

ZONING BOARD OF APPEALS
MINUTES
JULY 26, 2016

The meeting was called to order by Acting Chairperson John Micheli at 7:00 p.m. ZBA Members Gregory Constantino, Matthew Jones and Chip Miller were present. ZBA Members Adam Miller (student), Thomas Whalls and Chairman Rick Garrity were excused. Also present was Building and Zoning Official Steve Witt.

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

On the agenda were two public hearings regarding the properties at 495 Ridgewood Avenue and 857 Abbey Drive.

PUBLIC HEARING – 495 RIDGEWOOD AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A PORCH WITH AN INTERIOR SIDE YARD SETBACK OF 2.97 FEET IN LIEU OF THE REQUIRED INTERIOR SIDE YARD SETBACK OF 6.5 FEET. 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.

(M & M Investment Group LLC, acting on behalf of Amatore Miulli and Michael Poland, owners)

Staff Presentation

Building and Zoning Official Steve Witt stated that the subject property is an interior lot located in the R2 Residential Zoning District on Ridgewood Avenue between Glenwood Avenue and North Main Street. He stated that the zoning and land use surrounding the subject property is Single Family Residential. Mr. Witt stated that Village records indicate a history of permits issued on the subject property between 1974 and 2016, none of which are related to the subject variation request. He added that no variation requests are on record as having been issued for this property. He also stated that this property is not located within an historic district, is not landmarked and is not a significant home designated by the Historic Preservation Commission nor a home plaqued by the Historical Society.

Mr. Witt displayed photos of the existing home and other homes on the block and indicated that all homes but the subject home have a porch. He added that the property owners would like to construct a porch that is the full width of their existing home similar to other homes on their block. He added that the purpose of the porch would be to create a safe use of the front yard and make the look of the home more compatible with other homes on the block. Mr. Witt stated that the Zoning Code requires an interior side yard setback of 6-1/2 feet or 10 percent of

the lot width—whichever is greater—and in this case the interior side yard setback is 6-1/2 feet. He displayed a copy of the plat of survey and stated that the existing building is located approximately 2.97 feet off the interior side yard, therefore, in order to build a front porch in compliance with the Zoning Code, the porch would end roughly in the middle of the existing bay window. He stated that the property owners are requesting a variation to Section 10-4-8(D)3 to allow the construction of a porch with an interior side yard setback of 2.97 feet in lieu of the required interior side yard setback of 6.5 feet. He added that the Public Hearing Notice was published in the July 9, 2016 edition of the Daily Herald, a copy of the notice was mailed to surrounding property owners and a placard was placed on the subject property.

Questions from the Zoning Board of Appeals

ZBA Member Chip Miller asked how the finished subject porch will relate to other porches on the block as he felt it will extend farther in front than the other porches. Mr. Witt replied that he did not have copies of the plats of surveys for the other homes on the block but responded to ZBA Member Chip Miller that the principal structure is generally in line for at least the properties from 491 through 503. He displayed a photograph of homes on the block and stated that the main portions of the front of the buildings appear to be in line with each other and indicated a bay window that is substantially further back than the front porch. ZBA Member Constantino asked if there is a minimum front yard requirement for the property and front porch as proposed to be set back far enough to fall beyond the setback. Mr. Witt responded that the required front yard setback on an R2 Residential property is 30 feet. He stated that the main portion of the existing subject building is 29.78 feet per the survey and the front of the bay windows is at 28.01 feet. He added that the bay window is permitted to extend up to 3 feet into the front yard and the front porch is also permitted to project up to 25 percent into the required front yard which would be a total of 7-1/2 feet. He added that the 7-1/2 feet would have to subtract roughly the 3 inches of the existing building that projects inward so the porch could be built to approximately 7 feet 4 inches plus or minus. He confirmed that the petitioners would be required to maintain that amount on the side yard and not project the variation farther out. Acting Chairman Micheli stated that he saw no measurements on the petitioners' plans, and Mr. Witt responded that the Planning and Development Department will ensure that the porch does not encroach further than 7 feet 6 inches into the front yard setback. Mr. Witt responded to Acting Chairman Micheli that the requirements for a porch are that it must be open-sided and shall be permanently roofed over, it can project up to 25 percent into the rear yard, a floor area above the porch cannot be enclosed and the porch must be on the first floor level only.

