

ZONING BOARD OF APPEALS
MINUTES
DECEMBER 8, 2015

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

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

ZBA Member Micheli moved, seconded by ZBA Member Whalls, to approve the minutes of the October 27, 2015 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were two public hearings for the properties at 608 Newton Avenue and 525 Emerson Avenue.

PUBLIC HEARING – 608 NEWTON AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(H) TO ALLOW TWO CONTIGUOUS SUBSTANDARD LOTS UNDER COMMON OWNERSHIP, WHICH ARE OF SUCH SIZE AS TO CONSTITUTE ONE CONFORMING “ZONING LOT” TO NOT BE CONSIDERED JOINTLY AS BEING A SINGLE PARCEL, LOT OR ZONING LOT TO ALLOW ONE OF THE TWO LOTS TO BE SOLD OFF AT A FUTURE DATE. 2. SECTION 10-4-1(G) TO ALLOW A PORTION OF A “ZONING LOT” TO BE SOLD, CAUSING THE REMAINING PORTION OF THE LOT TO BE 16 FEET LESS IN WIDTH THAN THE REQUIRED MINIMUM WIDTH OF 66 FEET. 3. SECTION 10-4-1(C) TO ALLOW AN ACCESSORY BUILDING OR STRUCTURE TO BE ERECTED ON A ZONING LOT WITHOUT THE PRESENCE OF A PRINCIPAL BUILDING ON THE SAME ZONING LOT TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE ON THE LOT AFTER THE DEMOLITION OF THE EXISTING HOUSE AND GARAGE WHICH ARE IN DISREPAIR. 4. 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.

(Margaret DeLaRosa and Joseph McGuire, owners of properties at 608 and 612 Newton Avenue)

Staff Presentation

Building and Zoning Official Steve Witt stated that Margaret DeLaRosa and Joseph McGuire, the property owners, are requesting approval of the following zoning variations: 1. Section 10-4-1(H) to allow two contiguous substandard lots under common ownership, which are of such size as to constitute one conforming “zoning lot” to not be considered jointly as being a single

parcel, lot or zoning lot to allow one of the two lots to be sold off at a future date. 2. Section 10-4-1(G) to allow a portion of a "zoning lot" to be sold, causing the remaining portion of the lot to be 16 feet less in width than the required minimum width of 66 feet. 3. Section 10-4-1(C) to allow an accessory building or structure to be erected on a zoning lot without the presence of a principal building on the same zoning lot to allow the construction of a detached garage on the lot after the demolition of the existing house and garage which are in disrepair. 4. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing at a public meeting of the Village Board.

Mr. Witt displayed the two properties which are located in the R2 zoning district on Newton Avenue between Hawthorn and Linden. He added that the land use and immediate adjacencies are all single-family residential. He also stated that notice of the public hearing was published in the November 23, 2015 Daily Herald and mailed to property owners within 250 feet of the subject property and a placard was placed on the property. Mr. Witt stated that no Village records were found related to the granting of any zoning variations for either of these two properties and the building permit history is not relevant to the requests being asked for at this meeting.

Mr. Witt stated that the property owners reside at 612 Newton Avenue and recently purchased the property at 608 Newton Avenue which is in a state of disrepair. He stated that the petitioners would like to demolish both the house and garage at 608 Newton Avenue and reconstruct a garage without a principal structure on that property while maintaining control of both properties at 608 and 612 Newton Avenue. Mr. Witt stated that both lots are substandard in width at 50 feet in lieu of 66 feet required and substandard in area, each at 7,500 square feet in lieu of the required minimum of 8,712 square feet. He added that the combination of the two lots would create one conforming zoning lot. He also stated that the Zoning Code requires that "where two or more contiguous substandard lots of record or parts of lots of record are in common ownership and are of such size to constitute at least one conjoining zoning lot which, in this case, the combination of the two would create, that such lots of record or portions thereof shall so be joined, developed and used jointly, for the purpose of forming an effective and conforming zoning lot or lots. He stated that such contiguous substandard lots of record in common ownership effective the date of this title of the zoning code shall be considered jointly thereafter as being a single parcel, lot or zoning lot for the purpose of this title." He added that basically at the point of time of purchase of the additional lot, technically the Zoning Code considers those two lots as one lot.

