

ZONING BOARD OF APPEALS
MINUTES
JULY 28, 2015

The meeting was called to order by Acting Chairperson Edward Kolar at 7:01 p.m. ZBA Members James Bourke, Greg Constantino, Larry LaVanway, John Micheli and Chip Miller were present. ZBA Chairperson Rick Garrity was excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Steve Witt, Plans Examiner Paula Moritz and Recording Secretary Barbara Utterback.

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

On the agenda was a public hearing regarding the property at 694 N. Main Street.

PUBLIC HEARING – 694 N. MAIN STREET

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 DETACHED GARAGE WITH A REAR YARD SETBACK OF 28 FEET IN LIEU OF THE MINIMUM REQUIRED 40-FOOT REAR YARD SETBACK FOR ACCESSORY STRUCTURES WHICH ARE LESS THAN 10 FEET FROM THE PRINCIPAL STRUCTURE. 2. SECTION 10-4-8(D)4(a) TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE WITH A CORNER SIDE YARD SETBACK OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED 30- FOOT CORNER SIDE YARD SETBACK FOR ACCESSORY STRUCTURES WHICH ARE 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.

(James R. Frazer, petitioner)

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

Staff Presentation

Steve Witt, Building and Zoning Official, stated that Jim Frazer, owner of the subject property at 694 N. Main Street, is requesting zoning variations to allow the construction of a new detached garage in a similar location to an existing nonconforming detached garage which is in disrepair and no longer useful. Mr. Witt displayed a map of the subject area and stated that the sections for which variations are requested are Section 10-4-8(D)2 to allow the construction of a detached garage with a rear yard setback of 28 feet in lieu of the minimum required 40-foot rear yard setback for accessory structures which are less than 10 feet from the principal structure. 2. Section 10-4-8(D)4(a) to allow the construction of a detached garage with a corner side yard setback of 3 feet in lieu of the minimum required 30 foot corner side yard setback for accessory structures which are 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. Witt stated that the subject property is located in the R2 Zoning District and is defined as a corner lot on the southwest corner of the intersection of Maple Street and Main Street. He added that the zoning surrounding the subject property is also R2 Single Family Residential. He added that the notice of public hearing was published in the July 8, 2015 edition of The Daily Herald, was mailed to property owners in the area and a placard was placed on the property. Mr. Witt stated that no Village records can be found that indicate when the existing home or detached garage were constructed, however, seven miscellaneous permits can be found in the Village records. He also stated that Village records indicate that a zoning variation was previously granted for this property to allow the construction of a one-story addition with a smaller than required corner side yard setback.

Mr. Witt stated that the owner would like to remove and replace an existing nonconforming detached garage with a new detached garage in roughly the same location. He added that the existing detached garage is in disrepair and no longer useable. He also stated that approval of the variations would allow the continued use of the existing driveway with minimal changes and would also avoid the removal of mature trees on the property. He added that to construct the proposed garage in a location in compliance with the zoning regulations would require the removal of several mature trees and a significant change to the driveway configuration which would negatively impact the subject property and surrounding properties. He stated that the subject property is not located in a designated flood area or local depressional area. He added that the subject property is not within an historic district and is not landmarked nor a significant home designated by the Historic Preservation Commission or a home plaqued by the Historical Society. Mr. Witt also stated that the zoning requirements for the lot and the existing home are listed in the Zoning Variation Table included in the ZBA packets.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Micheli asked Mr. Witt what the minimal 2-car garage size is in his experience. Mr. Witt responded that a 2-car garage is typically in the range of 22 feet by 24 feet, however, can be as small as 20 feet by 22 feet which is very tight. ZBA Member Miller stated that the rear yard setback figure noted on the Notice of Public Hearing is 28 feet while on the Zoning Variation Table, that figure is 30 feet. Mr. Witt responded that the setback is 28 feet and the 30 feet indicated on the Zoning Variation Table is an oversight on staff's part and is incorrect. ZBA Member Constantino asked if any studies regarding drainage will be required by the petitioner, and Mr. Witt replied that no drainage issues are expected at this site. ZBA Member Constantino also asked if a garage was constructed to comply with the building and zoning code and its location would require more impervious area because of the driveway, would that be a significant issue as far as drainage for this lot. Mr. Witt replied no and added that the amount of impervious surface would be increased, however, based on a visual of the property, the

percentage increase is not significant. ZBA Member Constantino asked if any comments from neighbors regarding the subject requests have been received. Ms. Moritz responded that one person reviewed the plan and was supportive of the petitioner's requests. ZBA Member Kolar asked if the trees are accurately portrayed on the plat map as it appears they were added later. Mr. Witt responded that the trees were added after the plat was prepared, however, he believes the trees are accurate as shown.

