

ZONING BOARD OF APPEALS
MINUTES
APRIL 11, 2017

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 (student), Chip Miller, Reed Panther and Thomas Whalls were present. Also present were 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 Constantino, to approve the minutes of the March 14, 2017 Zoning Board of Appeals meeting.

On the agenda were public hearings regarding the properties at 710 Meredith Place and 869 Hillside Avenue.

PUBLIC HEARING – 710 MEREDITH PLACE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(C) TO ALLOW AN ACCESSORY STRUCTURE TO REMAIN ON A LOT WHICH DOES NOT HAVE A PRINCIPAL STRUCTURE. 2. SECTION 10-5-4(A)4(c) TO ALLOW AN ACCESSORY STRUCTURE TO REMAIN AT A DISTANCE OF APPROXIMATELY 1.38 FEET SOUTH OF THE REAR PROPERTY LINE AND APPROXIMATELY 2.08 FEET EAST OF THE SIDE PROPERTY LINE IN LIEU OF THE MINIMUM REQUIREMENT OF 3.1 FEET FROM EACH PROPERTY LINE. 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.

(David Hartsell and Wendie Reece, owners)

Staff Presentation

Associate Planner Kelly Purvis stated that David Hartsell and Wendie Reece, owners of the property at 710 Meredith Place, are requesting approval of variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-1(C) to allow an accessory structure to remain on a lot which does not have a principal structure. 2. Section 10-5-4(A)4(c) to allow an accessory structure to remain at a distance of approximately 1.38 feet south of the rear property line and approximately 2.08 feet east of the side property line in lieu of the minimum requirement of 3.1 feet from each property line. 3. Any other zoning relief necessary to allow 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 the north side of Meredith Place between Lenox Road and Riford Road. She stated that the zoning and land use immediately surrounding the subject property is R2 Single

Family Residential and CR Conservation Recreation. She stated that notice of the public hearing was published in the March 23, 2017 edition of the Daily Herald and mailed to property owners within 250 feet of the subject property and a placard was also placed on the property. Ms. Purvis stated that the Village has no record of prior variations for this property and Village permit records indicate there have been a number of permits issued in the past.

Ms. Purvis stated that the petitioners purchased the property at 710 Meredith Place in 2016 with the intention of redeveloping the property at a future date. She stated that the residence currently located on that property is beyond repair and, according to the petitioners, could be considered an attractive nuisance that does not fit within the neighborhood community context. She then displayed a photo of the subject property which she stated is in bad shape. Ms. Purvis stated that Meredith Place is a dead end with nine homes on the street and 710 Meredith Place is the only home that has not been rebuilt or remodeled to date.

Ms. Purvis stated that the owners would like to demolish the residence currently on the property in order to clean the lot up and improve the appearance of the area. She stated they would like to keep the garage for future redevelopment, adding that the garage was constructed in 1997 and is in fairly good condition. She added that the owners feel it would be a waste of good materials to demolish the garage which is located in the northwest corner of the dead end road and is mostly hidden by trees and the property to the east. Ms. Purvis added that all of the property owners immediately surrounding 710 Meredith Place signed a petition in favor of the variations with the exception of 823 Lenox Road which backs up to the subject site.

Ms. Purvis stated that in order to keep the garage on the lot, the petitioners need a variation from the Zoning Code to allow an accessory structure to remain on a lot without a principal structure as well as variations to allow the garage to remain so close to the side yard and rear yard lot lines. Ms. Purvis added that the garage was legally permitted and inspected by the Village when it was constructed so it is legally nonconforming as it stands.

