

ZONING BOARD OF APPEALS  
MINUTES  
SEPTEMBER 23, 2014

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

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

On the agenda was a public hearing regarding the property at 285 Kenilworth Avenue.

PUBLIC HEARING – 285 S. KENILWORTH AVENUE

A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-6(D)3 TO ALLOW AN ADDITION WITH A SIDE YARD SETBACK OF 15.3 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 16.8 FEET. 2. SECTION 10-8-6(B)3 TO ALLOW THREE (3) ADDITIONS TO AN EXISTING NONCONFORMING STRUCTURE THAT ALTER 65% OF THE EXISTING EXTERIOR WALL AND ROOF AREA IN LIEU OF THE MAXIMUM PERMITTED ALTERED EXISTING EXTERIOR WALL AND ROOF AREA OF 50%.

(Keith Stewart, petitioner)

Staff Presentation

Joe Kvapil, Building and Zoning Official, stated that Keith Stewart, an officer of Kenilworth Ranch, LLC, owns the property at 285 S. Kenilworth Avenue. Mr. Kvapil apologized because not all of the documents in the ZBA Members' application packets had the complete address which is 285 South Kenilworth Avenue and added that there is no 285 North Kenilworth Avenue.

Mr. Kvapil stated that the property owner is requesting approval of two (2) variations from the Glen Ellyn Zoning Code as follows: 1. A variation from Section 10-4-6(D)3 to allow an addition with a side yard setback of 15.3 feet in lieu of the minimum required side yard setback of 16.8 feet. 2. A variation from Section 10-8-6(B)3 to allow three (3) additions to an existing nonconforming structure that alter 65% of the existing exterior wall and roof area in lieu of the maximum permitted altered existing exterior wall and roof area of 50%. Mr. Kvapil displayed a map and stated that the property is defined as an interior lot on the east side of Kenilworth Avenue, and the zoning and land use surrounding the subject property is single-family residential. He added that the subject property is in the R0 zoning district and that probably less than 5% of the homes in the Village are in that zoning district. He added that the requirements for the R0 zoning district are larger lots and greater setbacks. He also stated that 90% of the lots in the Village are in the R2 zoning district, the R0 zoning district requires a minimum lot area of 18,000 square feet, the R2 minimum zoning district area is 8,712 square

feet, the front yard setback in the R0 zoning district is 50 feet minimum, the front yard setback in the R2 zoning district varies from 30 to 50 feet, the rear yard setback in the R0 zoning district is 60 feet, the rear yard setback in the R2 zoning district is 40 feet, the side yard setback in the R0 zoning district is 15% of the lot width and the side yard setback in the R2 zoning district is 10% of the lot width but not less than 6-1/2 feet. He also stated that all other zoning regulations are the same in the R0 and R2 zoning districts, including lot coverage ratio.

Mr. Kvapil stated that the owner proposes to construct one-story additions to the front, rear and right side of the existing one-story home, a larger open front porch and a roofed-over rear patio. He also stated that the home additions result in approximately 1,424 square feet of new living space and a new attached garage area. He stated that the proposed lot coverage area is 3,245 square feet, however, a one-story home is allowed to cover 35% of the lot, and 35% of this lot is 7,280 square feet so, even with the addition, this home does not reach one-half of the permitted lot coverage ratio. Mr. Kvapil added that the home is still nonconforming as the existing left side yard setback is 14.6 feet in lieu of the required 16.8 feet. Mr. Kvapil stated that the petitioner desires to construct an addition that would align with the side of the existing home which would require a variation and there is a 1-1/2 foot wide strip that is not in conformance. He also stated that since the home is nonconforming, the petitioner must also comply with the regulations in the nonconforming zoning chapter. He added that the amount of existing exterior wall surface and roof surface that will be altered is 65% which exceeds the maximum permitted 50% and a variation will be required to allow the additional altered exterior wall and roof surface area.

Mr. Kvapil stated that the property has a very moderate slope and is not located in a floodplain. He also stated that since the disturbed area will exceed 1,500 square feet, a stormwater engineering plan must be reviewed by the Village Stormwater Engineer. He added that since the disturbed area exceeds 300 square feet, a tree preservation permit plan must also be reviewed by the Village consulting arborist. Mr. Kvapil stated that the subject property is not located in an historic district nor landmarked as a significant home designated by the Historic Preservation Commission.

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

Mr. Kvapil verified for ZBA Member Constantino that because the existing home encroaches into the northerly side yard by 1-1/2 to 2 feet, the owner is limited to a 50% surface and roof area alteration versus 65%. Mr. Kvapil also agreed with ZBA Member Constantino that this structure would have been built prior to the area being annexed to the Village. Mr. Kvapil added that he believes that the setbacks for this home meet all of the County regulations. Mr. Kvapil also responded to ZBA Member Constantino that one resident inquired about the subject variations being requested and noted that he was present at this meeting. ZBA Member LaVanway asked if a deed for the subject property had been submitted as there was not one in the packet. Mr. Kvapil responded that the Village requires proof of ownership, however, does

not state a specific document required. He added that additional ownership documentation can be requested for this property. ZBA Member LaVanway stated that he will locate this information at the Recorder's Office. Mr. Kvapil responded to ZBA Member Micheli that the variation being requested to alter 65% of the existing exterior wall and roof area in lieu of the maximum permitted altered existing exterior wall and roof area of 50% is due to the fact that the existing home is a foot-and-a-half closer than permitted to the north property line which makes it nonconforming and means it must meet all of the more restrictive regulations for a nonconforming home.