Petitioner's Presentation

James Frazer, owner of 694 N. Main Street, Glen Ellyn, Illinois submitted a petition in favor of the proposed garage with signatures from six neighbors whose homes surround the subject property. Mr. Frazer stated that he needs to demolish the existing garage and build a new garage which requires variations. He stated that he needs a 3-foot corner side yard setback and a 28-foot rear yard setback in order to build the garage per his plan. Mr. Frazer displayed a plat of the subject property and presented a 3-D model and drawing of the home and proposed garage. Mr. Frazer stated that the position he has chosen for the garage will provide an optimal entrance and exit to and from the garage as well as minimize the amount of added impervious surfaces and try at the same time to maintain approximately the current position of the new structure where the current one is. He stated that the purpose of the model is for him to manipulate the position of the garage in order to determine what the optimal location for the structure is on the property and still try to minimize the amount of infraction he is requesting. He displayed the additions or adjustments to the impervious driveway located there in order to achieve the optimal entrance and exit from the new structure. He added that he is trying to stay at least 10-13 feet away from the trees on the property which the arborist estimates are 150-plus years old to minimize potential damage to the trees due to the cutting of the footer for the garage.

Additional Questions from the Zoning Board of Appeals

ZBA Member Bourke asked if the garage could be twisted. Mr. Frazer stated he found that the difficulty with the garage twisting is that the U-shaped driveway curves outward back toward the street so the garage would have to be closer to the house in order to stay 3 feet within the setback and still have an easy entrance and exit. He added that another problem is in order to get into the garage from the apron and pull in to the spot on the northern side of the garage would be extremely difficult. He, therefore, rotated the garage to aid the entrance from that apron and still maintain the use of the existing driveway with some minor additions on the north and south sides. Mr. Frazer added that another possibility would be to have the garage exactly perpendicular to Maple Street but then he would need to cut a new apron and replace the old apron. He added that he tried to minimize the amount of work in the parkway. He stated that depicted on the plat is a small triangular shaped portion of about 2 feet by 2 feet by 2-1/2 feet that would require asphalt work within the parkway to connect the existing apron to create the flair that is required to make an easy entrance into the garage. Mr. Frazer

responded to ZBA Member Micheli that he and Blue Sky Builders made these determinations. ZBA Member Micheli also asked Mr. Frazer what his driving motivation for the garage is, and Mr. Frazer responded to preserve trees, to create a functional structure that will accommodate two vehicles comfortably and to keep it within the same distance from the house as the current garage and in approximately the same location as the current garage. Mr. Frazer added that the subject location is approximately the ideal location. Mr. Frazer responded to ZBA Member Micheli that he intends to emulate the character of the proposed garage in conjunction with the home. He stated that he has chosen a carriage house style design, a 5-panel side door as exists now, the same siding color as the house and light fixtures on the outside that will be in character with the home. He also explained the materials that will be used for the garage, the garage door and the siding.

Mr. Frazer responded to ZBA Member Micheli that they have been parking their cars in the driveway during all types of weather for the past nine years; therefore, their hardships are protection of their vehicles and convenience. ZBA Member Micheli asked the petitioner why he was not re-building the proposed garage in the same location as the existing garage. Mr. Frazer stated that the existing garage is 85-90 years old and is not even the size of a one-car garage by today's standards. He added that a functional one-car garage would be a larger footprint and they also would like to enhance the value of their home. He also responded to ZBA Member Micheli that he chose 24 feet for the garage as it is the standard and 22 feet does not allow for much storage room. Mr. Frazer responded to ZBA Member Miller that he has documents that date the house at 1903 and the garage shortly thereafter. He stated that the home and the garage are angled on the lot. He stated that his hardship is to locate a new functional structure within the area without harming the trees and trying to make it look like it has always belonged to this home. Mr. Frazer responded to ZBA Member Miller that the houses at 704 and 686 Maple Street are approximately the same distance back as his house and the fronts are parallel to Main Street. He added that Main Street angles to the northeast as opposed to true north whereas Maple Street is more true east-west and the house was build parallel to the street as was the rest of the neighborhood. Mr. Frazer responded to ZBA Member Constantino that the family has lived in the subject house for 9 years. Mr. Frazer verified for ZBA Member Kolar that the side yard setback is 30 feet and they are asking for a 3-foot setback. Mr. Frazer also responded to ZBA Member Kolar that some trees on his property are historic, including some burr oaks.

