

ZONING BOARD OF APPEALS
MINUTES
JUNE 27, 2017

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

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

On the agenda was a public hearing regarding the property at 525 Emerson Avenue.

PUBLIC HEARING – 525 EMERSON AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: (1) SECTION 10-4-8(D)1 TO ALLOW THE CONSTRUCTION OF A NEW SINGLE STORY RESIDENCE RESULTING IN A FRONT YARD SETBACK OF APPROXIMATELY 17 FEET IN LIEU OF THE MINIMUM REQUIRED FRONT YARD SETBACK OF 30 FEET. (2) SECTION 10-4-8(D)2 TO ALLOW THE CONSTRUCTION OF A NEW SINGLE STORY RESIDENCE RESULTING IN A REAR YARD SETBACK OF APPROXIMATELY 37 FEET IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET. (3) SECTION 10-4-8(D)7 TO ALLOW THE CONSTRUCTION OF A NEW SINGLE STORY RESIDENCE ON A LOT WITH AN AREA OF 7,016.4 SQUARE FEET IN LIEU OF THE MINIMUM REQUIRED LOT AREA OF 8,712 SQUARE FEET. (4) SECTION 10-5-4(A)4C TO ALLOW THE EXISTING ONE CAR GARAGE TO REMAIN AT A DISTANCE OF 2.36 FEET FROM THE WESTERLY PROPERTY LINE AND 2.81 FEET FROM THE SOUTHERLY PROPERTY LINE IN LIEU OF THE MINIMUM 3.3 FEET ACCESSORY STRUCTURE SETBACK REQUIRED FROM EACH PROPERTY LINE. (5) 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.

(Alexandra Weber, owner)

Staff Presentation

Associate Planner Kelly Purvis was present to speak regarding the proposed variation request. She stated that Alexandra Weber is the owner of the subject property at 525 Emerson Avenue. She stated that the petitioners are proposing variations from the Glen Ellyn Zoning Code as follows:

- Section 10-4-8(d)1 to allow the construction of a new single story residence resulting in a front yard setback of approximately 17 feet in lieu of the minimum required front yard setback of 30 feet.
- Section 10-4-8(d)2 to allow the construction of a new single story residence resulting in a rear yard setback of approximately 37 feet in lieu of the minimum required rear yard setback of 40 feet.
- Section 10-4-8(d)7 to allow the construction of a new single story residence on a lot with an area of 7,016.4 square feet in lieu of the minimum required lot area of 8,712 square feet.
- Section 10-5-4(a)4c to allow the existing one car garage to remain at a distance of 2.36 feet from the westerly property line and 2.81 feet from the southerly property line in lieu of the minimum 3.3 feet accessory structure setback required from each property line.
- 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 in the R2 Zoning District on the south side of Emerson Avenue, between Highland Avenue and Stacy Court. She stated that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential and Unincorporated DuPage County designated as R4 Residential. She stated that the public hearing notice was published in the June 8, 2017, Daily Herald, a public hearing notice was mailed to the surround properties within a 250 ft. radius of the subject property, and a public hearing notice placard was placed on the property. She stated that there were no records found relating to the issuance of any permits for the subject property. To increase the square footage on the lot, the prior owner purchased a 945 square foot right-of-way from the Village; this minimized the variations being requested to the extent that was possible. Ms. Purvis state that the project was never completed and the property was sold to Alexander Weber, the current owner of the property, at the end of 2016. Ms. Purvis displayed and described existing photos of the exterior and interior of the subject property.

Ms. Purvis stated that Ms. Weber was aware when she purchased the property that there were variations granted to demolish the existing structure and to rebuild on the property. However, she didn't know that she would need new variations to rebuild a different house than what was originally proposed. She stated that although the variations do run with the property, the project that Ms. Weber is proposing is not in substantial compliance with the approved plans for which the variations were originally granted. Ms. Weber requires different variations for her project than the original project.

