

ZONING BOARD OF APPEALS
MINUTES
APRIL 28, 2015

The meeting was called to order by Acting Chairperson Edward Kolar at 7:01 p.m. ZBA Members James Bourke, Gregory Constantino, Larry LaVanway, John Micheli and Chip Miller were present. ZBA Member Sean Gardner and Chairperson Rick Garrity were excused. Also present were Trustee Liaison Peter Ladesic, Planning and Development Director Staci Hulseberg, Plan Examiner Paula Moritz and Recording Secretary Barbara Utterback.

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

ZBA Member Bourke moved, seconded by ZBA Member Miller, to recommend approval of the February 24, 2015 Zoning Board of Appeals minutes. The motion carried unanimously by voice vote.

On the agenda were public hearings regarding properties at 265 S. Ott Avenue and 601 Forest Avenue.

PUBLIC HEARING – 265 S. OTT AVENUE

A REQUEST FOR APPROVAL OF THREE VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-6(D)1 TO ALLOW THE CONSTRUCTION OF A ONE-STORY HOME ADDITION WITH A FRONT YARD SETBACK OF 40 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 50 FEET. 2. SECTION 10-4-6(D)3 TO ALLOW THE CONSTRUCTION OF A ONE-STORY HOME ADDITION ATTACHED TO THE EXISTING DETACHED GARAGE WITH A SIDE YARD SETBACK OF 9.13 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 16.8 FEET. 3. SECTION 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF AN OPEN FRONT PORCH ADDITION WITH A FRONT YARD SETBACK OF 30 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 37.5 FEET. 4. 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.

(Ott Ranch LLC, Owner)

Staff Presentation

Village Plan Examiner Paula Moritz displayed a map of the subject property at 265 S. Ott Avenue and stated that it is in the R0 Residential Zoning District and is an interior lot on the east side of Ott Avenue and the south side of McCreedy Avenue. Ms. Moritz stated that the zoning, land and use surrounding this property is residential. She also stated that this property was annexed into Glen Ellyn sometime after the construction of the home and no records were found that indicate when this home was built. She stated that there are no zoning variations on file and the only permit on file is for a water hook-up in 1999 which is probably related to

the annexation of the property. Ms. Moritz also stated that the subject property is not located in a designated flood area or a local depressional area, is not within a historic district, is not landmarked and is not a significant home as designated by the Historic Preservation Commission or the Historical Society.

Ms. Moritz stated that the homeowners are requesting zoning relief to construct an addition that would permit them to connect the existing home to the existing detached garage. She displayed a plat of survey and indicated the existing one-story home and the existing two-car detached garage. She stated that the petitioner is asking for three specific variations from the Zoning Code that would permit them to construct an addition that connects the home to the detached garage.

Ms. Moritz stated that the first variation is to allow a front yard setback of 40 feet in lieu of the required 50-foot front yard setback. She stated that the existing home and garage are roughly 40 feet from the front property line. She also stated that the petitioners are not proposing to have the addition any closer to the street, however, the building area connecting the home and garage will require a setback variation.

Ms. Moritz stated that a second variation request is the result of an addition that connects the home to the garage. She stated that the setback requirement for a detached accessory structure is 5 percent of the lot width and, as it exists, the garage is currently in conformance with that setback. She added that once it is connected to the house, it becomes part of the principal structure and the setback for the principal structure is 15 percent of the lot width or 15.8 feet. She stated that although no alterations are proposed for the garage, it becomes nonconforming to that setback and a variation is required.

Ms. Moritz stated that the third variation request is to allow the construction of an open front porch that is roughly 10 feet in depth. She stated that front porches can encroach into the required front porch setback 25 percent and, therefore, in this case, that figure would be 37.5 feet. She stated that the petitioner wants a 10-foot porch so they need a 30-foot front porch setback. Ms. Moritz responded to Acting Chairperson Kolar that if the subject property was in the R2 Zoning District instead of the R0 Zoning District, the front yard setback would depend on the houses on either side of the property and because the fronts of the houses are currently aligned, no variations would be required for the subject home as it would be within the 25 percent permitted encroachment. Ms. Moritz responded to Acting Chairperson Kolar that if the subject property was in the R2 Zoning District, the side yard setback requirement would be 11.2 feet (10%). She confirmed that the side yard variation request is proposed at 9.13 feet and that the fill-in portion is not an issue.

