

ZONING BOARD OF APPEALS
MINUTES
FEBRUARY 23, 2016

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Gregory Constantino, John Micheli, Chip Miller and Adam Miller were present. ZBA Members James Bourke and Thomas Whalls 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.

ZBA Member Micheli moved, seconded by ZBA Member Miller, to approve the minutes of the January 12, 2016 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda was a public hearing regarding the property at 844 Woodland Drive.

PUBLIC HEARING – 844 WOODLAND DRIVE

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 ONE STORY ADDITION WITH A REAR YARD SETBACK OF 28.1 FEET IN LIEU OF THE REQUIRED MINIMUM 40-FOOT REAR YARD SETBACK. 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.

(Edward and Justine Tosch, Owners)

Staff Presentation

Building and Zoning Official Steve Witt stated that the petitioners for the subject property are Edward and Justine Tosch. He displayed a map including the subject site at 844 Woodland Drive and stated that the property is an interior lot located in the R2 zoning District between Hickory Road and Roger Road. He stated that the zoning and land use surround the subject property are also single-family residential.

Mr. Witt stated that the subject homeowners would like to modify the floor plan of their existing home to provide a direct connection with the rear yard which is visible only through bedroom windows. He added that access to the rear yard is made currently through the side yards and there is no connection to the rear yard from the rear of the home. Mr. Witt displayed and described an existing floor plan of the home and stated that the petitioners are requesting approval of a variation from Section 10-4-8(D)2 of the Glen Ellyn zoning code to allow the construction of a one-story addition with a rear yard setback of 28.1 feet in lieu of the required minimum 40-foot rear yard setback. He then displayed the proposed floor plan and

indicated the proposed addition that is being requested to be built into the required rear yard setback. He indicated that per the site sketch provided by the petitioners' architect, there are 40.6 feet from the rear lot line to the edge of the building; therefore, there are only six inches between the building and the rear yard setback line and most of the addition is in the rear yard setback.

Mr. Witt stated that notice of the public hearing was published in the newspaper on February 15, 2016 and was mailed to property owners within 250 feet of the subject property. Mr. Witt also stated that no Village records were found granting any previous zoning variations, however, some permits have been issued for this property in the past that do not affect this zoning variation request.

Petitioners' Presentation

Tina Tosch, the petitioner, of 844 Woodland Drive, Glen Ellyn, Illinois, and architect Jamie Simoneit, 504 Hillside Avenue, Glen Ellyn, Illinois were present to speak on behalf of the variation requests.

Ms. Tosch stated her family has lived in Glen Ellyn since 1975 and their current home is their fourth home in Glen Ellyn. She stated that there is no access to their back yard from the back of their home which is difficult for them and they would like to make some adjustments because they would like to remain in this home. Ms. Tosch added that she has spoken to her neighbors about the proposed addition and they are supportive because the home will be kept at one level and the character of the neighborhood will be retained. Ms. Tosch also stated that they would like to be able to navigate their home as they grow older and continue to live there. She then distributed petitions signed by her neighbors who are in support of their project.

Architect Simoneit stated that the petitioners' hardship is that their home is a stock plan horizontal ranch that was intended in its design to be parallel to the street, however, was turned 90 degrees and is perpendicular to the street. He added that another hardship is that there is no connection to the property they are paying taxes on and cannot use as much as they would like to. He also stated that another hardship is the garage that appears to be attached, however, there is no connection from the inside of the house. He stated that one of the oddities of this home being turned on the lot is that the front door is hidden back around the corner. Mr. Simoneit stated that Ms. Tosch has expressed a desire for a connection to the back yard and also stated that the landscaping is quite beautiful in the summer months. Mr. Simoneit stated that what was originally intended to be a side yard is a rear yard and the only connection to that yard is a series of bedroom windows. He also stated that the Tosches also want a safer, more private and protected area outdoors for their grandchildren.