Ms. Purvis stated that the new proposal includes the construction of a single story 2,454 square foot residence with an attached 1 car garage. The owner would also like to keep the existing 438 square foot, detached one car garage in the rear yard. She stated that Village Code requires a separation of ten feet between the principal structure and accessory structures (in this case, a garage); if there is not 10 feet between the two, then the accessory structure must adhere to the same setback requirements as the principal structure. Ms. Purvis stated that the setback

would have to be 6.5 ft. from the side yard in order to be in compliance. The existing detached garage in the rear yard is legally non-conforming, and can remain where it stands, except that the new home being proposed increases the non-conformity since it would not be constructed ten feet from the garage. Ms. Purvis stated that upon staff notifying the Petitioner of this requirement, the owner decided to eliminate part of the garage, so that all of it will be ten feet from the new residence. These structural changes to the garage triggered the need for a variation to allow the garage to remain in its non-conforming location, 2.36 feet from the west property line and 2.81 feet from the rear property line, in lieu of the required accessory structure setback of 3.3 feet from each property line. Ms. Purvis stated that the structural changes being made to the garage will bring the garage into compliance with Fire Code requirements.

Ms. Purvis stated that in order to construct the new home as depicted in the plans submitted, the petitioner will also need to be granted a variation from the lot area requirement, as the lot is only 7,016 square feet; the minimum buildable area in the R2 district is 8,712 square feet. She stated that due to the smaller lot depth (only 106 feet) and trapezoidal shape of the lot, the Petitioner will need relief from the rear yard setback for a small triangle (approximately 5.7 square feet in area) that projects 2.21 feet into the rear yard setback. This is a smaller variation than was previously granted for the rear yard. Ms. Purvis stated that the Petitioner is also requesting a front yard setback of approximately 17 feet. The existing structure has a front yard setback of approximately 13 feet, so the proposed structure would bring the front yard setback closer to compliance than what currently exists. Since the Petitioner is now proposing a single-story residence, she will no longer require a variation for lot coverage.

Ms. Purvis displayed a chart showing the difference between what currently exists on the lot, what variations were previously granted, what variations are being requested currently and what the code requirement is. She noted that the areas marked in red on the chart show non-compliance. She also displayed images of the existing streetscape surrounding the subject property to illustrate the quality of houses surrounding the subject property.

Questions from the Zoning Board of Appeals

ZBA Member Panther inquired why the variations were not requested previously regarding the zoning lot size for the subject property. Ms. Purvis stated that this was an oversight by the Village, but the lot size did not change for this property. ZBA Member Panther asked if both alleys a part of the lot. Ms. Purvis confirmed that both alleys were a part of the lot. She stated that the previous owner purchased that back piece of land that includes the alley. ZBA Member Chip Miller mentioned that on the Petitioner's application, they reference the houses on 22W544 Emerson, 22S549 Emerson, and 843 Highland. ZBA Member Chip Miller asked if any of those houses sought zoning relief. Ms. Purvis responded by stating that the houses on Emerson were unincorporated and therefore the Village did not have jurisdiction over variations for these houses. She stated that the house on 843 Highland has not received any zoning relief by the Village of Glen Ellyn. The property at 843 Highland was annexed to the Village in 1992 and in 2011 the owners of this property built an addition to create a 2-story structure from a 1-story structure. Everything for this project was built to code, so the owners did not seek any variation

relief. However, 843 Highland was twice the size (14,547 sq. ft.) of the subject property on 525 Emerson Avenue.

ZBA Member Micheli inquired as to why the garage can't stay where it is on the property. Ms. Purvis stated that the Planning & Development Director confirmed that as long as there were no structural changes being made, the garage can remain. She stated that there are two instances in which the garage would need to be removed: if any structural changes are being made to the garage or if there were an increase to the non-conformity. In this case, there would be an increase in the non-conformity if the garage were left in place and the house built as proposed or there would be structural changes to the garage triggering the need for a variation to allow it to remain in place.

