

ZONING BOARD OF APPEALS
MINUTES
SEPTEMBER 12, 2017

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Gregory Constantino, Matthew Jones, John Micheli, Chip Miller, Reed Panther and Thomas Whalls were present. Also present were Associate Planner Kelly Purvis and Recording Secretary Barbara Utterback.

Chairperson Garrity described the procedures of the Zoning Board of Appeals.

ZBA Member Miller moved, seconded by ZBA Member Panther, to approve the minutes of the June 13, 2017 and June 27, 2017 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

On the agenda was a public hearing regarding the property at 237 Van Damin Avenue.

PUBLIC HEARING – 237 VAN DAMIN 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 SCREENED ROOM ADDITION WITH A REAR YARD SETBACK OF APPROXIMATELY 29 FEET 8 INCHES IN LIEU OF THE MINIMUM REQUIRED REAR YARD SETBACK OF 40 FEET. 2. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A SCREENED ROOM ADDITION RESULTING IN A LOT COVERAGE RATIO OF APPROXIMATELY 21.16% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20% FOR STRUCTURES GREATER THAN ONE STORY. 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.

(Addlawn Landscaping, Inc., on behalf of Eric and Stephanie Wince, owners)

Staff Presentation

Associate Planner Kelly Purvis stated that Addlawn Landscaping, Inc., is present on behalf of Eric and Stehania Wince, owners of the property at 237 Van Damin Avenue. She added that Architect Jonathan Biertz was also present. Ms. Purvis stated that the owners are requesting approval of variations from the Zoning Code as follows: 1. Section 10-4-8(D)2 to allow the construction of a screened room addition with a rear yard setback of approximately 29 feet 8 inches in lieu of the minimum required rear yard setback of 40 feet. 2. Section 10-4-8(E)1 to allow the construction of a screened room addition resulting in a lot coverage ratio of approximately 21.16% in lieu of the maximum permitted lot coverage ratio of 20% for structures greater than one story. 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 located in the R2 Zoning District on

the northeast corner of Van Damin Avenue and Wingate. She stated that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential. She stated that the notice of public hearing was published in the August 28, 2017 edition of the Daily Herald, mailed to property owners within 250 feet of the subject property and a placard was placed in front of the property. Ms. Purvis stated that the Village has no record of prior variations for this property, however, they applied for a variation at the ZBA in the past but were never granted a variation by the Village Board. She added that several permits have been issued for this property in the past.

Ms. Purvis stated that in September of last year, the petitioners appeared before the ZBA to request a variation from the Zoning Code to allow their existing balcony which is approximately 20 feet 6 inches wide by 5 feet deep to be rebuilt on the rear of their home as a deck. She stated that they wanted to bump it out approximately 5 feet which would make it 20 feet by 10 feet. She stated that the proposed deck had stairs going down to the ground level which would allow the structure to serve as a more useable space for their family as the balconies currently are not large enough for the family to enjoy. She added that the deck would also provide an exit from the back of their kitchen as there currently is no way to get downstairs from the kitchen. She stated that although the balcony is off the kitchen from the first floor of the home, the grading slopes 9-10 feet from the front of the yard to the back of the yard, elevating the balcony to 9 feet 11 inches from the average adjoining ground in the rear yard. Ms. Purvis stated that the Zoning Code limits decks to being 3 feet above average grade which is why they needed to apply for a variation. She added that the ZBA granted that variation pending on a stormwater review, however, the petitioner has never moved forward with that project nor sought that variation from the Village Board.

Ms. Purvis stated that the petitioner has returned this evening requesting to reconstruct the balcony into a roofed over and screened room addition on the back of their home. She stated that since they are requesting to roof and screen the structure, it is now counted toward the lot coverage and cannot encroach into the rear yard setback. She stated that in order to construct the project, the petitioners need zoning relief to allow the rear yard setback of approximately 29 feet 8 inches in lieu of the required 40-foot setback and a lot coverage ratio of 21.16 percent in lieu of the maximum permitted lot coverage ratio of 20 percent. Ms. Purvis added the petitioners have an attached garage which they have not been granted a bonus for and they have a front porch which is open on two sides so they only received a 140-square foot bonus toward their lot coverage.

Questions to Staff from Zoning Board of Appeals

Ms. Purvis responded to ZBA Member Jones that a stormwater review was never done as the petitioner did not appear before the Village Board. Ms. Purvis responded to ZBA Member Miller that if the petitioner did not have the bonus for the front porch, the lot coverage ratio would be at or above 20 percent.