Mr. Simoneit stated that the petitioners originally wanted to build up onto their home, however, there were issues with the stairs, the houses next door on both sides have two stories

and a second story addition would be more costly than the proposed addition. He also stated that a ranch style home can exceed the 20 percent lot coverage ratio whereas a two-story home cannot and a variation would be required. Mr. Simoneit stated that the dilemma with bringing the garage forward would be that sunlight into the home would be blocked and a new entry would need to be created.

Mr. Simoneit displayed graphics and described the proposed addition. He stated that by keeping the subject house a ranch, 220 square feet of developable space will not be used. He also stated that after the addition is built, Woodland Avenue would be unchanged from what is seen today.

Questions from the Zoning Board of Appeals

Ms. Tosch responded to ZBA Member Micheli that the primary reason for the proposed addition is to gain access to their back yard. She stated that in order to reach the back yard, they need to go through the hallway in the center of the house which would require them to lose closet space as well as other space. She stated that the only way the rooms would be livable would be to remove the doorway, put walls up so people do not walk through a bedroom and have an enlargement on the bedroom side of the home. ZBA Member Micheli asked what other alternatives the petitioners considered, and Ms. Tosch responded that they considered adding a second floor, however, her husband was not in favor of enlarging the house and changing the character of the home. Ms. Tosch responded to ZBA Member Micheli that they did not consider moving the garage because it would alter the location of the front door and block light to the home. ZBA Member Micheli also expressed concern regarding the utility of the rear yard when the addition is completed since the house to the rear of theirs is close to the lot line. Ms. Tosch stated they only see the second stories of the houses behind their house because there are privacy fences all along the rear. Ms. Tosch added that their yard is livable but not huge. Ms. Tosch responded to ZBA Member Constantino that they will not remove two large trees in their back yard.

At ZBA Member A. Miller's request, Mr. Simoneit displayed photographs of the petitioners' back yard. ZBA Member Micheli asked for the width of the current hallway in the home, and Mr. Simoneit responded approximately 29-1/2 inches that will be continued at that width. He added that the master bathroom is a one-person bathroom as it is less than 5 feet inside clear. ZBA Member Micheli did not see a good argument that would justify losing yard space and building a significant addition in the back yard. ZBA Member Miller asked if the subject house would sit farther back on the lot when finished than the house at 852 Woodland Drive (2 houses to the east of the subject house), and Mr. Simoneit responded no. ZBA Member Miller also asked if the subject house would have more back yard than the house next door with the garage in the back, and Mr. Simoneit responded yes.

Persons in Favor of or in Opposition to the Proposed Request

Jamie Simoneit, a neighbor at 864 Woodlawn Drive, Glen Ellyn, Illinois spoke in favor of the subject request. He stated that they have considered what is best for the petitioners and the neighborhood and feels they have come up with a good solution without being overly impactful. He added that today's lifestyle doesn't fit the subject home which was built 60 years ago although the home is well built and has value.

Findings of Fact

ZBA Member Constantino stated that the petitioners, Edward and Justine Tosch, are requesting a 28.1-foot setback in lieu of the required 40-foot setback at 844 Woodland Drive. He stated that Building and Zoning Official Steve Witt described the property as an interior lot in the R2 residential zoning district. He stated that the owners would like to modify the floor plan of their home and to install access points to the yard from the home versus only access to the yard from the side yards that currently exist. He stated that the petitioners are seeking a one-story addition with a 28-foot versus a 40-foot rear yard setback. He also stated that there are no prior variations issued for this property. ZBA Member Constantino stated that the owner of the subject property, Tina Tosch, stated that they have lived in Glen Ellyn since the mid-1970's and have lived in the subject home for five years.

ZBA Member Constantino stated that there is no access to the rear yard from the subject house. He also stated that the Tosches intend to remain in this home and would like to make changes to maintain the character of the home and neighborhood. He stated that the Tosches circulated a petition among the neighbors who approved of the variation. ZBA Member Constantino stated that the petitioners considered adding a second floor, however, rejected that idea to avoid changing the character of their house. He stated that the petitioners also considered moving the garage, however, that would have an adverse effect on light coming into the house.