Questions to Staff from the Zoning Board of Appeals

ZBA Member LaVanway asked if the petitioners are required to demolish the home and garage on the 608 Newton Avenue property due to the condition of the structures, and Mr. Witt stated that there is a commitment from the petitioners to demolish those structures if they move forward with the combination of the two lots. He added that he does not know if it has been

established that the Village is requiring demolition of these two structures at this point versus the structures being rehabbed. ZBA Member Micheli asked in reference to Section 10-4-1(H) if the petitioners held the second property (608) as an LLC or under joint tenancy or under any other configurations different and distinguished from the way they own the property at 612, would the owners have any issues with common ownership. Mr. Witt stated that he did not feel qualified to answer that question but that the Village Attorney would be qualified to do so. Acting Chairperson Constantino stated that the two parcels are a perfect example of what the code is trying to address when talking about two contiguous substandard lots of record as both lots are the same size and are substandard separately and when they come under common ownership, and the idea then is to become one conforming lot. Mr. Witt agreed that was correct.

Petitioners' Presentation

Margaret DeLaRosa and Joseph McGuire, 612 Newton Avenue, Glen Ellyn, Illinois spoke on behalf of the proposed project. Ms. DeLaRosa displayed the original subdivision of the subject lots and stated that there were three lots on Newton Avenue and three lots on Hawthorne Boulevard that made up the original subdivision in 1921. She stated that 612 and 608 Newton Avenue are Lots 4 and 5 and are 50 feet x 150 feet with an area of 7,500 feet. She stated those lots were the same size in 1921 and that 612 Newton Avenue which is where Ms. DeLaRosa said she lives was built in 1924 and 608 Newton Avenue was built in 1948. She added that for 27 years, 608 Newton Avenue was an empty but buildable lot and that both lots are 50 feet x 150 feet. Ms. DeLaRosa stated they purchased 608 Newton Avenue at a foreclosure auction so that they could maintain their way of life so that they would not have a building project next door for approximately one year for which they had no say so, so they could control what happens to the property next door and could control how water moves from that property. She added that she was the only homeowner bidding on the subject property and that the remainder of the bidders were builders. She summarized that they would like to remove the house and garage on that property, use a portion of the property for some duration until she decides to sell her property or 608 Newton Avenue and then return 608 Newton Avenue to what it is today. She stated that she built an entire second floor on her home and has never applied for a variation from the Village before.

Ms. DeLaRosa described a property on Hawthorne that went into foreclosure that was purchased by a builder and redeveloped with a new house and detached garage on a lot the same size as the lot at 608 Newton Avenue. Ms. DeLaRosa stated that the code is penalizing her as the owner and that if a nearby neighbor or any of the builders at the auction purchased the property, it would be buildable. She stated that her original intention regarding this property was to control her environment and that lots larger than others in her neighborhood would not fit it. She also stated that in 2009, the owner of 151 N. Main purchased the property next door at 155 N. Main and kept that property which is available to be sold and built on in the future.

Ms. DeLaRosa stated that they have a petition signed by 39 of their neighbors in support of their request. She stated that she met with the neighbors at 346 and 342 Hawthorne Boulevard to purchase part of 608 Newton Avenue to extend their lots and give her some relief and return on the money she invested in 608. She stated that the 342 Hawthorne Boulevard owners wanted to do so, however, the 346 Hawthorne Boulevard property owners did not and she could not sell a portion of the 342 lot without selling a portion of 346. She also stated that the adjacent ownership issue regarding properties is not well known in the Village. She added that their neighborhood will be improved with the removal of the existing house next door and the additional space.

