

ZONING BOARD OF APPEALS  
MINUTES  
JUNE 13, 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 and Reed Panther were present. ZBA Members Chip Miller, Thomas Whalls and Chairperson Rick Garrity were excused. Also present were Trustee Liaison Mark Senak, Building & Zoning Official Steve Witt, Associate Planner Kelly Purvis and Recording Secretary Barbara Utterback.

Acting Chairperson Micheli then asked for a moment of silence for Chairperson Rick Garrity's family as his son recently passed away unexpectedly.

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

ZBA Member Jones moved, seconded by ZBA Member Constantino, to approve the minutes of the April 11, 2017, April 25, 2017 and May 9, 2017 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

One item was on the agenda for the continuation of a public hearing for 675 Revere Road.

CONTINUED PUBLIC HEARING - 675 REVERE ROAD

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)3 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION ON THE EAST SIDE OF THE EXISTING RESIDENCE WITH A SIDE YARD SETBACK OF APPROXIMATELY 4.75 FEET IN LIEU OF THE MINIMUM 7.5 FEET REQUIRED SIDE 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.

(Kevin and Erin German, owners)

Staff Presentation

Village of Glen Ellyn Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak on behalf of the zoning variation being requested. Ms. Purvis stated that the petitioners, Kevin and Erin German, owners of the property at 675 Revere Road, along with their architect, Steve Poteracki, were present. She added that this public hearing is a continuation from May 9, 2017 to consider a variation from Section 10-4-8(D)3 of the Glen Ellyn Zoning Code to allow the construction of a two-story addition on the existing residence resulting in a side yard setback of approximately 4.75 feet in lieu of the minimum required side yard setback of 7.5 feet.

Ms. Purvis stated that when the petitioners previously appeared before the Zoning Board of Appeals on May 9, 2017, some concerns were expressed regarding the water flow on the property and how the addition might affect the neighbor to the east. She stated that this concern was expressed both by the ZBA and the neighbors to the east. She also stated that the Village's stormwater engineer has reviewed the original proposed drainage plan, has taken the comments from the ZBA provided at the last meeting and has determined that there is enough fall on the lot so that the grading can be designed to adequately provide positive drainage on the lot and not have any negative impact on the adjoining properties. She stated that the stormwater engineer has said if the variation is granted, he will work with the applicant and their engineer at the permit phase to be sure that positive drainage will be provided. Ms. Purvis stated that some of the details in his memo included some direction on additional engineering which was also provided to the architect and that additional engineering with a side yard swale to the east side of the property lowering the garage floor about 6 inches and creating a small berm to divert flow adequately along the west side of the property if the storm sewer is clogged.

Ms. Purvis stated that the petitioners provided a code compliant alternative previously suggested by a ZBA Member. She displayed the original proposal and the proposed alternative which has bulk added to the east side of the property. She stated that the petitioners feel the second option is less appealing aesthetically as it does not fit within the streetscape although it does provide a code compliant side yard. Ms. Purvis stated that the Village Engineer prefers the first option which requires a variation in terms of stormwater flow and he feels that option would allow a drainage flow down the driveway which the second alternative would not. She stated that the Village Engineer stated he could work with either plan to provide proper drainage on the site. Ms. Purvis also stated that received a neighborhood petition in favor of the request from the petitioners.

#### Petitioners' Presentation

Erin and Kevin German, the petitioners, and Steve Poteracki, their architect, spoke on behalf of the subject variation request. Mr. Poteracki stated he researched responses to comments made by the ZBA members. Mr. Poteracki displayed 3-D modeling of different variation options with how the offsets sit on the property and the alternate option of how the garage in the front changes the look of the design. He displayed and described the variation option they are proposing where the addition is pushed back from the front of the house which is farther back from the neighbor's house. Mr. Poteracki stated that although the houses are somewhat closer than the district minimum, he feels this is a great alternative as opposed to the potential alternative. Mr. Poteracki displayed another view looking down the property line with a 1-car or 2-car garage in front, adding that the proposed variation design is more aesthetically in keeping with Glen Ellyn's homes. Mr. Poteracki stated that they are requesting 4.75 feet for the setback, however, the building would be pushed back 5 feet. He stated that their engineer

believes the overland flow will work with or without the extra recommendations from the Zoning Board of Appeals.

