

ZONING BOARD OF APPEALS  
MINUTES  
JANUARY 13, 2015

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 John Micheli were present. ZBA Members Chip Miller and Sean Gardner were excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Joe Kvpil and Recording Secretary Barbara Utterback.

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

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

On the agenda was a public hearing regarding the property at 600 Phillips Avenue.

PUBLIC HEARING – 600 PHILLIPS AVENUE

A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)1a TO ALLOW THE CONSTRUCTION OF AN ATTACHED ONE-CAR GARAGE WITH A FRONT YARD SETBACK OF 8.5 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 30.0 FEET. 2. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF AN ATTACHED ONE-CAR GARAGE WITH A SIDE YARD SETBACK OF 3.5 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET. 3. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF AN ATTACHED ONE-CAR GARAGE WITH A LOT COVERAGE RATIO OF 34.7% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% FOR A TWO-STORY STRUCTURE.

(Karl and Ninnette Karg, owners)

Staff Presentation

Building and Zoning Official Joe Kvpil stated that Karl and Ninnette Karg, the owners of the property at 600 Phillips Avenue, are requesting approval of three variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(D)a to allow the construction of an attached one-car garage with a front yard setback of 8.5 feet in lieu of the minimum required front yard setback of 30.0 feet. 2. Section 10-4-8(D)3 to allow the construction of an attached one-car garage with a side yard setback of 3.5 feet in lieu of the minimum required side yard setback of 6.5 feet. 3. Section 10-4-8(E)1 to allow the construction of an attached one-car garage with a lot coverage ratio of 34.7% in lieu of the maximum permitted lot coverage ratio of 20% for a two-story structure. Mr. Kvpil stated that an affidavit has been received that authorizes the petitioners' architect, Daryl Drake, to represent them regarding this project and a letter has also been received from the owners of 596 Phillips Avenue in opposition to this request.

Mr. Kvapil displayed photos of the subject home and a map indicating the location of the subject home. He added that the property is located in the R2 Zoning District and is defined as an interior lot on the west side of Phillips Avenue. He stated that the zoning and land use surrounding the subject property is single-family residential. He also stated that some minor building permits have been issued for the subject property, however, no prior zoning variations have ever been granted in the past.

Mr. Kvapil displayed a survey of the subject property with the proposed attached garage drawn on it. He stated that the owners propose to construct a one-story, one-car garage addition that would not meet the minimum required front and side yard setback requirements and would exceed the permitted lot coverage ratio. Mr. Kvapil stated that the survey records indicate that this nonconforming lot was established in 1916 and does not meet the minimum Zoning Code requirements for lot width, lot depth or lot area. He added that no garage currently exists on the property and a single vehicle parking space is provided on the driveway pavement within the front yard. Mr. Kvapil stated that the Zoning Code requires two 9-foot by 19-foot parking spaces on a residential property; therefore, the subject property is not in compliance with the parking regulations. He added that the proposed garage is located in the same general area as the existing driveway pavement and is set back 8.5 feet from the front lot line in lieu of the minimum required 30 feet, and a variation is required. Mr. Kvapil stated that the proposed garage is set back 3-1/2 feet from the side yard lot line in lieu of the minimum 6-1/2 feet and a variation is required. He also stated that the proposed 290-square foot garage addition increases the existing nonconforming lot coverage ratio from 28.7% to 34.7% .

Mr. Kvapil displayed a survey of the adjacent property at 596 Phillips Avenue superimposed with the subject property so that the relationship between both properties can be seen. He estimated that the structure at 596 Phillips Avenue is approximately 12 feet at the closest point from the adjacent property line to 600 Phillips Avenue.

Mr. Kvapil displayed a topographic survey and stated that the subject property is not located in a designated flood area or a depressional area and that the property has a minimal slope of less than two feet. He added that the natural stormwater runoff direction generally appears to be from the contour lines to the northeast with some possible irregularities. He also stated that the new impervious area created by the one-car garage will not exceed 300 square feet; therefore, a drainage plan and compensatory storage are not required. He added that since the disturbed area will not exceed 300 square feet, a tree preservation plan and permit will not be required. Mr. Kvapil also stated that the subject property is not located within an historic district, is not a landmarked or significant home designated by the Historic Preservation Commission nor is a home plaqued by the Historical Society.

