

ZONING BOARD OF APPEALS
MINUTES
FEBRUARY 24, 2015

The meeting was called to order by Chairperson Rick Garrity at 7:05 p.m. ZBA Members James Bourke, Gregory Constantino, Sean Gardner, Edward Kolar, Larry LaVanway and John Micheli were present. ZBA Member Chip Miller was excused. Also present were Trustee Liaison Peter Ladesic, 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 Kolar, to approve the minutes of the January 13, 2015 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

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

CONTINUED PUBLIC HEARING – 600 PHILLIPS AVENUE

A CONTINUATION OF THE PUBLIC HEARING HELD ON JANUARY 13, 2015 REGARDING A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE WITH REVISIONS AS NOTED: 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~~ 13.0 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~~ 5.2 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%~~ 32.0% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% FOR A TWO-STORY STRUCTURE.

(Karl and Ninnette Karg, owners)

Staff Presentation

Joe Kvapil, Building and Zoning Official, stated that this meeting is a continuation of the public hearing that began on January 13, 2015. He stated that the petitioners, Karl and Ninnette Karg of 603 Phillips Avenue, are requesting variations to allow the construction of a one-story attached garage and have submitted a revised permit application and two revised drawings. He also stated that they have submitted a petition with signatures of 12 local property owners in support of the variations.

Mr. Kvapil displayed a diagram which indicated the difference between the original submittal for the attached one-car garage and the one-car garage that has been reduced in size. He added that the proposed garage is located within the same general area of the existing

driveway and is now set back 13 feet from the front yard lot line in lieu of the required setback of 30 feet. Mr. Kvapil added that the proposed garage had previously been set back 8-1/2 feet from the front yard lot line. He also stated that the proposed garage had previously been set back 3.5 feet from the side yard lot line and is now set back 5.2 feet from the side yard lot line. He also stated that the proposed garage addition exceeded the lot coverage ratio at 34.7% and has been reduced to 32.0%.

Petitioners' Presentation

Ninnette Karg, the petitioner and owner of 600 Phillips Avenue, was present to provide information regarding a revised plan for a one-car garage to be built on that property. She submitted a list of 23 signatures in support of the project and 19 photographs of the subject home and surrounding area. She added that the scale of the garage has been reduced to the smallest functional garage possible by moving the stairs from the older plan into the home. She added that there will be windows along both sides and along the top of the garage and by shortening the length of the garage, she felt that the safety concerns raised at the prior meeting will be addressed. She added that as a car pulls out of the proposed garage, a driver will have no problem seeing the sidewalk and street as he exits the garage.

Ms. Karg stated that cars park on the concrete lot line between the subject home and the home next door, however, the garage will be moved away from the lot line. She stated that the garage will protect a vehicle from weather, damage and theft and added that the site is visible to a main thoroughfare. She stated that the current parking space on the subject site creates a safety risk to children playing nearby and that putting the car undercover will offer protection to the children.

Ms. Karg stated that the only available space for outdoor storage is under the front porch at the entrance to the home, however, items stored there are destroyed by the weather. She added that crawl space under the sun room can be used for storage. She stated that there is no space at the home entrance for a mud room but indicated perfect space for a mud room near the stairs.

Ms. Karg stated that the problems that the proposed garage will address relate to the function and livability of the home. She added that she found another home in town with a narrower lot than the subject home that has a garage. She added that they are asking for the smallest functional 1-car garage possible which she believes is a perfect fit for the subject house. She displayed a photo of a garage at Phillips and Main which she stated will be of the scale they would like to build. Ms. Karg stated that they will not profit from the proposed improvement because of the limited size of the property and the age of the home. She stated that their home faces the subject home which will serve another family well for many years if it is made more functional. Ms. Karg also stated that the difficulties with the subject site run with the land. She added that many of their neighbors support this improvement and signed a petition

in favor of the project. Ms. Karg added that the location of the proposed garage is ideal because of the shape of the property which narrows toward the back and fans out in front where cars have parked. She added that the property on the side is wooded and that the area is largely recessed because of the obstruction of the view of it from the street from west to east due to the construction of a porch approximately one to two years ago. She added that the front yard—not the rear yard—can accommodate the garage. Ms. Karg added there is a roof change that is significantly lower than that shown on the drawing.