Petitioner's Presentation

Gerald Stewart, 261 S. Kenilworth Avenue, Glen Ellyn, Illinois stated that his family currently lives in the R2 Zoning District one block east of the subject property. He stated that they love their neighborhood but would like to downsize. He stated they wanted to find a ranch home in the neighborhood to avoid having to go up and down stairs as they get older. He also stated they would like to add a small addition onto the subject home. He also stated that by attaching the garage onto the house, a 3-car garage will be gained which he will be able to use for his woodworking hobby. Mr. Stewart also stated that the front porch variation request is simply to provide shelter from the weather for people on the front porch of the home. Mr. Stewart added that the subject home was built approximately in the mid-1950's and the garage approximately in the mid-1960's.

Questions from the Zoning Board of Appeals

Ms. Moritz responded to ZBA Member LaVanway that the existing porch is currently partially nonconforming and was grandfathered in when the property was annexed into the Village. Ms. Moritz responded to ZBA Member Constantino that the existing garage is currently in conformance with the side yard setback and that except for the front porch, the existing setbacks will not be changed. Ms. Moritz also responded to ZBA Member Constantino that no comments from neighbors in favor of or against the subject variations were received. Ms. Moritz responded to ZBA Member Micheli that 10 feet is the minimum required distance between the garage and the main structure that would be necessary if they did not want to attach but wanted to encroach as much as they could based on accessory structure setback requirements.

ZBA Member Constantino asked what is unique or difficult about the home or property that would require a variance or would make it a unique circumstance. He also asked why they couldn't get a permit without requiring a variation. Mr. Stewart stated that the homes on the subject home's side of Ott Avenue align in the front yards because when the area was constructed, the homes were all well and septic and the wells and septic were placed according to the slope of the land. He stated that in this area, the septic fields were all placed in the rear yard and the wells were placed in the front yard and the houses were all moved forward. Mr. Stewart responded to ZBA Member Constantino that the property has city water, however, does not yet have sewer. ZBA Member Micheli asked the petitioner if his hardship is because the house is pushed forward due to the septic field, and Mr. Stewart agreed and added that it would be impossible for the house to have much of anything done with it because it would be out of compliance. He added that in order to obtain compliance, they would need to demolish the house and build a new one which they do not want to do because of the cost and because the existing structure is sound. Mr. Stewart responded to ZBA Member Micheli that the home has a basement.

Mr. Stewart responded to ZBA Member LaVanway that he has spoken to two neighbors who did not object to his plans for the home.

Persons in Favor of or in Opposition to the Proposed Request

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

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

Comments from the Zoning Board of Appeals

All of the ZBA Members were supportive of the requested zoning variations. ZBA Member LaVanway felt that the variations being requested were de minimus, particularly with regard to the garage where the distance to the setback will be changed and no complaints were heard from the neighbors. He felt that the hardship regarding running with the land was not strong, however, was enough that he could be supportive of the requested variations. ZBA Member Bourke felt that the variation requests were reasonable for the subject property and was, therefore, in favor of the requests. ZBA Member Constantino was also in favor of the requested variations as there is no significant change in the present location of the property, the location of the principal structure in relation to the side yard and front yard would not be changed or altered, and the front porch addition is de minimus as to the effect upon the front yard setback. He also felt that there is a particular hardship with the R0 zoning and that the location of the septic field makes construction in the rear of the property very difficult if not impossible. ZBA Member Miller felt that the requested changes were minimal and was supportive of the variation requests. ZBA Member Micheli was also supportive of the requested changes and stated that because of the diminishing ranch housing stock, this home will be a positive addition to the Village. He did, however, express concern regarding the front porch which he stated he preferred under the covered area rather than being irregularly bumped out. Mr. Stewart responded to ZBA Member Micheli that the area could be bumped out less. ZBA Member Micheli stated he would be comfortable granting the front porch request under the condition that it was covered. Acting Chairman Kolar was supportive of the proposed project because the garage will not be moved any closer to the lot line than it already is.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, that the Zoning Board of Appeals recommend approval of the requested variations for the property located at 265 Ott

