

ZONING BOARD OF APPEALS
MINUTES
JULY 14, 2015

The meeting was called to order by Chairperson Rick Garrity at 7:05 p.m. ZBA Members James Bourke, Edward Kolar, Larry LaVanway, John Micheli and Chip Miller were present. ZBA Member Gregory Constantino was excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Steve Witt, Plans Examiner Paula Moritz and Recording Secretary Barbara Utterback.

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

ZBA Member Kolar moved, seconded by ZBA Member Bourke, to approve the minutes of the June 23, 2015 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were public hearings for three properties at 175 Bryant Avenue, 523 Hill Avenue and 599 Riford Road.

PUBLIC HEARING - 175 BRYANT AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)4 TO ALLOW THE REPLACEMENT OF AN EXISTING DECK IN THE REQUIRED REAR YARD WITH A HEIGHT IN EXCESS OF THREE FEET ABOVE THE AVERAGE LEVEL OF THE ADJOINING GROUND. 2. 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.

(Kevin J. Young and Barbara P. Young, owners)

Staff Presentation

Village of Glen Ellyn Plans Examiner Paula Moritz stated that the petitioners, Kevin and Barbara Young, are requesting the replacement of an existing deck in the required rear yard which has a height in excess of three feet above the adjacent grade and she displayed a photo of the front of the subject house. She stated that the deck will be in the rear yard and will not be visible from the street. Ms. Moritz stated that the subject property is located in the R2 zoning district and is defined as an interior lot south of Revere Road. She stated that the zoning and land use surrounding the subject property is R2 single-family residential. She added that the subject property is not in the floodplain and does not have historic status. She stated there are no Village records that indicate zoning variations have been granted for this property and she listed several permits that have been issued over the years. Ms. Moritz stated that the house appears to have been built in 1926. She stated that the deck that is requesting to be replaced at this meeting was built in 1988 and she displayed the original permit drawings.

Ms. Moritz displayed a partial plat of survey of the subject property which she stated has an odd shape. She stated that the front of the property is on Bryant Avenue and that with this type of condition, one must determine which lot lines are considered rear lot lines and which lot lines are considered side lot lines. Ms. Moritz stated that the rear yard setback becomes an arc with a 40-foot radius, and she indicated an area where the deck encroaches into the rear yard setback.

Ms. Moritz stated that the petitioners are requesting a variation for the height of a deck they would like to have built which will be above grade like their existing deck. She stated that the Village permits decks to be constructed in the rear yard setback of 40 feet, however, the height is limited to no more than 3 feet above grade. She added that the subject deck is 8-9 feet above grade. Ms. Moritz stated that the petitioners are seeking a variation from Section 10-5-5(B)4 to allow the replacement of an existing deck in the required rear yard with a height in excess of 3 feet above the average level of the adjoining ground.

Questions to Staff from the Zoning Board of Appeals

ZBA Member LaVanway asked if the Village received any letters or petitions from the public for or against this variation request that were not in the original packet, and Ms. Moritz replied no. ZBA Member Kolar asked if the portion of the rear yard immediately behind the deck is dramatically longer than 40 feet, and Ms. Moritz responded yes. He added that it is therefore caught by a definition rather than actually having 40 feet behind it. Ms. Moritz agreed with ZBA Member Kolar and stated it is because a line parallel to a side property line is considered part of the yard so the corner is used to strike an arc. ZBA Member Miller asked what the elevation drop is from Bryant to the back of the yard, and Ms. Moritz replied 746. ZBA Member Micheli asked what the rules are regarding repairing the deck in place. Ms. Moritz responded that the petitioners could replace the deck boards—the surface that one walks on—but anything structural would have required a variance. ZBA Member Micheli asked if a variation would be required just to repair a single post, and Ms. Moritz stated that perhaps the 20% rule could be applied. He also asked if 20% could be repaired the next weekend, etc., and Ms. Moritz responded that one would have one year to complete the work.