Petitioners' Presentation

Amatore Michael Miulli, 1027 Garner Avenue, Wheaton, Illinois spoke on behalf of the subject variation requests and responded to Acting Chairman Micheli that he is half-owner of the subject property. Mr. Miulli stated that this is the first home he has invested in and added that

the first thing he would want as owner of the home is a porch. He also stated that the immediate neighbors signed a petition in favor of having a porch on this property. Mr. Miulli stated he would like a porch on the front of the property as it will improve the look of the home, it will increase the value of the home and the neighbors will appreciate a porch on the front of the home. Mr. Miulli stated that the side of the property that will be encroached upon by the porch has a bay on that side also that will project out further than the porch. He stated they looked at other options to add the porch on the front of the home, however, there are no options available because of the bay in the front of the home. He added that the home looks odd on the street as it does not have a porch like the other homes.

Persons in Favor of or in Opposition to the Proposed Request

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

Comments from the Zoning Board of Appeals

ZBA Member Jones stated he lives within the radius of the subject property and was in favor of the proposed variation requests. He stated that one thing he noticed is that almost everybody has a porch and Mr. Miulli agreed with him that the porch would end up in the middle of a window and would not look aesthetically correct if the porch was built to code. Mr. Miulli responded to ZBA Member Jones that they have done extensive electrical and roof work on the subject home. Mr. Miulli responded to ZBA Member Jones that part of the reason for adding the porch onto the subject home is to put the original character back on the home and allow families that live there the ability to more easily socialize with others in the neighborhood. ZBA Member Chip Miller did not see any type of hardship to allow the variation request, and Mr. Miulli responded that having a porch will provide safety for the children playing outdoors. ZBA Member Chip Miller then asked Mr. Miulli what is unique about the subject property that makes it difficult for him to build a porch, and Mr. Miulli responded the bow window. ZBA Member Constantino reiterated that a hardship would be created without a variation if the petitioner was only allowed to build the porch extending through the middle of the front window instead of building to the edge of the house. Mr. Witt responded to Acting Chairman Micheli that the width of the subject lot is 38 feet which is similar to the other lots in the subject neighborhood. Mr. Miulli also responded to Acting Chairman Micheli that the neighbors have full width porches that encroach on their neighbors' required setbacks.

Findings of Fact

ZBA Member Constantino stated that the owners of 495 Ridgewood would like to be allowed a variation for the construction of a porch on an interior side yard setback of 2.97 feet in lieu of the required setback of 6.5 feet. He stated that the subject property is an interior lot in the R2 Residential Zoning District with Single-Family Residential homes in the surrounding area. ZBA Member Constantino stated that Steve Witt, Building and Zoning Official, said that the subject

home is not in an historical district, there have been no prior variations for this home, the home has not been plaqued by the Historical Society or designated by the Historic Preservation Commission.

ZBA Member Constantino stated that the petitioner would like to add a front porch to match similar porches of the neighbors in the immediate area, allow a safer use of the front yard and make the presentation of the home more compatible with the neighboring properties. ZBA Member Constantino stated that generally the principal structure is in line with the surrounding properties. He also stated that a 30-foot front yard setback is required and the existing home is currently set back a bit better than 29 feet and with the bay it is set back approximately 28 feet. He added that the porch may go into the front yard by 25 percent which in this case would be approximately 7.3 feet. ZBA Member Constantino stated that when the permit is issued, the applicant will be required to maintain that required setback. ZBA Member Constantino added that without a variation, the porch could only be constructed to the middle of one of the windows at the front of the home.

