

ZONING BOARD OF APPEALS  
MINUTES  
OCTOBER 14, 2014

The meeting was called to order by Chairperson Rick Garrity at 7:03 p.m. ZBA Members James Bourke, Greg Constantino, Edward Kolar, John Micheli, Chip Miller and Sean Gardner were present. ZBA Member Larry LaVanway was excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairperson Garrity welcomed new ZBA Member Sean Gardner to the ZBA.

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

ZBA Member Bourke moved, seconded by ZBA Member Kolar, to approve the minutes of the September 9, 2014 and September 23, 2014 Zoning Board of Appeals minutes. The motion carried unanimously by voice vote.

On the agenda was a continuation of a public hearing regarding the property at 690 Grand Avenue.

CONTINUED PUBLIC HEARING – 690 GRAND AVENUE

A CONTINUATION OF THE PUBLIC HEARING HELD ON SEPTEMBER 9, 2014 WHICH WAS A CONTINUATION FROM THE INITIAL PUBLIC HEARING HELD ON AUGUST 12, 2014 FOR DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE 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, provided a summary of the two previous meetings held regarding the subject zoning variations for 690 Grand Avenue. He stated that three variations are being requested from the Zoning Code to allow the construction of a front two-story addition to be set back 45.5 feet from the front lot line, to allow the construction of a front two-story addition to be set back 5.6 feet from the right side yard lot line and to allow the

construction of front and rear additions that results in a Class II Alteration in lieu of the maximum permitted Class I Alteration. Mr. Kvapil stated that the first public hearing was held on September 9, 2014 and, as a result of that meeting, the petitioner modified his variation request by excluding the variations for lot coverage ratio and the front porch setback. He added that the variation for the front yard setback for the addition was reduced from 36.4 feet to the current 45.5 feet in lieu of the required minimum 50 feet. Mr. Kvapil stated that another variation for the altered surface area was introduced at that meeting and omitted by staff. He stated that the public hearing was continued to September 23, 2014 at which time the petitioner proposed to generate additional plans and specifications of the proposed addition.

Mr. Kvapil stated that the requested variations have not changed, and he distributed additional plans submitted by the petitioner to the ZBA. He also stated that topographic grading plans were developed to show the conditions of the site grading conditions and he distributed copies of those plans to the ZBA. Mr. Simon also responded to Mr. Kvapil that the rear addition is two stories instead of one story with the same façade. Mr. Kvapil highlighted a site plan with the variations which he stated include the side yard setback of 5.6 feet in lieu of the required 6.5 feet. He added that the area that is not compliant would be a strip of land approximately 10 inches wide along the side of the addition. Mr. Kvapil added that the second variation is for the front yard setback which is a strip that is 4-1/2 feet wide and extends across the entire face of the building and peak. He also added that the third variation is a calculation of all the exterior wall and roof surfaces that are being altered on the existing building which calculates at 70% of the existing surfaces which exceeds the 50% maximum allowed for this property. He added that these variations have not changed since the prior ZBA meeting.

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

ZBA Member Micheli asked what the basis is for the third variation regarding the restriction on the alterations. Mr. Kvapil responded that it is his understanding that when there was a major revision to the Zoning Code in 2003 and the lot coverage ratio was reduced, there was a concern regarding small homes being significantly enlarged and out of character with the neighborhood. Therefore, in addition to reducing the lot coverage ratio, another restriction was also put on existing homes that stated one could not alter so much of the existing surface on an existing home—50% was the maximum without approval of a variation. Mr. Kvapil added that additions and alterations to existing homes are limited under three provisions that include the setback from the property lines, the lot coverage ratio and the building eave and roof height. ZBA Member Bourke asked if the petitioners' original request was only the one-story addition in the rear, would the percentage be higher at 70% because it is a two-story addition. Mr. Kvapil responded that the percentage doesn't change whether it is a two-story or one-story addition and added that if the wall surface and the horizontal plane of the roof are altered, that is what is counted in altered surface area.