Ms. Karg stated that the subject home was built in 1923 and the footprint has not changed since that time although the zoning codes have. She stated that the subject side yards do not allow a car to access the rear yard and she displayed photos of the side yards. She stated that all parcels that surround 600 Phillips have received variations in the past. Ms. Karg also read comments that were supportive from members at the previous Zoning Board of Appeals meeting. She also stated that no work can be done to the home without approval of a variation. She stated there is a practical hardship based on the uniqueness of the property and that granting the requested variations will not alter the character of the property or the neighborhood.

Ms. Karg added that the owners of 596 Phillips who are not supportive of the subject variation requests no longer occupy that property and she felt that the improvements at 600 Phillips would increase that property value.

Questions from the Zoning Board of Appeals

Mr. Kvapil responded to ZBA Member Constantino that the current lot coverage ratio structures on the lot are 26.7%. ZBA Member Constantino asked Mr. Kvapil if he felt the proposed garage is approximately the smallest footprint of a one-car garage that is reasonably useable under the circumstances. Mr. Kvapil responded that he has never seen a smaller one-car garage during his time at the Village. He added that the garage width and depth will make accommodating an intermediate sized car difficult although it would be possible for a sub-compact or smaller car to fit in the garage. Mr. Kvapil responded to ZBA Member Constantino that he saw no changes in the height of the garage. ZBA Member Gardner stated that Mr. Drake had stated at the previous meeting that the car would have reached the sidewalk before it was out of the garage and asked if that is still the case with the new alterations. Mr. Kvapil stated that the distance between the sidewalk and the front of the garage is 13 feet at the north side and 14 feet at the south side. He added that a typical vehicle is 15 or 16 feet in length so if a car was backed out of a garage, approximately 3 feet of the car would still be within the garage when the bumper is at the sidewalk. He stated that even though the car is not all the way out of the garage, the driver is out of the garage and would have visibility to the rear and side. ZBA Member Kolar asked for clarification regarding whether or not the proposed garage is in front of the porch next door, and Mr. Kvapil stated that the petitioner's diagram versus the conditions he saw on the survey were very close to the existing conditions. ZBA Member Micheli stated that the

proposed garage is 11 feet wide (10 feet 3 inches interior) by 18 feet 4 inches and asked Mr. Kvapil what the average depth of a garage in Glen Ellyn is. Mr. Kvapil replied 20 feet and added that he believes the average length of a car is 16 to 16-1/2 feet for an average car.

ZBA Member Constantino asked why the petitioner felt that the subject structure would not alter the character of the surrounding neighborhood. Ms. Karg responded that the shape, size, scale, door size and windows will enhance the character and that from the side, the structure will appear as a home instead of as a garage. When ZBA Member Kolar stated that the proposed garage remains an effort to improve the marketability of the subject property as it is for sale, Ms. Karg replied it is a function issue. She added that in order for a variation to be granted, a property must not be able to yield a reasonable return or the plight of the applicant is due to unique circumstances relating to the property in question. She also stated that uniqueness relating to hardship refers to the land and not the personal circumstances of the applicant. Ms. Karg responded to ZBA Member Micheli that the subject lot coverage ratio is 24.5 percent in lieu of the maximum permitted lot coverage ratio. She also responded that her lot coverage ratio request is 32 percent and the existing lot coverage ratio is 27.6 percent.

ZBA Member LaVanway asked why the neighbors' front yard setback is 22.5 feet when the petitioners' front yard setback is 30 feet. Mr. Kvapil explained that the setback for the neighbors' property is 22.5 feet because there is an exception for an open front porch that allows it to be closer to the front lot line because conceptually it is open and not an obstruction as opposed to a garage which is solid. Although Mr. Kvapil explained for ZBA Member LaVanway that he was not aware why variations were granted for two other nearby properties, Chairperson Garrity recalled that one of the lot lines was treated as a side yard.

PERSONS IN FAVOR OF OR IN OPPOSITION TO THE VARIATION REQUESTS

No persons spoke in favor of or in opposition to the variation requests.