Questions to Staff from Zoning Board of Appeals

ZBA Member Constantino asked why a variation is required for the side and rear yard setbacks as it already legally conforms. Ms. Purvis responded that the garage is not allowed to be in the location that it currently exists so a variation is needed to allow it to remain on the property in its non-conforming location. ZBA Member Constantino responded he did not understand why the accessory structure was not currently legal nonconforming because of the setbacks. Mr. Witt stated that staff feels that taking down a principal structure would normally necessitate taking this garage down so the lot should be clear. He added that to a point, the Village is reconfirming the position of the garage to stay as it currently is in a nonconforming position. ZBA Member Chip Miller asked if any ZBA members had ever seen a garage less than 1-1/2 feet from the property line. Chairperson Garrity responded that there have been some buildings

that were close to the property line, however, he does not believe those were approved by the ZBA. Mr. Witt agreed with Chairperson Garrity but stated that there was recently an existing house before the ZBA that was approximately one foot from the property line. Ms. Purvis then stated that the alley on the west side of the lot was supposed to have been vacated to this property, however, due to an error at DuPage County, the plat of survey does not show the alley as part of the lot. She added that the lot would have been in conformance with the side yard setback if the alley had been properly recorded as part of the lot and a variation would not have been necessary. Ms. Purvis responded to ZBA Member Micheli that she asked a Village building inspector how the garage could have been built so close to the lot line and he responded that either the code was different at that time or the inspector may not have been able to ascertain where the lot line was located. Mr. Witt responded to ZBA Member Micheli that a record of all permits issued by the Village is provided to the assessor's office and they would see that a building was demolished which would affect the assessed value of the property. Mr. Witt also stated that allowing a building to age more than it should is not safe for the structure and he felt the need to affirm the position of the subject garage on this property. He also stated that the Zoning Code that was amended in 1995 would be in effect because the garage was constructed in 1997. He stated that if a garage is more than ten (10) feet from a principal building, then the accessory structure must maintain three (3) feet from both sides of the rear yard. ZBA Member Constantino asked if there would be an issue combining the lots into one zoning lot under common ownership if the home was demolished on the adjoining lot. Ms. Purvis responded that the subject lots are owned by the same people but one is owned by a trust and one is owned by Wendie Reece, because the two lots are not owned in the same name they do not need to be combined. ZBA Member Jones asked if the garage on the adjoining property can be dealt with in ten (10) years if it is falling apart and Ms. Purvis stated the owners may need to return to the ZBA for another variation to re-build the structure. She also responded to ZBA Member Jones that the garage could be built the way it exists currently because the variation will allow the garage to remain in its currently location without a principle structure in perpetuity. ZBA Member Adam Miller asked if a time limit would be placed on when the petitioner was required to build a primary structure if granted a variation and Ms. Purvis responded that a time limit does not need to be placed on a variation. Ms. Purvis responded to ZBA Member Whalls that the homeowners at 832 Lenox Road did not say anything in favor of or in opposition to the requested variations.

ZBA Member Micheli asked if the alley vacation was given to one side in error rather than splitting it between two sides and Ms. Purvis responded yes. She stated it is the Village's policy to split an alley 50-50, down the middle, to each of the property owners on the adjacent sides. She added that that when the Village Planning and Development Director and Planner went to the County with this issue, they were told that the alley vacation was improperly recorded and they did not feel that the Village's ordinance was clear enough in showing which parts of the alley were vacated to each of the property owners. ZBA Member Micheli asked if property owners have legal rights if the fence sits in the middle of an alley for a number of years, and ZBA Member Constantino responded not if it is dedicated. ZBA Member Constantino asked if

the property immediately to the west is in the same subdivision, it can determine where the vacated portions go. He added if it is in the same subdivision, the vacation is split between the two lots. Ms. Purvis stated she would look into that for ZBA Member Constantino. ZBA Member Whalls stated that regarding the house on Riford, 20 feet went to the property on the south. The petitioner responded to ZBA Member Whalls that the alley was vacated in 1995. Ms. Purvis responded to ZBA Member Panther that when a new principal structure is proposed on the lot, another variation will not be required for the garage because it will be conforming with a principal structure on the lot.