Petitioners' Presentation

Kevin Young, the petitioner, 175 Bryant Avenue, Glen Ellyn, Illinois stated that their hardship is that they will eventually have to lose their deck as it is decaying. He stated that losing the deck would deprive them of access to the back of their house and the deck is on the first floor. He also stated that they would lose the fire escape and the benefit of the car port that the deck provides. He also felt that losing the deck would be an eyesore to the neighbors. Mr. Young agreed with Chairperson Garrity that their hardship is the shape of their lot.

Questions to the Petitioner from the Zoning Board of Appeals

ZBA Member LaVanway asked if a variance is needed because the situation is pre-existing and nonconforming, and Mr. Young responded yes. Mr. Young also responded to ZBA Member LaVanway that they have received no adverse letters or messages from their neighbors as their neighbors are all supportive of the proposed project. ZBA Member Kolar asked the petitioner if he knew why the lot is shaped the way it is and if it was sold to him in its current configuration. Mr. Young replied he purchased the lot in the existing configuration and did not know why it is shaped the way it is. He also responded to a question asked previously about the grade of the lot from the front to the back by stating that the deck is on the first floor of the house if one measures it against the front of the house. ZBA Member Bourke stated there is a significant drop of the property and did not understand how the petitioner is able to get out of his property in the winter. Mr. Young responded that 4-wheel drive and stamped concrete enable them to get out of their driveway. ZBA Member Micheli asked the petitioner why he intends to use four posts for the deck instead of reconstructing the deck as it originally was by using three posts that mimic the three arches. Mr. Young responded that replacing the archings would be prohibitively expensive.

Persons in Favor of or in Opposition to the Request

No persons spoke in favor of or in opposition to the requested variations.

Comments from the Zoning Board of Appeals

ZBA Member LaVanway was supportive of the variation requests because the lot is very unusual in shape. He added that the petitioners are not changing the profile or footprint of the deck and have received no negative feedback from any of their neighbors. ZBA Member Bourke stated he also would be voting in favor of these variations requests. ZBA Member Kolar stated he would vote in favor of the variations requests because of the odd shaped lot and the arc that creates the issue. ZBA Member Miller stated that the topography and the life safety issue of not being able to have the garage caused him to vote in favor of the requests. ZBA Member Micheli stated that the plan set forward is not in keeping with the essential character of the property and is putting in a thrown-up deck in place of building something that will be in keeping with the character of the property. He added that he is concerned about maintaining the essential character of the neighborhood and will vote against it.

ZBA Member Bourke moved, seconded by ZBA Member Kolar, 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 Kevin and Barbara Young and the testimony and evidence presented at the public hearing, the Zoning Board of Appeals recommended approval of the variation requested after deliberations and that the plight of the owner is due to unique circumstances and practical difficulties including the shape of the lot, the topography of the lot and the loss of the deck would be a life safety issue eliminating egress.

The motion carried with five (5) yes votes and one (1) no vote as follows: ZBA Members Miller, Bourke, Kolar, LaVanway and Chairman Garrity voted yes; ZBA Member Micheli voted no.

PUBLIC HEARING – 523 HILL AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)2 TO ALLOW THE CONSTRUCTION OF A ONE-CAR DETACHED GARAGE WITH A REAR YARD SETBACK OF 2.5 FEET IN LIEU OF THE REQUIRED 40-FOOT REAR YARD SETBACK FOR ACCESSORY STRUCTURES LESS THAN 10 FEET FROM THE PRINCIPAL STRUCTURE. 2. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A ONE-CAR DETACHED GARAGE WITH A SIDE YARD SETBACK OF 2.5 FEET IN LIEU OF THE REQUIRED SIDE YARD SETBACK OF 8.31 FEET FOR ACCESSORY STRUCTURES LESS THAN 10 FEET FROM THE PRINCIPAL STRUCTURE. 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.

(Mr. and Mrs. Brad Binks, owners)

ZBA Member Bourke stated that he has served on various committees with the petitioner and offered to recuse himself if directed to do so by the Chairperson. Chairperson Garrity felt ZBA Member Bourke could remain objective and ZBA Member Bourke, therefore, did not recuse himself.

