

ZONING BOARD OF APPEALS
MINUTES
SEPTEMBER 22, 2015

The meeting was called to order by Acting Chairperson John Micheli at 7:00 p.m. ZBA Members James Bourke, Larry LaVanway, Chip Miller and Thomas Whalls were present. Chairperson Rick Garrity and ZBA Member Gregory Constantino were excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Steve Witt, Plans Examiner Paula Moritz and Recording Secretary Barbara Utterback.

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

ZBA Member Bourke moved, seconded by ZBA Member LaVanway, to approve the minutes of the August 11, 2015 and August 25, 2015 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were public hearings for three properties: 1. 599 Riford Road (continuance), 790 Riford Road and 549 Park Row.

599 RIFORD ROAD (CONTINUANCE OF JULY 14, 2015 MEETING AND FURTHER CONTINUED DUE TO CANCELLATION OF THE SEPTEMBER 14, 2015 MEETING)

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS (STRIKETHROUGH INDICATES REQUEST HAS BEEN REDUCED OR OMITTED): 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~~ 22.82 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

Steve Witt, Village of Glen Ellyn Building and Zoning Official, stated that this public hearing is a continuation from a previous meeting held on July 14, 2015 and based on discussions that were held between the members of the ZBA and the petitioners at that meeting, the petitioners opted for a continuance of their case so that they could re-design their project in order to reduce the lot coverage ratio. Mr. Witt stated that when the case was originally presented, the

petitioners were requesting a variance of 4.52 percent above the maximum allowable percent. He added that the new drawings indicate that the petitioners have now reduced that request to 22.82 percent lot coverage ratio. Mr. Witt stated that the minutes from the previous meeting had been given to the ZBA members prior to this meeting.

ZBA Member Bourke stated that the petitioners have made a good faith effort to comply with the ZBA members' requests.

Petitioners' Presentation

Blake and Diana Chiado, the petitioners, and Rick Rearick, their architect, were present to speak on behalf of the variations being requested. Mr. Rearick displayed the new site plan and stated that basically the back of the house has been pushed forward on the property so that it now lines up with the old exterior wall of the house. He added that it then was pushed in toward the front so that the house was shrunk in size and pushed forward which eliminates 187 square feet and brings the lot coverage ratio down to 22.82 percent. Mr. Rearick stated that the floor plan is very much the same as the previous floor plan, however, everything has been moved forward with some square footage removed. He added that the house has been shrunk 1.7 percent. He also stated that a request for approval of 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 has been eliminated. At ZBA Member Miller's request, Mr. Rearick provided a summary of the proposed project from the previous meeting.

Persons in Favor of or in Opposition to the Proposed Request

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

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

Comments from the Zoning Board of Appeals

ZBA Member Bourke stated that the topography of the petitioners' property is not good and the neighbors are unwilling to sell a portion of their property to the petitioners for their use. He was in favor of this project as he felt that this situation is unique and the petitioners have made a good faith effort to move forward. ZBA Member Miller stated he still did not like the petitioners' project although he understands the problem with the hill. He also stated that the current situation is better than that at the previous ZBA meeting and stated that he appreciates the petitioners' efforts to make a change. ZBA Member LaVanway stated he appreciates the petitioners' effort and believes he will vote in favor of this project. ZBA Member Whalls appreciated the changes made by the petitioners and was in favor of the proposed project.

ZBA Member Micheli stated that the topography is significant, the garage situation is unique and he stated he was supportive of the project as significant hardships exist.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, to recommend approval of the variations for the subject property as listed in the September 17, 2015 staff report based on unique circumstance regarding the property as the slope in front of the house limits the options for other locations for the garage because of runoff which would reduce year-round use of the garage and they have made a good effort to listen to what the Zoning Board of Appeals has recommended.

The motion carried unanimously with five (5) "yes" votes and zero (0) "no" votes as follows: ZBA Members Miller, Bourke, LaVanway, Whalls and Acting Chairperson Micheli voted yes.