Petitioners' Presentation

David Hartsell, 714 Meredith Place, Glen Ellyn, Illinois was present to speak on behalf of the variation requests. Mr. Hartsell stated that his family moved to their home in Glen Ellyn in 2001 and he displayed a photo of their home. He stated that their home was the first teardown on their block 16 years ago and the home at 710 Meredith Place is the only home that has not been torn down or remodeled. Mr. Hartsell stated he purchased the home at 710 Meredith Place the day it went up for sale with the idea that they would use it as a side yard until they developed it. He added that their plan is to keep the existing garage which is in good shape, tear down the house and build another house in the future. He also stated that the property would be well maintained. He stated they would like to keep the garage for future development and so that it does not end up in a landfill. Mr. Hartsell stated that an alley in the area was vacated in 1995 and notes indicate that the alley would be vacated and split between the adjoining property owners. He added that the neighbors have a fence that runs down the middle of the vacated alley which indicates that the neighbors are treating it as though it was vacated 50-50. He added that he cannot explain how the garage was located so close to the property line. He also stated that if he built a new house on the lot with a new garage, he realized that the garage would need to meet the zoning code setbacks. Mr. Hartsell stated that all of the neighbors except one responded positively to his variation requests.

Questions from the Zoning Board of Appeals

In response to ZBA Member Constantino, Mr. Hartsell indicated properties that pay taxes on the 15-foot alley. ZBA Member Constantino added that if the alley was part of the dedicated subdivision to the west and was vacated, then it would stay with that subdivision. ZBA Member Chip Miller expressed a concern that he did not find a hardship related to the subject property. Regarding hardships, Mr. Hartsell responded that he has no control over the rear setback and was unaware of the situation when he purchased the property. He also responded that in terms of demolishing the house and keeping the principal structure, he would like to be treated like any developer who would develop the house now and keep the existing garage with no problem. He stated that he had Habitat for Humanity strip the house for environmental purposes and does not want to add a perfectly good garage to a landfill. He stated he is being

put at a disadvantage because of the time line at which he intends to develop the property. He added that he is trying to make the street better and improve the neighborhood. Mr. Hartsell responded to ZBA Member Micheli that he bought the property next door knowing full well that there was a dispute over whether it was properly recorded regarding the alley and that the alley was not part of the purchase. Mr. Hartsell responded to ZBA Member Jones that the house at 710 Meredith Place was vacant by the time they closed on it and that the owners moved out a couple of weeks before it closed. ZBA Member Jones asked what is wrong with the house that it cannot be saved, and Mr. Hartsell responded that the foundation is cracked which allows water into the basement, there is mold on the inside and outside of the house, the floors are warped and the basement stairs are treacherous. Mr. Hartsell also responded to ZBA Member Jones that the garage on the 710 Meredith Place property will be used for bicycles, a lawnmower, a classic car, etc. Ms. Purvis responded to ZBA Member Jones that the petitioner could demolish the house but keep the garage without a variation if a new house were to be built immediately. Mr. Witt responded to ZBA Member Micheli that a permit would be good for 180 days from the date of issuance. Mr. Hartsell responded to ZBA Member Jones that their ideal sale time would be when their children are at college. Mr. Hartsell responded to ZBA Member Adam Miller that the landscaping on their next door property would match the landscaping at the current home. Mr. Hartsell responded to ZBA Member Panther that they intend to maintain electrical service to the garage and to also keep the driveway. Mr. Witt verified for ZBA Member Whalls that because the garage is 576 square feet, 76 square feet will come out of the primary structure for the lot coverage ratio.

Chairperson Garrity asked if a variation could be granted that included the property to be brought into compliance when the property is sold in the future and Mr. Witt responded yes, adding that the property would be flagged regarding that condition. Mr. Hartsell felt that requiring him to bring the property into compliance and making him pay for the mistakes of others, including the Village, was not fair. ZBA Member Jones stated that the mistake was caused by the contractor who poured the concrete for the garage and that Mr. Hartsell bought that property.

Persons in Favor or or in Opposition to the Requests

A.J. Johnson, 730 Meredith Place, Glen Ellyn, Illinois stated that his children are excited to use the subject lot with the Hartsells' daughters. Mr. Johnson stated that they feel the proposal will be an improvement for their street.