#### Responses to Questions from the ZBA

ZBA Member Panther asked what the difference in the impervious area for the two alternatives in the packet would be, however, Mr. Poteracki did not have that information. Mr. German responded to ZBA Member Jones that an additional 179 square feet will be added to the house with the new plan. Mr. Poteracki responded to ZBA Member Adam Miller that the petitioners prefer the original plan over the alternative plan as they do not feel the alternative plan is the right solution. Acting Chairman Micheli added that the alternative plan is not relevant to the ZBA proceedings at this meeting. ZBA Member Jones asked what the hardship is regarding the subject property besides aesthetics as the petitioners' lot is 75 feet wide which would allow them to build an addition onto their home without a variation. Mr. Poteracki stated that the hardship is the functionality of the garage as they are already at the minimum size for a garage. He added that they could build a tandem garage, however, do not feel that would be functional. He also stated they are trying not to cover more of the back yard with more impervious surface by extending the driveway all the way to the back and destroying trees there. Mr. German added that they did not build their house on its location on the lot and Ms. German also stated they do not want to tear down their existing home. ZBA Member Adam Miller stated that the water flow is a hardship as determined by the stormwater engineer, and Mr. Poteracki added that the Village will not allow a hardship to be created for the neighbors. ZBA Member Jones asked whether or not either of the additions would require a sprinkler system and Mr. Witt responded that is not within the realm of the subject variation request. Mr. Poteracki responded to Acting Chairperson Micheli they have not yet researched lowering the garage by six inches. Acting Chairperson Micheli also expressed concern regarding the sidewalks freezing over due to water build-up in the winter. The petitioner and his neighbor stated they have not noticed ice on the sidewalks in the winter.

#### Persons in Favor of or in Opposition to the Variation Requests

Eric and Anne Gaertner who live east of the subject property at 677 Revere Road were present at this continued public hearing. Mr. Gaertner asked if the addition to be added on to the subject house will be to scale. Mr. Poteracki responded that the footprints of the homes to the east and west are to scale, however, the scale of the subject home is slightly off. Mr. Gaertner stated it is gratifying to hear that stormwater issues are being taken care of. Mr. Gaertner expressed concern regarding fire due to the proximity of his and the petitioners' homes and wanted to be sure protections are put in as he has a wood paneled side to his home. He also expressed concern regarding shoveling snow as it comes onto their driveway. His third concern was noise and lights from the petitioners' driveway that will shine into their windows in their family room and bedroom. He added that they were more in favor of alternative Plan B. He

also stated that he felt it would not be a bad transition to have a garage in front of a home as other homes in that area are situated up and down the hill. ZBA Member Jones suggested that the neighbors plant trees to block noise and lights. Acting Chairperson Micheli asked the neighbors if they would feel more comfortable if restrictions were placed on the petitioners' lights and they said it could be helpful. Mr. Witt added that there would be many challenges regarding trees being added and lights being restricted. The Gaertners responded to Acting Chairperson Micheli that lights would still shine into their home if the petitioners' garage was in the rear yard. Ms. German stated that the proposed driveway is curved and then straightens out and added that the one back window would be the only concern regarding lighting because the front of the house is garage. When Ms. Gaertner suggested removing a tree on the Germans' property, Ms. Purvis stated that the tree is Village owned and must be saved.

### Findings of Fact

ZBA Member Constantino stated this is a continuation of a public hearing originally held on May 9, 2017 where Kevin and Erin German, the owners of the property at 675 Revere Road, requested a variation from the Zoning Code for construction of a 2-story addition on the east side of their existing residence with a side yard setback of approximately 4.75 feet in lieu of the minimum 7.5-foot required side yard setback. ZBA Member Constantino stated that Associate Planner Kelly Purvis said that concerns at the previous meeting dealt with drainage and surface water flow. She indicated the Village Stormwater Engineer has reviewed the plans and believes that there is enough fall on the lot that would allow the creation of a swale that would handle the stormwater and he would work with the owners when formal plans are presented to be sure that the project would address those concerns. The Village Stormwater Engineer also believes that the engineering information supplied indicated that the creation of a small berm and lowering the floor level by 6 inches would also help address the concerns. ZBA Member Constantino stated that the owners had prepared a plan for the code-compliant construction of the addition and garage, however, the engineer prefers the option which would require the variation.

ZBA Member Constantino stated that Architect Steve Poteracki had reworked the architectural plans in preparation of alternate plans for the proposal to show the effects upon the neighborhood and had tried to move the addition farther back to reduce the stormwater effects. They believe, however, that the requested proposal seeking the variation is better suited for the neighborhood aesthetics and the minimum space for a 2-car garage would adequately address the drainage of the surface water. When asked what the specific hardships would be besides aesthetics, the petitioners felt them to be the functionality of a 2-car garage, a tandem garage often becomes a 1-car garage and this proposal would not be losing any of the back yard, not removing any trees and not adding more impervious surface to the lot. ZBA Member Constantino stated that the issue appears to be how to deal with a code-compliant addition versus the effects upon the neighborhood. He stated although not reflected in the

current plans, the petitioners expect to lower the floor by 6 inches as suggested by the engineer.

ZBA Member Constantino stated that Erik and Anne Gaertner, the neighbors to the east of the petitioners at 677 Revere Road, appreciated the further consideration of stormwater and surface water flow. They questioned fire protection and snow issues and were also concerned regarding additional noise, lights and increased activity on the east side of the subject property. The Gaertners stated they prefer the new option which will be code compliant.

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

#### Comments from the Zoning Board of Appeals

ZBA Member Constantino stated that although he does not see a hardship related to this request, a unique circumstance issue arises because a code-compliant structure and plans would adversely affect the neighbors especially regarding handling the stormwater and surface water drainage. ZBA Member Constantino stated that the petitioners believe that the option they presented requiring a variance would better address those concerns. He stated the petitioners' primary issues are the stormwater drainage and the surface water flow and he feels the engineers are working with the contractor and architects to be sure those issues are addressed. He added that he would be in favor of recommending approval of the requested variation subject to the conditions of meeting the stormwater requirements and swale.

