

ZONING BOARD OF APPEALS  
MINUTES  
JANUARY 10, 2017

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Gregory Constantino, Matthew Jones, John Micheli, Chip Miller, Reed Panther and Thomas Whalls were present. ZBA Member Adam Miller was excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Steve Witt, Associate Planner Kelly Purvis and Recording Secretary Barbara Utterback.

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

ZBA Member Micheli moved, seconded by ZBA Member Chip Miller, to approve the minutes of the October 18, 2017 Zoning Board of Appeals meeting.

On the agenda was a public hearing regarding the property at 614 Lenox Road.

PUBLIC HEARING – 614 LENOX ROAD

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION TABLE 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF A COVERED PORCH WITH A REAR YARD SETBACK OF 36' 9" IN LIEU OF THE REQUIRED MINIMUM 40' 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.

(Brian and Christy Collie, Owners)

Staff Presentation

Associate Planner Kelly Purvis stated that the petitioners for the subject property at 614 Lenox Road are Brian and Christy Collie, the owners. Ms. Purvis stated that the owners are requesting approval of variations from the Glen Ellyn Zoning Code as follows: 1. Section Table 10-5-5(B)4 to allow the construction of an attached covered porch with a rear yard setback of 36'9" in lieu of the required minimum 40' 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. Ms. Purvis stated that the subject property is an interior lot located in the R2 zoning district on Lenox Road between Hawthorne Boulevard and Linden Street. She added that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential and CR Conservation Recreation. She also stated that notice of this public hearing was published in the December 23, 2016 Daily Herald, mailed to property owners within 250 feet of the subject property and a plaquard was placed on the property. Ms. Purvis stated that Village records indicate that no variations have been granted for the current house on the subject property, however, there has been a number of permits issued for this

property, several of which were for a previous home. She added that the petitioners recently acquired the property at 618 Lenox Road which is to the north of the subject property and demolished the home and detached garage on that property. She stated that those two lots have been consolidated. She added that the petitioners have also demolished the garage at 614 Lenox Road and are currently constructing an addition onto the home as well as a new detached garage. Ms. Purvis displayed and described some photos of the existing conditions on the subject site.

Ms. Purvis stated that during the plan review, the Planning and Development Department granted approval of the plans for the attached garage and the addition but rejected the plans for the covered porch because it extends into the required rear yard setback. She stated that the petitioner is proposing a porch which is defined in the Zoning Code as a one-story roofed structure attached to the house with no floor space above and no more than two sides of the porch are enclosed with a vertical wall, window or screen surface. Ms. Purvis added that the porch will be attached to a breezeway which will attach to the newly constructed detached garage providing a covered walkway from the garage to the home. She indicated on a drawing the small area that would require a variation. Ms. Purvis stated that the Zoning Code permits breezeways in yards provided that said connection is open on all sides and added that the petitioners are requesting a variation to construct a porch and an attached breezeway. She added that in order to complete the project as proposed, the petitioners will need to be granted a variation for a rear yard setback of 36 feet 9 inches in lieu of the required 40 foot rear yard setback.

#### Questions to Staff from Zoning Board of Appeals

Ms. Purvis verified for ZBA Member Jones that the subject lot was previously two lots but has been consolidated into one lot. ZBA Member Jones asked if the lot could be split into two lots in the future and Ms. Purvis responded no, due to lot coverage ratio. Ms. Purvis responded to Chairperson Garrity that the variation request would be for 38.84 square feet. Ms. Purvis responded to ZBA Member Micheli that the subject site has a single P.I.N. and address. Ms. Purvis responded to ZBA Member Chip Miller that the breezeway is open to the air, however, the porch is connected to the home. ZBA Member Whalls stated that he sees the request as a breezeway and not a porch as no portions of the breezeway have walls. He also stated that one must step up to get to a porch which is not the case with this request. Mr. Witt stated that per the Village Zoning Code, the definition of a porch is a one-story roofed structure attached to the house with no floor space above and no more than two sides of the porch are enclosed by vertical wall, window or screen surface. He added that staff feels the subject request meets the definition of a porch. Mr. Witt responded to ZBA Member Whalls that the subject request would not meet the definition for a breezeway because it is not attached to the house. Ms. Purvis indicated the original portion as well as the new addition of the subject home for ZBA Member Panther.

Petitioners' Presentation

Brian and Christy Collie, the petitioners, of 614 Lenox Road, Glen Ellyn, IL and their architect, Jamie Simoneit, 504 Hillside Avenue, Glen Ellyn, Illinois were present to speak on behalf of the variation requests. Mr. Collie stated that they have lived in Glen Ellyn since 2007 and have lived in their current home since April, 2015. He stated that they have five children, plan to raise their family in this home and are active in the community. Mr. Collie stated that his next-door neighbor had asked if the Collies' would like to purchase their home and the Collies agreed to do so. He stated that once they purchased the lot next door, they decided to relocate their garage to create better spacing across the consolidated lot versus having everything located on the 614 lot. He stated that their neighbors are pleased that they purchased that lot and opened up the area.