Staff Presentation

Village of Glen Ellyn Plans Examiner Paula Moritz stated that the petitioner, Brad Binks, and his architect, Chuck Ditchman of PPK Architects, were present to speak on behalf of the petitioner's request for the replacement of an existing nonconforming detached garage in a similar location. Ms. Moritz displayed a picture of the front of the subject house that included the existing garage that they would like to replace. She stated that the subject property is on a corner lot at the intersection of Hill Avenue and Main Street in the R2 zoning district. She stated that the surrounding property is also in the R2 residential district. She added that the subject property is not in a floodplain and does not have historic status. Ms. Moritz stated that the subject property has no previously granted variations and there are no Village records

available that state when the existing house and attached garage were constructed. She listed several types of permits that have been granted for this property over the years.

Ms. Moritz stated that the property is a corner lot and that when dealing with a corner lot, the first thing to be determined is which line is the front property line. She added that the front property line is always the lot line with the shorter dimension. She stated that, in the subject case, the front is 83.10 feet and the corner side yard is 110 feet. She added that the lot width which is based off of the front of the property is how the side yard setbacks and corner side yard setbacks are determined. She stated that the petitioners would like to replace an existing nonconforming detached garage and the existing setbacks to the detached garage are 7 feet on the side and 1.3 feet on the rear. She added that the proposed detached garage is less than 10 feet from the house and the house is nonconforming and encroaches quite a bit into the rear yard of 40 feet so it leaves a very small area in which to build a detached garage. Ms. Moritz added that if accessory structures are at least 10 feet from the house, the setback requirement from the side property line and the rear property line would be 5% of the lot width—just a little bit better than 4 feet. She added that because they are less than 10 feet, the required side yard setback is 10% of the lot width which would be 8.31 feet on the side and 40 feet on the rear. Ms. Moritz clarified for ZBA Member LaVanway that accessory structures that are within 10 feet of the house must observe the same setback requirements as the house. Therefore, the rear yard setback for the house is 40 feet and the side yard setback is 10% of the lot width so it would be 8.31 feet.

Ms. Moritz displayed a zoning variation table that compares the existing garage with what is proposed. The existing garage is approximately 210 square feet and the proposed garage is 412 square feet. She added that the side yard setback of the existing garage is .7 feet and the petitioners are proposing 2.5 feet which is an improvement on the side yard setback but is still nonconforming. She stated that the rear yard setback was 1.3 feet and they are proposing the same 2.5 feet which is also an improvement. Ms. Moritz added that the petitioners are specifically asking for variations from the Zoning Code as follows: A variation from Section 10-4-8(D)2 to allow the construction of a one-car detached garage with a rear yard setback of 2.5 feet in lieu of the required 40 foot rear yard setback for accessory structures less than 10 feet from the principal structure and a variation from Section 10-4-8(D)3 to allow the construction of a one-car detached garage with a side yard setback of 2.5 feet in lieu of the required side yard setback of 8.3 feet for accessory structures less than 10 feet from the principal structure.

Questions to Staff from the Zoning Board of Appeals

ZBA Member LaVanway stated that if the subject lot had not been previously nonconforming, there would be more buffer between the principal property and the detached building and asked what the rear and side yard setbacks would be in that case for a normal freestanding detached garage that is greater than 10 feet. Ms. Moritz responded that the setbacks would

drop to 5 percent of the lot width so the setbacks would be 4.15 feet. Ms. Moritz added that the subject house is nonconforming approximately 8 feet into the rear yard setback. ZBA Member Kolar asked if there are other places the garage could be put on the subject property without a variation(s). Ms. Moritz responded they could have placed the garage closer to Main Street without a variation, and ZBA Member LaVanway added that the entire property would need to be reconfigured in that case. ZBA Member Miller asked if the original builder had slid the house towards Hill Avenue 7 feet 2 inches and kept within the 30-foot front yard setback, the garage could be built as proposed without a variation, and Ms. Moritz responded yes. ZBA Member Micheli asked how the significant increase in square footage from the existing garage to the proposed garage would come into play. ZBA Member Micheli asked Ms. Moritz how issues surrounding the garage would come into play for the significant increase in square footage from the existing garage to the proposed garage. Ms. Moritz responded that including the portion of the house that is in the rear 40 feet, they could build something approximately 997 square feet in the rear yard.

