

ZONING BOARD OF APPEALS  
MINUTES  
AUGUST 11, 2015

The meeting was called to order by Chairperson Richard Garrity at 7:00 p.m. ZBA Members James Bourke, Edward Kolar, John Micheli and Chip Miller were present. ZBA Members Gregory Constantino and Larry LaVanway were 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 Bourke moved, seconded by ZBA Member Miller, to approve the minutes of the July 14, 2015 and July 28, 2015 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

On the agenda was a continued public hearing regarding the property at 694 N. Main Street from the July 28, 2015 meeting.

PUBLIC HEARING – 694 N. MAIN STREET (CONTINUED)

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 5 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. *Note: The original request was for 3 feet.* 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)

Staff Presentation (CONTINUED)

Steve Witt, Building and Zoning Official, read the requested variations: “Jim Frazer, the property owner, is requesting approval of variations from 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 5 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, noting that the original request reviewed by the ZBA at the last meeting was for a 3-foot setback . 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.”

Petitioner’s Presentation (CONTINUED)

Mr. Frazer stated that the only change in his plan is that the corner side yard setback has been moved from 3 feet to 5 feet. He stated he needed to determine if the proposed work would still be able to fit within the space and he also indicated that he was willing to reduce the size of the structure so that it stays within the confined space and off of the mature trees so that no undue harm is caused. Mr. Frazer displayed a drawing of the proposed garage and stated he has not changed the structure size which is still 22 feet wide by 24 feet deep. He also stated that he was able to get the structure into the setback of 28 feet with 5 feet on the side while maintaining a distance from the house of 7 feet which is approximately the same as before. Mr. Frazer also stated that the driveway impervious surface would be some additional impervious surface on top of what he already has but does stay out of the parkway where the previous proposal showed some impervious surface in the parkway as well. He added that two things were accomplished—the driveway was moved within the 5-foot setback and the impervious surface was kept away from the parkway.

Questions to Staff from the Zoning Board of Appeals

Mr. Frazer explained for ZBA Member Miller that his main hardship would be to move the garage to another place on his property or in his trees. He stated he has two 150+ year old burr oaks that he does not want to risk damaging or to have taken down. He stated he could put the garage farther back into the lot by removing the trees, however, did not prefer to do that. He stated that his hardship is that he wants to maintain the integrity of the trees that are there and his existing garage is literally falling apart, is not usable and needs to be demolished very soon. He stated those are the primary reasons for putting the garage in the requested location—to not disturb the trees and to get it within the allowed area as best as possible within the confined space that he has without having to remove a deck or do something more serious to the property. Mr. Frazer responded to ZBA Member Bourke that he would like to maintain the driveway but did not know if that would be considered a hardship as he realizes that financial goals are not considered to be hardships. He added that he tried to maintain as much of the existing use of the impervious surface as he could because he does not want to increase impervious surface on the property. He stated that he would like to keep what he has and alter it very minimally as he does not want to tear out and install a new apron. He stated that the subject location seems to be the least disturbing to his and the neighbors’ property. He stated that he is essentially building a structure in place of an existing one and the look and feel will be very similar to the existing garage and will be kept within the character of the carriage house style. Mr. Frazer responded to ZBA Member Micheli that he would have to remove a tree or have the new garage in his house if he maintained a 40-foot setback for the proposed garage. Mr. Frazer also responded to ZBA Member Micheli that the ability to enter

and exit the garage would be extremely challenging if the garage faced north rather than northeast. ZBA Member Micheli asked why the asphalt is being requested to be as wide as the garage, and Mr. Frazer responded that he has been told that oftentimes asphalt will come up nearly to the edge of the garage in order to ensure that as one pulls in or out, there is a hard surface to drive on in the event you're misaligned. He added that the doors will be inset approximately 16 inches from the edges and the asphalt will likely be in the area of halfway in-between—perhaps 8 inches in from the outside. Mr. Frazer agreed with ZBA Member Micheli that 20 feet of asphalt would be more than sufficient for his needs.

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

#### Comments from the Zoning Board of Appeals

ZBA Member Bourke appreciated the petitioner's efforts to work with the ZBA on his proposed project which is a difficult situation. He also appreciated the petitioner's effort to make changes to the original plan by increasing the side yard setback by 2 feet. He also appreciated the petitioner's efforts to save trees on his property. He was supportive of the proposed variation requests.

ZBA Member Kolar was not supportive of the variation requests as he felt the side yard variation has not been reduced enough from 90% to 83%. He stated he is not concerned regarding the rear yard setback variation.

ZBA Member Miller stated that the petitioner did a good job of bringing the request back to where it was originally. He also stated he did not have a problem with the maximum request for impervious surface and felt that the petitioner had done the best he could given the situation. He also stated that there are many different characteristics in the petitioner's neighborhood on Main Street. He added that he would be supportive of the proposed project.

ZBA Member Micheli stated he would normally be open to reconstructing a garage in its place, however, this garage is new construction that bears little, if any, resemblance to the previous construction. He stated he is also concerned about the property's location on Main Street and is not sure this project is in keeping with the character of the high-profile neighborhood to the degree it would need to be to be so close to the side yard setback. He stated if the garage had basically been put in line with the house and a little bit closer to the rear yard setback, he would not be as worried about the side yard setback because it would have followed the flow

of the building but, as is, he is not inclined to support it. (Before voting, ZBA Member Micheli changed his mind and stated he would support this proposed project).

Chairperson Garrity responded to ZBA Member Micheli that ideally everyone would be in compliance with the side yard setback and the petitioner is not aggravating the situation.

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 Micheli, that after considering the application of James R. Frazer of 694 N. Main Street and the testimony presented at this meeting, to recommend approval of the variations as requested due to the unique circumstances and practical difficulties that the current nonconforming garage is in a state of disrepair to the point of not being useful and to rebuild at the existing size would not be functional, that mature trees would have to be removed and that this variation will not be detrimental to the public welfare of other properties in the neighborhood because the corner side yard setback matches the existing structure.

The motion carried with four (4) yes votes and one (1) no vote as follows: ZBA Members Miller, Micheli, Bourke and Chairperson Garrity voted yes; ZBA Member Kolar voted no.

#### Trustee Report

Trustee Ladesic stated that the Village has extended branch and brush pick-up to accommodate a storm that recently came through the Village.

#### Staff Report

Mr. Witt stated that one public hearing regarding 456 Phillips Avenue will be on the agenda of the second meeting in August.

ZBA Member Bourke moved, seconded by ZBA Member Kolar, to adjourn the meeting at 7:35 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback  
Recording Secretary

Zoning Board of Appeals

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August 11, 2015

Paula Moritz  
Plans Examiner

Steve Witt  
Building and Zoning Official