Petitioners' Presentation

Alexandra Weber, owner of the property at 525 Emerson Avenue, and Alexandra Jakubowski, architect, address at 146 Catalpa Avenue, Wooddale, IL, were present to speak on behalf of variation requests for a new single story residence at 525 Emerson Avenue. Ms. Jakubowski stated that the particular hardship of this land was the trapezoidal shape of the parcel, which only provided a small buildable area (1,654.5 sq. ft.). The trapezoidal share of the land only leaves the owners with 26.32 ft. on one side and 44.42 feet on the other side.

Ms. Jakubowski stated that the owner prefers to have a single story residence due to the owner's age. The owner did not want stairs and this was an important factor in making improvements to the house. Ms. Jakubowski stated that the proposed residence is not large. The rooms are small and the architect and owner originally tried to fit all of the improvements into the buildable area. However, the improvements did not fit and they needed to encroach into the yard. There was only room for a 1-car attached garage, so there was no room to expand work on either side of the residence to allow for a 2-car attached garage. Ms. Jakubowski stated that this was the reason the owners decided to build a 1-car attached garage and keep the existing 1-car detached garage instead.

Ms. Jakubowski directed the commissions to look at page A3b of the Petitioner's packet which showed a distance analysis between the residence and the existing garage. She brought attention to the area on the existing garage that will be downsized in order to meet Fire Code requirements. Ms. Jakubowski noted that the garage was only encroaching into a small triangle in the rear yard which is why they needed to ask for a variation.

Additional Questions from the Zoning Board of Appeals

ZBA Member Chip Miller stated that he did not have any questions, but understood the need of the owner to keep the house as a ranch rather than build up to match other 2 story homes in the area.

ZBA Member Jones asked if it would be possible to create a room in the attic space in the future. Ms. Weber stated that it was possible and they could put dormers on the side of the roof. ZBA Member Jones asked if the ceiling joists going up to the attic will be wide enough where you could put a second story on. Ms. Weber stated that they ceiling joisting will be wide enough. ZBA Member Jones asked if the owners had any intention of designing storage space in the attic. Ms. Weber stated she did not have any plans to use the attic for storage space.

ZBA Student Member Miller asked for the owner to provide clarification on where the garages will be located in association to each other. The owner clarified that the garages will be side-by-side, but the detached garage will stager further back into the rear yard.

ZBA Member Panther asked if a variation would be triggered if a second floor was added on to the house. Associate Planner Purvis stated that a variation would be triggered during the building permit review process because the plans would show that the lot coverage would be over 20% for a two-story structure.

ZBA Member Micheli asked for clarification on the access staircase to the attic. The plans don't show a staircase leading to the attic. Ms. Jakubowski responded by stating the access to the attic would be a hatched staircase rather than a staircase built into the structure. ZBA Member Micheli expressed concern about retaining the garage. He asked if the owner considered a different way of incorporating a 2 car garage and removing the existing garage. Ms. Jakubowski stated that alternatives were discussed with their civil engineer advised them to keep the existing garage. ZBA Member Micheli also asked what the architect envisioned for the exterior and siding of the home. Ms. Jakubowski stated that the exterior will include stone veneer and the use hardie plank boards.

Persons in Favor of or in Opposition to the Variation Requests

There were not persons in favor of or in opposition to the variation request.

Findings of Fact

ZBA Member Panther presented that Alexandra Weber, owner of the property at 525 Emerson Avenue, is seeking zoning relief from the following Sections of the Glen Ellyn Zoning Code:

- Section 10-4-8(d)1 to allow the construction of a new single story residence resulting in a front yard setback of approximately 17 feet in lieu of the minimum required front yard setback of 30 feet.
- Section 10-4-8(d)2 to allow the construction of a new single story residence resulting in a rear yard setback of approximately 37 feet in lieu of the minimum required rear yard setback of 40 feet.
- Section 10-4-8(d)7 to allow the construction of a new single story residence on a lot with an area of 7,016.4 square feet in lieu of the minimum required lot area of 8,712 square feet.

- Section 10-5-4(a)4c to allow the existing one car garage to remain at a distance of 2.36 feet from the westerly property line and 2.81 feet from the southerly property line in lieu of the minimum 3.3 feet accessory structure setback required from each property line.
- 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.