Petitioners' Presentation

Brad Binks, 523 Hill Avenue, Glen Ellyn, Illinois, and Architect Chuck Ditchman, PPK Architects, 444 N. Main Street, Glen Ellyn, Illinois were present to speak on behalf of the requested variations.

Mr. Ditchman displayed a drawing of the existing garage and showed the location of the 5 percent setbacks. He stated that the new garage will be moved over and a small area for storage will be added. Mr. Ditchman also stated that there will be an issue wherever the new garage is located on the site, however, the proposed design will have the least impact on the site for the house and the existing conditions. He also provided some drawings and a site plan that showed the location of the garage in comparison to the house and added that the setbacks will be improved with the new garage.

Questions to the Petitioner/Staff from the Zoning Board of Appeals

ZBA Member LaVanway stated that the setbacks will be improved with the new garage and that the majority of the garage will be over the setback area. ZBA Member Bourke asked for verification that the original 10-foot requirement is designed more for fire protection, and Building and Zoning Official Witt responded that generally zoning codes are not related to fire response on property and certainly not in a rear yard situation. He added that the building codes handle that and fire related issues by mandating fire exterior walls of accessory structures or principal structures depending on their proximity to property lines. ZBA Member Bourke stated that a suggestion has been made to move the garage toward Main Street, however, he felt that that would be impractical as the garage entrance would be desired near the kitchen which would require internally reconfiguring the floor plan to make that an easy

transition. ZBA Member Kolar asked if the westerly portion of the new structure was slid north a couple of feet, could that portion be taken out of the setback which would reduce the amount of the nonconformity. Some ZBA members felt that would impact the neighbors in a detrimental way. Ms. Moritz stated that the variation that needs to be granted is to allow the variation amount requested in lieu of the 40-foot rear yard setback in the rear property line. ZBA Member LaVanway stated that three garages abut against each other on three lots, including the subject lot, and Mr. Ditchman stated that is how it was done in the old days. Mr. Binks responded to ZBA Member Miller that the garage needs to be repaired or rebuilt as it is off of its footing on one side and the sill is rotted. He added that they do not have much rear property and the corner of Main Street and Hill Avenue, which is the location of their home, is a very busy intersection. He also stated that they do not want to move the garage toward Main Street as that would be very expensive and they have made a huge investment in landscaping at that location and do not want their driveway entering/exiting on Main Street. He added that they are trying to lose as little back yard as possible by having a one-car garage with some storage area. ZBA Member Micheli stated that he did not understand why the placement of the proposed garage was decided instead of aligning it with the existing buildings that surround it. Mr. Binks responded that the neighbors' garages had no impact on the subject garage.

Persons in Favor of or in Opposition to the Request

No persons spoke in favor of or in opposition to the zoning 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

All of the ZBA Members were supportive of the petitioners' variation requests. ZBA Member Bourke stated that the subject situation is unusual and the requests are modest. ZBA Member Kolar stated he was supportive of the requests because there are not many available alternatives. ZBA Member Miller felt that the new garage is more in character with the neighborhood than the existing garage and that other garages in the neighborhood are larger. He stated he was also supportive because the nonconforming house causes a nonconforming garage and the homeowner, therefore, does not have much choice regarding the location of the garage. ZBA Member Micheli stated that he agreed with ZBA Member Miller's comments. He added that the proposed garage will be in keeping with the character of the neighborhood and was, therefore, supportive. ZBA Member LaVanway felt that the variation requests are a modest solution and that the petitioners are keeping the garage in the footprint of the existing garage but are improving some of the side yard setbacks. He felt that moving the proposed garage closer to Main Street would be prohibitive for a marginal improvement in the variations. He stated that no complaints have been received from any neighbors and he was supportive of the requests.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member LaVanway, that after considering the application of Mr. and Ms. Brad Binks and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends approval of the variations as presented after deliberations and the following: That the plight of the owners is due to unique circumstances including the nonconforming house and garage. The nonconforming garage is in need of repairs and needs to be replaced, and the side and rear yard setbacks will be improved with the construction of the new garage.

