

ZONING BOARD OF APPEALS  
MINUTES  
FEBRUARY 28, 2017

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

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

ZBA Member Chip Miller moved, seconded by ZBA Member Greg Constantino, to approve the minutes of the September 27, 2016 and January 10, 2017 meetings. The motion carried unanimously by voice vote.

On the agenda was a public hearing for 909 Crescent Boulevard.

PUBLIC HEARING – 909 CRESCENT BOULEVARD

THE PROPERTY OWNERS ARE REQUESTING APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-1(L)2 TO ALLOW THE CONSTRUCTION OF AN ADDITION TO A NON-CONFORMING PORTION OF AN EXISTING HOME WHICH DOES NOT CONFORM WITH ALL BULK REQUIREMENTS OF THE ZONING CODE. 2. Section 10-4-7(D)4 TO ALLOW THE CONSTRUCTION OF AN ADDITION TO A NON-CONFORMING PORTION OF AN EXISTING HOME THAT CURRENTLY HAS A CORNER SIDE YARD SETBACK OF 25.33 FEET IN LIEU OF THE REQUIRED 40-FOOT CORNER SIDE YARD SETBACK. 3. TABLE 10-5-5(B)4 TO ALLOW THE CONSTRUCTION OF A DECK IN THE CORNER SIDE YARD AT AN AVERAGE LEVEL OF ADJOINING GROUND OF APPROXIMATELY 5 FEET AS OPPOSED TO THE MAXIMUM ALLOWABLE 3 FEET. 4. 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.

Staff Presentation

Associate Planner Kelly Purvis stated that the petitioner, Julie Price, owner of the property at 909 Crescent Boulevard, is requesting variations from the Zoning Code as follows: 1. Section 10-4-1(L)2 to allow the construction of an addition to a non-conforming portion of an existing home which does not conform with all bulk requirements of the Zoning Code. 2. Section 10-4-7(D)4 to allow the construction of an addition to a non-conforming portion of an existing home that currently has a corner side yard setback of 25.33 feet in lieu of the required 40-foot corner side yard setback. 3. Table 10-5-5(B)4 to allow the construction of a deck in the corner side yard at an average level of adjoining ground of approximately 5 feet as opposed to the maximum

allowable 3 feet. 4. 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 a corner lot in the R1 Zoning District on the corner of Crescent Boulevard and Cumnor Avenue between Churchill Woods and the Union Pacific Railroad. She stated that the zoning and land use immediately surrounding the subject property is R1 and R2 Single Family Residential. She stated that notice of the public hearing was published in the February 10, 2017 edition of the Daily Herald, mailed to property owners within 250 feet of the subject property and a placard was placed on the property. Ms. Purvis stated that Village records indicate there have been no zoning variations for the subject property. She added that two permits for this property were issued—one in 1995 for a service line and the other in 2004 for an irrigation system.

Ms. Purvis stated the property owner, Julie Price, would like to modify her non-conforming two-story home with an addition and a raised deck and she displayed a plan of the request. She stated that the property was annexed nonconforming into the Village in 1995 with a portion of the home being in the corner side yard. She added that the requirement is 40 feet in the R1 Zoning District. Ms. Purvis stated that the subject home is on a sloped lot with the garage sitting below the first level of the home which gives the front of the home an odd-looking shape. She stated that the owner would like to construct a two-story addition above the current garage which would create a more normal-looking front façade and provide additional space as well as other improvements to the property. Ms. Purvis added that there will not be any increase to the non-conforming side yard as the owner is not requesting to alter the footprint of the property. Ms. Purvis stated that the petitioner is also proposing a 5-foot by 3-1/2-foot raised deck that will be in the rear of the property and will allow access from the new addition to the existing patio connected to the house. She added that the proposed deck would also be located in the non-conforming corner side yard setback, however, would also require an additional variation to be constructed at an average level of adjoining ground of approximately 4-1/2 feet as opposed to the maximum allowed of 3 feet. She added that because the lot is oddly shaped, the distance had to be measured from three different areas.

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

ZBA Member Chip Miller asked if it has been determined if the neighbors will be affected regarding run-off as the slope of the roof will change quite a bit in a yard with a lot of elevation changes. Ms. Purvis responded that the proposed addition will be on the side of the property that connects to the street and that staff will review stormwater flow. Ms. Purvis responded to Acting Chairperson Micheli that she assumes the subject property had three (3) curb cuts when it was annexed into the Village. Acting Chairperson Micheli also asked if there were any issues with the height of the safety rails at 3-1/2 feet wide x 5 feet wide on the patio. Mr. Witt responded that guard rails are required once they are more than 30 inches above adjacent grade. He added that rails are designed for the same structural load requirements no matter how high or low they are.