ZBA Member Panther stated that three prior variations have been granted in 2016 for the subject property:

- A 35.33 ft. rear yard setback which was approved
- A lot coverage ratio of 20.49% which was approved
- A lot depth of 106 ft. was approved

ZBA Member Panther stated that the proposal from the Petitioner was substantially different. The current proposal would include the construction of a single story 2,454 square foot residence with an attached 1 car garage. The owner would also like to keep the existing 438 sq. ft. detached 1 car garage in the rear yard. ZBA Member Panther stated the owner would like to eliminate a part of the detached garage so that all of the structure will be 10 feet from the residence. The structural changes to the garage require a variation from a side and rear setback of the existing garage.

ZBA Member Panther stated that the Petitioner is requesting a variation from the lot area requirement to allow 7,016.4 square feet in lieu of the minimum required lot area of 8,712 square feet. He stated that the Petitioner is also requesting a front yard setback of approximately 17 feet. He stated that the commission heard a presentation by Alexandra Weber, the owner, and Alexandra Jakubowski, who stated that the hardships existed due to the trapezoidal shape which limits the additional buildable area of the lot to 1,654.5 sq. ft. There was a desire by the applicant to have the house remain a single story residence and for the front yard setback to be 17 ft. He stated that the existing detached garage will be modified to keep a 10 ft. distance from the residence. He stated that the added space would potentially allow for the addition of a second floor on the property and the driveway would be ascended on the front to allow for the attached garage submitted on the proposal. He stated the owner did not seem opposed to the idea of allowing 2 garages in on the lot.

Motion

ZBA Member Panther moved, seconded by ZBA Member Jones, that the Zoning Board of Appeals recommended approval of the Findings of Fact.

The motion carried unanimously with four (4) yes votes as follows: ZBA Members Matthew Jones, John Micheli, Adam Miller (Student Member), Chip Miller, and Panther voted yes.

Additional Comments from the Commission

ZBA Member Jones stated they grew up in that neighborhood. He stated that Emerson was a very scary street and 525 Emerson was a very scary house four years ago. He stated that the whole neighborhood itself has changed radically in the last 20 years. He stated that people in the Emerson neighborhood seemed to be tearing down single family homes and replacing them with larger homes that were more eye-appealing. He stated he spoke with the neighbors and all of the people he spoke with appeared delighted with the idea of seeing that house go. The shape of the lot fits with the character of the neighborhood. He stated this proposed project fits very well into the character of the neighborhood. He stated that this house will provide more character to the neighborhood. He stated he did not have problems with the project.

ZBA Member Chip Miller stated that he struggled with the amount of variations being requested, but he also understands the struggle of having an odd shaped lot in an oddly shaped neighborhood. He stated that he was not a big fan of the garage, but he understands the need for a 2 car garage. He believes the architect did an excellent job working within the parameters of the lot and trying to keep the house in character with the rest of the neighborhood. ZBA Member Chip Miller stated that despite the things he would normally not agree with, he finds himself in favor of the project.

ZBA Member Panther stated that he agrees with everyone regarding the hardships associated with the odd shaped lot. He stated that he does struggle with the detached garage.

ZBA Member Adam Miller stated that he was definitely in favor of the situation. He stated that he understands why some houses may need to have two separate garages under these circumstances. He stated that he approved of the overall aesthetic of the proposed project and thinks these changes will allow the house to match the rest of the neighborhood.

Member Micheli stated that he understands the limitations of the lot shape and that he was very comfortable with the changes proposed, however, he is also stuck on the garage. He stated that he was reluctant to vote in favor of the garage, but he would support the expansion of other variations to allow for an attached 2 car garage.

ZBA Member Micheli asked Associate Planner Purvis if it was possible to adjust the attached garage to allow for 2 cars and still approve the proposal. Ms. Purvis stated that the attached garage could go out further to the west to allow for a 1.5 car garage. Ms. Purvis asked the owner if they would be willing to consider a 1.5 car garage. The owner stated that she does not want to demolish the detached garage. ZBA Member Micheli stated that he wasn't sure he could support the project if the detach garaged was kept on the land, but he was open to allowing for additional variations so the attached garage could expand.