Findings of Fact

ZBA Member Constantino stated that the owner of 710 Meredith Place is requesting two variances to allow an accessory structure to remain on a lot which does not have a principal structure and to allow an accessory structure to remain at a distance of approximately 1.38 feet south of the rear property line and approximately 2.08 feet east of the side property line in lieu

of the minimum requirement of 3.1 feet from each property line. He stated that the property is an interior lot located in the R2 zoning district on the north side of Meredith Place between Lenox and Riford. He also stated that the zoning and land immediately surrounding the subject property is R2 single-family residential and conservation recreation. He stated that several prior permits were issued on the property, however, there were no prior variations. ZBA Member Constantino stated that Associate Planner Kelly Purvis said the petitioner would like to demolish the existing residence on the property but keep the existing garage. He stated that the garage had received proper permits, inspections and approvals when constructed. He also stated that the garage was built in 1997, is in good condition and is legally nonconforming as it stands. He stated there was talk about requiring confirmation of the status as legal nonconforming if the accessory building is allowed to remain without a principal structure. He stated that a question came up whether the alley vacation was proper but, more importantly, to which property the additional land would be given, however, that has not yet been resolved. He also stated that if the house was demolished with the intent to immediately rebuild, no variances would be required.

ZBA Member Constantino stated that David Hartsell lives immediately to the east of the subject property at 714 Meredith Place. He stated that an issue came up regarding a vacated alley. ZBA Member Constantino stated that Mr. Hartsell moved to his home in 2001 and purchased the property next door as soon as it became available with the intent of eventually developing the property. ZBA Member Constantino stated that the house at 710 Meredith Place would be demolished and the property would be used as an additional side yard with a garage for storage. He added that the yard would be cleaned up and landscaped. He also stated that Mr. Hartsell received support from almost all of his neighbors regarding his proposed plan.

ZBA Member Constantino stated that Mr. Hartsell felt the hardship regarding this property is that the rear setback garage was permitted, inspected and approved in 1995 and, therefore, should be allowed to remain as legal nonconforming. He stated that Mr. Hartsell believes that he should have the same consideration as a builder constructing a new structure with a demolition. He also stated that Mr. Hartdell does not intend to build at this time. ZBA Member Constantino also stated that Mr. Hartsell would like to reduce the environmental impact of placing construction material in a landfill and felt it was not possible to preserve the existing house because of a cracked cinder block foundation, mold, warped floors and dangerous stairways. ZBA Member Constantino stated that the ZBA members discussed allowing variances for rear and side yards until the new structure is constructed. He stated that Mr. Hartsell felt it was unfair to make him pay for an existing condition he did not cause.

ZBA Member Constantino said that A.J. Johnson, 730 Meredith Place, Glen Ellyn, Illinois was in favor of the proposal and believes it will be an improvement to the neighborhood.

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 Chip Miller stated if the subject garage was not 1.38 feet off the rear property line, he would be supportive. He did not, however, want to set a precedent and was concerned that someone would want a similar variation stating that a variation was granted for the subject property. As a fireman, ZBA Member Miller expressed concern regarding putting out a garage fire with a fence so close. He added that mistakes by multiple government agencies regarding the subject lot have occurred.

ZBA Member Micheli stated he is open to the concept of leaving the garage up because he thinks a new garage would be required with a new home. He felt that these variation requests should be continued until it is determined what the tax consequences are and if the garage can be forced to be torn down at a future date if a variation is granted per the Village Attorney. He added that life safety concerns stop this type of request from being approved and he was, therefore, not in favor of these requests.

ZBA Member Jones stated he was 50-50 either way. He stated that the rear setback was caused by the contractor who poured the concrete. He stated that part of his issue is with an antique car that the petitioner intends to park in the garage which will make others want to park their cars in a similar type garage. He stated that another person in town recently bought a property and built a new garage on it which is not what he feels is the right thing to do. He stated he is leaning toward a no vote regarding these requests. ZBA Member Chip Miller added that it actually was the Village's fault where the garage was built rather than the contractor because the inspector allowed the garage to be built in that location. ZBA Member Micheli asked Mr. Witt what the process is when an inspector makes an error. Mr. Witt responded that immediately after pouring concrete, a foundation survey is required which the Village takes very seriously. He added he did not know what happened regarding this property in the nineties. He added that the impetus is on the property owner to be sure the structure is in the correct location.