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

PUBLIC HEARING - 599 RIFORD ROAD

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 TO ALLOW SIDE YARD SETBACKS OF 5.80 FEET ON THE NORTH AND 6.41 FEET ON THE SOUTH IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET. 2. SECTION 10-4-8(E)1 TO ALLOW A LOT COVERAGE RATIO OF 24.52 PERCENT IN LIEU OF THE MAXIMUM 20 PERCENT LOT COVERAGE RATIO. 3. SECTION 10-4-8(F)1 TO ALLOW A ROOF RIDGE HEIGHT OF 35 FEET IN LIEU OF THE MAXIMUM ROOF RIDGE HEIGHT OF 32 FEET. 4. SECTION 10-8-6(B)3 TO ALLOW A CLASS II ALTERATION TO AN EXISTING NON-CONFORMING DWELLING IN LIEU OF A MAXIMUM CLASS I ALTERATION. 5. SECTION 10-8-6(B)4(e) TO ALLOW THE SUM OF THE FIRST FLOOR AREA AND THE SECOND FLOOR AREA TO BE THE EQUIVALENT OF 43.26 PERCENT IN LIEU OF A MAXIMUM OF 40 PERCENT. 6. 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.

(Blake Chiado and Diana Kalfas Chiado, owners)

Staff Presentation

Village of Glen Ellyn Plans Examiner Paula Moritz stated that the petitioners, Blake Chiado and Diana Kalfas Chiado, and their architect, Rick Rearick of Ashley Rearick Architects, were present to speak on behalf of the petitioner's request for zoning variations for side yard setbacks, lot coverage ratio, ridge height Class II alteration and floor area ratio.

Ms. Moritz stated that the subject property is located in the R2 zoning district on Riford Road between Crescent Blvd. and Edgewood Drive. She stated that the subject property is defined as a nonconforming interior lot due to its width of 65.3 feet which is less than the required 66-foot

minimum in the R2 zoning district. She also stated that the zoning and land use surrounding the subject property is single-family residential and that the subject property is not in the flood plain and is not designated as historic. Ms. Moritz displayed a site plan and indicated the areas of the proposed requests.

Ms. Moritz stated that the petitioners are requesting side yard setback variations of 5.80 feet on the north and 6.41 feet on the south in lieu of the minimum required side yard setback of 6.5 feet. She also stated they are requesting a lot coverage ratio variation of 24.52 percent in lieu of the maximum 20 percent lot coverage ratio. She added that the existing lot coverage ratio is 2,286 square feet and they would like to increase it to 2,722 square feet which is approximately 24.5 percent or 436 square feet. Ms. Moritz added that because the subject house is so close to the side property line, the petitioners do not have the means to take advantage of the 500-square foot detached garage bonus that they could have if they could build a driveway past their house. Ms. Moritz stated that the petitioners are also requesting a roof ridge height of 35 feet in lieu of the maximum roof ridge height of 32 feet. She stated that if a lot has a width of 50 feet to just under 66 feet, one is limited to a ridge height of 32 feet. She added that if one had a lot width of 66 feet, one would be allowed a maximum ridge height of 35 feet without any bonuses. She also stated that the petitioners are 9 inches short of having the 66-foot lot width. Ms. Moritz also stated that the petitioners are also requesting a variation for a Class II alteration to an existing nonconforming dwelling in lieu of a maximum Class I alteration. She explained that a Class II alteration is between 50% and 75% change in exterior surfaces. Ms. Moritz stated that the petitioners are also requesting a variation to allow the sum of the first floor area and the second floor area to be the equivalent of 43.26 percent in lieu of a maximum of 40 percent. She added that this variation is required because the petitioners have a non-conforming lot coverage condition and the lot coverage condition is meant to control the bulk of the house. She added that if the footprint is larger than 20 percent, a full second story addition is not allowed.