Questions to the Petitioners from the Zoning Board of Appeals

ZBA Member Whalls stated that perhaps the petitioners could have spoken to the Village pre-purchase rather than post-purchase, and Ms. DeLaRosa responded that she did not have enough time to do so as she had spent a great deal of time at the county researching information. Acting Chairperson Constantino stated that the purpose of the petitioners purchasing the lot was to control its destiny and asked why the Village should allow the lots to remain separate. Ms. DeLaRosa asked if the focus of the Village is to have 66-foot wide lots, why is anyone allowed to sell a 50-foot wide lot if it is not to the adjacent owners. ZBA Member LaVanway asked Ms. DeLaRosa if it was her suggestion that the Village force someone who owns a vacant lot to sell it to one of the two adjoining neighbors and she responded absolutely as that was the focus. ZBA Member LaVanway stated that a neighbor cannot be forced to purchase a lot, and Ms. DeLaRosa stated that they could be asked if they wanted to purchase a lot. Acting Chairperson Constantino stated that if a builder purchased a 50-foot wide lot, they would have to request a variation during the permitting process to build on that lot. Mr. Witt added that the code states that once there are two contiguous lots, the code considers them to be jointly thereafter. He added that from a zoning perspective, as soon as there is common ownership of two adjacent properties, they are considered as one lot. He stated that where the Village stands with regard to demolition is that with one lot that has two principal structures and does not meet the zoning code, one of the two principal structures would need to be demolished. He added that the garage can remain. ZBA Member Micheli asked if it is a requirement that one of the structures be removed at this point, and Mr. Witt replied yes. He added that if the two lots are considered separate, then the house and the garage could be allowed to stay. Mr. Witt added that the way the code reads, if one has two adjacent lots in common ownership which we have in this instance at the moment of sale, they are considered joint. Mr. Witt stated that there are many nonconformities in town and the zoning code plans to create conformity over time which will allow homeowners to make changes to their properties without zoning variations. (At the request of the ZBA, the Recording Secretary retrieved and distributed the minutes from the March 24, 2009 and June 10, 2014 Zoning Board of Appeals meetings that had public hearings similar to the current petitioners' request). Ms. DeLaRosa and ZBA Member Micheli responded to ZBA Member

Whalls that 151 N. Main Street has a fence and 795 Hill has a structure and 799 Hill does not. ZBA Member Micheli stated that similar types of requests have been granted to others in the past with lots less than 66 feet in width. Mr. McGuire stated they were caught unaware by this situation.

Persons in Favor of or in Opposition to the Request

Eleanor Saliamonas, 626 Newton, Glen Ellyn, Illinois stated that they have lived on their block longer than the petitioners have and that the petitioners have been wonderful neighbors. Ms. Saliamonas stated she was relieved when they purchased the property next door to them because whatever they did would be tasteful and would complement the streetscape. Ms. Saliamonas stated she is interested in preservation and has full confidence that whatever the petitioners do with the lot will enhance their block and quality of life.

John Martin, 325 Hawthorne, Glen Ellyn, Illinois stated he did not sign the petition but wants to reiterate his support. He stated that he is an adjacent property owner to the rear of the two lots discussed at this meeting and that the petitioners are exemplary neighbors. He stated he is at this meeting to offer his support and voice his confusion. He stated there is not anything intuitive about what is triggering this requirement and that the purchase of the property seems to have driven the need to create some kind of conformity. He stated he sees irony there because the idea of the conformity with this part of the code is to lessen density. He stated if one of the other 17 people who were attempting to purchase this property purchased it, the density would be higher. He stated that, at a minimum, the petitioners are delaying that density. Mr. Martin stated that there is a hardship in that the two lots were established well in advance of the code that creates the 66-foot width as the conforming width. He appreciated the petitioners' transparency and stated that their request is reasonable for the Village.

Findings of Fact

ZBA Member LaVanway stated that Margaret DeLaRosa and Joseph McGuire, owners of 608 Newton Avenue, are asking for variations to the following sections of the Zoning Code:

1. Section 10-4-1(H) to allow two contiguous substandard lots under common ownership, which are of such size as to constitute one conforming "zoning lot" to not be considered jointly as being a single parcel, lot or zoning lot to allow one of the two lots to be sold off at a future date.
 2. Section 10-4-1(G) to allow a portion of a "zoning lot" to be sold, causing the remaining portion of the lot to be 16 feet less in width than the required minimum width of 66 feet.
 3. Section 10-4-1(C) to allow an accessory building or structure to be erected on a zoning lot without the presence of a principal building on the same zoning lot to allow the construction of a detached garage on the lot after the demolition of the existing house and garage which are in disrepair.
 4. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing at a public meeting of the Village Board.
- ZBA

Member LaVanway stated that notice was provided in the Daily Herald on November 23, 2015, a placard was placed on the property and neighbors within 250 feet of the subject property were notified. ZBA Member LaVanway stated that there have been no other permits or zoning requests for this property. ZBA Member LaVanway stated that Building and Zoning Official Steve Witt testified to these facts, submitted a report and answered various questions from the ZBA. In particular, ZBA Member LaVanway stated that Mr. Witt spoke about how the general Zoning Code requires that two nonconforming lots, once they are purchased, shall be one contiguous conforming lot if owned by the same individuals and this lot falls under the same zoning code. ZBA Member LaVanway stated that the Zoning Code was adopted in 1989 and speculated that the original intent was to increase over time the amount of conforming lots in the Village from the number of nonconforming lots that existed.