Mr. Kvapil stated that the existing nonconforming conditions of the lot regulations on the subject lot are the lot area, lot width and lot depth. He also stated that on the principal structure regulations, the existing front yard setback, the rear yard setback, the left interior

side yard and the lot coverage ratio are not conforming. He also stated that regarding accessory structures, there is only room for one parking space on the subject lot and that the zoning code requires two parking spaces on a residential lot; therefore, parking is not conforming.

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

ZBA Member Constantino asked if the proposed plans for the garage are the minimum amount of space that could be included for the size of a garage. Mr. Kvapil responded that the width of the proposed garage is 12 feet which is the minimum width for a one-car garage. He added that the length of the proposed garage is 23 feet 6 inches which is longer than a minimum depth and that normally an intermediate size car is 16-17 feet long so 20 feet is a reasonable minimum depth. He added that there are reasons for the proposed length because there is a grade change between the garage floor and the grade inside the house and a stairway needs to be accommodated. Mr. Kvapil verified for ZBA Member Constantino that there will only be enough room for one parking space on the lot where two are required. Mr. Kvapil responded to ZBA Member LaVanway that no support for the subject variation requests was received, however, one letter was received in opposition to the variation requests. Mr. Kvapil verified for ZBA Member Kolar that the subject lot is approximately 41 percent of the required minimum lot size. Mr. Kvapil also responded to ZBA Member Kolar that the subject request is the least front yard setback proposal and the smallest lot that he has seen in the 10 years that he has been with the Village. When ZBA Member Micheli asked a question regarding the location of other nearby properties on their sites, Mr. Kvapil explained that the location maps can often be inaccurate. Mr. Kvapil estimated for ZBA Member Bourke that the houses near the subject home are approximately 30 feet from the curb. Mr. Kvapil responded to ZBA Member LaVanway that, if built, the proposed garage would be closer to the front yard property line than any other home on the block. Mr. Kvapil added that a home is not allowed to be any closer to the front property line than the closest house on either side but not any closer than 30 feet. He also added that the zoning code restricts development that goes beyond the front of a home on either side in order to preserve a uniform setback on a block.

#### Petitioners' Presentation

Ninette and Karl Karg, owners of the properties at 600 and 603 Phillips Avenue, Glen Ellyn, Illinois, Daryl Drake, Architect, of 422 Phillips Avenue, Glen Ellyn, Illinois and David Johansen, Realtor, 662 Highview, Glen Ellyn, Illinois spoke on behalf of the proposed variation requests.

Architect Daryl Drake pointed out several homes on the subject block that have had variations in the past. He described the most recent variation in the area which was for the house immediately to the west of the subject property. That variation was for an open front porch that was enclosed as well as a very large open front porch that is 17 feet from the property line.

Mr. Drake responded to ZBA Member Kolar that the subject proposed garage is 8-1/2 feet from the property line.

Mr. Drake explained that there is not enough room to build a garage in the rear yard of the subject home but that there is concrete on the subject property where a car can be parked. He also stated that the subject home currently is rented and the petitioners have been trying to sell the home for several years which has been difficult due to the lack of a garage. Mr. Drake stated that the petitioners had hoped to continue to live in the subject home, however, the lack of a garage became problematic once they had children. He stated that the petitioners now live across the street from the subject home and are, therefore, affected by that property.

Mr. Drake stated that they have tried every type of design related to the location of the proposed garage but that there is always a car parked in front of the home because there is a concrete pad there with a curb cut to the street. He stated that he has designed a garage that would be the least objectionable and that nearby homes would have no visual issues with the proposed garage other than the fact that it is located near the front of the lot. He added that there has been car damage related to the subject property which Mr. Drake felt could be a hardship. Mr. Drake stated that the size of the proposed garage is 24 feet x 12 feet as cars/SUV's are larger today than in the past but that the garage could be reduced by 1 foot, if necessary. Mr. Drake stated that the lot coverage ratio for a two-story home is 20% and that their design will be 34.7% lot coverage ratio. He added that if the home was two stories, the lot coverage ratio would be 35%. He also stated that the lot sizes and shapes are varied in size in the neighborhood. Mr. Drake also stated that he has tried to address the garage through an architectural design that will be the least invasive to all the properties concerned. He added that no trees will be cut and that the design can be changed, if necessary. Mr. Drake stated that the design will be simple, clean, in character with the architecture of the house and will solve a very difficult problem.