PUBLIC HEARING – 790 RIFORD ROAD

A REQUEST FOR APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A NEW 2-STORY SINGLE-FAMILY RESIDENCE RESULTING IN A LOT AREA COVERAGE OF 22.46% IN LIEU OF THE MAXIMUM ALLOWABLE RATIO OF 20%. 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.

(Branislav and Anna Dronjak, owners)

Staff Presentation

Building and Zoning Official Steve Witt stated that Branislav and Anna Dronjak, the petitioners and owners of the property at 790 Riford Road, are requesting approval of variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(E)1 to allow the construction of a new 2-story single-family residence resulting in a lot area coverage ratio of 22.46% in lieu of the maximum allowable ratio of 20%. 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. An area map and a contour map including the subject property were distributed to the Zoning Board of Appeals. Mr. Witt stated that the use of this property is as an interior lot located in the R2 Zoning District on Riford Road. He displayed a map of the property and stated that it is trapezoidal in shape and located between Meredith Place and Elm Street. He added that the zoning and land use surrounding the subject property is also single-family residential on all sides. Mr. Witt stated that notice of the public hearing was published in the September 2, 2015 edition of the Daily Herald, mailed to property owners within 250 feet of the subject

property and a placard was placed on the property. The existing home is scheduled for demolition and a permit application has been submitted to the Planning and Development Department for a new single-family residence.

Mr. Witt stated that in 1995, the Village passed an ordinance that vacated a public alley to the south of the subject property. He stated that it was the intent of the Village that the alley would be split with half of the property going to one side and the other half of the property going to the other side. He stated that during the review of the permit application, it was discovered that the actual ownership of the property was unclear. He added that the County had recorded the vacation of the alley differently than the intention of the Village's letter in 1995. He stated that the County actually recorded the entire width of the alley property to the property to the south and will not re-record this property. He added that the petitioners believed that they owned half of the vacated alley which would have added 7-1/2 feet to the length of their property which was approximately 1,053 square feet that would have been added to the lot and reduced the lot coverage ratio to less than the maximum allowed 20%. He added that the 7-1/2 feet were, therefore, counted on in the original design of the building and the petitioners are looking for relief to the 20% lot coverage ratio maximum limit in the amount of 2.6 % in order to allow construction of their house. Mr. Witt stated that the review at this meeting is limited to lot coverage ratio and any other proposed changes would need to return to this Board if discovered through the permit process. He added that the subject property must still conform with all other building code applications.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Bourke stated that the whole basis of tonight's proceeding is the petitioners' vacation of the alley and asked who would sue the County if the Village wanted to change ownership of part of the alley. Mr. Witt stated that he did not have a legal response to that question. Mr. Witt also responded to ZBA Member Bourke that this situation has nothing to do with a storm drain located in that area. Mr. Witt responded to ZBA Member Miller that the petitioners would not be at this ZBA meeting for a lot coverage variation if they owned half of the alley. Acting Chairperson Micheli asked how clear it is in Village records to grant this property to the subject homeowner. Mr. Witt responded that per the Village Attorney, half of the alley was to be granted to the subject homeowner. ZBA Member Bourke stated that it would then be a fair assumption for the homeowner to proceed with plans based on the attorney's response, and Mr. Witt agreed. Ms. Moritz responded to Acting Chairperson Micheli that there was a discrepancy in the lot area when she began reviewing the petitioners' application for a permit to build their home and she, therefore, began to research this property through the County.