ZBA Member Constantino stated that Amatore Michael Miulli, one of the property owners, felt that a porch would allow better use of the front yard and would match the character of the other homes in the neighborhood as well as create additional value for the homes in the neighborhood. ZBA Member Constantino stated that the bay window also creates an issue with construction as the porch without a variation would only extend to the middle of one of the windows. He also stated that the home is older and the petitioner has recently done some upgrades on the home. ZBA Member Constantino stated that some issues noted as hardships include a safety issue as children are playing in the yard which is riskier than being on a porch and the porch would allow better parental supervision. He stated that because of the smaller width of the lots in the subject area, there is a pattern of nonconformity in that area and there would be a particular hardship if they were not allowed to match the construction pattern.

ZBA Member Chip Miller moved, seconded by ZBA Member Jones, to accept the findings of fact. The motion carried unanimously by voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Jones stated that he lives in the subject area and is aware that the porch of the subject home which is currently vacant ices up in the winter and makes entry into the home difficult. He stated that he believes the Village wants continuity in some areas and the subject home is one of the only houses on the block without a front porch. He stated the neighbors feel a porch should be added onto the home and would fit the character of the neighborhood. He also stated that without a variation, the porch would end at the middle of a window which would look odd. He also stated the neighbor next door was supportive of the variation request although there would be encroachment into her property. ZBA Member Jones stated that he was in favor of the variation request for continuity of the neighborhood and aesthetics as well

as safety factors regarding a safe walk-up area. ZBA Member Miller stated he loves the subject neighborhood. He stated he can work with how the bow window will make the porch unusable, the non-standard lot for the neighborhood and the history of nonconformity in the neighborhood. He stated he was supportive of the variation request because without it the porch would end at the middle of the window. ZBA Member Constantino also was in favor of the variation request as he felt that strictly enforcing the Zoning Code would create a hardship in this case. Acting Chairman Micheli stated that holding a property to the standard and character of the neighborhood it is in would be placing an undue hardship on the property so he generally was in favor of granting the variation. He added that he was somewhat concerned that the size of the porch has not yet been determined because a useful porch would be more important than a porch with a cosmetic look that was not functional. Regarding the size of the proposed porch, Mr. Witt responded to ZBA Member Micheli that the habitable size of a room is 7 feet so the size of the proposed porch will be adequate.

ZBA Member Jones moved, seconded by ZBA Member Chip 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 recommends approval of the variation for M&M Investment Group LLC acting on behalf of Amatore Miulli and Michael Poland, owners of the property at 495 Ridgewood Avenue, due to the plight of the homeowners which is unique due to the large bow window reducing the size of the allowed porch to an unusable size, the nonconforming nature of the lot and other lots in the neighborhood limit the homeowners to what they can build.

The motion carried unanimously with four (4) yes votes as follows: ZBA Members Miller, Constantino, Jones and Acting Chairman Micheli voted yes.

PUBLIC HEARING – 857 ABBEY DRIVE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-7(D)1 TO ALLOW THE CONSTRUCTION OF AN ATTACHED GARAGE WITH A 38'4" FRONT YARD SETBACK IN LIEU OF THE REQUIRED MINIMUM 40'0" SETBACK. 2. SECTION 10-4-7(D)2 TO ALLOW THE CONSTRUCTION OF AN ATTACHED GARAGE WITH A 28'11" REAR YARD SETBACK IN LIEU OF THE REQUIRED 50'0" MINIMUM. 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.
(Chris and Karen Veldman, owners)

Staff Presentation

Building and Zoning Official Steve Witt stated that Jamie Simoneit, architect, is acting on behalf of Chris and Karen Veldman who are the owners of the property at 857 Abbey Drive. Mr. Witt stated that this property is an interior lot located in the R1 Residential Zoning District on Abbey Drive between Baker Court and Maryknoll Circle. He added that the zoning and land use immediately surrounding the subject property is single-family residential although there is some multi-family in the area. Mr. Witt stated that Village records indicate that the subject house was constructed in approximately 1983 and no other permits have been issued for this property since that time. He also stated that Village records do not indicate that any zoning variations have previously been issued for this property. He also stated the subject property is not located within an historic district, is not landmarked nor is a significant home designated by the Historic Preservation Commission nor a home placked by the Historical Society.