Questions to Staff from the Zoning Board of Appeals

Ms. Moritz responded to ZBA Member Micheli that one variation (number 3) to allow a roof ridge height of 35 feet in lieu of the maximum roof ridge height of 32 feet would not be required if the subject property was greater than 66 feet.

Petitioners' Presentation

Blake Chiado, Diana Kalfas Chiado, 599 Riford Road, Glen Ellyn, Illinois and Rick Rearick, architect, Ashley Rearick Architects, 155 N. Park Blvd., Glen Ellyn, Illinois were present to speak on behalf of the requested zoning variations.

Ms. Chiado stated that their greatest hardships are the garage which limits them regarding what can be done on the property and the slope of the property. She stated they are currently beyond their living space with four children and would like to expand their home. Ms. Chiado stated that they have spoken to their neighbor about purchasing a vacant lot she owns next door to them, however, she is not interested in selling any portion of that land. Ms. Chiado stated that their home is on a major slope and the garage is included in the footprint. She stated that they do not want to move their garage to the rear yard because it is the only flat area on the property for the children to play on. She added that they need extra space in their home because their children are home schooled, they entertain often, they would like to have church groups in their home and they will have a live-in nanny. She also stated that they have a limited amount of space in the basement.

Architect Rick Rearick stated that the rear of the subject property is the flattest area with a steep slope and most of the yard would be taken up by a garage if one was built there. He also stated that a garage cannot be put in the front yard because of the slope and the number of trees there. Mr. Rearick stated that the existing garage is built into the slope of the property which he feels is good solution for this site. He added that the driveway is very steep and troublesome during the winter months and that he did not feel comfortable with a detached garage and driveway where children could ride their bikes into the street. Mr. Rearick stated that 20 percent of the subject lot coverage is 2,222 square feet. He also stated 698 square feet of the 2,286 square feet is a terrace above the garage that is mostly below grade. He stated this is 30 percent of the 2,286 square feet. Mr. Rearick stated there is no way to come around either side of the garage without tearing all of the garage and a section of the house out and replacing it. He stated that another option would be to get rid of the garage and push it back underneath the house, however, as one goes back farther, the walls get higher and becomes another safety issue. Mr. Rearick stated he would like to keep the existing garage intact as it is a strong structure. He also stated that if 20 percent of the square footage of the house and 500 detached square feet allowed for a garage is used as part of the lot coverage, it is over 20 percent if the two are combined but if you split them apart, it is still the same amount of square footage being proposed in one place instead of two places. Mr. Rearick added that the existing house is 2,286 square feet which is over the allowable 20 percent lot coverage ratio and includes the garage roof. He also stated that there is not much usable space in the basement.

Ms. Chiado explained that the roof design had been re-drawn prior to this meeting that reverses the orientation of the roof line, however, the roof height is the same as on the plan.

Questions to the Petitioner/Staff from the Zoning Board of Appeals

Mr. Rearick responded to ZBA Member Kolar that the unexcavated area cannot be used because it is slab on grade. ZBA Member Miller stated that having more children, home schooling and entertaining are not practical difficulties or hardships that allow him to come up with a reason to put such a large house on a small lot. ZBA Member LaVanway added that the