ZBA Member Kolar 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 Micheli stated that he did not agree with the petitioner that placing a car inside a building makes it safer for children than a car being in the open. He stated that the petitioner spoke about requiring storage and indicated that the addition is necessary for access and convenience. He stated that the petitioner also felt the garage is needed for one's standard of living. ZBA Member Micheli felt that the lot coverage ratio was excessive. He added that if the Village Board considered granting these variations, he would like them to ensure that certain materials would be used and that the roof pitch is determined by the architect. He also stated

that he would only support the variation requests if heavy restrictions could be put on the architecture so that it would fit in the neighborhood.

ZBA Member Kolar stated that he almost always votes against what he feels is excessive lot coverage ratio and that the subject request is excessive. He stated that the subject lot is the smallest lot he has seen in 17 years since he has been a member of the ZBA. He added that the point of lot coverage ratio is in proportion to the size of one's property and he stated he cannot accept 32 percent lot coverage ratio. ZBA Member Kolar stated he appreciated the effort of the petitioner to provide answers to questions about moving and opening up the garage. He stated he was not supportive of the variation requests as the petitioner purchased the house without a garage and has been able to rent the house without a garage.

Chairperson Garrity stated that the lot coverage ratio and the front yard setback are bothersome when compared to the neighbors' variations. He also felt that there is no necessity for a garage on the subject property.

ZBA Member Bourke stated he has problems with the lot coverage ratio and the garage being so close to the sidewalk which he feels is unsafe. He added that with 25 percent of the car in the garage when backing out, one's vision will be obstructed and dangerous for children in the area. He added that the revised approach is excellent to approaching the issues presented previously.

ZBA Member LaVanway, like other ZBA Members, complimented the petitioner on the excellent revision and presentation. He stated that the subject lot is one of the smallest lots in the Village and added that he generally liked the direction that the request has taken.

ZBA Member Gardner agreed with ZBA Member Bourke's concern regarding the distance from the garage to the sidewalk. He stated that he would be supportive if there is visibility before reaching the sidewalk. He added that the garage would improve the functionality of the home and felt that the petitioner made a genuine effort to make the least invasive alterations possible. He stated that he was supportive of the variation requests.

ZBA Member Constantino changed his recommendation from the previous meeting to being supportive of the requests. He felt that unique circumstances have been presented regarding the substandard width area, the depth of the lot, the nonconforming area and the yard setbacks of the present structure. He also did not feel the garage would alter the essential character of the neighborhood and felt that the shape of the lot creates a practical difficulty. He also felt that the hardship was not created by the owner nor is it the petitioner's purpose solely to make a profit. He also did not feel that the proposed structure would be detrimental to the public, would create a nuisance or would have an adverse effect on the other properties in the neighborhood as revised. He also felt that the petitioner requested the minimum variations needed to make reasonable use of the land even though the lot coverage is still

excessive on a pure ratio basis. ZBA Member Constantino recommended that, if granted, the plans submitted be followed as closely as possible.

Motion

ZBA Member Micheli moved, seconded by ZBA Member Kolar, to recommend denial of the requested variations to allow the construction of an attached one-car garage with a front yard setback of 13.0 feet in lieu of the minimum required front yard setback of 30.0 feet, to allow the construction of an attached one-car garage with a side yard setback of 5.2 feet in lieu of the minimum side yard setback of 65 feet and to allow the construction of an attached one-car garage with a lot coverage ratio of 32.0 feet in lieu of the maximum permitted lot coverage ratio of 20% for a two-story structure as the property cannot yield a reasonable return, the plight of the owner is not due to unique circumstances, practical difficulties and particular hardships and the variations, if granted, would alter the essential character of the neighborhood.

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

Trustee Report

Trustee Liaison Ladesic stated that there are commercial developments currently in the development stage in the Village.

Staff Report

Mr. Kvapil stated that there are no pending zoning variation applications currently although the 690 Grand application will appear before the Village Board on March 9, 2015.

Chairman's Report

Chairman Garrity thanked Building and Zoning Official Joe Kvapil who will retire before the next scheduled ZBA meeting for his service to the Village.

ZBA Member Bourke thanked high school students who were in the audience observing this meeting.

The ZBA meeting was adjourned at 8:30 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official