Persons in Favor of or in Opposition to the Variation Requests

Chris Bergman, 696 Grand Avenue, Glen Ellyn, Illinois stated that he and his wife, Erin, live just to the north of the subject property. He stated that Mark Simon has been a good neighbor for several years and this is the first meeting they have been able to attend. He stated that he and his wife's view of the plans, as proposed, will dramatically change the character of their block which consists of five houses. He added that the request to build in front of the two neighboring houses and closer to the street than the setback is a concern. He stated that everyone on their block bought their properties with the large setbacks and the characteristics of the properties are why they bought their homes. He added that he feels Mr. Simon's request would be too large of a change. Mr. Bergman stated there is a slope to the lot which is approximately 4 feet from the Givens' side to his side which raises the floor of the Simons' house about 4 feet above the floor of his house. He added that the roof line of the house on his side would be approximately 36 feet. He stated that the proposed structure is imposing and it encroaches toward his house by less than one foot but is increased in appearance because of the elevation and to add in front beyond what the zoning guidelines would allow is a concern. He stated they would not agree with the side line variance because of the amount and size of the proposed addition. Mr. Bergman presented a slight modification of views from his home to the subject property which affects their view towards the parkway and the lake. He added that the proposed project will create a huge change regarding the character of his lot and he did not find a reason in the minutes that justifies an exception to the side yard or setback variances. Mr. Bergman asked Mr. Simon to work within the Village setback requirements.

ZBA Member Bourke asked if the elevation is measured from the petitioners' property, and Mr. Kvapil responded yes, adding that the ridge height cannot exceed 32 feet from the average grade elevation and the eave height cannot exceed 22 feet from that elevation. He added that the petitioner has not asked for variations from those zoning code requirements. Mr. Bergman added it is his observation that the lot slopes from the street from the left to the right and that the floor is at the ground level on the Givens' side. Mr. Kvapil clarified for ZBA Member Kolar that the proposed addition will be 5-1/2 feet from the front of his house. ZBA Member Miller stated that at a previous meeting when the ZBA members were asking Mr. Simon about adding to the rear instead of the front, he stated that one of his neighbors to the right would not allow the contractor access between the two yards to go to the rear so they could build in the back. Mr. Bergman responded that there is quite a hill with mature landscaping there so it would be a major project to have access at that location. ZBA Member Miller then stated that if the petitioner has no access to the rear yard, he will need to build in front. Mr. Bergman stated that he has not been asked by Mr. Simon if he could use Mr. Bergman's side yard. Erin O'Connor, also of 696 Grand Avenue, Glen Ellyn, Illinois stated that she was approached by Mark Simon during the summer. She stated that they had put a porch addition on the side of their home and added landscaping which was costly. She stated they are 20 feet from their lot line, however, Mr. Simon is 5 feet from his lot line. She stated they did not go closer to the lot line because of privacy issues and added that mature trees would be destroyed if one tried to

get by that area. Ms. O'Connor responded to ZBA Member Kolar that their house is approximately 3,000 square feet.