Ms. Karg displayed several photographs of homes in the subject area and stated that an evergreen tree on a neighbor's property would not be disturbed by the construction of the proposed garage. She stated that because their current home looks out onto the subject home, it is in their best interest to build something that is attractive and in character with that home. She also stated that she did not feel that adding a functional garage is asking too much. Ms. Karg stated she was surprised to learn that a porch is a hardship as per a nearby home and has never filed a complaint against that home. Ms. Karg stated that all of the neighbors with whom she spoke regarding the proposed garage were supportive of their project. She also stated that she and her husband were supportive of all but one of the variations requested in their neighborhood over the years, and Mr. Karg added that they were neither in support of nor against that one project. Ms. Karg stated that a letter submitted per the owners of the home with the variation that the Kargs did not support or object to at 596 Phillips was based on mistaken facts and mistaken identity. She added that the owners of that home have since moved but currently rent that home. Referring to that letter, Ms. Karg stated that when she

and her husband moved into 600 Phillips, they had one car and no children, however, the lack of a garage became a hardship after the birth of their children. She also stated that car doors freezing in cold weather became a hardship when she needed to take the children to school. Ms. Karg added that they attempted to sell their home in 2007 and 2008, however, were unsuccessful in doing so. She stated that a realtor told them at that time to seek a variation to build a garage, however, they did not do so. Ms. Karg stated that they moved into their current home at 603 Phillips in 2008, however, the real estate market tanked and they subsequently rented the home at 600 Phillips. Ms. Karg stated that they attempted to sell the home at 603 Phillips in March of 2014, however, have been unable to do so due to the lack of a garage. She added that this home could become a permanent rental in Glen Ellyn. Ms. Karg stated that the above information shows that they cannot yield a reasonable return.

Ms. Karg also stated that per the letter referenced above, they will not alter the essential character of the neighborhood by adding a garage as they will build a smaller garage if necessary. She stated that it would be better for a car to be in a garage as children can damage a car while playing outdoors. Ms. Karg added that safety of children is also an issue without a garage.

Ms. Karg stated that there has been property damage, theft and vandalism in the neighborhood. She also stated that their main purpose for the variation requests is not for economic reasons and they do not desire to continue to rent their property. Ms. Karg added that a car backing up out of a garage will be more obvious to children in the neighborhood than a car backing up because the door will be open. Ms. Karg also added that the proposed location of the garage is the only place where a garage can be located on the subject property in order to have a functional home.

Realtor David Johansen stated that homeowners would rather live next door to someone who owns their home rather than renters as owners will take better care of the home and yard. He stated that the subject home would sell quickly with the addition of a garage.

#### Questions/Comments from the ZBA

ZBA Member Constantino asked how drainage off of the lot will be handled for the potential construction of the garage. Mr. Drake responded that because the garage is less than 300 square feet, a grading plan is not required, however, he intends to provide a grading plan in order to properly engineer the plan and so that the gutters do not affect the properties on either side. He added that because the drainage runs toward the street and to the east, the subject property is more affected by the drainage onto the garage from the houses to the west and the houses behind than the subject house would drain to them. He also stated that he did not feel that the proposed garage will affect drainage to the north, south, east or west. ZBA Member Constantino asked about sight lines for drivers going westerly or southwesterly along Phillips and children riding their bikes on the sidewalk. Mr. Drake responded that as one goes

down the street, the houses are all over the place as far as the configuration towards the street. ZBA Member Kolar added that one can see through an open front porch as per a home near the subject home but one cannot see through a garage. Mr. Drake also responded that the proposed garage will not extend as far to the street as a tree in the area. ZBA Member LaVanway asked if the petitioners had explored the possibility of asking neighbors to sell a small portion of their land or get an easement to allow a garage in the subject rear yard, and Mr. Drake responded that he had not explored that option. Mr. Drake responded to ZBA Member Micheli that the petitioners originally bought the subject home without a garage.

ZBA Member Constantino asked Ms. Karg if brokers have told them that the subject home cannot sell without a garage and Ms. Karg replied yes. She also responded to ZBA Member Constantino that they have never received an offer on the home. Ms. Karg responded to ZBA Member Bourke that she had no petitions signed by neighbors in support of the proposed project. ZBA Member Bourke also stated that the Kargs' say no one will purchase the subject home without a garage, however, they bought the subject home without a garage.