#### Petitioners' Presentation

Keith Stewart, the owner of 285 S. Kenilworth Avenue, Glen Ellyn, Illinois and his architect, Sam Salahi, APS Ltd. Architects, 123 W. Front Street, Suite 202, Wheaton, Illinois were present to speak on behalf of the requested variations.

Mr. Stewart stated that the subject home is small for a growing family and they would like to extend and modernize the house. He displayed a floor plan and stated that if they jog the wall for a bedroom, an awkward shape would be created for the bedroom. He added that they created the best plan to keep the wall and the bedroom corridors within the line of the house, and Mr. Salahi described the changes.

#### Additional Questions from the Zoning Board of Appeals

Mr. Salahi responded to ZBA Member Constantino that he did not know what the difference in square feet would be between a 65% exterior alteration versus a 50% exterior alteration. Mr. Salahi added that since this project was presented for a variation, the cost has been determined as being too high and the petitioner has decided to scale back the work. He stated that the proposed garage projection and front porch has just been determined to be eliminated. Mr. Stewart added that the mud room will be pushed back into the mud room area at the rear of the home. Mr. Salahi stated because these changes have just been decided to be eliminated, he hasn't had a chance to determine what the square footage of the additions will be. Mr. Stewart also stated that the footprint will be reduced and that the alterations will be reduced from the proposed request of 65%. Mr. Kvapil responded to ZBA Member Kolar that roofed over areas are included in lot coverage area. ZBA Member Miller asked if the petitioner's hardship regarding adding a corner is due to fitting everything in. Mr. Salahi responded that the last 7 feet of the room would be jogged in and that the room is not very large. He added that since the whole side of the existing house is set back from 18 inches to 2 feet, the side yard setback in the front corner is approximately 14 feet and in the back of the existing house, the setback is 15 feet. He also stated that by the time they go back 7 feet, the setback will be more than 15.33 feet from the property line. Mr. Salahi responded to ZBA Member Miller that the master bedroom is 13' x 14'6". Mr. Kvapil responded to ZBA Member Micheli that both the construction within the 18 inches and the existence of the current building are both triggering

the variation request because the existing nonconforming building drives the 50% rule and the setback of 15.3 feet on the new part of the addition does not meet the 16.8 feet for a new addition. Mr. Stewart stated that the minimum lot width for the R0 zoning district is 100 feet based on percentage of lot width so 15% of a 100 foot lot would be 15 feet. He responded to ZBA Member LaVanway that because the lot is 112 feet wide, 1.8 feet is added to make the setback 16.8 feet. Mr. Salahi responded to ZBA Member Micheli that their issues were additional spaces required for the family, the location of the house and trying to minimize the amount of roof work they would need to do to the house. Mr. Salahi responded to ZBA Member Micheli that the rear porch will be open. Also in response to ZBA Member Micheli, Mr. Kvapil stated that the proposed changes would lower the zoning variation request roughly to 50.7%.

#### 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 in favor of the two variations being requested by the petitioner as modified. ZBA Member Constantino recommended granting the requested variations. He stated that the subject lot is very large and the 1-1/2 to 2 feet of an encroachment on the side yard setback severely limits what an owner can do on the property. He believed that the particular hardship is that the building was constructed prior to the area being annexed to the Village and becoming subject to the Village zoning requirements. He also felt that based on the minimal amount of encroachment and its effect upon lot coverage and the construction that is contemplated, this is a particular hardship due to the original location of the home. He was not supportive of notching of the home as that would limit the use of the property and create an unsightly building footprint on the northerly side. ZBA Member LaVanway agreed with ZBA Member Constantino and recommended approval of the requested variations. ZBA Member Bourke was supportive of the requested variations because of the lot size that works in favor of the variations and the modification presented at this meeting. ZBA Member Kolar was also in favor of the proposed variation requests and stated that elsewhere, this request would not be an issue because the request would be 10% and well within the boundaries. He stated the setback lines are much larger than other cases in town. He also stated that the petitioner has reduced the request for the existing exterior wall and roof area to nearly 50% during the hearing in lieu of the originally requested 65%. ZBA Member Miller was supportive of the variation requests and appreciated that the petitioner was adding an addition that conforms with other homes in the neighborhood. ZBA Member Micheli stated he does not believe it is in the Village's best interest to enforce rigid adherence. He felt the petitioner has a true hardship and he would support the requested variances.

ZBA Member Constantino 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 LaVanway, that after considering the application of Keith Stewart, Officer of Kenilworth Ranch, LLC, and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends the approval of the variances as requested after deliberations and the following: That the conditions upon which the petition is based are not applicable to other properties because this is in an R0 zoning district that limits the homeowner's options because when the house was built, it was not built straight on the property so that the owner would have to actually notch the back of the master bedroom which is modest and would require serious rearranging work well.

The motion carried with seven (7) yes votes and zero (0) no vote as follows: ZBA Members Miller, LaVanway, Bourke, Constantino, Kolar, Micheli and Chairman Garrity voted yes; no ZBA Members voted no.

#### Trustee Report

Trustee Liaison Ladesic stated there are two concept developments currently being discussed by the Village Board—residential units on Main Street at the Giesche Shoes/parking lot site and residential units on Crescent Blvd. in the McChesney Miller area.

#### Staff Report

Mr. Kvapil stated that there will be one continued variation request at the October 14, 2014 ZBA meeting and one variation request at the October 28, 2014 ZBA meeting.

The meeting was adjourned at 8:07 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Joe Kvapil  
Building and Zoning Official