Maureen Heidenreich, 704 Grand Avenue, Glen Ellyn, Illinois stated her property is on the same block as the petitioners and that the block and neighborhood are very unique. Ms. Heidenreich stated that her husband and she are in agreement with comments made by the neighbors at the ZBA meetings. She stated they have good relations with the Simons' and would like their growing family to be in a home that would suit them. She also felt that the petitioners' plan is not suited for the subject property and that there are reasons that the Village codes and the request to have these variations exist. She added that one of those reasons would be to protect other property owners in the area as well as not set precedence for the rest of the Village. Ms. Heidenreich stated she has been involved in several lot ratio and tree preservation issues in the past and worked very hard when the issue of teardowns first started in town. She added that the residents need to be sensitive to property owners who have lived somewhere for a long time and have put heart, soul and funding into preserving the Village. She added that the neighbors feel the proposed variation requests are detrimental to their existing properties. She also expressed concern that trees in the petitioners' yard, including one of the last original oak trees in town, would be destroyed. She stated that the large percentage of neighbors feel the petitioners' project is not appropriate for the block. ZBA Member Kolar asked Ms. Heidenreich how many houses to the west of her on the Oak Street block have been teardowns and re-builds in the last 10 years, and she responded maybe one. He also asked if Ms. Heidenreich understood that the subject home, as proposed, would still be in the existing lot coverage ratio. She responded that she did not feel the proposed home was an appropriate plan. ZBA Member Kolar stated that he was having trouble understanding as the homes on either side of the subject home are much larger than that home and the subject home does not appear to affect the streetscape that much as compared to the homes on either side. Ms. Heidenreich responded to ZBA Member Kolar that she has a problem with variations being allowed to make homes even closer than they are. She added that there is a slight slope to the entire block which becomes lower at her home. Mr. Kolar stated a different site on Oak Street is the lowest place and she agreed with him. Ms. Heidenreich also stated that if the subject project moves forward, a drainage study would need to be done which is extremely important in the subject neighborhood. Mr. Kvapil stated that the extent of development on the subject lot requires that the petitioner obtain a DuPage County stormwater permit which requires engineering, plans and calculations no different than if a new home were to be constructed on the property. Ms. Heidenreich asked Mr. Simon's builder how many additions of this size he has done, and Mr. Minneci responded to Ms. Heidenreich that he has built 40 additions of the subject size and Ms. Heidenreich stated this project is not a room addition. When asked about water, Mr. Simon responded to Ms. Heidenreich that he gets water in the corner of his basement as he is on an incline. Ms. Heidenreich also stated that Public Works has just completed a massive project regarding water in their neighborhood, and ZBA Chairperson Garrity commented that the subject house could be torn down with an even larger home being built in its place.

Mary Beth Sackett, 712 Essex Court, Glen Ellyn, Illinois stated she is not in favor of the proposed project and will not allow the petitioner to go through her side yard to build the addition. She also was disappointed that the petitioner did not tell her that he planned to add onto his home.

Ken Given, who spoke at a previous meeting, stated that he is concerned that the petitioner is requesting three variations and that the variation to allow the addition to be a Class I addition in lieu of a Class II addition as computed by Village staff is his major concern. Mr. Given stated that his lot, as well as the Bergmans' lot, is 100 feet wide and the reason they live at this location is because the lots are large and scenic and the area is like a forest. He stated that the size of the proposed project will increase from 1,260 square feet to 2,750 square feet which is a 70% enlargement. Mr. Given stated that the Bergmans' have a 100-foot wide lot with a square footage of 3,200 square feet and his lot is also 100 feet wide and 175 feet deep which is the same as the Bergmans' with a square footage of their house at 2,594 square feet. He added that the Simons' are requesting an addition that is larger than his home on a 100-foot wide lot and displayed a diagram of the Simons' home as it exists and with the enlargement. Mr. Given added that the addition will be 16 feet in front of his home and 12 feet in front of the Bergmans' home from their setbacks which will change the appearance of the neighborhood which conflicts with the zoning law. Mr. Given also stated that the proposed construction would create additional drainage problems in the area. He added that the Simons' had stated they have drainage issues, however, they plan to double the size of their driveway and increase the one-car garage to accommodate two cars. He also stated that the proposed construction will damage the roots of trees in his yard and added that three drains have been placed in the hill between his and the Simons' house to try to avoid flooding to the Simons' house. He stated that the drains are the reason his property cannot be used for access. He also stated that his landscaper said that equipment going up his side of his property would kill his oak trees. He also displayed a drawing of how large the Simons' addition will be on their home which is on a 50-foot wide lot and felt that three variations is excessive. ZBA Member Kolar asked Mr. Given that since he and his neighbor do not want to allow Mr. Simon into his back yard to build, would he and his neighbor consider buying Mr. Simon's lot and having open space next door which would also alleviate drainage issues. ZBA Member Kolar also suggested donating the property to the Park District. Mr. Given responded that would be a question of value since Mr. Simon had stated that he had spent more than the house was worth. He also added that there are homes available in Glen Ellyn that Mr. Simon could currently purchase and added that he would consider purchasing Mr. Simon's home, however, Mr. Simon has never approached him regarding that topic. Mr. Given stated that what has been heard at this meeting is not a hardship on behalf of the petitioners as they do not even need a sump pump at their home. Mrs. Given stated that they are aware that the subject house could be torn down and a 3,500-square foot home could be built which she stated is not desirable and asked if such a house could be built without variations. Chairperson Garrity responded yes and added that new construction on this property would not receive any variations. In response to Mrs. Given, Mr. Kvapil stated that 50% is not an area requirement—it is the altered surface of the wall and the roof. He added that it is not a floor area requirement—it is the exterior envelope of the