ZBA is looking for uniqueness of land and not the desires of the family living at the subject location. ZBA Member LaVanway also asked that if a detached garage was built in the rear, is there enough room to go through that area with a vehicle or would a side yard setback be required because the side yard would be encroached upon because the lot is so narrow? Mr. Rearick responded that if there was no driveway there, they would need 12 feet for a driveway. ZBA Member LaVanway asked if the impervious surface of a long driveway would count against the lot coverage ratio, and Ms. Moritz responded no. ZBA Member LaVanway asked if a detached garage was built, would whatever gains they would get on not violating the lot coverage ratio at least be partially offset by some of the other challenges such as extending the length of the driveway and run-off and some of the topography issues. Mr. Rearick agreed and responded that it will also keep the existing garage in its current location and will not disrupt many trees. ZBA Member Micheli asked if the building was cut back in the rear yard which increased that space, would that assist the owners in reducing lot coverage as well as floor area? He also asked how far the eat-in kitchen, mud room, master bath and master bedroom would be taken in in order to reduce their numbers appreciably and what impact would that have on the design they are trying to accomplish. He added that if the back wall was brought it towards Riford, the floor area ratio and lot coverage ratio would be reduced. Mr. Rearick stated they could push the addition in from the back by removing approximately 230 square feet from the first floor. Mr. Rearick responded to ZBA Member Micheli that they could remove 6 feet from the back of the house without destroying their plans, and Ms. Chiado stated they need the space they are requesting for their family. Ms. Moritz responded to ZBA Member Micheli that the petitioners would need to lose approximately 363 feet between the first and second floor to be at 40 percent. Ms. Chiado responded to ZBA Member Micheli that they would be willing to reduce their variation request by one foot if necessary, and Mr. Rearick added that the lot coverage ratio would then be 24.1 percent. ZBA Member Kolar stated that figure is more than has been approved by the ZBA on other projects in the past. ZBA Member Micheli responded to Chairperson Garrity that he would like the proposed project to be the minimum necessary and the hardship justified although he realizes that a variance is necessary. Mr. Rearick responded to ZBA Member Kolar that the proposed master bedroom is 22 feet x 18 feet and the proposed kitchen is 22 feet x 15 feet. ZBA Member LaVanway responded to Chairperson Garrity that the lot coverage would be 20 percent if the garage was detached.

Persons in Favor of or in Opposition to the Request

Paula Zipser, 595 Riford Road, Glen Ellyn, Illinois stated she lives next door to the petitioners and is in favor of their variation requests. Ms. Zipser stated that the driveway is a major deterrent in their home and the slope is so high that unless one has four-wheel drive, one cannot get to the top of the driveway during even a mediocre snow storm. She stated that they must hire a contractor to plow their driveway. She also added that bringing trash cans up and down the driveway is almost impossible and that workmen also have difficult bringing items

into the home. Ms. Zipser responded to Chairperson Garrity that she is not concerned regarding the proposed volume at the petitioners' home.

ZBA Member LaVanway moved, seconded by ZBA Member Kolar, to approve the findings of fact. The motion carried unanimously by voice vote.

Comments from the Zoning Board of Appeals

ZBA Member LaVanway felt that the property is unique and the fact that the lot is not 66 feet wide presents some challenges. He was not concerned regarding the 35-foot ridge height and stated that if the roof was 9 inches taller, it would not be an issue. He stated the Board and the petitioners may want to consider tabling these requests due to them hinging on a design element and lot coverage ratio.

ZBA Member Bourke stated that the driving force of these variations is the topography of the property.

ZBA Member Kolar stated that the LCR and FAR are egregious and that a 25 percent LCR is too much. He stated he would vote no based on that.

ZBA Member Miller agreed with ZBA Member Kolar's comments and stated he would also vote no.

ZBA Member Micheli was very supportive of the variation requests in general and especially regarding the roof height variation. He felt that the garage needed to remain in place due to the topographical difficulties and was willing to give the petitioners as much of the 500 square foot detached garage bonus as was reasonable. He stated he was not convinced that this plan is as tight as it could be. He stated that he realizes the staircase is highly desirable and cannot be scrunched but felt the plan could be brought in at places without losing anything. He asked that the request be taken off the table and that the petitioners return at a later date.

Chairperson Garrity stated that the petitioners would need a 2/3 majority vote at the Village Board level for approval of their requests, however, could continue the meeting to allow the petitioners to make some changes to their plan. He stated that the roof line is not an issue for any of the ZBA Members but recommended making the lot coverage and the percentage of the sum of the first and second floor areas smaller. ZBA Member LaVanway requested lessening each variation request.

Motion

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

Trustee Report

Trustee Ladesic reminded everyone about the upcoming backyard BBQ.

Ms. Moritz stated there is one petition for the July 28 2015 ZBA meeting.
Steve Witt complimented Paula on the fine job she did.

ZBA Member Bourke moved, The meeting was adjourned by ZBA Member Bourke at 9:35 p.m.
seconded by ZBA Member LaVanway. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official