ZBA Member Kolar asked Mr. Frazer if he had considered rotating the garage and putting it as far back as the house projects into the side yard so that it is at right angles to the street. Mr. Frazer responded that he considered that but was always trying to minimize the amount of closeness to the lot line and stated that if he positioned the garage on the lot line so that it is parallel to the lot line facing Maple Street, there would be a very difficult entrance angle from the apron which would put the entire garage on the lot line as opposed to being set back more on his property and being less intrusive to his neighbors. Mr. Frazer responded to ZBA Member Kolar that he had considered putting the garage farther back into the lot at least 13 feet from

the tree behind it, however, it is still showing approximately 11 feet off the tree to its west which is farther away from the one that is more north. He stated this would offer a view obstruction to those in the home directly to the west, some significant pervious structure additions to the driveway would need to be made in order to have an entrance and exit into that location and/or the apron would need to be removed and replaced. Mr. Frazer responded to ZBA Member Kolar that if the garage was moved closer to the house, the deck stairs would be there and the garage would be three feet off the house. He added that he was trying to minimize the amount of structure in his yard so that his neighbors have more of a view. He added that the location and 17.5 feet in height of the structure would overall have the most minimal impact to his immediate neighbors. He also stated that there is a structure located there now. Mr. Frazer responded to ZBA Member Bourke that his lot line drops approximately 3 to 4 feet to Maple Street. ZBA Member Bourke stated that in that position, the trees are saved and the distance to the street is opened up. He added that the only down side in this type of position is slightly more asphalt work which is a cost but alleviates some of the issues they are dealing with. Mr. Frazer stated he failed to see the ease of entrance and exit using the existing apron on the existing driveway. He stated that he is trying to minimize the amount of impervious surface that he has to add and is also trying to maximize his ability to maintain ease of entry and exit on the garage in the proposed location. He also stated that he is trying to minimize the amount that the structure is different than the existing one and a drastic change could have a negative impact to a neighbor. ZBA Member Micheli added that there is some emphasis on convenience which is not the purpose of variances. Mr. Frazer stated that he would like the garage to be more modernized and larger based on today's standards that would allow for a larger car and the storage of items kept in garages. ZBA Member Bourke stated that he liked the repositioning of the garage which is more square to the curved driveway and is further away from the side street and the trees. Ms. Moritz responded to ZBA Member Kolar that the two curb cuts on the subject driveway are a pre-existing non-conforming condition. ZBA Member Micheli stated that he did not feel that the petitioner's personal choices are grounds for unique circumstances or hardship.

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

Comments from the Zoning Board of Appeals

ZBA Member Bourke stated he at first was very sympathetic to the existing nonconforming situation but has difficulty with Section 10-4-8 which allows a setback of 3 feet. He feels that the garage can be adjusted somewhat to get it back to the existing nonconformance of 5 feet as he feels 3 feet is wrong and is not in favor of that requested variation. ZBA Member LaVanway

stated that he feels similarly to ZBA Member Bourke and would be willing to give some type of variation on the garage. He stated he was not convinced that this is the most modest request possible that would achieve the goals of the petitioner and would like to see adjustments made for a more modest request. ZBA Member Micheli stated that the variation requests in this case do not meet the standards for hardship or unique circumstances. He stated that further adjustments are possible and can alleviate the need for such dramatic variances. He stated that changing a 5-foot side yard setback into a 3-foot side yard setback is excessive and does not conform to the characteristics of the neighborhood. He stated that changes could be made to make this request less invasive, however, currently he is inclined to vote no. ZBA Member Miller stated that he understood the plight of the homeowner, however, and felt he could not support the requested variations due to the location of the garage. ZBA Member Constantino stated he would be in favor of the variances as there is evidence that the neighbors who would be affected by these requests are supportive. He stated that there are no drainage issues, there are many trees on the site and the petitioner wants to stay within the footprint as much as possible. He also stated that locating the garage within the permitted area or deeper into the lot would create problems and potentially damage the trees and increase the impervious surface. He stated that the hardship and unique circumstances are the location of the house on the lot, the development of the trees and the age of the structures. He stated that he would not be in favor of building a brand new structure in this location but is in favor of granting the variations as requested. Acting Chairperson Kolar did not have a problem with the rear lot line but felt the side yard setback is too much. He felt the project could be slid back somewhat and felt that the petitioner should do so. He stated he would not vote for this project as is.

Trustee Liaison Ladesic stated that if the petitioner was to contain his setback to the existing 5 feet so the corner of the garage would come to an existing 5 feet with a slight rotation, logically his apron, etc. would work.

The petitioner decided he would re-work his plan and return to the Zoning Board of Appeals at a later date.

Motion

ZBA Member Micheli moved, seconded by ZBA Member Miller, to continue the public hearing to August 11, 2015. The motion carried unanimously by voice vote.

Trustee Report

No Trustee Report was given.

Staff Report

Mr. Witt stated that there will be a Zoning Board of Appeals meeting on August 25, 2015 with one public hearing and a continued public hearing on September 8, 2015.

ZBA Member Miller moved, seconded by ZBA Member Micheli, to adjourn the meeting at 8:29 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official

Paula Moritz
Plans Examiner