ZBA Member LaVanway stated that Ms. DeLaRosa, the petitioner, then testified that she and her husband purchased Lot 608 at a sheriff's sale and that 17 other bidders were present at that sale. ZBA Member LaVanway stated that the petitioners stated they did some research at the County prior to the sale and assumed they would be able to use the lot as they saw fit which was to control their environment and prevent lengthy construction projects adjacent to their property. ZBA Member LaVanway stated that they were unaware that they had any zoning issues regarding the subject property. He also stated they said they have circulated a petition regarding the subject project and received 39 signatures in favor with no rejections. ZBA Member LaVanway stated that the petitioners feel that without a variance, they would receive an unfair result because any other would-be purchaser, whether a builder or someone who owns property that is not contiguous, would be able to use the lot for a larger amount of purposes than the petitioners. ZBA Member LaVanway stated that the petitioners explored other options after discovering that they were limited with what they could do and decided to proceed with zoning variation requests. ZBA Member LaVanway stated that the petitioners' desire is to raze both the stand-alone garage and the main property at 608 Newton and to build a new garage, however, they would like to perhaps sell one of the lots in the future. ZBA Member LaVanway stated that the petitioners also highlighted other similar precedent cases on Main Street and Hill Avenue which had been approved by the Village Board. ZBA Member LaVanway stated that two neighbors appeared at this meeting and spoke in favor of the variation requests. Eleanor Salimonias of 626 Newton Avenue said that the proposed use of the lot would be an improvement in the neighborhood. John Martin of 315 Hawthorne stated that the petitioners are exemplary and there is a hardship as any other builder would potentially create more density and the petitioners would at the very least delay the density of the neighborhood.

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

Comments from the Zoning Board of Appeals

ZBA Member Whalls stated that based upon the properties at 151 N. Main Street and 795 Hill Avenue being approved, he felt that the variations being requested should also be approved. ZBA Member Micheli felt that precedence as well as a sense of fairness suggests that the variances should be granted to the petitioners to allow the two contiguous substandard lots to remain separate and distinct entities. He added, however, that he did not see unique circumstances, practical difficulties or particular hardships that suggest they should go further and allow the lot to be used in ways that suggest that it is one common lot. He also stated that the request should be removed from this agenda and the petitioners can return when they are doing something on the lot. He stated that he would like to see the lot as a separate lot. ZBA Member LaVanway stated that the ZBA is being asked to remedy minor changes in the Zoning Code and he feels the over-arching issue is changing the Zoning Code. He also stated that another issue is whether the ZBA is bound by a previous precedent. He stated that regarding the 151 and 155 N. Main Street request, the petitioners received misinformation from the Village and the ZBA then granted their variation requests. ZBA Member Micheli stated that the home at 795 Hill was divided into two nonconforming lots. ZBA Members Micheli and Whalls were not in favor of having a structure on the adjoining lot. Mr. Witt responded to ZBA Member LaVanway that a variation can be restricted to be terminated at a certain point in the future. Acting Chairperson Constantino stated that among the criteria for recommendation of a variation are that the petitioner must show a unique circumstance or a particular hardship, a situation cannot be created by a petitioner and the purpose cannot be solely to increase value if a variance is granted and he stated he had a problem getting over those three issues and would vote against the request as shown on paper.

Due to three ZBA members being absent from this meeting and unable to vote, ZBA Member Micheli moved, seconded by ZBA Member LaVanway, to continue the meeting to January 12, 2016. The motion carried unanimously by voice vote.

PUBLIC HEARING – 525 EMERSON AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)9 TO ALLOW THE CONSTRUCTION OF A NEW 2-STORY HOUSE ON A ZONING LOT WITH A DEPTH OF ONE HUNDRED SIX (106) FEET IN LIEU OF THE MINIMUM REQUIRED DEPTH OF ONE HUNDRED TEN (110) FEET. 2. SECTION 10-4-8(D)2 TO ALLOW THE CONSTRUCTION OF A NEW 2-STORY HOUSE WITH A REAR YARD SETBACK OF THIRTY-FIVE FEET TEN INCHES (35'-10") IN LIEU OF THE REQUIRED MINIMUM FORTY (40) FEET. 3. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A NEW 2-STORY HOUSE WITH A LOT AREA COVERAGE OF 20.49 PERCENT IN LIEU OF THE MAXIMUM PERMITTED RATIO OF 20 PERCENT. 4. 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.