Petitioner's Presentation

Julie Price, the homeowner of the subject property at 909 Crescent Boulevard, and Joe Lichtenberger, 7N025 Plymouth Court, St. Charles, IL, her contractor, were present to speak on behalf of the subject project. Mr. Lichtenberger stated that Ms. Price would like to remodel her home to bring it up to current standards and provide a nice curb appeal look which it needs. He stated they decided to build up and remove the slope over the garage to extend the family room and kitchen area to provide a more appealing look. He added that the siding will be changed, the home will be re-roofed and the design on the front of the home will be re-done to give it a more current look. He added that the small deck that will be added will have a safety rail around two sides to provide easy access from the screened porch that is proposed to be built onto the patio. He added that they do not plan to change any of the footprint of the house. He added that the subject home was built in 1981 using DuPage County regulations.

Ms. Price stated that when she bought the house, she did not know about the setbacks or the new zoning that had occurred after the house was built. She stated that all she was thinking about was that the slope was unusual. She also stated that she would like to add a proper room where the storage area currently exists and feels that with the addition, her house would look better from the outside and will be more functional on the inside.

Questions from the Zoning Board of Appeals

ZBA Member Chip Miller stated that he appreciated what the petitioner was doing to improve her home, however, stated that salability is not a reason for the ZBA to approve a variation request and asked what the hardship is. Mr. Lichtenberger stated that the layout of the interior of the house is barely functional and they are adding more attic space to make the house flow more evenly and give the family more living space. Mr. Lichtenberger stated that the hardship is that the house is not as livable as it could be within the confines of the building pad so converting the attic space to living space will help the family live in the house more comfortably. Ms. Price added that the sloped roof causes a lot of dirt and debris to accumulate in such a wide expanse of roof on the outside. She stated that with an addition there, the siding will be perfectly vertical and not sloped so it won't catch all the rain, dirt and debris that causes maintenance issues. She stated that the roof is also accessible by the side steps going to the upper view so children or teenagers can actually try to climb on the roof which would be a safety hazard. She stated that other than being an eyesore, the design of the home is not practical and is also not safe in some ways. She added that the variation will improve the look and design of the home as it will be more structural and will have better integrity to the design. Ms. Price responded to ZBA Member Chip Miller that the current design is a life safety hazard. ZBA Member Constantino asked if they are trying to correct any design flaws that create a safety or hazardous condition. Mr. Lichtenberger responded that the area near the retaining wall on the first floor by the back will be much safer after the renovations than it currently is. ZBA Member Constantino stated that Ms. Price purchased the property after it was annexed and is currently trying to make changes to the house. He also asked Mr. Lichtenberger if he has done anything to address the

drainage with the stormwater runoff regarding the plans prepared for the home. Mr. Lichtenberger responded that he does not anticipate any more runoff because the footprint of the home will not be changed. He also added that the water will be routed to the gutters and the downspouts. Ms. Price responded to ZBA Member Constantino that she has discussed her plans with the neighbors on either side of her home and they were supportive. She also stated that she received no negative comments from any other neighbors. Ms. Price agreed with Acting Chairperson Micheli that the unique topography of the lot creates a practical difficulty when upgrading its safety, livability and in keeping the character of the neighborhood.

#### 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 Julie Price, owner of the property at 909 Crescent Boulevard, is requesting approval of three zoning variations as follows: 1. To allow the construction of an addition to a non-conforming portion of an existing home that would not conform with all bulk requirements of the zoning code. 2. To allow the construction of a nonconforming portion of an existing home that currently has a corner side yard setback of approximately 25 feet in lieu of the required 40-foot corner side yard setback. 3. To allow the construction of a deck in the corner side yard at a average level of adjoining ground of approximately 4-1/2 feet as opposed to a maximum allowable 3 feet.

ZBA Member Constantino stated that Associate Planner Kelly Purvis described the requested variations and the zoning use of the property which is a corner lot located in an R1 Zoning District at the southwest corner of Crescent Boulevard and Cumnor Avenue. He stated that the zoning and land use immediately surrounding the subject property is R1 and R2. ZBA Member Constantino stated that the property owner desires to add a second story building addition to her home over the existing garage and to construct a new small deck which would allow access to the current patio from the new addition. He added that the garage is currently below the grade of the main portion of the home which creates a unique characteristic, and he briefly described the contour of the property. He added that the purpose of the addition is to create an upgrade to the property. ZBA Member Constantino stated there is no increase of encroachment into the side yard and no change in the footprint which would change the lot coverage. He added that the proposed deck is a small deck which would allow access from the new addition to the existing patio. He added that the Village will review drainage and storm-water runoff during the permit review process.