building including the roof and the exterior walls. Mr. Kvapil added that the 50% limitation applies to properties that are non-conforming only and the subject property is not conforming because it is a 50-foot lot in lieu of the 66-foot wide minimum and the side yard setback is only 5.6 feet in lieu of 6.5 feet.

### Petitioners' Presentation

Mark Simon, owner of the subject property, and James Minneci, Mr. Simon's contractor, spoke on behalf of the subject property. Mr. Minneci stated that he has never heard of this type of opposition to someone trying to improve the neighborhood. He added that the petitioner is allowed to improve his property with machinery, etc., and they were not asking anyone to let them drive on their land or do anything out of the norm of building. Mr. Simon added that he did not feel he should be so limited on his lot and was disappointed that his neighbors were not supportive.

Mr. Minneci stated they are asking for 4-1/2 feet in front of the house and stated that the remainder of the addition is proportional with the neighborhood and the lot. He added that drainage will be calculated within the code and displayed and described a topographic map he received today which indicates that the figures drop as they go toward the street. Mr. Minneci stated that the drainage issues they are concerned with are on either side of the Simons' house because water is starting to enter the garage. He added that there has never been a water problem on either side of the house so he does not understand why water is being complained about, especially since the Givens' home is currently 6 feet higher than the petitioners' house. Mr. Minneci added that their surveyor is currently working on a grading plan.

Mr. Simon added that it would be too difficult to build a 2-car garage in the rear of the home as the access is too difficult but felt entitled to have a 2-car functioning garage. He added that 4.5 additional feet are necessary to accommodate a couple of critical rooms in the front of their home, and Mr. Minneci stated that they could build an addition in the rear of the home without difficulty and the trees will be protected. Mr. Simon stated that it would be cost prohibitive to dig in the rear of his home for basement space.

### Additional Questions from the Zoning Board of Appeals

ZBA Member Micheli asked for an overview of the stormwater permit requirement process. Mr. Kvapil responded that the building permit will require a submittal of engineering plans and calculations submitted by an engineer that show that the stormwater runoff from all of the impervious surfaces on the property and that any stormwater discharge from sump pumps is managed in a way that does not damage adjacent properties. Mr. Kvapil responded to ZBA Member Kolar that any water run-off from the impervious surfaces on a property whether it is from the existing home or the additions created by a project must be managed. Mr. Kvapil

responded to ZBA Member Micheli that engineering plans are not shared with the public as they are proprietary. ZBA Member Micheli asked if the petitioner has looked at ways to drain water from the garage. Mr. Minneci stated they will raise the floor a bit so there will be a difference between the grade and driveway and have the foundation put on a slab. Trustee Ladesic responded to ZBA Member Micheli that the petitioners' house could be 3,500 square feet with a 500-square foot detached garage bonus. Mr. Minneci also responded to ZBA Member Micheli that they plan to add 2,900 square feet, including the garage.