Petitioners' Presentation

Branislav and Anna Dronjak, the petitioners and owners of the property at 790 Riford Road, and their designer, Petko Petrovich, Accolades Design, 8150 Central Park, Skokie, Illinois, spoke on behalf of the variation requests. Mr. Petrovich stated that the petitioners' plan was to replace the existing single-family home with a new home in order to have enough bedrooms for their children. He stated that because of the odd-shaped lot, it was difficult to create a house with a 2-car garage and still have the required number of rooms. He also stated that items such as a living room have been eliminated and the space has been reduced to a family room and a kitchen to keep the square footage down and build bedrooms upstairs. He stated the home was originally designed with the understanding that the lot size included the vacated alley and they are unable to reduce the size of the house based on the sizes of the other homes in the neighborhood. Mr. Dronjak added that their hardship is that they thought the 7-1/2-foot alley was part of their lot. He stated that they were under the lot coverage ratio prior to learning that the alley vacation is not considered to be part of their property but would now need to remove 360 feet from their home in order to comply with the maximum lot coverage. A petition with five signatures of neighbors in support of the variation was submitted by the petitioners.

Questions from the Zoning Board of Appeals

ZBA Member Bourke felt that the petitioners are the wronged party in this case and that the storm drain easement has nothing to do with their situation. He added that the Village had also written a letter in 1995 indicating that half of the alley was dedicated to the petitioners. Mr. Petrovich responded to ZBA Member Miller that they have lived in their home for 15 years and have reduced the size of the addition slightly since learning of the reduction in the lot size. Mr. Dronjak responded that all of his neighbors have signed a petition in support of their variation request. Mr. Dronjak also responded to ZBA Member Miller that the plat of survey did not show they owned the 7-1/2 foot space although paperwork from the Village indicated they did own the space. Mr. Dronjak responded to ZBA Member Whalls that they have no plans to try to acquire the 7-1/2 feet of land. Acting Chairperson Micheli read the letter regarding the vacation of the alley written by Village of Glen Ellyn Director of Planning and Development Director Richard Dunn. He added that a copy of Village Ordinance No. 4287 was also presented.

Persons in Favor of or in Opposition to the Proposed Request

Richard Weber, 795 Riford Road, Glen Ellyn, Illinois stated he felt the petitioners need a variation to build their home and if the ZBA members do not recommend approval at this meeting, he was concerned that there may be an issue with the petitioners receiving a variation. He stated that the petitioners are a great family and great neighbors and he would like to see them be able to build a new home.

Comments from the Zoning Board of Appeals

ZBA Member Bourke stated that in the past all of the homes in Glen Ellyn that had alleys with garages remained as they were. He stated that alleys that were dedicated but not built upon were offered to the property owners and most of the property owners on the north side of town accepted that offer. He added that the Village also divided up alleys to property owners in order to alleviate ownership problems with easements. ZBA Member Bourke wondered if the petitioners had been paying property taxes on the 7-1/2 feet since purchasing that property. He stated that he felt Mr. Dunn's letter made it very clear that the Village intended to vacate half of the public property to the petitioners. ZBA Member Whalls stated that he was supportive of the petition request. Acting Chairperson Micheli stated he was comfortable with the basis for the granting of the variance but felt there was an error that should be corrected. He felt that the Village Board would easily grant this variation request but did not know if this request was within the purview of the Zoning Board of Appeals. He did not feel the request was based on a hardship but was sympathetic to the petitioners.

Motion

ZBA Member Miller moved, seconded by ZBA Member Whalls, to recommend approval of Zoning Code Section 10-4-8(E)1 to allow the construction of a new 2-story single-family residence resulting in a lot area coverage ratio of 22.46% in lieu of the maximum allowable ratio of 20% for the property at 790 Riford Road due to the plight of the homeowner being unique as the alley was allocated and zoned 7-1/2 feet to the homeowners and 7-1/2 feet to the neighbors per a letter by Planning and Development Director Richard Dunn but was not recorded properly by DuPage County and the petitioners would not need a variation if the property had been recorded properly. The ZBA also requested that the Village Board move this request from the Consent Agenda to the Non-Consent Agenda for discussion.

The motion carried unanimously with five yes votes and zero no votes as follows: ZBA Members Miller, Whalls, Bourke, LaVanway and Acting Chairperson Micheli voted yes.