Realtor David Johansen responded to ZBA Member Kolar that the square footage of the subject home is 1,823 square feet which includes both the first and second floors. ZBA Member Kolar asked when backing out of the proposed garage, how close to the sidewalk one will be before being able to see the sidewalk. Mr. Johansen responded that one would not be completely out of the garage by the time one is at the sidewalk. Mr. Drake stated that the normal length of a car is approximately 16 feet and the doors are approximately 7 feet back. Mr. Drake added that, in Glen Ellyn, one can build an unattached garage up to 550 square feet behind one's house without a variation or counting against the lot coverage ratio. He added that because the subject garage will touch the house, the lot coverage ratio is affected. Mr. Kvapil responded to Mr. Drake that one cannot build an unattached garage in a front yard. Mr. Kvapil responded to ZBA Member Kolar that a detached garage must be a minimum of 10 feet from a house in the rear yard in order to not count against the lot coverage ratio. Mr. Karg added that they do not want to do anything that is unsafe regarding the proposed garage. Mr. Karg also stated that the subject house is turned away from their home at 603 Phillips and that the subject garage is lower than that home; therefore, a claim that views are impaired is untrue. Mr. Johansen responded to ZBA Member LaVanway that there are very few homes without garages in Glen Ellyn.

Mr. Kvapil responded to ZBA Member LaVanway that rental properties in single-family homes are permitted in Glen Ellyn. Mr. Johansen responded to ZBA Member Kolar that he felt the subject home could be sold currently for \$300,000, and ZBA Member Kolar stated that a home today could be sold for less than it would have sold for several years ago. ZBA Member Kolar also added that he did not feel there is anything wrong with people who are renting a home in lieu of purchasing a home. ZBA Member Micheli stated he did not agree with the petitioners' high figure regarding the assessed/market value of their home.

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

Persons in Favor of or in Opposition to the Proposed Request

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

Comments from the Zoning Board of Appeals

ZBA Member Micheli stated he was very sympathetic to the petitioners, however, was not supportive of a garage in the subject location so close to the sidewalk. He did not know if a garage reduced in size was possible. He also felt that the Village benefits from rental properties but does not feel that is a basis on which to grant a variation. ZBA Member Micheli suggested cutting into the house to install a garage, having a garage built underneath the house or building a garage in the back yard. He also suggested building a reduced garage that is in keeping with the neighborhood. Regarding a hardship, ZBA Member Micheli stated that protecting one's car is important.

ZBA Member Kolar was not in favor of locating a garage in front of a house even if the subject garage was reduced in size. He stated that the house is 27% lot coverage ratio and the current LCR is 20%. He also stated that economics is not a reason for a zoning variation.

ZBA Member Bourke echoed statements made by ZBA Member Kolar regarding lot coverage ratio. He also felt it would be a disservice to encourage the petitioners to reduce the size of the garage as he would not be in favor of any type of garage in the front of the property. He also added that safety is a factor in his decision.

ZBA Member LaVanway also was not supportive of the proposed garage and felt that the request was economically driven. He suggested that the petitioners have neighbors in support of the variations appear to testify or submit written documents and also submit more concrete information regarding the real estate market.

ZBA Member Constantino was sympathetic to the need for a garage due to storage and having a place to enclose at least one car. He stated that the setbacks are too small in this case and the sidewalk could be blocked by a car. He added that the 35% lot coverage ratio is too great of a variation.

Motion to Continue the Public Hearing

When the petitioners decided to gather more information and return to the ZBA, ZBA Member Kolar moved, seconded by ZBA Member LaVanway, to continue the meeting to February 24, 2015. The motion carried unanimously by voice vote.

Trustee Report

Trustee Liaison Ladesic stated that a feasibility study has been discussed regarding the possibility of a vehicular/pedestrian under/overpass over the Central Business District. He also stated that work is expected to be done on the Taylor Street underpass in 2015.

Staff Report

Mr. Kvapil stated that the next ZBA meeting scheduled for January 27, 2015 will be canceled.

ZBA Member LaVanway moved, seconded by ZBA Member Bourke, to adjourn the meeting at 9:45 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Joe Kvapil  
Building and Zoning Official