

ZONING BOARD OF APPEALS  
MINUTES  
JUNE 14, 2016

The meeting was called to order by Chairman Rick Garrity at 7:00 p.m. ZBA Members Gregory Constantino, Matthew Jones, John Micheli, Adam Miller, Chip Miller and Thomas Whalls were present. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Stephen Witt and Recording Secretary Barbara Utterback.

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

ZBA Member Micheli moved, seconded by ZBA Member Whalls, to approve the minutes of the May 24, 2016 Zoning Board of Appeals meeting after adding the following to the motion: "...and to mature at a height of 4 feet or greater...". The motion carried unanimously by voice vote.

On the agenda was one public hearing for the property at 665 Lake Road.

PUBLIC HEARING – 665 LAKE ROAD

THE PROPERTY OWNERS ARE REQUESTING APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-11(B)3 TO ALLOW TWO DRIVEWAY APPROACHES ON A LOT WITH LESS THAN THE MINIMUM REQUIRED 132 FEET OF LOT WIDTH. 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.

(George and Leslie Petro, owners)

Staff Presentation

Building and Zoning Official Stephen Witt stated that George and Leslie Petro, owners of the property at 665 Lake Road, have demolished the existing home at that location and intend to build a new home there. He added that a zoning variation is required to have a second driveway approach since this lot does not meet the minimum required lot width criteria which is 132 feet for two driveway approaches to be installed at the property. Mr. Witt stated that the property owners are requesting approval of a zoning variation from the Glen Ellyn Zoning Code as follows: 1. Section 10-5-11(B)3 to allow two driveway approaches on a lot with less than the minimum required 132 feet of lot width. Mr. Witt added that the lot width is taken in this particular case at a point along the front setback line. 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 of irregular shape located in the R2 Zoning District and is on the east side of Lake Road just north of Lake Ellyn. The zoning and land

use immediately surrounding the property is either R2 Single-Family Residential or CR - Conservation Recreation. He stated that the subject property is not located in a designated flood area or local depressional area. He also stated that the subject property is not located in a historic district, is not landmarked, is not a significant home designated by the Historic Preservation Commission nor is it plaqued by the Historical Society. Mr. Witt stated that no Village records were found that related to the granting of any previous zoning variations for this property and that none of the building permits for this property were applicable to the subject variation request. He also stated that the public hearing was published in the May 28, 2016 edition of the Daily Herald, was mailed to property owners within 250 feet of the subject property and a placard was placed on the property.

Mr. Witt displayed a plat of survey and an aerial view of the subject property. He indicated the entry/exit point of an existing driveway on the property and indicated where the petitioners would like to locate a second entry/exit point. Mr. Witt added that part of the concern is the curvature of Lake Road and the inability to see one of the driveway exits, depending on which way the traffic is coming from. He stated that the distance between the two driveway exits is 128.06 feet and that the lot is 131.85 feet which is less than the required 132 feet for a driveway with two entrances/exits. He added that the house on this property has been demolished and will be re-built in the future. Mr. Witt stated that the petitioners have submitted photographs of the curvature in the road and the driveway entry which is difficult to see.

Mr. Witt stated that the petitioners feel that the shape and topography of their property are hardships and that the proposed second driveway approach will address their safety concerns regarding oncoming traffic and the lack of sight lines.

#### Petitioner's Presentation

Leslie Petro, 196 Bryant Avenue, Glen Ellyn, Illinois is one of the owners of 665 Lake Road and spoke regarding that property. Ms. Petro stated they have owned the subject property for two years and, therefore, have had a lot of experience going in and out of the driveway. She added that they have noticed significant difficulty at times being able to see clearly with cars coming around the curve northbound and with cars that speed up quite a bit coming down from the high school and around from another corner. Ms. Petro stated they have concerns regarding safety for their teenage son who is currently driving and another son who will be driving soon and guests arriving at and leaving their home as well as pedestrians, bikers and children walking in the subject area. Ms. Petro added that it would be good to have the circular drive available for additional parking at their home. Ms. Petro stated that she visited six to seven neighbors who signed a petition agreeing to the subject variation request and that no one was opposed to the request. ZBA Member C. Miller asked why they did not get a signature from their neighbor at 657 Lake Road. Ms. Petro indicated that neighbor was moving away and a person who already signed the petition will be moving to 657 Lake Road.

Questions from the Zoning Board of Appeals

ZBA Member Micheli asked the petitioner why they want to have an additional curb cut in their driveway hidden by a blind corner as that creates an extremely unsafe condition. Ms. Petro responded that they would have additional parking and also would be able to turn around and pull out on either corner with the front of the car.

Mr. Witt responded to ZBA Member C. Miller that this project will be subject to a stormwater review as it is in excess of 300 square feet.