Mr. Collie stated that his wife's car is large which allows them to have only one car in the attached garage. He stated that their hardship is the elements and that they would like to have a covered walkway when walking to the garage during inclement weather. Ms. Collie added that her husband travels a great deal so she is happy that the yard will be well lit when the children are dropped off at home. Mr. Collie also stated that their previous garage had mold which needed to be addressed.

Architect Jamie Simoneit stated that the petitioners' surrounding neighbors signed a petition in favor of the proposed variation requests. He stated that he believes the request is for a breezeway—not a porch—however, the petitioners are trapped because of the definition of breezeway in the Village code. He also stated that the definition of porch in other communities refers to elevated spaces and the definition of a breezeway is a passageway which he stated is exactly what the subject request is. Mr. Simoneit stated that this home was maxed out when the petitioners purchased it and the home is placed back on to the rear yard setback in the southwest corner. He added that the Village Code is designed for a house to be in a rectangular space and he believes a hardship is that the subject house is not parallel to the property lines. He also stated that is why there is an odd triangular shape that comes back through the rear of the home. Mr. Simoneit stated that the overlay of the code on the property per the footprint given to them by the previous builder is a hardship and that the porch is a breezeway. He displayed and described some graphics of the subject site and indicated a piece of the roof which, if removed, would allow everything else there to be built. Mr. Simoneit stated that another hardship is that the property line came right up next to the former garage and the only green space they have in their rear yard is very small. He added there is a steep incline there and no flat private rear yard. He added that the petitioners wanted to pull the garage out to create a private flat zone to entertain family and friends. Mr. Simoneit stated that the device that screens and separates the yard is a win-win for the petitioners as it provides shelter for one to enter their car and is a buffer zone between what is private and what is not private. He added that the colonnade acts as a visual screening device to provide some separation and that

there will be landscaping, flowers and beds located there. Mr. Simoneit stated that most porches are elevated wood structures and that breezeways fall underneath the terrace category.

#### Additional Questions from the Zoning Board of Appeals

ZBA Member Constantino asked Mr. Simoneit to address drainage issues. Mr. Simoneit stated that to the left and to the south of the subject property, the existing door is flush at grade. He stated that basically water from Park Boulevard runs down the back side of this house. He added that the existing back door is currently only 1-1/2 inches above that grade. Mr. Simoneit stated there have been water issues in the past which resulted in mold on the stairs. He added that by pushing the terrace out, the grade on the back side will be dropped 6 inches so that the water will be steered around and will go back down the driveway. Mr. Simoneit responded to ZBA Member Whalls that this home was built by C. George. ZBA Member Jones asked why they just didn't move the door to where the powder room is although an extra hallway would have to be added and the 3-foot variation request then would have been unnecessary. Mr. Simoneit responded that the logic behind their request was not to have 30 square feet of interior hallway as they were looking for mudroom space for five children. He added that they would have ended up with just the hallway if they did not request a variation. Mr. Simoneit stated they also were trying to create some character across the rear of the home. Mr. Simoneit responded to ZBA Member Micheli that there is a single pitch from the porch to the house and that the porch could stand alone from the breezeway. Mr. Simoneit responded to ZBA Member Miller that the current drainage system would not work as well without the porch/breezeway portion.

#### Persons in Favor of or in Opposition to the Proposed Request

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

#### Findings of Fact

ZBA Member Constantino stated that the petitioners, Brian and Christy Collie, owners of the property at 614 Lenox Road, are requesting a variance to allow the construction of a covered porch with a rear yard setback of 36 feet 9 inches rather than the required 40 foot setback. ZBA Member Constantino stated that the subject property is an interior lot in the R2 zoning district and is surrounded by R2 zoning and Cr Conservation Recreation zoning. He also stated that Associate Planner Purvis explained that the petitioners had purchased the lot next door to theirs and consolidated the two lots into one larger lot. He added that the petitioners demolished the structures on that lot and are adding a new garage as well as an addition to their home. ZBA Member Constantino stated it was learned that a covered porch would not be allowed as it would need to comply with the required setbacks and that a breezeway would be a permitted accessory use. He added that the area in question is approximately 38 square feet and that the improvement they would like would be to create the encroachment onto the

rear setback. ZBA Member Constantino stated that Building and Zoning Official Witt explained that the issue is the definition between a porch and a breezeway. He stated that the subject porch is attached to the house and is subject to the setback and a breezeway is not attached and is open and deemed an accessory use.