ZBA Member Constantino stated that the petitioners' architect, Jamie Simoneit, stated that the floor plan is the same as the original construction and the builder built the house perpendicular to the street whereas it should have been parallel. He stated that Mr. Simoneit stated it would be safer to have access to the rear rather than to the side to get to the rear yard and added that, in effect, the house sits backwards on the lot. ZBA Member Constantino also stated that a second story would not be efficient with the layout, would not maintain the character of the area, would be too expensive and would create lot coverage issues because of the second floor. He stated that the petitioners considered moving the garage forward, however, eastern light into the home would be blocked, the door would potentially be blocked and a new door would be required. ZBA Member Constantino stated that the hardships are that the house was poorly planned and built on an improper site.

ZBA Member Micheli moved, seconded by ZBA Member Miller, to approve findings of fact. The motion carried unanimously by voice vote.

Comments from the Zoning Board of Appeals

ZBA Member Constantino stated that he lives behind the petitioners and is supportive of the variation request. He added that he has no reservations and/or concerns regarding the requested variation. ZBA Member Miller was in favor of the variation request. He stated he did not have a problem with the back yard as the subject house will not be as far back as 864 Woodland Drive and will have more yard than 848 Woodland Drive. He stated he appreciated the concern of having a giant closet with bedroom two if they tried to put the door there as they will not be able to put closets in. He also appreciated that the architect said the house would be a viable house for purchase later as the last thing anyone wants is to have the house torn down with a tall narrow house built in its place. ZBA Member Micheli was sympathetic regarding the petitioners who have lived in Glen Ellyn for many years, however, stated he was concerned regarding the significant loss of the yard. ZBA Member Constantino responded to ZBA Member Micheli that the garage of his house behind the petitioners' home lies approximately 30 feet from the lot line. ZBA Member Micheli felt that rooms could be moved around in the interior of the home to accommodate their needs. ZBA Member Micheli expressed concern regarding excessive paving on the site. He also stated he did not see a hardship with walking outside to enter one's garage or exiting the side of one's house to enter one's back yard. He added that the proposed plan was not appropriate for the subject lot. He then added that although he was concerned about the back yard, he felt he would be able to vote in favor of the proposed project. ZBA Member A. Miller was fully supportive of the subject request as he felt the home was beautiful and the petitioners would increase the value of their home with the addition.

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

Motion

ZBA Member Miller moved, seconded by ZBA Member Constantino, that the Zoning Board of Appeals recommend approval of the zoning variation request of Edward and Justine Tosch of 844 Woodland Drive to allow the construction of a one-story addition with a rear yard setback of 28.1 feet in lieu of the required minimum 40-foot rear yard setback. The recommendation for approval is based on the hardship that the house is placed sideways on the lot and the unusual circumstances are that there is currently no back yard access from the house, they would need to make the back rooms of the house livable if the property is not added onto, there is no access to the garage from the house and a second floor added onto the subject house would change the neighborhood.

The motion carried with four (4) yes votes and zero (0) no votes as follows: ZBA Members Miller, Constantino, Micheli and Chairman Garrity voted yes.

Trustee Report

Trustee Liaison Ladesic stated that the new police department building project is on the Architectural Review Commission agenda tomorrow evening. Mr. Witt added that it is also on the Plan Commission agenda on Thursday evening. Trustee Liaison Ladesic also stated that the McChesney property is moving along and that a developer is interested in purchasing the available Five Corners property. Trustee Liaison Ladesic also responded to Chairman Garrity that the 10 N. Park Boulevard restaurant project has fallen through for financial reasons.

Chairperson Report

Chairperson Garrity thanked Glenbard West students in the audience for attending this meeting.

Staff Report

Building and Zoning Official Steve Witt stated that there will be two items on the next ZBA agenda and that one item will be on the ZBA agenda in approximately four weeks.

The meeting was adjourned at 8:13 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official