Avenue requested by Ott Ranch LLC so that visitors at the front door can be protected from the weather and that an addition other than the requested addition would require demolition and re-construction of the existing home. He added that the unique circumstance is that the subject property was annexed into the Village at the R0 zoning classification and that the house was built farther forward on the lot than usual due to a septic field in the rear yard.

The motion carried unanimously with six (6) yes votes and zero (0) no votes as follows: ZBA Members Miller, Bourke, Constantino, LaVanway, Micheli and Acting Chairman Kolar voted yes.

PUBLIC HEARING – 601 FOREST AVENUE

A REQUEST FOR APPROVAL OF A VARIATION FROM SECTION 10-8-6(B)4b AND d TO ALLOW THE STRUCTURAL ALTERATION OF THE ROOF STRUCTURE OF AN EXISTING ATTACHED GARAGE WITH A REAR YARD SETBACK OF 4 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 25 FEET.

(Matthew and Ashley Rooney, Owners)

Staff Presentation

Village Plan Examiner Paula Moritz displayed a map of 601 Forest Avenue which is in the R2 Zoning District and is located on the northeast corner of Forest Avenue and Hawthorne Boulevard. Ms. Moritz stated that the zoning and land use surrounding the subject property is single family residential. She added that this property is not located in a designated flood area or a local depressional area. She also stated that the home is not in an historic district, is not landmarked, is not a significant home as designated by the Historic Preservation Commission and is not plaqued by the Historical Society. Ms. Moritz stated that no Village records are available that indicate when this home was built or whether or not variations were requested, however, five miscellaneous permits have been approved in the past, none of which were for the structure.

Ms. Moritz stated that Matthew and Ashley Rooney, the owners, would like to make an alteration to the roof of their home above their existing attached garage and a zoning variation would be necessary to do so. She explained that the petitioners had requested one variation and that an incorrect section of the Zoning Code was mistakenly cited because there was an error in the lot coverage that was calculated for this lot. She added that when the lot coverage was calculated, she believes that the former Building and Zoning Official neglected a portion of the house that is an enclosed frame porch, and she displayed a comparison of the Zoning Code section that was cited and the correct section of the Zoning Code. She also stated that the section that was cited was Section 10-4-1(N)4.b which is in regard to the rear yard setback and she added that this section of the code provides relief if there are nonconforming conditions on the lot, one of which would be a rear yard setback of 25 feet. Ms. Moritz stated that the correct section of the code which applies when there is a nonconforming lot coverage condition states that this can be done if the rear perimeter wall projects no more than 15 feet into the

minimum rear yard setback for a corner lot which translates into 25 feet for a rear yard setback. She stated that under this section, compliance is also required for Section 10-8-6(B)4b which is for the front yard setback which is currently nonconforming and will not be touched. Ms. Moritz added that the petitioners would like to remove a portion of their garage roof and increase the height a small amount to create more head room and useable space within the house.

Petitioner's Presentation

Matt Rooney, 601 Forest Avenue, Glen Ellyn, Illinois stated that there are several hardships with the subject property, including that it is shaped like a rhombus and that the front and rear yard setbacks are encroached upon. Mr. Rooney stated that initially he and his wife planned to install an addition at the rear or side of their home but felt that might look strange because of the style and charm of their home. He also stated that because of the hip roof on the house, the cost of finishing that space would be prohibitive compared to the amount of square footage that would be gained. Mr. Rooney stated that they then decided to build dormers. Mr. Rooney also stated that they do not want to do anything to their home that is out of character. He also stated that because of the shape of the lot, anything done to their home would require a variation due to the fact that it encroaches. Mr. Rooney stated that the subject home was built in the 1930's and pre-dates the zoning code. He stated that he feels the front yard of the home was intended to be on Forest Avenue and that when the code was written, the front yard was changed to be on Hawthorne Avenue. He stated that he has petitions signed by two of his neighbors on either side of his home in support of the subject request.