PUBLIC HEARING – 549 PARK ROW

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 TO ALLOW A SIDE YARD SETBACK OF 4.40 FEET ON THE NORTHEAST SIDE OF THE HOUSE IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.50 FEET TO ALLOW FOR THE EXTENSION OF THE FRONT OF THE HOUSE AND THE CONSTRUCTION OF A SECOND FLOOR ADDITION, EACH TO FOLLOW AN EXTENSION OF THE EXISTING BUILDING LINE WHICH IS GREATER THAN 2 FEET INTO THE REQUIRED SIDE YARD SETBACK. 2. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF TWO ADDITIONS TO THE EXISTING HOUSE RESULTING IN A LOT AREA COVERAGE RATIO OF 22.08% IN LIEU OF THE MAXIMUM ALLOWABLE RATIO OF 20%. 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.

(Ismail Mohammed, owner)

Staff Presentation

Building and Zoning Official Steve Witt stated that Ismail Mohammed, a co-owner of the property at 549 Park Row, would like to remodel and enlarge his existing home to provide a safer passage between his house and his garage as well as have additional living space to meet the growing needs of his family which includes his physically challenged parents who live with them. Mr. Witt displayed a map and indicated the location of the subject property which is in the R2 zoning district. He stated that the zoning and land use immediately surrounding the subject property is single-family residential.

Mr. Witt displayed a copy of the existing floor plan of the subject house and stated that one must exit the rear of the garage to the outside and re-enter the house. He stated that the proposed floor plan will add a small mud room at the back so that one can exit from the garage into the mud room and then the house. He stated that they are also looking at taking the front portion of the house and moving it forward which is well within the front setback. Mr. Witt stated that the second floor plan is going to cover the full area of the addition in the front as well as follow the perimeter walls of the remainder of the existing property. Mr. Witt stated the petitioner is looking for a variation request from Section 10-4-8(D)3 to allow a side yard setback of 4-1/2 feet on the northeast side of the house in lieu of the minimum required side yard setback of 6-1/2 feet that will allow for an extension of the existing exterior wall straight upward in order to create a second floor addition. Mr. Witt stated the petitioners are also looking to extend the front of the house and add a small addition, however, the addition of the mud room requires no variation and the addition for the front of the house requires the same variance as the existing property because they would like to extend the existing exterior line forward for the entire depth of the addition. Mr. Witt stated that the petitioners would like a variance for Section 10-4-8(E)1 to allow construction of the two additions of the existing house which will result in a lot coverage ratio of 22.08% in lieu of the maximum allowable ratio of 20%. He added that the Notice of Public Hearing was published in the September 2, 2015 edition of the Daily Herald, was also mailed to property owners within 250 feet of the property and a placard was placed on the property. Mr. Witt stated that the permit history of the subject site is very minimal and there are no records of any previous zoning variations granted for this property. He stated that the petitioners would like to build on the existing exterior wall and carry that line forward for the depth of the addition in the front of the house. He stated that the existing setback is 4 feet 5 inches in lieu of the required 6-1/2 feet.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Bourke expressed concern regarding allowing bay windows on the home because of the nonconforming situation, and Mr. Witt assured him that the plans given to staff do not show bay windows. Mr. Witt clarified an error noted by ZBA Member Miller in the Zoning Variation Table that will not impact the variation requests.