(Katie Baker, owner)

Staff Presentation

Building and Zoning Official Steve Witt stated that Katie Baker, the property owner of 525 Emerson Avenue, Glen Ellyn, Illinois is requesting approval of variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(D)9 to allow the construction of a new 2-story house on a zoning lot with a depth of one hundred six (106) feet in lieu of the minimum required depth of one hundred ten (110) feet. 2. Section 10-4-8(D)2 to allow the construction of a new 2-story house with a rear yard setback of thirty-five feet ten inches (35'-10") in lieu of the required minimum forty (40) feet. 3. Section 10-4-8(E)1 to allow the construction of a new 2-story house with a lot area coverage of 20.49 percent in lieu of the maximum permitted ratio of 20 percent. (Mr. Witt clarified that the Zoning Variation Table found in the ZBA members' packets indicates that the lot area coverage different at 20.13 percent, however, that was based on rough calculations on the additional lot subsequent to that posting. He added that the architect confirmed the lot areas and that increased the lot coverage area to 20.49 percent. He added that the Village Attorney felt that was a de minimis change not needing to be re-advertised so the advertisement in the November 23, 2015 edition of the Daily Herald stands. 4. 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 copies of the public notice were mailed to property owners within 250 feet of the subject property and a placard was placed on the property.

Mr. Witt displayed a map of the subject property which is an interior lot in the R2 Zoning District on Emerson between Highland and Stacey Court. He stated that immediately surrounding the subject property is Single Family Residential and the subject property is just within the boundaries of the Village of Glen Ellyn. He added that properties to the north, east and south are unincorporated. Mr. Witt stated there are no Village records related to granting zoning variations or issuance of building permits for the subject property.

Mr. Witt stated that the subject property owner would like to demolish the existing one-story house and construct a new two-story single-family residence. He stated that a unique hardship related to this property is the trapezoidal shape of the rear portion of the lot which pulls the rear building lot line further north than it would if the lot were actually rectangular which directly impacts the back end of the house. Mr. Witt stated that based on a floor plan prepared by an architect with the setback line of the building from the rear yard coming up 40 feet, the encroachment is the trapezoidal section that is 4 feet 5 inches x 11 feet 6 inches resulting in 26 square feet or less of encroachment into the rear yard and it is this point that is looked at for the distance from the variation from the rear yard setback. Mr. Witt stated that had this property been a full 110 feet in depth, 4 additional feet would have been gained in the north-south direction and the variance would have been reduced to 5 inches and could have easily been negotiated with a re-design of this particular project. Mr. Witt stated that one of the unique pieces of this property is that Ms. Baker owns three separate lots, however, she is under

negotiation with the Village to purchase the unimproved public alley which is 16 feet wide to the south of her property. He stated that the Village Board has previously approved Ordinance No. 6336 for Ms. Baker to purchase that property, however, she has wanted to make that contingent upon being granted the variations that she is seeking at this meeting. He added that the additional area is necessary in order to get the lot area coverage and it is required in order to get the rear yard setback variation that she would like to have.

Questions to Staff from the Zoning Board of Appeals

Mr. Witt responded to ZBA Member LaVanway that the sale of the unimproved public alley to Ms. Baker has been approved by the Village Board, however, is lacking a payment of \$9,000-plus and the sale and combination of the lots as being recorded with the County. Mr. Witt verified for ZBA Member LaVanway that this project is being presented as presuming that the sale has been consummated. Mr. Witt added that one of the lots does not meet the minimum requirements, however, adding the public alley area that the petitioner is planning to purchase will bring the property into conformance for the area. Mr. Witt responded to ZBA Member Micheli that the Village has the ability to offer the sale of an alley to one particular party which has been done in the past. Mr. Witt stated that one way to look at it is that the property to the south is unincorporated and he agreed with ZBA Member Micheli that the alleys are not used.

Petitioners' Presentation

Katie Baker, 671 St. Charles Road, Glen Ellyn, Illinois and Antonio Fanizza, architect, 2363 Lechner Lane, DesPlaines, Illinois were present to speak on behalf of the proposed project. Ms. Baker stated that their hardship regarding this project is the shape of the lot as they will be putting a rectangular house onto an angled lot. Ms. Baker stated that if the lot had not been angled as so shown, they would not be having the issues that they are having with the modest house they are looking to put on this lot. Mr. Fanizza stated that the house is a minimum requirement and that some of the furniture will not fit in the home. He added that Ms. Baker would like to stay within the code but because of the angle when going back to the 40-foot setback, they appeared to have problems which is why they are seeking relief.

