

ZONING BOARD OF APPEALS  
MINUTES  
OCTOBER 28, 2014

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

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

On the agenda was a public hearing regarding the property at 290 Cottage Avenue.

PUBLIC HEARING – 290 COTTAGE AVENUE

A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-1(N)3 TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR ADDITION WITH A CORNER SIDE YARD SETBACK OF 14.8 FEET IN LIEU OF THE MINIMUM REQUIRED CORNER SIDE YARD SETBACK OF 20 FEET. 2. SECTION 10-8-6(B)3 TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR ADDITION THAT ALTERS 59% OF THE EXISTING EXTERIOR WALL AND ROOF AREA IN LIEU OF THE MAXIMUM PERMITTED EXISTING ALTERED WALL AND ROOF AREA OF 50%. 3. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Todd McDaniel and Kathleen Connolly, owners)

Staff Presentation

Building and Zoning Official Joe Kvapil stated that the petitioners are Todd McDaniel and Kathleen Connolly, owners of the property at 290 Cottage Avenue. Mr. Kvapil displayed a photo of the petitioners' home and stated that the petitioners are requesting two variations as follows: 1. A variation from Section 10-4-1(N)3 of the Zoning Code to allow the construction of a second floor addition with a corner side yard setback of 14.8 feet in lieu of the minimum required corner side yard setback of 20 feet. 2. A variation from Section 10-8-6(B)3 to allow the construction of a second floor addition that alters 59% of the existing exterior wall and roof area in lieu of the maximum permitted existing altered wall and roof area of 50%. Mr. Kvapil stated that a change has been made between the time that the Notice of Public Hearing was issued and the time that the Staff Report was generated. He stated that the public hearing included three variations, one of which was a variation to allow a lot coverage ratio of 21.7% in lieu of the maximum 20%. Mr. Kvapil stated that between the issuance of the Notice of Public Hearing and the current proposal, the plans were revised and the proposed open front porch was increased in depth from 5 feet to 6 feet. He explained that when the front porch was 5 feet deep, it did not meet the criteria for the open front porch lot coverage area exception

which was 6 feet deep. He stated that once that was discovered, the plans were revised and the depth of the porch was increased to 6 feet, and when it became larger, the entire area of the porch was allowed to be disregarded from the calculation of the lot coverage area and met the minimum depth. He added that the entire porch was the factor that caused the lot coverage area to be exceeded and since it was eliminated, that variation request was also eliminated.

Mr. Kvapil stated that the subject property is located in the R2 Zoning District and is defined as a corner lot on the northeast corner of the intersection of Cottage Avenue and Kenilworth Avenue. He added that the zoning and land use surrounding the subject property is single-family residential. Mr. Kvapil stated that Village records indicate no prior zoning variations have been granted for this property and a few typical improvements have been issued under building permits since 2004.

Mr. Kvapil displayed a site plan of the subject property with some areas highlighted. He stated that the owners propose to construct a new second floor directly over the existing first floor level, add a small 2-story addition at the entrance and construct a new roof over the entire home. He added that the work will include a new open front porch, a new rear patio and interior and exterior remodeling. Mr. Kvapil added that the lot was subdivided in 1927 and is nonconforming since it does not meet the minimum required lot depth of 110 feet. Mr. Kvapil stated that the existing home is a 2-story split-level structure and is nonconforming since it does not meet the minimum required rear yard setback of 40 feet nor the minimum required corner side yard setback of 30 feet. Mr. Kvapil stated that the Zoning Code makes an exception and allows a new second floor to be constructed over an existing first floor of a nonconforming home with a limitation that the corner side yard cannot be closer than 20 feet. He added that, in this case, it is 14.9 feet and a variation is still required. He added that since the home is nonconforming, there are additional requirements that limit the alteration of the exterior walls and roof of nonconforming homes and the limit, in this case, is that 50% of the existing exterior walls and roof cannot be altered without a variation. He added that after calculating the impact of this addition on the existing home, approximately 59% is altered which requires a zoning variation. Mr. Kvapil stated that although the front porch does not meet the minimum 30-foot front yard setback, front porches are allowed to encroach into the 30-foot front yard setback as close as 22.5 feet. He added that, in this case, the front yard setback is at 26.75 feet, therefore, it complies. He added that the proposed cantilevered bay window at the rear of the second floor encroaches into the required 40-foot rear yard setback, however, there is an exception to allow bay windows to encroach at least 3 feet into that 40-foot setback so it also complies. Mr. Kvapil also stated that the 2-story addition at the front entrance of the home covers approximately 70 square feet which increases the lot coverage ratio from 19.2 feet of the existing home up to the permitted 20%.

Mr. Kvapil displayed a topographic survey of the grades found in the Village records which shows that the lot slopes from a high point in the northeast corner down to a low point in the

southwest corner which is actually the intersection of Kenilworth and Cottage Avenues. He stated that there is a moderate slope and the natural stormwater runoff is from the northeast to the southwest and eventually drains into the street and sewers. Mr. Kvapil stated that the disturbed area will exceed 300 square feet if the proposed new patio is included in the rear yard which would require approval of a tree preservation plan and a drainage plan.