ZBA Member Chip Miller argued that limiting the house to only having a 1.5 car garage might make the house more difficult to sell later on. He stated that did not believe that allowing these two garages to exist due to the odd-shaped lot would set a precedence since the circumstances are unique. The owner stated they would consider deigning a nice trellis to connect the house

with the garage. ZBA Member Micheli stated that he was rethinking his position considering this discussion.

Motion

ZBA Member Micheli moved, seconded by ZBA Member Matt Jones to close the public hearing for 525 Emerson Avenue.

The motion carried unanimously with five (4) yes votes as follows: ZBA Members Matthew Jones, John Micheli, Adam Miller (student member), Chip Miller, and Panther voted yes.

ZBA Member Chip Miller moved, seconded by ZBA Member Panther, to approve the variations for the petitioner Alexandra Weber, owner of the property at 525 Emerson Avenue, as requested due to the small trapezoid lot that would only allow for a small house on the lot that would not fit in with the character of the surrounding neighborhood.

The motion carried unanimously with four (4) yes votes as follows: ZBA Members Matthew Jones, John Micheli, Adam Miller (student member), Chip Miller and Panther voted yes.

Trustee Report

Trustee Liaison Senak stated that there were a few items to announce regarding expenditures to maintain Village infrastructure. The Village wanted to approve \$25,000 for asphalt surface maintenance, \$60,000 for pavement resurfacing, \$214,000 for sidewalk and concrete maintenance and repair, and \$120,000 for salt for next winter.

Trustee Liaison Senak stated that the zoning variation for 675 Revere was withdrawn from the Village Board's agenda and he does not know if there was a plan to bring it back. He stated he got the sense that it was not ready yet. Associate Planner Purvis stated that the Petitioner will move forward with this project in July.

Trustee Liaison Senak stated the refuse and recycling program stated the current contract was effectively renewed. He stated there was discussion as with whether to have pick-ups four days or just maintain Mondays. He stated that Staff has negotiated concessions on cost. He stated that electronic recycling composting was included in that negotiation. If residents want to participate in those programs, they have to pay.

Trustee Liaison Senak stated there was approval of a wireless communication ordinance. He stated cell companies were looking to install small wireless cell towers on some Village right-of-ways. The Village has received applications from one wireless carrier to install this kind of device. He stated carriers would pay an initial fee to install these devices, then the carriers would have to pay annual licensing fees. The Village Board was shown the devices, some large and some small. He stated the idea was to keep these devices as small as possible.

Trustee Liaison Senak stated that one of the more interesting projects underway was the memorandum of understanding between the Village of Glen Ellyn and the College of DuPage. The college of DuPage wants to occupy space in the Civic Center to create an incubator and accelerator for small businesses. The main issue is the idea of the Village of Glen Ellyn paying in some way for this endeavor. The Village agreed to contribute \$25,000 to explore this concept with the idea that the money would be paid back by the College of DuPage. The College of DuPage would merge this project with the college Entrepreneurship program. Some commissioners expressed concern over the increased traffic and available parking spaces in the downtown area due to this increased business. Commissioners asked if a traffic study would be conducted in conjunction with considering this project. Trustee Liaison Senak stated that they were not considering a traffic study at this time and it wasn't really a part of the discussion the Village Board had. However, the purpose of bringing in this project is to attract and retain business in the downtown area and increase the sale tax base.

Trustee Liaison Senak stated that the annual financial report was presented to the Village. He stated that deposition of the Village raised 2.5% for Fiscal Year 2016. He stated that business activities were up by 3.2% and expenses were 2.2 billion dollars less than what was generated in tax and revenue sources. He stated the Village was essentially operating with a surplus. Expenditures were under budget by \$800,000.

Chairperson Report

No Chairperson Report was given.

Staff Report

No Staff Report was given.

Submitted by:

Christiana Cabrera
Recording Secretary

Reviewed by:

Kelly Purvis, Associate Planner