whether to vote or continue the vote, Mr. Simon stated that he wanted to know what was deemed reasonable before he invested money in architectural renderings. Mr. Kvapil stated he will schedule the continued variation request for a date when the variation request is ready to be heard.

#### PUBLIC HEARING – 879 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(E) TO ALLOW A TWO-STORY ADDITION THAT RESULTS IN A LOT COVERAGE RATIO OF 23.5% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%. 2. SECTION 10-4-8(D) TO ALLOW A TWO-STORY ADDITION THAT RESULTS IN A CORNER SIDE YARD SETBACK OF 12.0 FEET IN LIEU OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 30 FEET.

(Gary F. Saccomanno and Chablis Tipton, petitioners)

#### Staff Presentation

Building and Zoning Official Joe Kvapil stated that the petitioners are Gary Saccomanno and Chablis Tipton, the owners of the property at 879 Hillside Avenue, which they purchased in 2011. He stated that the petitioners are requesting two variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(E) to allow a two-story addition that results in a lot coverage ratio of 23.5% in lieu of the maximum permitted lot coverage ratio of 20%. 2. Section 10-4-8(D) to allow a two-story addition that results in a corner side yard setback of 30 feet. Mr. Kvapil displayed a map and site plan and 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 Hill Avenue, Hillside Avenue and Whittier Avenue, a 5-corner intersection. Mr. Kvapil added that the land use surrounding the property is all single-family residential. He also stated that Village records indicate that two prior zoning variations have been granted for this property—one for a house and attached garage addition in 2001 and another variation for a roof over an existing small porch in 2009. He also added that a significant number of miscellaneous building permits have been issued for the existing home.

Mr. Kvapil stated that the home is a 1-1/2 story structure with an attached one-story, two-car garage and the petitioners propose to construct a full second floor above the existing first floor

that is 112 square feet and two stories. He displayed a site plan of the addition which he stated will consist of a mud room on the first floor and a bedroom on the second floor. Mr. Kvapil stated that the addition will be located 12 feet from the corner side yard property line and the minimum corner side yard requirement for a setback is 30 feet; therefore, a variation is required. He also stated that the 112 square feet for this addition increases the already nonconforming lot coverage ratio of 22.2 percent to 23.5 percent which is the second variation being requested.

Mr. Kvapil stated that the subject property is an acutely shaped triangular corner lot and the buildable area on the lot is significantly limited and restricted by the front and corner side yard setbacks. He indicated the location of the actual permitted buildable area on the subject lot. He added that the unusual location and shape of the subject lot and the setback requirements have a significant impact upon what can be constructed on the lot.

Mr. Kvapil added that the subject property is not located in a designated flood area or a local depressional area. He stated there is a slight slope from west to east so the stormwater runoff from the property will go to the street to the southwest or to the north and does not run off onto any adjacent properties. Mr. Kvapil stated that he included in his Staff Report that the disturbed area will exceed 300 square feet, however, that is incorrect and a tree preservation permit will not be required. He also stated that the subject property is not in an historic district and is neither landmarked nor a significant home.

#### Questions to Staff from the Zoning Board of Appeals

Chairperson Garrity stated that the lot area ratio would be an issue if the garage was detached. Mr. Kvapil responded that there would also be a 2-story addition above the garage and since the petitioners will make use of that space, the space cannot be discounted if it was a detached garage. Mr. Kvapil responded to ZBA Member Bourke that the existing lot coverage ratio is 22.2%.

#### Petitioners' Presentation

Chablis Tipton and Gary Saccomanno, the petitioners, of 879 Hillside Avenue were present to speak on behalf of their petition. Ms. Tipton stated that their hardship is the irregular shaped lot. She stated that the reason they are constructing an addition is because they recently had twins and need space in their home for them. Ms. Tipton stated she provided a portion of their plans in the ZBA members' packets and can present the full set of plans for the ZBA to view. Ms. Tipton stated that they do not have a neighbor to the east; therefore, the small alcove is unusable space currently. She added that the space will be used for a small crawl space with footings and a mudroom for entry to the home through the garage with sleeping quarters for the twins above that space.

Questions from the Zoning Board of Appeals

ZBA Member Constantino asked if the proposed 112-square foot addition complements the second floor and rounds it out so that there is no odd shape. Ms. Tipton responded yes and added that the roof has had many additions with several peaks and the second floor will round it out to a rectangle and more of a gable roof on either side. Ms. Tipton responded to ZBA Member Constantino that four neighbors whom she spoke to were supportive of the subject addition. Ms. Tipton responded to ZBA Member LaVanway that the property at 872 Hill Avenue has been vacant for over a year and is currently in foreclosure. ZBA Member Bourke asked if the small notch in the garage will be maintained when the petitioners construct the addition on the second floor, and Ms. Tipton explained that it rounds it out and the new foundation will be tied to the existing foundation. She also responded to ZBA Member Bourke that they will not go further into the side yard setback. Ms. Tipton responded to ZBA Member Miller that if they left the first floor addition out, there would not be enough room for the twins' sleeping area. Ms. Tipton responded to ZBA Member Miller that their home will have the same look as many of the other homes in their neighborhood that have been torn down and rebuilt and that the foundation would not support the second floor without the new footing and crawl space. ZBA Member Bourke asked what the height is of the existing hedge between the petitioners' home and Hill Avenue, and Ms. Tipton replied 30 feet. She added that they are not removing any trees for this project.

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 Bourke stated that the subject variation requests are very reasonable and within the existing thought process a resident should be able to take. He also stated that it is reasonable that the petitioners would expect the requested variations to be allowed as two variations have been approved in the past. He also felt the variations should be allowed as the lot is very weird to work with and parameters have been set in the past. He added that if one took a line parallel to Hill Avenue and touched the corner of the addition and the corner of the garage, the whole addition would fall within that line. ZBA Member Constantino was in favor of recommending that the Village Board approve the requested variations because there is no significant change to the footprint of the home and the hardship and unique character is demonstrated by the shape of the lot and the very restricted buildable area pursuant to the code. He stated that the Village Board has already granted two prior zoning variations that established the side yard setback and the 22.2 foot side yard setback that exists. He was supportive due to aesthetics and need, the additional square footage for the mudroom and bedroom is required and not excessive under the circumstances. ZBA Member LaVanway was also in favor of the variation requests for the above reasons and also stated that the previous

variations were approved prior to the petitioners owning the property. He also stated that the acute angles of the lot create a hardship that runs with the land. ZBA Member Kolar stated he has no problem with going up on a second floor over existing but has a problem with expanding lot coverage ratio. He stated that the house is currently 2,000 square feet and will be doubled in size. He stated he will not vote for the variations as he is not supportive of lot coverage ratio variations. ZBA Member Miller stated he did not have a problem with the requested zoning variations and encouraged the petitioners to maintain the existing fence so that the property is not visible.

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

#### Motion

ZBA Member Miller moved, seconded by ZBA Member LaVanway, that the Zoning Board of Appeals recommends that the Village Board approve the petitioners' requests due to the nonconformity of the triangular shape of the property that does not allow for an addition that would conform to existing zoning regulations and that not adding the first floor addition would limit the structural support of the second floor addition and would change the character of the neighborhood.

The motion carried with five (5) yes and one (1) no votes as follows: ZBA Members Miller, LaVanway, Bourke, Constantino and Chairman Garrity voted yes; ZBA Member Kolar voted no.

#### Trustee Report

No Trustee Report was provided.

#### Staff Report

Mr. Kvapil provided submittal information to be presented by the petitioners.

The meeting was adjourned at 8:47 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Joe Kvapil  
Building and Zoning Official