

ZONING BOARD OF APPEALS
MINUTES
AUGUST 9, 2016

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Gregory Constantino, Matthew Jones, John Micheli, Adam Miller (arrived at 7:08 p.m.), Chip Miller and Thomas Whalls were present. Also present were Trustee Liaison Peter Ladesic, Plans Examiner Paula Moritz and Recording Secretary Barbara Utterback.

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

On the agenda was a public hearing regarding the property at 401 Phillips Avenue.

PUBLIC HEARING - 401 PHILLIPS AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)4(b) TO ALLOW A 2-STORY ADDITION AT GRADE WITH A CORNER SIDE YARD SETBACK OF 14.15 FEET IN LIEU OF THE REQUIRED MINIMUM 15.0 FEET. 2. SECTION 10-4-8(D)4(b) TO ALLOW A SECOND FLOOR ADDITION WITH A CORNER SIDE YARD SETBACK OF 14.15 FEET IN LIEU OF THE REQUIRED MINIMUM 15.0 FEET. 3. SECTION 10-4-8(F)1 TO ALLOW THE CONSTRUCTION OF AN ADDITION WITH A RIDGE HEIGHT OF 33'-0" IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 32'-0". 4. SECTION 10-4-8(F)1 TO ALLOW THE CONSTRUCTION OF AN ADDITION WITH AN EAVE HEIGHT OF 23'-0" IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 22'-0". 5. SECTION 10-8-6(B)3 TO ALLOW THE ALTERATION OF 52.29% OF THE EXTERIOR WALLS AND ROOF OF A NON-CONFORMING SINGLE DWELLING IN LIEU OF THE MAXIMUM PERMITTED PERCENTAGE OF 49.99%. 6. SECTION 10-5-5, TABLE 10-5-5(B)4, TO ALLOW A BAY WINDOW TO PROJECT 5.92 FEET INTO THE REQUIRED FRONT YARD SETBACK IN LIEU OF THE MAXIMUM PERMITTED DISTANCE OF 3.00 FEET. 7. 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.

(Matt and Nicole Potoshnick, owners)

Staff Presentation

Plans Examiner Paula Moritz stated that the owners of the property at 401 Phillips Avenue are Matt and Nicole Potoshnick who were present with their architect, Rick Rearick, to present information to the Zoning Board of Appeals. Ms. Moritz stated staff learned today that a public hearing placard was not at the subject property when some ZBA members visited the site, however, she noted that the jurisdiction of the ZBA is still valid.

Ms. Moritz stated that the petitioners are requesting variations to allow a first floor expansion and a second floor addition to the subject property. Ms. Moritz stated that the subject property is located in the R2 Zoning District and is defined as a nonconforming corner lot due to its lot width being only 50 feet as opposed to a required 80-foot lot width for a corner lot. Ms.

Moritz stated that the subject property is located at the southeast intersection of Phillips Avenue and Brandon Avenue. She added that the zoning and land use surrounding the subject property is single-family residential and the property is not located within an historic district and is not landmarked or significant. Ms. Moritz stated that Village records indicate that four building permits have been issued for this property including the original house in 1925 and subsequent permits for a garage, electric work and a fence. Ms. Moritz stated that no records were located for variations for this property.

Ms. Moritz displayed a site plan of the subject property that indicated what the petitioners are proposing to build and added that six specific variations have been identified as being required to do this work. Ms. Moritz stated that one of the largest parts of their project is a two-story addition off the back of the house with a new footing that encroaches into the required side yard setback which is 15 feet. She added that their proposed setback is 14.15 feet to align with the existing wall of the home. She stated that would require a variation to Section 10-4-8(D)4(b) of the Zoning Code to allow a 2-story addition at grade with a corner side yard setback of 14.15 feet in lieu of the minimum required 15 feet. Ms. Moritz stated that the second variation being requested is to Section 10-4-8(D)4(b) of the Zoning Code to allow a second floor addition over an already existing nonconforming first floor with a corner side yard setback of 14.15 feet in lieu of the minimum 15 feet required. Ms. Moritz stated that the third variation being requested is to Section 10-4-8(F)1 of the Zoning Code to allow the construction of an addition with a ridge height of 33 feet in lieu of the maximum permitted ridge height of 32 feet. She stated that the petitioners are asking for this variation in hopes that the house they are adding onto is more in character with the neighborhood. Ms. Moritz stated that the petitioners are also asking for a variation to Section 10-4-8(F)1 of the Zoning Code to allow the eave height to be at 23 feet in lieu of the maximum eave height of 22 feet. Ms. Moritz stated that the petitioners are also requesting a variation from Section 10-8-6(B)3 of the Zoning Code to allow the alteration of 52.29% of the exterior walls and roof surfaces of a nonconforming single-family dwelling in lieu of the maximum permitted percentage of 49.99%. Ms. Moritz explained that alteration is defined as changes to the exterior structural surfaces. She added that the petitioners are removing the entire roof of the existing one-story house and adding a second floor which exceeds what the Village permits for a nonconforming condition. Ms. Moritz stated that their final request is for a variation from Section 10-5-5, Table 10-5-5(B)4, to allow a bay window to project 5.92 feet into the required front yard setback in lieu of the maximum permitted distance of 3.00 feet. She added that the required front yard setback is 30 feet for this property which is based on the adjacent property which is a nonconforming house. She added that a bay window would be permitted to encroach 3 feet into that required setback, therefore, 27 feet would be what could be permitted without a zoning variation. She added that because the front of the house is already nonconforming, the bay window requires a variation of 5.92 feet.