Questions to the Petitioner from the Zoning Board of Appeals

Ms. Baker verified for ZBA Member LaVanway that she will purchase the unimproved alley if the Village Board approves this project.

Persons in Favor of or in Opposition to the Request

Matthew Jones, 463 Ridgewood, Glen Ellyn, Illinois stated that the subject house is a hardship on the entire neighborhood. He stated that the neighborhood is slowly improving and the subject house will help with that process. He stated that everyone he has spoken to in the area

is in favor of granting her the requested variations. He stated that he has been in the neighborhood for 43 years and looks forward to having Ms. Baker in the neighborhood. He stated he saw the plans which he felt looked great.

Findings of Fact

ZBA Member LaVanway stated that the petitioner, Katie Baker, of 525 Emerson Avenue, Glen Ellyn, Illinois submitted a request for a variation from Zoning Code Section 10-4-8(D)9, Section 10-4-8(D)2 and Section 10-4-8(E)1 related to the construction of a new two-story home that would require small variances due to the lot size and shape. He stated that Building and Zoning Official Steve Witt testified that the application was submitted and timely notice was given to the Daily Herald and mailed to the surrounding property owners. He stated that no Village records indicated any previous variation requests were granted. ZBA Member LaVanway stated that Mr. Witt stated there were three zoning variance requests due to the trapezoidal nature of the lot and that approximately 26 square feet of the house would encroach into the rear yard. He also added there is a 16-foot wide unimproved public alley right-of-way south of the property. He stated that Mr. Witt testified that there is currently a Village ordinance that was approved last July allowing the purchase of the additional property, however, the petitioner has held off on that purchase because she wanted to know if she could have a zoning variation to build her home on that property. ZBA Member LaVanway also stated that Mr. Witt testified that the variances presented to the Board were presuming that in terms of lot coverage, the setbacks, etc., were counting presuming that the unimproved alleyway was, in fact, part of the lot in question. ZBA Member LaVanway stated that Katie Baker, the petitioner, owns the subject lot and pointed out the unique trapezoidal nature and testified that she did intend to purchase the lot. ZBA Member LaVanway stated that Antonio Fanizza, architect, stated that he looked at several different designs and the chosen design is very modest and he did the best he could to keep within the confines of the lot. ZBA Member LaVanway stated that Matthew Jones of 463 Ridgewood, Glen Ellyn, Illinois grew up in the subject area and has family in the neighborhood. He added that several homes have been torn down in the subject area which has improved the area.

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

Comments from the Zoning Board of Appeals

ZBA Member Whalls stated he was in favor of the variation requests because of the lack of depth with the pre-existing condition. ZBA Member Micheli was also in favor of the variation requests because of the unique circumstances of the site and that the property was in character with the Village. ZBA Member LaVanway was in favor of the variation requests because of the unusually-shaped lot and because the requests were modest. He stated that a

requirement should be made that the petitioner purchases the lot per the Village ordinance approved last July. Acting Chairperson Constantino stated he also was in favor of the proposed variation requests and the condition that the petitioner purchases the lot per the Village ordinance approved last July.

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

Motion

ZBA Member Micheli moved, seconded by ZBA Member LaVanway, that after considering the application of the petitioner, Katie Baker, owner of the property located at 525 Emerson Avenue, and the testimony that has been presented at this public hearing, the Zoning Board of Appeals recommends the approval of the variations requested, specifically Section 10-4-8(D)9, Section 10-4-8(D)2 and Section 10-4-8(E)1 as all of the zoning relief necessary to construct the project as depicted and the plans as presented. He stated that the plight of the owner is due to unique circumstances, practical difficulties and particular hardships including, but not limited to, the trapezoidal shape of the rear of the lot which pulls the setback line across the rectangular area of the lot creating an unusual and particular hardship regarding encroachment. He stated that the variation, if granted, will not alter the essential character of the locality because the current house is in disrepair and that the home to be constructed is a positive addition to the Village and in keeping with the neighborhood as a whole. ZBA Member Micheli added that the granting of the variation is contingent upon the purchase of the alley.

The motion carried unanimously with four (4) yes votes as follows: ZBA Members Micheli, LaVanway, Whalls and Acting Chairperson Constantino voted yes.

Trustee Report

Trustee Liaison Peter Ladesic updated the ZBA on the new police station.

Staff Report

Mr. Witt stated that there will be no ZBA meeting on December 22, 2015.

The meeting was adjourned at 9:35 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Joe Kvapil
Building and Zoning Official