ZBA Member Adam Miller appreciated the environmental concern regarding allowing a building that is structurally sound to remain in place. He stated, however, that there are too many other significant issues on the non-physical structural side that makes him non-supportive.

ZBA Member Reed stated he agreed with several points that have been made—especially the life safety concerns. He added that he does not see that a hardship exists in this case. He stated that because the petitioner wants to build a new home on his own timeline on the property, he feels that is a self-created hardship.

ZBA Member Whalls stated that his biggest issue is that this can be passed down the road as far as when a new home is built, the Village does not say come in for a variance and apply with the

existing standards with the Building Department on the setbacks. He added we're just "kicking it down the road."

ZBA Member Constantino stated he agreed with ZBA Member Panther in that he does not see a unique circumstance or particular hardship regarding this property that gives sufficient reason to allow an accessory structure to remain on the lot without a principal structure. He stated that as far as variances for side and rear yards, he needs to know why an accessory structure should be left on the lot before he can decide what to do. He stated that he cannot recommend granting approval of these variances.

After some discussion was held regarding removing or replacing the petitioner's garage, Mike Wilson, 716 Crescent Boulevard, Glen Ellyn, Illinois stated that someone ran into his garage which could not be replaced in its location per Village code. Mr. Wilson stated he had a crane lift the garage then put the garage back on the lot after a new foundation was poured at a cost of approximately \$350.

Because the ZBA Members were not supportive of the petitioners' request, Chairperson Garrity asked the petitioner if he would like to continue the meeting to find out what the cost of moving the garage into compliance would be. Mr. Hartsell stated he had an issue moving the garage out of the side yard because of the alley vacation that has not yet been resolved.

Motion

ZBA Member Micheli moved, seconded by ZBA Member Chip Miller, to continue the meeting. The motion carried unanimously by voice vote.

PUBLIC HEARING – 869 HILLSIDE AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)2 TO ALLOW THE CONSTRUCTION OF A ONE-STORY ADDITION WITH A REAR YARD SETBACK OF APPROXIMATELY 17" IN LIEU OF THE REQUIRED MINIMUM 40-FOOT 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.

(Ian and Margaret Elizabeth Dawson, owners)

Staff Presentation

Associate Planner Kelly Purvis stated that Ian and Margaret Elizabeth Dawson, owners of the property at 869 Hillside Avenue, are requesting approval of variations from the Glen Ellyn Zoning Code as follows: 1. Section Table 10-4-8(D)2 to allow the construction of a one-story addition with a rear yard setback of 17 feet in lieu of the required minimum 40-foot 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 the south side of Hillside Avenue between Longfellow Avenue and Whittier Avenue. She stated that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential with some Conservation Recreation as well. She stated that notice of this public hearing was published in the March 23, 2017 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 that no prior variations have been granted for the current house on the subject property. She stated that Village records indicate that permits for an electrical service update, a fence and a fence and gate replacement have been issued for this property.

Ms. Purvis stated that the petitioners have owned the subject property at 869 Hillside Avenue since 2001 and purchased this lot with nonconforming side yard and rear yard setbacks. She stated that the kitchen is very tiny with approximately 30 square feet of usable space and two doors that open into the kitchen. Ms. Purvis stated that the existing rear yard where the addition is being proposed is 30.58 feet from the lot line. She also stated that the Dawsons love their home and would like to have a workable kitchen. She added that the alternatives they looked at would require at least one, if not two, variations from the Zoning Code. Ms. Purvis stated the petitioners are proposing an addition on the rear of their home contiguous to the existing kitchen that would add an additional 182 square feet of kitchen space to the home. She added that the Dawsons have been very careful to propose plans that will minimize the effect of the addition on the surrounding property owners while keeping the character of their historic bungalow intact. She added that the subject home has been listed in American Bungalow and the petitioners are currently in the process of landmarking their property. Ms. Purvis stated that all of the affected properties immediately surrounding the subject property have signed a petition in favor of the requested variation and no petitions were received at the Village against the variation. Ms. Purvis stated that because the addition is less than 300 square feet in size, a stormwater review is not required by the Village for this project. She also stated that since the lot coverage ratio of the property is well below the maximum permitted for a one-story structure, it would only be approximately 25% even with the addition and staff does not feel that would have a negative impact on the drainage of the property.