Two e-mails in support of the variation requests were distributed to the ZBA at the meeting.

Petitioners' Presentation

Nicole and Matt Potoshnick, owners of 401 Phillips Avenue, and Architect Rick Rearick of 155 N. Main Street, Glen Ellyn, Illinois were present to speak on the requested variations. Ms. Potoshnick stated her family moved to Glen Ellyn nine years ago before they had children. She stated they love their home and everything about Glen Ellyn, however, they now have three children in one bedroom. She stated they have spent time trying to make sure that their home will meet their needs for the long term. Mr. Potoshnick stated that their lot is nonconforming and they are trying to design a plan that will work with their 50-foot wide lot while keeping as much of the existing structure as possible. Mr. Potoshnick added that their hardships are the 50-foot wide lot, the placement of the existing structure on the lot and the height that they are working with. He also stated that they have gone through numerous iterations of design to their home but are trying to maintain as much of the existing structure as possible. He stated that although their home encroaches into the 30-foot setback, they would like to add a bay window in the front of their home to mirror a bay window on the side of their home. He stated that several homes in their neighborhood encroach 5 feet into the 30-foot front yard setback. Mr. Potoshnick stated they are starting up 4 feet above ground level and are trying to have an appropriate eave height above the windows so that the roof line will not come down over the windows. He added that they feel this design is the most pleasing design they could come up with. Mr. Potoshnick also stated that two neighbors sent letters to the ZBA in favor of the proposed variation requests.

Responses to Questions from the ZBA

Chairman Garrity stated that the petitioners' two neighbors to the east seem to have the same elevation to start with and the houses are tall. He asked Mr. Potoshnick why they feel they need a taller house than their neighbors' houses. Mr. Potoshnick responded that their neighbor immediately next to them has a low-pitched hip roof and the design aesthetic the Potoshnicks are looking for is not to use that type of roof. He added that they also wanted to be sure to get the appropriate height to match the character of the house. Mr. Rearick stated that they are going to run into some issues with the window head height and they are thinking of installing some windows there, however, they also want to keep some space between the windows to make it look more pleasing to the eye. He added that the home will be kept in character with other homes in the neighborhood. He stated that dropping the windows could cause issues with sill height and code issues. Mr. Rearick added that the subject house is also starting out quite a bit higher than other houses in the neighborhood and that other houses in the neighborhood are higher than the subject house. Mr. Rearick responded to ZBA Member Whalls that the first floor interior ceiling height is 8 feet 5 inches and the second floor interior ceiling height is 8 feet. Mr. Rearick responded to ZBA Member Micheli that the pitch of the roof is 12.9. ZBA Member Micheli asked what portion of the house would be left after the demolition, and Mr. Rearick responded that the whole roof and back porch will be removed.

Mr. Rearick responded to ZBA Member Micheli that the floor level is 52 inches above grade which is the reason for the height. Mr. Rearick responded to ZBA Member Micheli that they cannot build a full porch on the front of the home due to zoning restrictions. He also stated that they would like to add some architectural elements to the home to give it some character.

ZBA Member Chip Miller stated that the petitioners said the existing floor is approximately 52 inches above grade and he asked where the existing floor would be for a standard house. Mr. Rearick stated he would prefer two feet as it is easier to go up two steps to a porch instead of 12 steps. Mr. Rearick agreed with ZBA Member Chip Miller that the reason they are appearing before the ZBA is because the lot is a nonconforming 50-foot wide lot and the house is 52 inches above grade in lieu of 24 inches. Mr. Rearick stated that the placement of the house on the lot is also an issue as there are approximately 10 feet of space on the side, and ZBA Member Chip Miller added that the house is off center on the lot. Mr. Rearick also indicated the location of the sidewalk which makes the house look like it has a huge side yard. Mr. Rearick also stated that going straight up the back is the most economical approach to add onto the subject home.

Persons in Favor of or in Opposition to the Variation Requests

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

Findings of Fact

ZBA Member Constantino stated that Matt and Nicole Potoshnick, owners of the property at 401 Phillips Avenue, would like to request variations generally from the side yard, corner side yard and front yard setbacks as well as height restrictions and the alteration of greater than 49.99 percent of the exterior walls and roof of the existing nonconforming structure.