Persons in Favor of or in Opposition to the Proposed Request

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

Findings of Fact

ZBA Member Constantino stated that George and Leslie Petro, owners of the property at 665 Lake Road, are requesting a variance from Section 10-5-11(B)3 to allow two driveway approaches on a lot with less than the minimum required 132 feet of lot width and 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. He stated that Building and Zoning Official Steve Witt said that the subject lot is an interior irregularly shaped lot in the R2 Zoning District. He added that the zoning and land use is R2 Single Family Residential with Conservation/Recreation in the area. ZBA Member Constantino stated that the subject property is not in a designated flood or local depressional area nor is the property in an historic district nor is it a landmarked home or a designated or plaqued home by the Historical Society. He also stated that the subject property has no prior variations and no building permits that affect the requested zoning variation. ZBA Member Constantino stated that the zoning ordinance requires a minimum lot width of 132 feet and the subject lot has a width of 131.85 feet at the property line. He added that the ZBA calls for a measurement of the lot width at the 30-foot setback and that measurement for this property is 128 feet. ZBA Member Constantino stated the reason for the variation is that a lack of sight lines creates a safety problem to oncoming traffic that is also created by the curvature of Lake Road and the topography of the land. ZBA Member Constantino added that in response to a question, Mr. Witt stated that in excess of 300 square feet of the subject property will be disturbed and, therefore, a stormwater review of the project will need to be done.

ZBA Member Constantino stated that Leslie Petro, who has owned the subject property for two years, described the difficulty in seeing traffic around the curve by their home especially when they are leaving the premises. He stated that she added that cars will accelerate in the school area and there are pedestrians, bikers and children walking in the subject area. She had added that there is also a potential safety issue when guests who are unfamiliar with the subject area

exit their driveway. He also stated that the petitioners' driveway helps to alleviate parking issues in the area as there is very little parking available on the street.

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

#### Comments from the Zoning Board of Appeals

ZBA Member Whalls stated he drives by the subject property every day and has no issue with the petitioners' request because the subject property is almost 132 feet on the lot line on the west side. He stated he looks at the north apron as where he would enter the property coming from the north side and if he was leaving, he would back out from the south whether he is going north or south for visibility reasons. He stated that parking is difficult in the area because of all of the events that occur nearby. ZBA Member A. Miller stated that he has no problem at all with the petitioners' request. ZBA Member Jones stated that he is supportive of the request as the lot is irregular in shape, beginning at almost 132 feet in the front and becoming 100 feet in the rear. ZBA Member Micheli stated he has concerns regarding the subject request. He felt that some of the arguments brought forward by the petitioner to approve the variation were actually strong safety arguments against granting the variation. He stated there is a 12-foot drop at one corner with pedestrians and bicyclists there. He stated that one cannot assume that all drivers will be careful in that area and added that teenagers will be entering and exiting the driveway at that blind corner. He stated that adding a second entrance at the blind corner decreases safety and he, therefore, felt there are strong arguments not to approve the requested variation. He added that the petitioners have enough room in their driveway to turn cars around to exit their site. He also stated that cars with two entrances/exits are not the type of driveways normally seen in the subject neighborhood. ZBA Member C. Miller stated he often rides his bicycle past the subject property. He stated he does not feel that a teenager in a hurry will do a 6-point turn to exit that driveway and will instead back out which could cause an accident; therefore, there is a safety issue at that location. He added that he feels the proposed driveway would fit in with the character of the neighborhood and that 684 Grand Avenue, which is a lake property across the street, has a circular driveway which fits in with the neighborhood. He added that for the above reasons, he is in favor of the subject variation request. ZBA Member Constantino stated he was in favor of the subject request because there is a hardship regarding the location where the lot width is measured. He stated that most of the action being talked about occurs in the first 30 feet of the lot in the front yard which is approximately 132 feet and if the lot line was just a couple of feet larger, a variation would not be required for a second driveway approach. He also felt that there is a safety concern at this location, however, the proposed variation would allow more parking in the immediate vicinity, greater turnaround on the property and the ability to more safely exit the site head first. ZBA Member Whalls asked ZBA Member Micheli if softening the hardscape in the arc area to the west of the driveway would be preferable to just locating sod there. ZBA Member Micheli responded he is genuinely concerned about safety issues in the subject area and felt that a

3-point turnaround area in the driveway would address all safety concerns and allow anyone parking there to pull up forward, turn around and not have to back out onto Lake Road. He also stated that his safety concerns are such that he would vote against the request even though it is just inches. Chairperson Garrity asked ZBA Member Micheli if the existing driveway or the subject variation request is safer, and ZBA Member Micheli responded that one should either enter and exit at the north or enter and exit at the south, however, feels the south entrance decreases safety. ZBA Member Jones stated that the petitioners could vacate the driveway to the north and put one in on the south or wherever they chose. He also stated that two driveways afford more safety and/or comfort. ZBA Member C. Miller felt there would be more risk getting drivers to do a 3-point turn in the driveway than giving them the option to pull out. He felt that drivers who pull into the driveway to pick up their friends from the home will back out of the driveway and will not do a 3-point turn.

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

#### Motion

ZBA Member C. Miller moved, seconded by ZBA Member Jones, that the Zoning Board of Appeals recommends approval of the variation requested by George and Leslie Petro, owners of the property at 665 Lake Road, due to the irregular shape of the lot and the lack of sight lines from the existing driveway which is a safety hazard to both the homeowners and the public.

The motion carried with five (5) yes votes and one (1) no vote as follows: ZBA Members Miller, Jones, Constantino and Whalls and Chairman Garrity voted yes; ZBA Member Micheli voted no.

#### Staff Report

Building and Zoning Official Steve Witt stated that the June 28, 2016 ZBA meeting will be cancelled, however, four items will be heard at future ZBA agendas.

ZBA Member Micheli moved, seconded by ZBA Member Constantino, to adjourn the meeting at 7:41 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback  
Recording Secretary

Steve Witt  
Building and Zoning Official