Ms. Purvis stated that in order to construct the addition as proposed, a variation from the rear yard setback requirements of the Zoning Code to allow a 17-foot rear yard setback in lieu of the minimum required 40-foot rear yard setback is required.

Questions to Staff from the Zoning Board of Appeals

ZBA Member Chip Miller stated that when looking at the contour map, the petitioners' property is fairly flat but drops a bit from one side of the property to the other. He asked if staff had decided that a survey does not need to be done because of the size. Ms. Purvis responded that

the reason a survey does not need to be done is because of the amount of coverage on the lot which is 25% and 35% is permitted. She also stated that the alteration area is less than 300 square feet which does not require a stormwater review. ZBA Member Chip Miller stated that the drop on the lot is 6 feet which is significant and Ms. Purvis stated that the Village stormwater engineer can be asked to review the site. ZBA Member Panther asked if a large tree in the rear yard would be required to come down during the construction process, and Ms. Purvis responded that the tree is in bad condition and she believes it will come down. ZBA Member Micheli added that the tree appeared to have very recently been torn down.

Petitioners' Presentation

Ian and Margaret Elizabeth Dawson of 869 Hillside Avenue, Glen Ellyn, IL and Mike Wilson, the petitioners' contractor, of 716 Crescent Blvd., Glen Ellyn, IL were present to speak on behalf of the requested variations. Mr. Wilson stated that the petitioners' land is one of the issues as there are several nonconforming properties sandwiched in where Hill and Hillside come together. He stated that although this area started out as nonconforming, it is still a wonderful area with great houses. He also added he is very interested in keeping the historic character of Glen Ellyn. Mr. Wilson stated the front of the subject home, from an historic preservation standpoint, is what is counted as the street view of the house and that the side views will be exactly the same. He added that there is a small kitchen on the back of the house. Mr. Wilson also stated that there is enough of a pitch going forward out to the street that water should go down Hillside.

Mr. Wilson displayed an animated drawing of the subject house. He stated that the house fits in well with the neighborhood and the look of the house and the trees keep the character of Glen Ellyn.

Mr. Dawson stated that they moved into their home 16 years ago in the multi-income level and multi-generational Village of Glen Ellyn which they enjoy living in to this day. He added that the Village's zoning ordinances are an asset as well as one part of the machine that preserves Glen Ellyn today. Mr. Dawson stated that they plan to have their home landmarked in the near future. He also stated that in October of last year, they consulted with Care of Trees, an arborist, and it was determined that two trees on their property needed to come down and they, therefore, had them removed. He added that replacement maple and linden trees will replace those two trees. Mr. Dawson stated that due to water issues, a storm stub was brought to the edge of their property line and a sump is located underneath the kitchen which lifts the water from the backflow to the house and runs it down the side of the house, waters the beds and flows down to the street if it doesn't soak into the ground. He added that their back yard is sloping both to the north and to the west so a good amount of the water flows to the side of the house even from the back. He indicated a permeable terrace which drops further forward into a French drain and drops into the front apron where that is a row of bricks over a drainage trough. He also indicated that a fair amount of water comes down into the same collection

point. He stated that importantly water moves to the east and north to the front of their lot and connects directly to the Village infrastructure underground at the edge of the lot. Mr. Dawson stated that if a variation is granted, they will have a further sump in the excavated basement. He added they can then come farther outside the house or tie in both of the sumps to the pipework that goes down to the Village storm sewer.

Mr. Dawson stated that the hardship related to their home is the topography, hillside and hill all meeting which is a unique aspect of their property. He added that their house is on a 50-foot x 100-foot lot. Mr. Dawson then displayed some photos that showed how small their kitchen currently is.

