

ZONING BOARD OF APPEALS
MINUTES
MARCH 14, 2017

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Matthew Jones, John Micheli, Chip Miller and Reed Panther were present. ZBA Members Gregory Constantino, Adam Miller and Thomas Whalls were excused. Also present were Trustee Liaison Peter Ladesic, Building and Zoning Official Steve Witt, Planning Associate 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 February 28, 2017 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were public hearings regarding the properties at 267 Scott Avenue and 844 Hillside Avenue.

PUBLIC HEARING – 267 SCOTT AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A SCREENED PORCH ADDITION THAT RESULTS IN A LOT COVERAGE RATIO OF APPROXIMATELY 22.1% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% ON A LOT WITH A TWO-STORY HOME. 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.

(Ryan and Alison Overtoom, owners)

Staff Presentation

Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak regarding the proposed variation requests. Ms. Purvis stated that Ryan and Alison Overtoom, property owners of 267 Scott Avenue, are requesting variations from the Glen Ellyn Zoning Code to allow the construction of a screened porch addition on a two-story single-family residence resulting in a lot coverage ratio of approximately 22.1% in lieu of the maximum permitted lot coverage ratio of 20% and any other zoning relief necessary to construct the project as depicted on the plans presented. Ms. Purvis stated that the subject property is an interior lot located in the R2 Zoning District between Rosalind Road and Oxford Road near the Village's eastern limits. She stated that the zoning and land use surrounding the subject property is R2 Single Family Residential. She added that the notice of public hearing was published in the February 24, 2017 edition of the Daily Herald, mailed to property owners within 350 feet of the subject property and a placard was also placed on the property. Ms.

Purvis stated that no Village records were found related to the granting of any zoning variations for this property and Village records indicate that permits were issued for a garage in 1954, a deck in 2000, a single-family home demolition and new home in 2005 and a fence in 2014. She added that the subject residence has a lot coverage ratio of approximately 19.96% and the rear yard slopes approximately 8 feet. She also stated that there is a 218-square foot deck in the rear yard and the owners would like to screen in a shaded area outside. Ms. Purvis stated that Mr. Overtoom has a medical condition that requires total shade when he is outdoors and a screened porch would protect him from the sun and other outdoor elements.

Ms. Purvis stated that in order to construct the screened-in porch as proposed, the petitioners would need to be granted a variation from the Zoning Code to allow a lot coverage ratio of approximately 22.1% in lieu of the maximum allowed coverage of 20% percent for a two-story residence. She added that the screened-in porch will meet all other bulk requirements of the Zoning Code.

Petitioners' Presentation

Architect Daryl Drake, 422 Phillips Avenue, Glen Ellyn, Illinois and Ryan and Alison Overtoom, owners of the property at 267 Scott Avenue, were present to speak on behalf of the variation requests. Mr. Drake displayed a site plan and stated that the garage is in front of the house. He stated that the lot slopes almost eight (8) feet to the northeast in the rear of the property. He also stated that when the contractor originally built this house approximately 7-10 years ago, it was probably very difficult to put an undetached garage in the rear because of the slope. He stated that as a result, they put the garage in the front of the house to make it easier to function, however, it created a situation where the first floor of the house essentially is the second floor of the house from the back because it is almost eight (8) feet out of the ground. He stated that when one walks directly out of the kitchen onto the existing deck, one is approximately seven (7) feet off the ground and the ground slopes toward the north another two (2) to three (3) feet. He stated that, in reality, the back yard is the deck because one has to go down several steps to get into the back yard.

Mr. Drake stated that Mr. Overtoom has an autoimmune skin condition that does not allow him to be in the sun which is part of the reason for the hardship and why the subject room is necessary. He stated that the house was built to the 20 percent maximum lot coverage ratio which does not allow any expansion of the house. He also stated that if it were possible for the subject house to have an unattached garage, it could be 500 square feet if the garage door that is open in the front of the building had closed office windows. He also stated that it would be ridiculous to have a screened-in room on the front of the home because there is no privacy there, it would be surrounded by rooms, no light nor sun would enter the room and there would be no shadowing which is what the petitioners need. Mr. Drake stated that where the house sits on the property, there are a few trees to the east and north and no trees to the south and that none of the trees shade the property. He added that the lack of shade trees

comes into play as to what the hardship is. Mr. Drake stated he has tried to minimize the requested variation to the absolute smallest amount they could apply for at 218 square feet which is the exact same size as the existing deck. He added that when designing the deck, he brought it farther from the property of the neighbor to the south and farther to the east and that setback is 40 feet which gave them much more room to play with. Mr. Drake stated that the petitioners notified as many neighbors as they could regarding the subject variation request and no one has objected to this proposed project. Mr. Drake summarized that there are medical conditions and site conditions regarding the variation request and that they have tried to minimize this request to a level they feel is small.