#### Comments from the Zoning Board of Appeals

ZBA Member Micheli stated that he shares the Simons' neighbors' concerns about the character and uniqueness of the neighborhood which should be maintained and the petitioners' request for a setback of 45.5 feet from the front yard in lieu of the required 50 feet and was not supportive of the 45.5 foot setback in the front yard. He also felt that the neighbors' concerns regarding water are not supported by the fact that the petitioner does not have a sump pump and there are no water issues unless there is significant rain and that any water issues that may occur from the new construction can be alleviated by installing a sump pump. ZBA Member Micheli was supportive of the side yard lot line at 5.6 feet in lieu of 6.5 feet in order to expand the existing footprint and to put less pressure on the neighborhood with a smaller footprint than a new home at that location might have. He also felt that a 70% alteration in lieu of a 50% alteration was more than reasonable. ZBA Member Miller stated he understood that the Village engineers work with water. He also felt that the character of the neighborhood would be changed by the construction of an addition set back 45.5 feet from the front yard lot line in lieu of the minimum required 50-foot setback. He was, however, supportive of the two variations to allow the construction of front and rear two-story additions set back 5.6 feet from the right side yard lot line in lieu of the minimum required 6.5-foot setback and to allow the construction of front and rear two-story additions that result in a Class II alteration in lieu of the maximum permitted Class I alteration (50% altered). ZBA Member Kolar was supportive of the 70% alteration (Class II) and 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 foot setback. He was, however, not supportive of 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 as this home would become the house projecting farthest toward the street. He felt that the petitioner has the opportunity to build to the back. ZBA Member Bourke stated that water issues can be addressed by engineering. He was not supportive of the front yard setback variation but was supportive of the other two variations being requested. ZBA Member Gardner stated he was sympathetic with the petitioners' request that he would like to build a bigger home for his family. However, he also felt the concerns of the neighbors regarding the front yard setback. ZBA Member Constantino stated that he originally was not supportive of any of the variations but feels Mr. Simon has made a good faith effort by making changes to address the concerns of the ZBA. He did not feel that the 4-1/2-foot setback from the front yard lot line will drastically affect the neighborhood and, in fact, was supportive of all three variations being requested. He

added that the hardship and unique character of the lot justify the variation requests and he was in favor of approving all three requests.

Mr. Kvapil interjected that the house on the corner of Grand Avenue and Oak Street is closer to Grand Avenue than 690 Grand Avenue with the addition. ZBA Member Miller stated he had brought that up at the first meeting and Mr. Kvapil responded that if one was considering front yards only, that is correct, however, if the corner homes and corner side yards were considered, that would be a different situation. Mr. Simon stated that the front door of that home is on Grand Avenue.

ZBA Chairperson Garrity stated that he agreed with ZBA Members Micheli, Miller and Bourke, and ZBA Member Kolar then stated he agreed with ZBA Member Constantino regarding all three variation requests.

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

#### Motion

Two (2) motions were made:

1. ZBA Member Miller moved, seconded by ZBA Member Bourke, that after considering the application of Mark Simon, the petitioner, and the testimony and evidence presented at this public hearing to recommend the denial of Section 10-4-8(D)1c of the Zoning Code 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 as that variation will alter the essential character of the neighborhood.

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

2. ZBA Member Miller moved, seconded by ZBA Member Bourke, that after considering the application of Mark Simon, the petitioner, and the testimony and evidence presented at this public hearing to recommend the approval of Section 10-4-8(D)3 and Section 10-8-6(B)3 of the Zoning Code because the topographical layout, 50-foot wide lot and character of the property present a unique hardship.

The motion carried unanimously with six (6) yes votes as follows: ZBA Members Miller, Bourke, Constantino, Kolar, Michelin and Chairman Garrity voted yes.



Trustee Report

Trustee Liaison Ladesic welcomed new student member, Sean Gardner. He also stated that the Main Street development and McChesney development recently appeared before the Village Board.

Staff Report

Mr. Kvapil stated that the next ZBA meeting will be on October 28, 2014.

The meeting was adjourned at 9:14 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Joe Kvapil  
Building and Zoning Official