Ms. Dawson stated that they found Glen Ellyn by mistake while traveling in the area. She stated they viewed their home on Saturday and made an offer on Sunday. She added that she and her husband became permanent residents of the United States in 2001. Ms. Dawson stated she enjoys cooking and has a large collection of cook books, however, their kitchen is too small for her to easily cook in. She added that they love their home and do not want to live anywhere else.

Questions from the Zoning Board of Appeals

ZBA Member Micheli inquired about the petitioners' garden, and Ms. Dawson stated they planned to landscape the garden. Mr. Dawson described the outdoor area for ZBA Member Micheli. Ms. Dawson stated that she feels they will use the back yard more after the addition is built as they will be able to exit out of the kitchen rather than step down in an internal space and then go outside. Mr. Dawson responded to ZBA Member Micheli that the subject house has two bedrooms. Mr. Dawson also responded to ZBA Member Jones that their home has 873 square feet and 182 square feet will be added. ZBA Member Jones calculated that the petitioners' back yard will be larger than their whole house. ZBA Member Chip Miller asked if the petitioners had looked at making the addition smaller. Mr. Dawson stated that the character of their home is very important to them. He stated that the average kitchen in America today is approximately 275 square feet and their addition will be slightly less than that. He also stated that he believed his kitchen was below average in size in 1923. Mr. Wilson stated that the proposed design is straightforward and there is a lot of light entering the house from the back side that comes into the rest of the house. Mr. Wilson added that the existing kitchen is approximately 30 square feet. Mr. Wilson also responded to ZBA Member Chip Miller that they intend to keep the rooms in proportion. Mr. Wilson also responded to ZBA Member Chip Miller that the change in the entry/exit off the kitchen will be safer than the entry/exit that currently exists.

Persons in Favor or in Opposition to the Requests

Tim Loftus, 296 Woodstock, Glen Ellyn, IL spoke on behalf of granting the variation

for the Dawsons. He stated he is speaking as a private citizen, as a member of the Historic Preservation Commission and the Architectural Review Commission and he applauds the Dawsons for taking this 1920's era house and keeping the exact character of the home. Mr. Loftus stated he knows the Dawsons personally and they have done a great deal of restoration work on their house that could qualify for landmarking of the house from a national standpoint as well as the local standpoint and he applauded them for that. Mr. Loftus stated that he supports the fact that the addition they are seeking a variation for is an accurate historical addition to the house both size and style-wise which is a benefit to Glen Ellyn. Mr. Loftus stated that he, too, moved to Glen Ellyn for the diversity in styles, sizes, eras and character of the homes. He added that the Dawsons are doing an excellent job with their home from an historical standpoint regarding restoration and making the kitchen modern. Mr. Loftus responded to ZBA Member Micheli that the petitioners' back yard will still be larger than their whole house after the addition is built.

Jerry Brosnan, 865 Hillside, Glen Ellyn, IL stated he lives directly to the west of the subject home and there is a driveway that separates the two houses. He stated that the addition will enhance the functionality of their home. He added that the petitioners love their house and that Mr. Dawson hand-scraped and painted the outside of the house. He also stated that he wanted to show his support for their dedication to their home.

Findings of Fact

ZBA Member Constantino stated that the petitioners, Ian and Margaret Elizabeth Dawson, owners of the property at 869 Hillside Avenue, are requesting a variation to allow the construction of a one-story addition with a rear yard setback of 17 feet in lieu of the required minimum 40-foot rear yard setback. He added that the property is an interior lot located in the R2 single family residential district and there are no prior variations for the subject property.

ZBA Member Constantino stated that Kelly Purvis, Assistant Village Planner, said that the property was purchased in 2001 with non-conforming side and rear yard setbacks. He added that the current setback is 30 feet in the rear and the request for a variance would increase the encroachment into the rear yard that would result in a 17-foot setback. He stated that the total square footage of the proposed addition is 182 square feet. He stated there were petitions from neighbors for approval and there were no parties in opposition to the variation requests. ZBA Member Constantino stated there are no lot coverage ratio issues because of the size and there are no drainage issues nor is a stormwater review required.