Ms. Overtoom stated that her husband grew up in Glen Ellyn and they were excited to move to Glen Ellyn from Indiana. She added that they love their home and want to continue to live there. She stated that after they had lived in their home for one year, her husband was diagnosed with some autoimmune diseases. She added that they would like to cover their deck with a screened-in porch so that they can spend time outdoors.

Questions from the Zoning Board of Appeals

Ms. Purvis verified for Chairperson Garrity that if the garage was detached, a variation would not be necessary. ZBA Member Micheli asked what the difference is between a screened porch and a three-season room, and Ms. Purvis responded that there is no difference because once the porch is screened, it becomes part of the principal structure. Mr. Drake responded to ZBA Member Reed that on the south side, the property slopes six (6) feet but continues to slope down farther on the north side. Ms. Purvis responded to ZBA Member Reed that the deck is not nonconforming because it does not extend into the rear yard. Mr. Drake responded to ZBA Member Jones that they do not intend to install windows in the proposed screened porch and added that the framework would probably not support windows. ZBA Member Jones asked if Mr. Overtoom would be better off with his skin condition if windows reflected the light out, and Mr. Overtoom responded it was possible that a window would be helpful. Mr. Overtoom also responded to ZBA Member Jones that water runs off of their property to Abbotsford. Mr. Drake added that the future drainage will be almost exactly the same as it is now because the flat areas of the roof and deck are almost identical with the exception of the overhangs. Mr. Drake confirmed for ZBA Member Micheli that the rear yard faces east. Mr. Overtoom responded to ZBA Member Micheli that the deck is fairly shaded in the early afternoon. ZBA Member Micheli asked if an awning was considered and Mr. Drake said an awning was considered as well as louvers and slats across the top. Mr. Drake added that awnings are expensive, have a problem with wind and do not guard light as UV comes through them.

Persons in Favor of or in Opposition to the Variation Request

Ian Dawson, 869 Hillside Avenue, Glen Ellyn, IL stated he is a 16-year resident of Glen Ellyn and was in favor of the petitioners' variation request.

Findings of Fact

ZBA Member Micheli stated that the petitioners have requested a variation from Section 10-4-8(E)1 of the Zoning Code to allow the construction of a screened porch addition as one of the petitioners has an autoimmune condition that makes him sensitive to direct light. ZBA Member Micheli stated that Mr. Overtoom was born and raised in Glen Ellyn and he and his wife love Glen Ellyn and want to utilize their property to its fullest extent. ZBA Member Micheli stated that one of the hardships is the unique characteristic of the sloping yard which may have precluded the original builder from having an attached garage on the property. He added that a detached garage would have alleviated the need for a variance because they would no longer be over the lot coverage ratio.

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

Comments from the Zoning Board of Appeals

ZBA Member Panther stated that although he struggled with this request, he decided that the variation is not adding any footage to the overall footprint of the lot and he was supportive of the request. ZBA Member Jones stated he was supportive of the request because if the petitioners had a detached garage, they would not need a variation. He also stated that they are not creating drainage problems. ZBA Member Micheli stated he was not buying the detached garage argument because the property was built the way it was and does not leave space for a detached garage. He stated that the building maximizes the coverage of the lot in a way that the surrounding homes don't necessarily seem to. He stated he is very concerned because as the petitioners exceed the size of the lot coverage ratio, they could add windows off the radar and have a four-season room. He stated that awnings could be open or closed and they do automatically close. He stated he is sympathetic to the petitioners but added they are only talking about a few hours in the morning. ZBA Member Chip Miller stated he is not in favor of an awning. He added that the garage bonus makes a difference and suggested adding a motion that this variation does not allow for a three-season room and windows are not added. Chairperson Garrity was in favor of the proposed variation request.

ZBA Member Panther moved, seconded by ZBA Member Micheli, 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 recommends approval of the variation as submitted by Ryan and Alison Overtoom of 267 Scott Avenue with the special condition that the slope of the lot does not allow for a garage bonus where they would have otherwise been able to build one and also taking into consideration the health issues of one of the petitioners.

The motion carried with four (4) yes and one (1) no votes as follows: ZBA Members Miller, Panther, Jones and Chairperson Garrity voted yes. ZBA Member Micheli voted no.