Petitioners' Presentation

Eric Wince, the homeowner, Kevin Wallace, Addlawn Landscaping, Inc., 1550 W. Fullerton Avenue, Addison, IL and Jonathan Biertz, JB Architecture, 1320 North Route 59, Naperville, IL were present to speak on behalf of the subject project.

Mr. Wallace felt that the petitioners' practical difficulty is the topography of the land with regard to the height. He stated the reason they did not go forward with that request is because they decided to add onto the plans. He stated that the issues are the same and include the deck which has now become a three-season room/screened-in porch. He added that the current porch is not usable and does not offer an exit from the back of the main living area to the outside in the event of a fire. He also stated that topography is an issue. He stated they have to appear before the ZBA again because they are changing their request from a deck to a three-season room. Mr. Wince stated that the last time they appeared before the ZBA, their neighbor appeared and stated he was concerned because he lived at the bottom of the hill. Mr. Wallace stated that neighbor has since moved. Mr. Biertz added that the petitioners want to maximize the amount of use with the structure but not being covered or screened, they are subject to weather and mosquitos. Mr. Wince added that his neighbors were in favor of this project.

Questions from the Zoning Board of Appeals

Mr. Wince responded to ZBA Member Whalls that there is a door at the back of the house but no stairs. ZBA Member Jones stated he spoke to the neighbor who is moving and she stated that the petitioners' retaining wall on the survey is pushing into their yard which would be a concern regarding water. Mr. Wince responded that the retaining wall belongs to that neighbor and stated that it was replaced approximately eight years ago. Mr. Wince responded to ZBA Member Jones that he does not see any issues with water on the subject site. Mr. Wince responded to ZBA Member Micheli that he had no objections to a stormwater review at this time. Mr. Biertz verified for ZBA Member Micheli that a 3-season room is built to the standards of a 4-season room minus the windows. Mr. Biertz stated that the structure of a 3-season room is not designed to handle windows or the materials needed for a 4-season room. Ms. Purvis responded to ZBA Member Micheli that she cannot speak to the difference in the construction of a 3-season room and a 4-season room but added that staff is treating the subject request as though it is a part of the principal structure so the variances that are being granted if this was a completed 4-season room are being treated as though they were part of an addition to the home. She also responded to ZBA Member Micheli that they are looking at this no differently than a 3-season home or a 4-season home.

ZBA Member Micheli asked what the specific hardship is that requires a 3-season screened-in porch. Mr. Wince responded that they would like to have an area where they could get out of the house and be in nature and not have to sit in the front of their home where the sun is

coming down in the summertime. ZBA Member Miller asked if the roof of the screened-in porch is accessible from the house and Mr. Wince responded no. ZBA Member Miller then said that he sees no hardship or practical difficulties regarding this project. He stated that the petitioners' house now has variations to alleviate the practical difficulties or hardships and he does not see any new practical difficulties or hardships that would help him put a much larger structure where the deck was. He stated there is a big difference between an addition and a deck. He stated that he does not feel he can grant a variation per the petitioners' request. ZBA Member Constantino said that on the petitioners' application, it stated that if this variation was granted, the screened enclosure would maintain the property value for the owner and the neighboring properties but without it, the property values would decrease, and he asked for clarification. Mr. Wallace responded that it should have said instead that by granting the variation, the value of the home would increase.

Persons in Favor or or in Opposition to the Requests

No persons spoke in favor of or in opposition to the proposed variation request.

Findings of Fact

ZBA Member Constantino stated that the petitioner is Addlawn Landscaping who appeared on behalf of Eric and Stephanie Wince, owners of the property at 237 Van Damin Avenue. He stated that the owners are requesting variations to allow the construction of a screened room addition with a rear setback of approximately 29 feet 8 inches in lieu of the minimum required rear yard setback of 40 feet and a variation to allow the construction of a screened room addition resulting in a lot coverage ratio of approximately 21.16% in lieu of the maximum permitted lot coverage ratio of 20%. He stated that the property is currently located in an R2 Zoning District at the northeast corner of Van Damin and Wingate and the surrounding land uses are R2 Single Family Residential.