Questions from the Zoning Board of Appeals

Ms. Moritz explained for ZBA Member Constantino that the front of a corner lot is determined by the shorter street side and that there will be no change in the footprint of the subject home. She also responded to ZBA Member Constantino that a fairly low ridge is proposed that will be lower than the highest ridge on the existing home. Ms. Moritz stated that dormers will be added to provide more ceiling height. Ms. Moritz responded to ZBA Member Constantino that the lot coverage is 21.14% currently which is in compliance with that section of the code. Ms. Moritz responded to ZBA Member Miller that there is storage space currently over the existing garage.

ZBA Member Constantino asked the petitioner what the use will be for the garage after the remodeling is completed, and Mr. Rooney responded that the space is currently for storage but is intended to be a family area/children's room. Mr. Rooney responded to ZBA Member Constantino that the character of the home will not be changed by the alterations proposed to be made. Mr. Rooney explained for ZBA Member Miller that the space is accessed from the

garage and that there is a connection point from the house to the garage by a set of stairs. He added that over the stairs that go to the basement, stairs will run up into the garage. Mr. Rooney clarified for ZBA Member Micheli that the only thing popping out of the roof of the garage is the window and on the back is a flat roof dormer.

Persons in Favor of or in Opposition to the Proposed Request

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

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

All of the ZBA Members were in favor of the proposed variation request. ZBA Member LaVanway felt that the property is sufficiently unique and that the home is older and pre-dates much of the modern zoning code. He also stated that the rhomboid shape with an unusual juxtaposition of the front versus side yard creates unique issues. He also stated that the two neighbors most significantly impacted by the proposed project are supportive and agree that the project is in keeping with the neighborhood and does not increase the lot coverage ratio. ZBA Member Bourke stated he was in favor of the petition as presented. He asked Ms. Moritz if the ZBA is always bound by the definition of front versus side of the home, and she replied yes. ZBA Member Constantino stated he was in favor of the proposed project per the reasons stated by ZBA Member LaVanway. ZBA Member Miller stated he was supportive of the proposed project. ZBA Member Micheli stated he was comfortable with the request, however, because the neighborhood is historically and architecturally important, he wanted to include in the motion that the bricks must match. Acting Chairperson Kolar stated that the variation request is straight up and is not expanding lot coverage, therefore, he was supportive of the request.

ZBA Member Miller 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 the Zoning Board of Appeals recommend approval of the variation as requested by Matthew and Ashley Rooney, the petitioners, of 601 Forest Avenue due to the unique circumstances that the lot is non-conforming in the front and rear side yard setbacks, is oddly shaped and the legal front of the house is on Hawthorne instead of the facing address on Forest and any additional alterations would be out of character for the home.

The motion carried unanimously with six (6) "yes" votes as follows: ZBA Members Miller, Bourke, Constantino, LaVanway, Micheli and Acting Chairperson Kolar voted yes.

Trustee Report

Trustee Ladesic complimented Ms. Moritz for presenting at the ZBA until a Building and Zoning Official is hired. He also responded to Acting Chairperson Kolar that the Village budget and some amendments were passed by the Village Board.

Staff Report

Director Hulseberg stated that the next ZBA meeting is May 12, 2015. She also stated that the Village is currently interviewing for the Building and Zoning Official position. Director Hulseberg also responded to ZBA Member Constantino that there is a grocer currently interested in the Dominick's space.

ZBA Member Miller moved, seconded by ZBA Member Constantino adjourn the meeting at 8:10 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official