ZBA Member Constantino stated there are no records of prior permits issued by the Village nor any information from DuPage County regarding three curb cuts that currently exist on the lot.

ZBA Member Constantino stated that Joe Lichtenberger, the homeowner's contractor, plans to bring the home up to current standards in order to make the home look better and be more in line

with the surrounding characteristics of the neighborhood. He stated that they decided on a straight-up addition for a fuller roof line. He added that Mr. Lichtenberger stated that the second story addition would address a family room and kitchen area improvements and a small deck will have a safety rail which will allow easy access from the new addition to the existing patio. ZBA Member Constantino added that the subject property was built in 1981 and annexed in 1995. He added that DuPage County either had no setback or the setbacks were not the same as the Village.

Ms. Price spoke of the unusual slope of the roof, the garage and the unusual homestyle which is not characteristic of the properties in the neighborhood. She added that the proposed changes will improve the appearance and functionality of the property.

ZBA Member Constantino stated that the hardship related to this property is that the homeowner believes the interior layout of the home is not properly functional so they will take attic space and create a more functional living space to improve the livability of the interior space. He added that other hardships include the contour of the lot, the unique design of the house, the need to correct possible safety hazards by limiting the roof access and to better address the retaining walls and life threatening issues as far as falling off the retaining wall. ZBA Member Constantino stated that Mr. Lichtenberger has addressed the drain tile, gutters and downspouts to be sure there is no aggravation regarding the stormwater runoff. He added that Ms. Price stated she has talked with the immediate neighbors regarding the proposed addition and they were supportive. He added that the lot is unique and the proposed plan will attempt to bring the home up to the neighborhood standards and characteristics.

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 Whalls felt that the lot width, corner side yard setback, the 1995 annexation and topography on all sides makes the lot unique. He stated he was in favor of the project based on pre-existing conditions. ZBA Member Adam Miller was supportive of the variation requests based on the aesthetics of the house. He also felt that it was important to fix the roof so that no one is injured after climbing onto it. ZBA Member Jones was supportive of the variation requests. He stated that when the property was annexed, it would have been better to have the zoning be R2 instead of R1. He stated that the addition is going up rather than out and felt the petitioner is trying to work with what she has. ZBA Member Chip Miller stated that the lot shape and the house shape are unique circumstances that are beyond the owner's control. He stated that practical hardships like life safety and the attractive nuisance make him comfortable voting in favor of the variation requests. He felt that the subject neighborhood is very unique and the changes to the subject home will add to the neighborhood. ZBA Member Chip Miller stated he is still concerned about water on the subject site as the neighborhood has limited access. He asked if they could require a stormwater survey versus review as a condition of approval. Mr. Witt responded that since this addition is not affecting ground coverage, it will not

require a stormwater review although the ZBA could request that condition. Mr. Lichtenberger also stated that a better water condition will exist after the addition is built than what currently exists and Mr. Witt stated the condition will also be safer. ZBA Member Chip Miller then withdrew his request for a condition of approval. ZBA Member Constantino stated that the hardship regarding this property is the lot contour, topography and the unique design of the subject house. He added that the annexation created the encroachment and the violation of the zoning ordinance and the owner has done nothing to contribute to or cause the violation. He added that there will be no lot coverage increase, no increased encroachment into the side yard and the addition will address life safety, potential attractive nuisance and ultimately bring the house more in line with the neighborhood characteristics. He added that for those reasons, he would recommend granting the variances. Acting Chairperson Micheli stated that given that the neighborhood is somewhat rural in character by Glen Ellyn standards he believed the request is perfectly reasonable.

ZBA Member Constantino 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 Jones, that the Zoning Board of Appeals recommend approval of the variations as requested by Julie Price, owner of the property at 909 Crescent Boulevard, due to the unique circumstances of the lot and house shape as well as the topography. He stated there are also practical hardships as the current design is a safety hazard and a security risk allowing direct access.

The motion carried unanimously with five (5) yes votes as follows: ZBA Members Miller, Jones, Constantino, Whalls and Acting Chairperson Micheli voted yes.

#### Trustee Report

Village Trustee Ladesic reviewed various items on recent Village Board agendas.

#### Staff Report

Ms. Purvis stated that ZBA meetings will be held over the next month.

ZBA Member Chip Miller moved, seconded by ZBA Member Jones, to adjourn the meeting at 7:59 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback  
Recording Secretary

Steve Witt  
Building and Zoning Official

Kelly Purvis  
Associate Planner