ZBA Member Constantino stated that Village Associate Planner Kelly Purvis highlighted that last September, 2016 the owner of the subject property previously sought a variation to allow the reconstruction of a balcony with stairs to the lower level to provide for a second egress from the home. He stated that the balcony would have been greater than 3 feet above the surface at approximately 9 feet and, therefore, would have required a variance. He stated that a variance was recommended by the Zoning Board of Appeals subject to receipt of a stormwater study, however, the study was not completed and no further action was taken on the recommended variance. ZBA Member Constantino stated that now, one year later, the petitioners are seeking a screened-in porch with a roof which is considered a room and not a deck or patio and requires a variation for a lot coverage ratio increase to allow the encroachment into the rear setback of approximately 10 feet 4 inches. He also stated that at the prior variation hearing, the ZBA Members had greater concerns with water and encroachment into the rear yard and

the effect upon the neighbors to the east. He stated that those present heard from Architect Jonathan Biertz, homeowner Eric Wince and landscape architect Kevin Wallace. He stated that Mr. Wallace talked about the practical difficulty regarding the topography of the land, adding that they did not complete the water study because they intended to request the proposed variations. He added that the porch is not usable in its present state due to its maximum extent and they need stairs for additional egress as a safety concern and they are dealing with a unique topography of the land on this particular lot. He also stated that the neighbor to the east is selling his home and it is unknown whether they currently occupy that home. ZBA Member Constantino stated that Mr. Wince said that he had prior conversations with his neighbor and acknowledged that there was a stormwater run-off issue and that they discussed the retaining wall and how they have attempted to address these issues. Mr. Wince stated he would again agree to have a stormwater study done in relation to this requested variance. ZBA Member Constantino stated that Mr. Biertz had said that regarding future conversion to a 4-season room, the structure is not designed to be a 4-season permanent addition to the home and although a 3-season addition would have the same requirements and would be considered the same type of addition as a 4-season room, the engineering is not designed for a 4-season room at this time. Mr. Biertz also stated that a screen structure would maximize the usage of the property. ZBA Member Constantino stated that Mr. Wince desires a screened room addition to protect them from elements and now states there is no hardship besides those matters brought up at the prior variance request in 2016. He stated that Mr. Wince has discussed this matter with other neighbors in the area who apparently approve of or have no objections to the variation requests.

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

Comments from the Zoning Board of Appeals

ZBA Member Whalls stated he felt the same way as he did the last time these variations were presented which was that he approved of the deck but not the screened porch. ZBA Member Panther stated that the variation was for the height of the deck rather than the setbacks and the lot coverage ratio, therefore, he was not supportive. He added that the hardship was the topography of the lot. ZBA Member Jones stated he was in favor of the deck that was approved but not the subject request partly because of the setback which will be 30 feet instead of the required 40 feet. He responded to Chairperson Garrity that he did not approve of the bulk and added that the structure will be more imposing on the neighbors than a deck would be. He added that he would vote no. ZBA Member Micheli stated he would support the previous variation being granted but not this request. He stated that the rear yard is particularly problematic and more of the same type of variations would be requested. ZBA Member Miller stated that he agreed with the other ZBA members' comments. He stated that the lot coverage was maximized when the house was built. He also stated the petitioners could have a shady

spot under the deck. He stated he sees no hardships and, therefore, does not feel he can approve the requests. ZBA Member Constantino stated he agreed with what everyone on the Board has said. He stated he does not see a particular hardship or circumstance to justify this request. He felt that the only hardship that apparently has been brought before them is the safety issue of an additional egress which was addressed last year with a prior recommended variance. He feels that this structure is a greater bulk and is a larger enclosed structure that would be too much of a burden on the neighbors' adjoining property. He added that with the structure there is height as well as an encroachment in the rear yard and lot coverage. He stated that he supports the prior variance request that was put before the ZBA in 2016 but not this request with the larger bulk.

After some discussion, the petitioners decided to withdraw their requests and move forward with the previous request from last year.

Motions

1. ZBA Member Micheli moved, seconded by ZBA Member Jones, to close the public hearing. The motion carried unanimously by voice vote.
2. ZBA Miller moved, seconded by ZBA Member Constantino, to accept the petitioners' request for withdrawal of the variations as listed on the application from the petitioner, Addlawn Landscaping, on behalf of the the owners of the subject property, Eric and Stephanie Wince.

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

Trustee Report

No Trustee report was given.

Chairperson Report

No Chairperson report was given.

Staff Report

Ms. Purvis stated there will be one variation request at the next ZBA meeting.

ZBA Member Jones moved, seconded by ZBA Member Constantino, to adjourn the meeting at 7:55 p.m. The motion carried unanimously by voice vote.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Kelly Purvis
Associate Planner