Petitioners' Presentation

Ismail Mohammed and Naima Zakir of 549 Park Row, Glen Ellyn and their architect, Branyo Dvorak of Perimeter Architects were present on behalf of the requested variations. Ms. Zakir stated they are first-time homebuyers and decided to move to Glen Ellyn in the interest of their daughter's education and upbringing. She stated they have put a great deal of thought and money into their home and intend to live there for a very long time. She stated that to make this home a more practical living space for their family, they would like to expand the footprint. She stated that the additional square footage they would like to add would be used to create a mud room to provide safe covered access from the attached garage to their house and will allow for adequate living space for the family and an in-law accommodation for their parents who cannot climb stairs due to old age and disabilities and are expected to visit soon. Ms. Zakir stated that per Section 10-4-8(D)7 of the Zoning Code, the minimum lot area for Glen Ellyn is 8,712 square feet and their lot area is 8,000 square feet which does not meet the minimum and puts the petitioners at a disadvantage of 712 square feet with regard to lot coverage calculations. She stated that the Zoning Code also allows for a 500-square foot lot coverage bonus to homes with detached garages, however, because their garage is attached, they lose out on substantial square footage. She stated that many neighbors in their area have attached garages and homes that are much larger than their proposed plans. She stated that, if approved, the front yard setback will still be behind their neighbors and they would continue to have ample green space in their back yard. Ms. Zakir stated they have worked extensively with their architect to limit the variations, explore options such as detached garages and to use the area within the home in the most efficient manner possible. She stated that their request is for a humble 166 feet in excess of the maximum lot coverage to create a well designed and updated space in which the petitioners or others can live comfortably for several decades. She stated that their neighbors on either side are aware of their plans and have no raised no objections.

Questions from the Zoning Board of Appeals

ZBA Member Miller did not have a problem with the size of the garage and going forward instead of to the side, however, did request more hardships and unique circumstances from the petitioners. ZBA Member LaVanway reminded those present that hardships must relate to the land. Ms. Zakir stated that there is a slope in their yard which is a problem with the garage. Ms. Zakir stated the slope to the rear does not allow the garage to be moved back and Mr.

Witt displayed a topographic map of the subject property. Mr. Dvorak stated that for budgetary and structural reasons the second story will be directly aligned above the first floor. Mr. Witt stated that an error in the table indicates the Zoning Code allows single-family residences in R2 Districts an allowance of up to 100 square feet for construction of an accessory structure with the exception of a detached garage and that if one is under the 25% lot coverage ratio, the actual request would be reduced. Ms. Moritz stated that figure in this case would be 21.01% and ZBA Member Miller received verification that that percentage amount could be the figure voted upon.

Persons in Favor of or in Opposition to the Proposed Request

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

Comments from the Zoning Board of Appeals

ZBA Member Bourke stated that due to the south wall, there will be no more intrusions into the space visually. He stated that he was in favor of the project as the petitioners are trying to improve their home and neighborhood. ZBA Member Miller was supportive of the requests and stated that the lot coverage ratio is as small as it can be and still conform to the modern construction. He added that the ZBA would not approve any bay windows on the south side of the building. ZBA Member LaVanway was also supportive of the project. Ms. Moritz stated that bay windows are included in lot coverage. ZBA Member Whalls was supportive of the request as the size is small. Acting Chairperson Micheli was supportive of the proposal and stated that the request is minimal and fits in with the property in the neighborhood.

A motion was made to close the public hearing and passed unanimously by voice vote.

Motion

ZBA Member Miller moved, seconded by ZBA Member Bourke, that the Zoning Board of Appeals recommend approval of Section 10-4-8(D)3 to allow a side yard setback of 4.40 feet on the northeast side of the house in lieu of the minimum required side yard setback of 6.50 feet to allow for the extension of the front of the house and the construction of a second floor addition, each to follow an extension of the existing building line which is greater than 2 feet into the required side yard setback and Section 10-4-8(E)1 to allow the construction of two additions to the existing house resulting in a lot coverage ratio of 21.01% in lieu of the amount written of 22.08% and the maximum allowable ratio of 20% based on the unique circumstances that the lot is non-standard in width and size, the side yard setback is an existing issue, the house is in need of attention and the lot coverage ratio is as small as they can make it and conform to modern construction methods.

The motion carried unanimously with five (5) yes votes and zero (0) no votes as follows: ZBA Members Miller, Bourke, LaVanway, Whalls and Acting Chairperson Micheli voted yes.

Trustee Report

Trustee Liaison Peter Ladesic wished former ZBA Member Kolar well and thanked him for his long service on the ZBA. He also commented on the success of the backyard barbecue event recently held in town.

Staff Report

Mr. Witt stated that three (3) cases are currently pending for the ZBA.

The meeting was adjourned at 8:46 p.m. and the motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official