Mr. Witt stated that the homeowners would like to construct an attached 2-car garage to the southwest of the existing house. He displayed a plat of survey and a copy of the proposed first floor plan indicating the house and an outline of the proposed garage. He stated that the existing garage faces the side lot line whereas the proposed garage would be forward facing to make vehicle access to the street easier. He added that the requested variations are required due to the irregular shape of the lot and that the property owners are requesting those variations from the Zoning Code as follows: 1. Section 10-4-7(D)1 to allow the construction of an attached garage with a 38-foot 4-inch front yard setback in lieu of the required minimum 40-foot setback. 2. Section 10-4-7(D)2 to allow the construction of an attached garage with a 28-foot 11-inch setback in lieu of the required 50-foot minimum setback. Mr. Witt stated that the notice of public hearing was published in the July 11, 2016 edition of the Daily Herald, was mailed to the owners of property within 250 feet of the subject property, and a placard was placed on the property.

Petitioners' Presentation

Chris and Karen Veldman, owners of the subject property, and Jamie Simoneit, their architect, 504 Hillside, Glen Ellyn, Illinois were present to speak on behalf of the subject variation requests.

Mr. Veldman stated that his driveway was built in 1983 and is the only asphalt driveway in his neighborhood. He stated that his driveway has a steep pitch and is falling apart. He stated they have had many issues of vehicles sliding and actually had to remove a tree because of vehicles sliding into that tree. Mr. Veldman added that he would like to have a safe garage that they can park in as they can park only one car in their existing 2-car garage because it is small in size. He also stated they would like to park their cars straight. He stated that cars get stuck at the bottom of their driveway which is a hazard. Mr. Veldman also said that one of their cars was stolen when it was parked outside the garage but stated that their main concern is the safety of

their children. Ms. Veldman added that they have lived in Glen Ellyn for a number of years and really love their home. She added their parents moved in nearby so they plan to remain in their home for a long time. She also stated they need to do something to create a safer driveway and added that on two occasions cars have gone into their garage and home causing thousands of dollars in damage due to the fact that they slid into the garage and home.

Architect Jamie Simoneit stated they have spent many months exploring the petitioners' issues with their garage and added they have some hardships that are causing their dilemma. He displayed several graphics of the site and request during his presentation. Mr. Simoneit stated that their number one hardship is the 2002 code that was blanketed over this home built in 1984 and that this house is currently in violation of all of the setbacks on the property. He stated that, unlike the petitioners, the majority of the homes in the neighborhood have garages that face forward and are direct access straight in. He stated that this home has a hard left-hand turn into the driveway as one's car is tilted anywhere between a 15- and 20-degree angle which has resulted in accidents at the site. He stated that there are issues with grading as well as tightness when backing in and exiting the driveway facing to a curved street that is blind on both sides. Mr. Simoneit stated that they plan to contact a civil engineer upon approval of these requests so they can get a flatter turnaround area to be able to exit the driveway front forward. He also stated they would like to widen the driveway in front.

Mr. Simoneit stated that the petitioners are requesting a front yard setback variation, and the home and land are in violation of the rear yard setback. He also stated that the petitioners are somewhat secluded and thus separated from their neighbors. Mr. Simoneit stated that if the lot was rectangular, the proposal would meet code, however, the subject property is skewed on the two sides that the petitioners want to add onto. Mr. Simoneit stated he did not believe anything is being intruded upon visually in the rear yard.

Mr. Simoneit stated that the neighbors next door on both sides were in favor of the petitioners' variation requests.

Mr. Simoneit described some of the architectural features of the proposed garage.