ZBA Member Constantino stated that Brian and Christy Collie, the petitioners, explained that they moved to the subject location in 2015 and purchased and consolidated the lot next door in order to relocate their garage. He added that they demolished the structures on that property once it was consolidated. He also stated they had received support from their neighbors and there have been no objections to their proposed construction.

ZBA Member Constantino stated that Jamie Simoneit, the petitioners' architect, explained the subject project and stated that the neighbors have approved the project. ZBA Member Constantino stated that Mr. Simoneit thought the project would be deemed a breezeway and not a porch and he was surprised regarding the interpretation of the plans. He added that the area where the construction is anticipated to be will affect drainage issues on the property. He added that if the petitioners changed the proposed plans to conform, it would limit the space for the mud room, laundry room and powder room.

ZBA Member Constantino stated that the particular hardships regarding this property are that the location of the primary structure is not parallel with the boundary lines and was originally located too close to the rear yard setback which affects the ability to create and maintain open green space in the back and to locate the garage. He added that they tried to make the least intrusion into the setbacks. He also stated that they believe that this plan will address the topography and the drainage issues affected by the greater slopes to the rear of the lot and added he was in favor of the variation request.

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

#### Comments from the Zoning Board of Appeals

ZBA Member Micheli stated that the request presented by the petitioners is extensive and he decided not to use it as a determining factor in this case. He also stated that the petitioners are in violation of the zoning rules per staff and are present to ask for an exception to be made. ZBA Member Micheli stated he finds good reason to grant the variation because it would be terribly unjust and not keeping in character with the neighborhood to truncate an otherwise useful addition. He added that he does see a difference between a porch and a breezeway. He added that he did not think it would be fair to the petitioners, the neighborhood or the Village to deny this variation request and now allow the petitioners to use the 3 feet of property. He added that the specific hardship is the location of the house on the lot and the inability to move

the house 3 feet. ZBA Member Chip Miller stated the subject neighborhood is significant and the subject property adds a lot of character to the neighborhood. He stated that he finds enough reasons to approve the request. ZBA Member Constantino was in favor of approving the request by the petitioners. He stated that the hardships and practical difficulties are the location of the house in relation to the boundary line, the fact that the existing house structure is located up against the rear setback line and that the proposed plans are the least intrusive into the setback as could be expected under the circumstances. He added that he saw no effect upon light, air or open space, there is no increased fire or hazardous condition and there appears to be no adverse effect upon the neighborhood and/or property values. He stated that it can be appreciated that the petitioners have looked at consolidating a lot rather than keeping it independent which will be a long-term improvement for the neighborhood. He added that the proposed change will have a minimal intrusion into the setback. He also appreciated that the petitioners were addressing drainage issues to minimize any effects. He stated that he was in favor of the petitioners' request. ZBA Member Whalls favored the breezeway definition as opposed to the porch. He stated that the structure is not enclosed and looks really nice and also liked the architectural continuity of the covered structure versus the trellis and the 38 feet. He added he had no issues with the variation request which was not large. ZBA Member Jones stated that he is in favor of the subject request although he felt that the laundry room/powder room addition could have been changed a bit overall. He approved of the request because of the overall benefit to the petitioners and the neighbors. ZBA Member Panther stated he understood the confusion regarding the definition of a breezeway and a porch. He also stated that a hardship was created by the position of the home on the lot.

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

#### Motion

ZBA Member Chip Miller moved, seconded by ZBA Member Panther, that the Zoning Board of Appeals recommend approval of the zoning variation request of the petitioners, Brian and Christy Collie, of 614 Lenox Road to allow the construction of an attached covered porch with a rear yard setback of 36 feet 9 inches in lieu of the required minimum 40-foot rear yard setback 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 due to the following hardships: Without the breezeway/porch, the proposed drainage system will not work properly and will potentially allow more black mold to form inside the structure, the house is not set parallel to the lot line and is set farther back on the lot than is necessary.

The motion carried with seven (7) yes votes and zero (0) no votes as follows: ZBA Members Chip Miller, Panther, Constantino, Jones, Micheli, Whalls and Chairperson Garrity voted yes.

Staff Report

Ms. Purvis stated that some zoning variations will be presented when ready at future meetings.

Trustee Report

Trustee Liaison Ladesic stated that at the Village Board meeting last evening, the exterior appearance was approved for the Two Hounds Brew Pub. He also stated that Panera will be moving from a free-standing building to a space with a drive-thru on Roosevelt Road. He stated that Soukup's is closing and the building will be for sale.

Chairperson Report

Chairperson Garrity welcomed new member Reed Panther and Associate Planner Kelly Purvis to the ZBA.

The meeting was adjourned at 8:01 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Kelly Purvis  
Associate Planner

Steve Witt  
Building and Zoning Official