ZBA Member Panther stated he was struggling with this variance request which he feels is the minimum variance that would be required to meet the needs of what the petitioners would like to do with the property. He also stated that the code compliant version versus the alternative design results in roughly a 10% lot coverage than the alternative. He stated it is difficult for him to see a hardship because of the available alternative site plan that could meet the code. He also stated he is having trouble supporting this request because of the neighbors' issues with noise, light and stormwater.

ZBA Member Adam Miller felt that the subject request is unique. He stated that the stormwater engineer has stated that the first plan is the way to go and added that if Plan A is denied, the petitioners will proceed with Plan B. He was unsure about whether or not to support this request. ZBA Member Adam Miller responded to Acting Chairperson Micheli that the best water flow from the area would be the best plan to follow.

ZBA Member Jones stated he did not see a hardship with the subject lot or home regarding the variation request. He felt that either plan would have the same impact on the neighbor, however, he was concerned regarding the long-term effect on the Village with approval of this variation request.

Acting Chairperson Micheli also had difficulty regarding the subject variation request and was not supportive because their lot is very large. He informed the petitioners that their variation request could be voted on by the ZBA at this meeting and then forwarded to the Village Board for a vote. He added they could also continue this meeting or withdraw their request. The petitioners decided to appear before the Village Board.

### Motion

ZBA Member Panther moved, seconded by ZBA Member Jones, that the Zoning Board of Appeals recommend that the Village Board deny the variation to Section 10-4-8(D)3 of the Glen Ellyn Zoning Code as requested by the petitioners, Kevin and Erin German, owners of 675 Revere Road, based on testimony and evidence presented at this public hearing to allow the construction of a 2-story addition on the east side of the house with a side yard setback of approximately 4.75 feet in lieu of the minimum 7.5-foot required setback and any other zoning relief necessary to construct the project as depicted on the plans presented or revised at a public hearing or meeting of the Village Board.

The motion to deny carried with three (3) yes votes and one (1) no vote as follows: ZBA Members Panther, Jones and Acting Chairperson Micheli voted yes; ZBA Member Constantino voted no.

### Trustee Report

Trustee Liaison Senak reported that the Village recently approved \$3,000,000 to update the road, sewer and water infrastructure, adding that the map for these improvements is on the Village's website. He also stated that a license has been approved for the outdoor Beer Cellar and a liquor license has been approved for the Red Hound Brewing Company. Trustee Liaison Senak also stated that there will be a change to allow more parking behind the Civic Center as the police will be moving to their new location. Trustee Liaison Senak stated that the contract is up for the refuse program in town and the Village Board is discussing whether to continue Monday pick-up or have a 4-day pick-up which is less costly. He stated that also being discussed is whether or not a new sticker program for electronic waste should be implemented. Acting Chairperson Micheli recommended having a one-time sticker for life for electronic waste. Trustee Liaison Senak also stated that also being discussed is whether or not to expand the composting program from 8 to 12 months and whether or not to reinstitute the clean-up week at an added cost to the residents. He stated also being discussed is whether or not the Village should explore a future migration from its currently monthly flat-free program to an automated pay-as-you-throw pricing program as is being done in Wheaton.

Trustee Liaison Senak stated that the number of members on the Plan Commission has been reduced from 11 to 9 and that there will likely be some consolidation of Architectural Review Commission members onto the Plan Commission.

Trustee Liaison Senak also stated that the proposed Poss Trail subdivision of single-family homes has asked to be annexed into the Village.

### Staff Report

Ms. Purvis stated that a proposal will soon be going forward to the Village Board that will allow administrative approval of minor variations for construction on existing single-family homes. She stated that the Village Board has requested staff to find ways to increase efficiencies and expedite development review processes. She stated that staff has suggested that any kind of variation that has been approved 100% of the time can be taken off of the ZBA's hands and approved administratively, adding that lot coverage ratio on existing structures—not new construction—would be from 20.1% to 22%. She also stated that evidence of a hardship would be required and neighbors would need to be notified. Ms. Purvis responded to Acting Chairperson Micheli that the ZBA's projects would be lowered by approximately 37% and added that several communities approve some ZBA cases administratively. Ms. Purvis also responded to Acting Chairperson Micheli that a certificate would be granted if the request is approved. Ms. Purvis responded to ZBA Member Constantino that these requests would not need to be approved by the Village Board. Acting Chairperson Micheli felt that the requests should be forwarded to the Village Board for approval.

Ms. Purvis stated that when a variation(s) is continued, the petitioner should not be told that more ZBA Members will be present to vote at a future meeting as that information is not available.

ZBA Member Jones moved, seconded by ZBA Member Panther, to adjourn the meeting at 9:32 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback  
Recording Secretary

Kelly Purvis  
Associate Planner