ZBA Member Constantino stated that Mike Wilson, the petitioners' expert consultant, spoke about the hardship for this property which is located in the convergence of the Hill and Hillside streets where many lots are nonconforming and unable to meet the minimum requirements of the Village. He stated that the petitioners' plan is to maintain the side and front views of the home. He stated there is a small kitchen expansion that will be the result of this addition and

they intend to maintain the historical significance of the property. ZBA Member Constantino stated there are some issues regarding the contour with natural drainage, however, the addition will maintain the character of the town and the neighborhood.

ZBA Member Constantino stated that Ian Dawson, one of the owners of the subject home, has consulted arborists regarding trees in the rear yard and two trees should be removed due to declining health. He added that the two trees will be replaced after the construction is complete. He stated that storm sewers were brought into the street in 2010 and the petitioners have sump pumps to remove water from the site. ZBA Member Constantino stated that the topography and Hillside and Hill all meeting is unique. He stated that Ms. Dawson loves the town and wants to remain in her current home. He stated that the rear yard will be used more after the addition. He stated that the minimum request for the variation is to maintain the room sizes and the character of the home. He stated there is a desire to make the addition proportionate to the remainder of the home. He added that safety is a concern regarding the current exit out the door in the rear.

ZBA Member Constantino stated that Tim Loftus of 296 Woodstock, Glen Ellyn, IL who is a member of the Glen Ellyn Historical Commission and the Architectural Review Commission was in favor of the petitioners' desire to maintain the house in the neighborhood character and the addition will be an accurate historical style. He added that the plans will make the home more livable without changing its character.

Jerry Brosnan, 865 Hillside, Glen Ellyn, IL stated he was in favor of the design and functionality of the addition.

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

Comments from the Zoning Board of Appeals

ZBA Chip Miller stated there are some safety issues regarding entering and exiting the subject house as well as safety issues regarding working in such a very small kitchen. Although he was supportive of the variation request, ZBA Member Chip Miller stated that he would not vote in favor unless a stormwater survey is provided. ZBA Member Micheli stated one of his longer term concerns is people maintaining functional back yards. He stated that he sees a unique circumstance in retaining this type of housing stock and the historic nature of the property. He stated he was in favor of the stormwater review and also supported the variation requests. ZBA Member Jones appreciated that the petitioners were maintaining the character of their home. He stated that if they were to tear down the house, they would be back looking for a variation. He also felt the petitioners have done everything they can to minimize the impact and added that their back yard will be larger than their house. He was supportive of the variation requests. ZBA Member Adam Miller stated he would rather the petitioners add onto

their home than tear it down because the kitchen is too small. He was in support of the variation requests. ZBA Member Panther stated that the rear yard setback is more restrictive on the nonconforming lots that are shorter in depth. He was supportive of the variation request. ZBA Member Whalls felt the project is well done and did not feel the storm sewer issue will be a problem.

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

Motion

ZBA Member Chip Miller moved, seconded by ZBA Member Micheli, that the Zoning Board of Appeals recommend approval of the requested zoning variation request of the petitioners, Ian and Margaret Elizabeth Dawson, of 869 Hillside Avenue, to allow the construction of a one-story addition with a rear yard setback of approximately 17 feet in lieu of the required minimum 40-foot rear yard setback due to the unique circumstances that this is a small lot in a neighborhood of very unique lots and this is the type of home that Glen Ellyn needs to preserve. He added there is no opportunity to go any direction but back, the minimum size is in keeping with the character of the home and the current configuration causes some life safety issues with very steep stairs which will eliminate those life safety issues. He added that a stormwater review by the Village will be required.

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

Staff Report

No staff report was presented.

Trustee Report

No Trustee report was given.

Chairperson Report

No Chairperson report was given.

ZBA Member Chip Miller moved, seconded by ZBA Member Jones, to adjourn the meeting at 9:57 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback
Recording Secretary

Kelly Purvis
Associate Planner

Steve Witt
Building and Zoning Official