PUBLIC HEARING – 844 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(L) TO ALLOW NEW CONSTRUCTION OF A TWO-STORY HOME ON A LOT WHICH IS CURRENTLY USED FOR SINGLE-FAMILY DWELLING PURPOSES BUT DOES NOT MEET THE MINIMUM LOT AREA REQUIREMENT OR BULK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED. 2. SECTION 10-4-8(D)1 TO ALLOW NEW CONSTRUCTION OF A TWO-STORY HOME WITH A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 30 FEET. 3. SECTION 10-4-8(D)7 TO ALLOW NEW CONSTRUCTION OF A HOME ON A LOT WITH AN AREA OF 4,374.25 SQUARE FEET IN LIEU OF THE MINIMUM 8,712 SQUARE FEET REQUIRED. 4. SECTION 10-4-8(D)8a TO ALLOW THE CONSTRUCTION OF A TWO-STORY HOME ON A LOT WITH A WIDTH OF 50 FEET IN LIEU OF THE MINIMUM REQUIRED 66-FOOT LOT WIDTH. 5. SECTION 10-4-8(D)9 TO ALLOW THE CONSTRUCTION OF A TWO-STORY HOME ON A LOT WITH A DEPTH OF 87.07 FEET IN LIEU OF THE MINIMUM REQUIRED 100-FOOT LOT DEPTH. 6. 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.

(Alexander and Stephanie Paluka, purchasers)

Staff Presentation

Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak regarding the proposed variation requests. Ms. Purvis stated that Alex and Stephanie Paluka, purchasers of the property at 844 Hillside Avenue, are requesting variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-1(L) to allow new construction of a two-story home on a lot which is currently used for single-family dwelling purposes but does not meet the minimum lot area requirement or bulk requirements of the zoning district in which it is located. 2. Section 10-4-8(D)1 to allow new construction of a two-story home with a front yard setback of 16 feet in lieu of the minimum required front yard setback of 30 feet. 3. Section 10-4-8(D)7 to allow new construction of a home on a lot with an area of 4,374.25 square feet in lieu of the minimum 8,712 square feet required. 4. Section 10-4-8(D)8a to allow the construction of a

two-story home on a lot with a width of 50 feet in lieu of the minimum required 66-foot lot width. 5. Section 10-4-8(D)9 to allow the construction of a two-story home on a lot with a depth of 87.07 feet in lieu of the minimum required 100-foot lot depth 6. Any other zoning relief necessary to construct the project 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 the north side of Hillside Avenue between Lowell Avenue and Longfellow Avenue. The zoning and land use of the surrounding properties is all R2 single family. Ms. Purvis stated that the Notice of Public Hearing was published in the Daily Herald on February 27, 2017, mailed to property owners within 250 feet of the subject property and a placard was also placed on the property. She also stated that the Village has no record of variations being granted for this property and Village records indicate that permits were issued in the past for a fence and a sewer repair.

Ms. Purvis stated that the petitioners have a contract to purchase the subject site and are proposing to construct a two-story single-family residence on the lot. She stated that this lot does not meet the minimum buildable lot requirements at approximately 50 feet x 87 feet which is approximately 4,350 square feet. She added that the existing home on the site is nonconforming and beyond simple repair. She stated that the most reasonable solution is to remove the existing residence and build a new home. Ms. Purvis stated that the petitioners would like to construct a modest 867-square foot (first floor) home and a 441-square foot detached garage on the property. She added that the proposed home will create more space on three sides of the property than that which currently exists and most notably will bring the rear yard setback into conformance. She added that the rear yard setback is approximately 9 inches from the property line of the house to the north. Ms. Purvis stated that the architect for the project does not intend to maximize the buildable area on the lot due to its small size and added that the proposed project addresses many undesirable aspects of the site in a manner that is both respectful of the surrounding properties and within keeping of the overall neighborhood streetscape. She added that the front yard setbacks on the two adjacent properties are non-conforming with the property to the west (836 Hillside Avenue) at 18.68 feet and the property to the east (846 Hillside Avenue) at 10.89 feet from the front lot line. She added that the petitioners are asking for a 16-foot front yard setback which will look appropriate next to the other homes. She stated that the petitioners are also asking for relief from lot area, lot depth, lot width and front yard setback requirements of the zoning code.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if the proposed house was beyond repair due to a fire, would a variation be required to rebuild. Ms. Purvis stated that she believed a variation would be required because it is a nonconforming structure and the Zoning Code states not to allow nonconformities to the best of our ability. Ms. Purvis added that all that could be done without

a variation would be to keep the site vacant. ZBA Member Jones also asked if the subject variation was granted and the new house burned down, would a variation be required. Ms. Purvis responded that they would not need a variation if they built the exact house because a variation runs with the property. She also responded to ZBA Member Jones that the existing home never had a variation according to Village records.