Mr. Simoneit stated that one hardship is that the code renders this site worthless for new development or any kind of expansion. He stated that the second hardship is the difficulty of pulling into the driveway in any type of weather and the safety issues of being able to pull out face forward instead of facing out of a hill on a curving, winding street.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked what the current width of the garage on the house currently is, and Mr. Simoneit responded it is probably 20 feet. Mr. Simoneit responded to ZBA Member Jones that the new garage will be just a bit wider so one can get in and out. He added that they do

not intend to go into the utility easement on the side of the garage. ZBA Member Jones asked if the petitioners could install a new driveway but use the same garage. Ms. Veldman responded that their issue has less to do with the size of the garage than being able to drive two cars straight in which they would like to be able to do. Mr. Simoneit added that the petitioners are currently pulling out of the garage on a slope. Mr. Simoneit responded to ZBA Member Chip Miller that crumbling asphalt currently exists where the new garage will be built. ZBA Member Chip Miller also stated that he would have liked to see a petition in favor of the project signed by more neighbors, including the neighbors behind the subject house on Baker Court. ZBA Member Chip Miller also asked if the petitioner could bring the driveway even with the front of the existing garage, bring it out where there is a turn in and regrade it without building a new garage. Mr. Simoneit felt that would not work due to the fear of taking a left-hand turn into the garage. ZBA Member Constantino asked if there are any drainage issues with the flat roof and extending out where the grading drops off. Mr. Simoneit responded that if the driveway is not increased from the curb down, no impervious area is increased. Mr. Simoneit stated he intends to install a French drain across the front of the threshold of the garage to steer it around. Acting Chairperson Micheli asked if the PUD addresses any of the issues regarding irregularities and size of lots and what variances already exist within the PUD. Mr. Witt responded that he has not yet reviewed the PUD, and Mr. Simoneit responded that a plat of survey dated 2006 indicates the subject property is inside the setbacks. He also stated that the reasons the petitioners are at this ZBA meeting is because the lot is an odd shaped parallelogram with the curved lot and the subject property and surrounding area were developed before the code was adopted. ZBA Member Jones stated that the roof of the proposed garage is flat and asked what the plan is for that roof. Mr. Simoneit stated they have no plans yet for that space and responded to ZBA Member Jones that a deck on the roof is a possibility. ZBA Member Jones asked the petitioners if they had looked into changing the current garage into a front-load garage and moving the driveway. Mr. Simoneit responded no because there are several trees at that location.

Persons in Favor of or in Opposition to the Variation Requests

Acting Chairperson Micheli stated that five communications in favor of the variation requests and one communication in opposition to the variation requests were received by the Village.

Findings of Fact

ZBA Member Constantino stated that the petitioners, Chris and Karen Veldman of 857 Abbey Drive, are requesting two variations to allow the construction of an attached garage with a 38-foot 4-inch front yard setback versus a required 40-foot setback and to allow construction with a 28-foot 11-inch rear yard setback in lieu of the required 50-foot minimum. He stated that Building and Zoning Official Steve Witt described the subject property as an interior lot located in the R1 Residential Zoning District and that the surrounding property is generally single-family residential. He added that the subject property is not in an historical district and not named as

a significant home by the preservation commission or a plaqued home by the historical society. He added the home was built in 1983 and there have been no prior variation requests. ZBA Member Constantino stated that the owners, Chris and Karen Veldman, and Architect Jamie Simoneit spoke on behalf of the variation requests. He stated that Mr. Veldman described their driveway which has a steep pitch as being asphalt and currently disintegrating. Mr. Veldman stated that vehicles have slid into the tree and the house while on the driveway, and people have also been slipping and falling while on the driveway. He stated that the petitioners feel that new construction would create a better traffic pattern and space for a two-car garage. He added that although they currently have a two-car garage, only one car is parked in the garage at a time because of its size and location. He added that potential safety issues have included slipping and sliding, property damage, personal injury and car theft. ZBA Member Constantino stated that Ms. Veldman stated they love their home and subdivision and this construction project will allow them to stay in their home for a long period of time. Ms. Veldman also described the aesthetics and safety issues as well as damage to the cars and home and slipping and sliding on the ice. ZBA Member Constantino stated the petitioners and their architect, Jamie Simoneit, have been working on this plan for nine months reviewing the grade, the slope and the attached/detached garage option. He stated that the hardships for this property include that the property is an irregular lot size and due to changes to the 2002 code, setbacks were violated and actually created a small building area that would almost be unusable if the property was vacant. ZBA Member Constantino also stated that the petitioner described how access to the garage through the direct approach versus the offset approach would be a safer location on the driveway. He added that the orientation of the house on the lot requires a hard left-hand turn into the garage with no level areas to maneuver. He also described the incline in the grade on the lot which created safety issues during the winter. He also stated that the petitioner believes the plan as proposed addresses safety for personal injury and property damage issues. He also described the impact of the limited sight lines along the drive and both sides of the home. ZBA Member Constantino stated that if the lot was a regular size lot, the proposal would fit easily within the setbacks and a variation would not be required.