ZBA Member Constantino stated that Plans Examiner Moritz said the subject lot is on the southeast corner of Phillips and Brandon and is zoned R2 Residential District. He also stated that the subject lot is a nonconforming lot with a 50-foot lot width versus a required 80-foot lot width required for a corner side yard. He stated that the subject property is not in an historic district, is not landmarked and there are no prior zoning variations for this property. ZBA Member Constantino stated that the owners desire to add a 2-story addition by extending the existing corner side yard encroachment to allow an addition to the first floor and add a two-story addition to the existing home as well as a new addition. He added that the construction would maintain the same footprint of the home as extended for the necessary addition which would extend the existing nonconforming encroachment. ZBA Member Constantino stated that two height variations are necessary to have an eave height of 23 feet versus a maximum of 22 feet allowed and a ridge height of 33 feet versus a maximum of 32 feet allowed. ZBA Member Constantino stated the petitioners are also seeking an alteration of 52.29 percent versus 49.99 percent maximum exterior of walls and roof alterations. He added that they finally requested

a bay window that would extend 5.92 feet into the front yard setback versus a maximum allowed encroachment of 3 feet.

ZBA Member Constantino stated that owner Nicole Potoshnick stated that they moved to Glen Ellyn nine years ago and enjoy the town and the location of their home. He stated that they are seeking the requested additions to meet the needs of their family and match the character of the neighborhood. Owner Matt Potoshnick stated that their existing nonconforming lot has a 50-foot width in lieu of 80 feet required. He stated that they would like to create a design to retain the existing structure and to match the neighborhood's character. He added that the proposed front yard encroachment will be less than the neighbors' properties which are farther into the front yard setbacks. He stated that numerous designs were considered for the height of the eave and ridge as they were trying to balance the required heights with the higher lot elevation that the existing home sits upon and tried to avoid the roof overhang blocking windows. He added that the roof is slightly higher because of the different roof style versus the neighbors' roof style. ZBA Member Constantino stated that the petitioners are trying to balance the aesthetics and functionality and consider the height requirement and the general character of the neighborhood. ZBA Member Constantino stated that Architect Rick Rearick spoke about the elevation of the lot and the elevation of the first floor which is higher than normal and the nonconformities of the existing house.

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

Comments from the Zoning Board of Appeals

ZBA Member Whalls stated he liked the proposed project and felt that the one foot extra helps the look be not so rectangular. He also stated if they wanted it to be flatter, asphalt could be added. ZBA Member Adam Miller was supportive of the variation requests and felt that a hardship was caused by the house being built higher than normal above grade. ZBA Member Jones stated he agreed with ZBA Members Whalls and Miller and appreciated that the petitioners would like to fix up their home to keep its character rather than tear it down and build a new structure. ZBA Member Micheli stated he is in favor of salvaging buildings and working with them and would have been more open to just new porches and roofs. He also stated he would like to hold the ZBA members to cedar or cement board and double-hung windows that were proposed. Mr. Rearick requested adding "or a similar product" because he does not want to be too specific regarding materials that must be used by the petitioners. ZBA Member Chip Miller stated he initially had concerns regarding the number of variations being requested. He stated that if the petitioners conform to other homes in their neighborhood, their house will look like 30 different styles because there is no particular style there. He stated he likes the balance with the mirroring of the two windows and is in favor of the project as presented. ZBA Member Constantino stated that particular hardships include the size of the lot, the location of the structure on the lot which is not ideally located on the corner side yard,

the elevation of the first floor of the home is unusual and the petitioners are trying to make changes to their existing home instead of building a new home. He also stated that he understood and approved of the requested variations once they were explained by the petitioners and their architect. He added that the front bay window adds to the balance and character of the neighborhood.

ZBA Member Micheli stated that in the motion regarding variation(s) for 475 Hillside, included was the phrase "to use cedar and/or fiber cement siding" to keep the addition within the character of the neighborhood. The petitioners responded to ZBA Member Micheli that they do not want to have to keep that phrase in a motion as there may be other material options they can use. ZBA Member Micheli stated he would not support the variation requests.

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

Motion

ZBA Member Chip Miller moved, seconded by ZBA Member Whalls, that the Zoning Board of Appeals recommend that the Village Board approve the variations as requested by the petitioners, Nicole and Matt Potoshnick, owners of 401 Phillips Avenue. The recommendation for approval was based on the findings of fact that the hardships include a nonconforming 50-foot wide lot, the house is 52 inches above grade at the existing floor level versus the standard 24 inches and the house is not optimally located on the lot due to the non-standard lot size.

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

Trustee Report

Trustee Liaison Ladesic had no report to present.

Staff Report

Plans Examiner Paula Moritz stated that the next regularly scheduled ZBA meeting will be held on August 23, 2016.

ZBA Member Adam Miller moved, seconded by ZBA Member Jones, to adjourn the meeting at 8:05 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Paula Moritz
Plans Examiner