

ZONING BOARD OF APPEALS
MINUTES
OCTOBER 13, 2015

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

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

Chairperson Garrity thanked Edward Kolar who recently retired for serving many years on the ZBA.

On the agenda was one public hearing regarding the property at 780 Willis Street.

PUBLIC HEARING – 780 WILLIS STREET

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF AN ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE RESULTING IN A LOT AREA COVERAGE RATIO OF APPROXIMATELY 21.62% 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.

(Steven and Nancy Denenberg, Owners)

Staff Presentation

Building and Zoning Official Steve Witt displayed a map of the subject property at 780 Willis Street and stated that the petitioners are Steven and Nancy Denenberg. He stated that the petitioners 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 an addition to an existing single-family residence resulting in a lot area coverage ratio of approximately 21.62% in lieu of the maximum allowable ratio of 20.00%. 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. Mr. Witt stated that the subject property is an interior lot located midway between Riford Road and Lee Street and was originally two lots. Mr. Witt stated that the Notice of Public Hearing was published in the Daily Herald on September 25, 2015 and mailed to property owners within 250 feet of the subject property.

Mr. Witt displayed an architectural drawing dating back to 1958 for construction of a house on the subject site, however, no building permit for this house was found in Village records. He added that a permit was found dating from 1963 for a detached garage for the subject property

which he believes is for the existing garage. Mr. Witt displayed a floor plan which indicates an attached garage at the front of the structure whereas the garage currently sits off to the side. He indicated a portion of the house where the original garage was and in 1963, a permit was issued for the existing garage which is approximately 2 feet from the existing house.

Mr. Witt stated that records indicate only two permits on file and no previous zoning variations were granted for this property. He stated that the homeowners would like to replace the existing detached garage which is currently in a state of disrepair with a new garage attached to the house to go back to the existing condition where the garage was attached to the house although in a different location. He stated that the attached location would allow for a safer passage between the garage and the home that would be through a small addition of a laundry room and a mud room at the rear of the garage.

Mr. Witt stated that the subject property is not located in a designated flood area or any local depressional area. The property is not in an historic district and is not landmarked, plaqued or considered a significant house.

Staff Responses to Questions from the Zoning Board of Appeals

Mr. Witt responded to Chairperson Garrity that the property still qualifies for a square foot bonus even though the house is only 2 feet from the garage because it is detached. Mr. Witt also responded that a new garage would need to be insulated or 10 feet from the main property if it was detached. He also stated that building code requirements would then come into play for fire separation between the dwelling unit and the garage structure. This would create a hardship in rebuilding this garage in the same location that would include additional costs and variations required. In response to ZBA Member Micheli, Mr. Witt displayed a revised Zoning Variation Table that corrected the lot coverage ratio. Mr. Witt responded to ZBA Member Constantino that tree preservation and flood information will be reviewed during the building permit process.

Petitioner's Presentation

Steve Dennenberg, owner of the property at 780 Willis Street, stated that one hardship regarding his property is that a new garage would need to be located 10 feet from the house and the lot is set up in such a way that it would be almost impossible to build a new garage. He stated that when they decided to add an addition onto their home after living there for 10 years, they decided to add an attached garage as well as a mud room and laundry room. He stated that their lot coverage is currently 14 percent and their lot is very shallow. He stated that if they built onto the rear of their home, they would quickly reach the setback and lose much of their open space. He stated that their hardship lies in the design of the lot and he displayed several photos of their neighbors' properties which have attached garages. He added that their attached garage would stay within the character of the neighborhood and their house

would not really change at all. He stated that many of their neighbors thought that their garage was currently attached.

Questions from the Zoning Board of Appeals

Mr. Dennenberg responded to ZBA Member Micheli that they intend to replace their current concrete pad but that the pad will remain in the same footprint.

Persons in Favor of or in Opposition to the Proposed Request

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

Findings of Fact

ZBA Member Constantino stated that the ZBA is here to consider the request by Steven and Nancy Dennenberg of 780 Willis Street for a variation to allow an addition to an existing single-family residence that would increase the lot area ratio to 21.62%. He stated that Building and Zoning Official Steve Witt described the subject property as being an interior lot located in the R2 Zoning District, a residential use surrounding the subject property. He stated that the subject lot was created by a subdivision in 1958. He stated that no original permit exists for the home, however, there are permits for two other projects. He stated that the owners are seeking to replace an existing detached garage with an attached garage which will allow an additional laundry and mud room. ZBA Member Constantino stated that the property is not located within the historical district and is not considered a landmarked structure. He also stated there will be a tree preservation and flood control review during the permit process. He stated that the current attached garage is 2 feet from the home and the replacement garage would become an attached garage. He stated that the hardship is that they need a greater variation from the existing home and the garage must be fully insulated. Steve Dennenberg, the owner, related the difficulties they have encountered replacing their garage and, if replaced, the detached garage would have to be 10 feet from the house. He stated that the current garage is in disrepair and they would have problems locating the garage in the rear because the lot is shallow which would cause problems with the rear setback line. ZBA Member Constantino stated that the petitioners have considered various architectural plans, however, the plan presented addresses all concerns with the least amount of variation request. He stated that the petitioners believe the variation being requested will not change the character of the neighborhood as most garages in the area are attached. He added that the garage will be placed upon the same footprint and the new foundation pad will stay in the same location on the lot.

ZBA Member Bourke moved, seconded by ZBA Member Micheli, to approve 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 Bourke stated that he was in favor of the petitioner's request as the variation seems to be a reasonable reaction to the petitioners' situation. ZBA Member Whalls stated he was in favor of the variation request of 1.6%. He added that the existing makeover condition would include that the petitioners would need to fireproof the garage and it would be impossible to have the garage detached elsewhere on the lot because of the side yard and back yard setbacks. ZBA Member Micheli stated that the unique circumstances of the lot and the fire hazard of the current garage make it important that the petitioners make changes and he felt their request is reasonable and he was supportive. ZBA Member Constantino stated that he agreed with ZBA Member Micheli's comments and added that he should have noted during the Findings of Fact that a petition was presented that had been signed by neighbors in the subject area who were in favor of the variation request. ZBA Member Constantino stated there is an additional hardship that if the garage was detached, the petitioners would have perhaps met the lot coverage ratio and not had a problem with the setbacks and being set away from the existing structure, however, he feels there is a unique circumstance and hardship sufficient to justify granting the requested variation.

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

Motion

ZBA Member Micheli moved, seconded by ZBA Member Constantino, that after considering the application of Steven and Nancy Denenberg of 780 Willis Street and the testimony and evidence presented at this public hearing, the Zoning Board of Appeals recommends approval of a variation from Section 10-4-8(E)1 of the Zoning Code after deliberations and the following: The plight of the homeowners is due to unique circumstances, practical difficulties or particular hardships including the width and depth of the lot, the difficulty of installing an attached garage and the fire hazard that is prompting the move of the current garage. He added that the variation, if granted, will not alter the essential character of the neighborhood and locality because it is in keeping with the attached garages of the neighborhood as well as the neighborhood.

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

Trustee Report

Trustee Liaison Ladesic stated that the Village Board has begun some special budget meetings this week. A brief discussion also was held regarding the roundabout near Glenbard West High School.

Staff Report

Mr. Witt stated that two public hearings will be heard at the October 27, 2015 ZBA meeting.

ZBA Member Bourke moved, seconded by ZBA Member Whalls, to adjourn the meeting at 7:35 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official