ZBA Member Constantino stated that neighbors were contacted regarding this variation request and only one neighbor was not in favor of the variation request.

ZBA Member Constantino stated that a civil engineer will be involved with the subject request because the project will exceed 500 square feet of the lot coverage.

ZBA Member Constantino stated there were significant discussions regarding various options that might be considered for pros and cons for possible use of the property.

ZBA Member Chip Miller moved, seconded by ZBA Member Jones, to accept the findings of fact. The motion carried unanimously by voice vote.

Comments from the Zoning Board of Appeals

ZBA Member Jones felt that without the structure, the concrete work would eliminate the problem of getting in the driveway and the area would be flattened out. He stated that the flat roof concerns him somewhat as it could be turned into a party deck. He stated he does not favor this request at this point and added that if one has more space to pull into the driveway by increasing the driveway, a problem would be eliminated. He added that the proposed garage is the same size or smaller than the garage on the house. He added he sees no hardship here.

ZBA Member Chip Miller stated he is struggling with these requests. He stated that use of the deck could be excluded. Mr. Witt stated that by definition, the use above the garage is not considered to be a deck and is closer to the definition of a balcony which is a projecting platform that is open and roofless and which is suspended or cantilevered from or supported solely by the principal structure. Mr. Witt stated he believes the space is a balcony which is limited to project no more than 4 feet into the rear yard. ZBA Member Chip Miller also expressed concern regarding topography and water flow and suggested that a water engineering survey be submitted for the subject property and other properties within the 350 foot radius that get water.

ZBA Member Constantino stated he would be inclined to recommend approval of the variations due to the unique shape of the lot which creates the practical side and rear yard setbacks that reduce the buildable area. He stated that from the diagrams they have seen, it would almost be impossible to build a structure on the lot if vacant because of the shape of the lot and the location of the side yard and rear yard. He felt that creates a hardship coupled with the slope and incline of the property to the point that there is a safety hazard and he feels this design will alleviate safety issues to a certain extent.

Acting Chairman Micheli first addressed Alex Hoffmeister's concerns regarding the covenants of the Homeowners Association which Acting Chairman Micheli felt are irrelevant to and outside of the purview of the ZBA's consideration. He stated that Mr. Hoffmeister stated that the garage will encroach on the neighbors and public areas which he feels is a concern and could be addressed by the Homeowners Association. Acting Chairman Micheli added that if the Homeowners Association had provided an official document speaking on behalf of the homeowner that the subject requests did not impact the neighborhood, he would have given that a great deal of weight. Acting Chairman Micheli stated that he is also concerned about the flat roof to an extent. He also stated that he is not convinced of a hardship although he stated that he knows that the subject property is of an irregular shape but expressed a concern regarding the encroachment onto the neighbors' property and public areas.

The petitioners then decided to get more signatures in favor of their proposed variation requests so ZBA Member Jones moved, seconded by ZBA Member Chip Miller, to continue this public hearing to a future date. The motion carried unanimously by voice vote.

Trustee Report

Trustee Liaison Pete Ladesic stated that the Opus and McChesney projects are moving forward.

Staff Report

Mr. Witt stated that two projects are coming up on future agendas.

ZBA Member Chip Miller moved, seconded by ZBA Member Jones, to adjourn the meeting at 8:34 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official