Mr. Kvapil stated that the subject property is not located in an historic district and is not landmarked or designated as a significant home.

#### Petitioners' Presentation

Steve Poteracki, 1105 Burlington Avenue, Western Springs, Illinois is the petitioners' architect and spoke on their behalf. Mr. Poteracki stated that the petitioners' desires were to create a new master suite, a kitchen, possibly an addition and some dining area, however, after reviewing the Zoning Code, determined that based on the property and the setbacks, they could not push the envelope out to the east or the north because they would be encroaching in the setbacks and they were not practical in the areas where a kitchen or dinette would be located. Mr. Poteracki stated they then remodeled the interior of the space and created new living space. He felt that adding space above was the best opportunity to have a master suite and increase the size of the bedrooms. He stated they were made aware of the nonconformity of the lot depth during the review process. He also stated that the hardship is the lot depth, the orientation of the building and the subdivision that probably made the lot nonconforming in 1927. He added that the 14.9-foot setback may have been conforming at that time. Mr. Poteracki felt that their plan is the least invasive way they could add onto the subject home.

#### Questions from the Zoning Board of Appeals

Mr. Kvapil responded to Acting Chairperson Constantino that he believes proof of ownership was submitted by the petitioners but will request same from them if necessary. Mr. Kvapil also responded to Acting Chairperson Constantino that he is aware of no calls or visits made to the Village regarding the subject petition. ZBA Member Gardner asked if the petitioners had considered making any alterations so that the home does not have to be extended above where the lot lies past the minimum required. Mr. Poteracki stated it would not be practical to add onto the home at that point because the addition would be very small and the cost would make no sense. Mr. Poteracki provided for ZBA Member Micheli the types of materials that would be used on the exterior of the home. Mr. Poteracki also verified for Acting Chairperson Constantino that all other building code requirements will be met per the proposed plans.

#### Persons in Favor of or in Opposition to the Proposed Request

No persons spoke in favor of or against the proposed variation request.

ZBA Member LaVanway 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

ZBA Member Gardner stated that overall he was in favor of the variations being requested as the subject lot is not easy to expand on and there were no complaints from neighbors. ZBA Member LaVanway stated he was in general agreement as the lot was on the corner and was nonconforming. He stated that the existing setback is 14.8 feet and that the footprint is not being increased. He also stated that the plans meet allowances to make the least impact possible and any variations that may be required. ZBA Member Bourke was supportive of the requested variations. He felt that the petitioners have done well regarding not expanding the existing nonconformity and just building up. ZBA Member Miller stated he saw no issues regarding the proposed variation requests and was generally in favor of the project. However, he felt that a condition should be added regarding the requirement of a drainage plan because of the steepness of the site. Mr. Kvapil added that there is reason for some concern as the new roof that will be added to the house will have new gutter and downspout locations which can change the stormwater runoff on the site. Mr. Poteracki added that although the patio is labeled as a new concrete patio, it will be a replacement of an existing patio. ZBA Member Micheli felt that a particular hardship exists with the shallow depth and the location of the home that limits their ability to improve their home. He stated that the proposed plan for construction is in keeping with the neighborhood and is a positive for the Village. He stated that because the proposed project is not terribly invasive, he feels it meets any concerns regarding runoff without adding any additional difficulty for the petitioners and, therefore, supported ZBA Member Miller's suggested motion. Acting Chairperson Contantino was in favor of granting the requested variances as the subject lot is unique with its shallow depth that creates a hardship. He felt that the proposed plans appear to be the least invasive and recommended that the variations, if granted, have provisions for drainage and tree preservation plans to be reviewed. He added that there has been no adverse reaction from the neighbors and he felt the proposed project would conform to the surrounding neighborhood.

ZBA Member Bourke 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 Bourke, that after considering the application of Todd McDaniel and Kathleen Connolly, the petitioners, and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommended approval of the requested variations due to the plight of the homeowner which is unique and the practical difficulties due to the nonconforming existing lot depth and the side yard setback causing the owners only to be allowed to build up instead of out. ZBA Member Miller stated

that the approval of the variations is contingent on the homeowners providing proof of ownership and that they submit a stormwater drainage plan.

The motion carried unanimously with five (5) yes votes and zero (0) no votes as follows: ZBA Members Miller, Bourke, LaVanway, Micheli and Acting Chairperson Constantino voted yes.

#### Staff Report

Mr. Kvapil responded to Acting Chairperson Constantino that the 690 Grand project will appear before the Village Board on November 10, 2014. Mr. Kvapil also stated that the Village offices are closed on November 11 for Veterans Day so the next scheduled ZBA meeting will be on November 25, 2014.

ZBA Member Bourke moved, seconded by ZBA Member LaVanway, to adjourn the meeting at 7:44 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback  
Recording Secretary

Joe Kvapil  
Building and Zoning Official