Petitioners' Presentation

Alex Paluka, the petitioner, and architect, Tom Bassett-Dilley of 216 Harrison, Oak Park, IL were present to speak on behalf of the subject variation requests. Mr. Bassett-Dilley displayed the existing site plan and stated that the petitioners would like to build a small home on the subject lot. He stated that the subject lot has plenty of width room to conform with side yard setbacks, however, they need a variation to build a home with a footprint of the size they would like. He stated that they needed a variation for the front or rear yard and added that if the front yard was kept conforming, they would not have room for a garage or parking in the rear. They, therefore, decided to request a front yard setback variation. He added that the subject proposed house which will be small and energy efficient would be respectful of the neighborhood. Mr. Bassett-Dilley displayed a site plan that showed how the proposed house compares to other nearby buildings. He also stated that regarding hardships, the only way they could have a house with a garage on the small subject lot is as proposed.

Mr. Paluka stated that he and his wife love Glen Ellyn and have a 2-year-old daughter. He stated they felt this home would be a great opportunity to move to Glen Ellyn and build on a lot that it appeared no one else wanted. He added that he felt this will be a great project. He also presented a petition signed by their immediate neighbors.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked why the house would be so far to the front of the lot. Mr. Bassett-Dilley responded that they had to break the front or break the rear and breaking the front seemed to work with the neighbors. ZBA Member Micheli asked what type of materials would be used, and Mr. Bassett-Dilley responded pre-finished siding, cedar stained trim and asphalt shingle roof.

Persons in Favor of or in Opposition to the Variation Request

Carole Tobin, 839 Hillside Avenue, Glen Ellyn, IL stated that she lives across the street from the subject property. She added that that property was a coach house for a property on Lowell Avenue. She stated she is in favor of the proposed request because the home on that property has not been maintained over the years. She added that there is huge neighborhood support for the subject property.

Roseanne Dorger, 436 Lowell Avenue, Glen Ellyn, IL stated that she lives around the corner from the subject property. She stated the subject property is shabby and an eyesore in the neighborhood. She stated that tearing down the subject house and building a new home will be a wonderful asset to the neighborhood.

Ian Dawson, 869 Hillside Avenue, Glen Ellyn, IL 60137 stated he lives to the west of the subject property on the opposite side of the street. Mr. Dawson stated that he really welcomes the subject addition and added that he wants to live in a multi-generational, multi-income neighborhood and the subject house represents all of that. He stated that he looks forward to enjoying this new house.

Findings of Fact

ZBA Member Micheli stated that the petitioners are requesting five (5) variations from the Glen Ellyn Zoning Code and testimony was given that the current construction is a nonconforming structure on a nonconforming lot. He added that the subject home is in poor condition which is why it will be razed and a new building will be constructed. He also stated that although proposed for a unique lot, construction will be in character with the neighborhood and it appears that all aspects of the proposal will improve the current situation in every way and will conform within the context of the neighborhood. ZBA Member Micheli stated that approximately eight (8) residents attended the ZBA meeting and some residents spoke strongly in favor of the request.

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

Comments from the Zoning Board of Appeals

ZBA Member Panther was in favor of the variation requests and felt that the proposal fits well with the surrounding properties. He added that he felt it is a great addition. ZBA Member Jones was also in favor of the proposed variations and said he has noticed the subject property for a while as no one had wanted to purchase it. He added a comment not to purchase one's neighbor's property because you will then have one conforming lot. ZBA Member Micheli was strongly in favor of the proposed project based on the petitioner's packet, the testimony and the neighbors' comments. ZBA Member Chip Miller was in favor of the proposed project and liked the way the property was moved forward on the lot.

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

Motion

ZBA Member Chip Miller moved, seconded by ZBA Member Panther, to recommend approval of the requests by Alex and Stephanie Paluka for the property at 844 Hillside Avenue based on the hardship that the property currently has a non-reparable structure located on a non-conforming lot.

The motion carried unanimously with five (5) yes and zero (0) no votes as follows: ZBA Members Miller, Panther, Jones, Micheli and Chairperson Garrity voted yes.

Trustee Report

No Trustee Report was given.

Chairperson Report

No Chairperson Report was given.

Staff Report

Ms. Purvis stated that one item for 761 N. Park will be on the ZBA agenda for the next meeting.

A motion was made and seconded to adjourn the meeting at 8:17 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Steve Witt
Building and Zoning Official