

ZONING BOARD OF APPEALS
MINUTES
OCTOBER 17, 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 and Thomas Whalls were present. ZBA Member Reed Panther was excused. Also present were Trustee Liaison Mark Senak, Associate Planner Kelly Purvis and Recording Secretary Barbara Utterback.

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

On the agenda was a public hearing for the property at 951 Roslyn Road.

PUBLIC HEARING – 951 ROSLYN ROAD

MATT AND SARAH STARK, OWNERS OF THE PROPERTY AT 951 ROSLYN ROAD, ARE REQUESTING VARIATIONS FROM THE GLEN ELLYN ZONING CODE TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR ADDITION OVER THEIR EXISTING NON-CONFORMING 1-STORY HOME AS FOLLOWS: 1. SECTION 10-4-1(N) TO ALLOW THE CONSTRUCTION OF A SECOND FLOOR ADDITION ON A NON-CONFORMING STRUCTURE WHICH: a. WILL HAVE A CORNER SIDE YARD SETBACK OF 18.5 FEET IN LIEU OF THE MINIMUM REQUIREMENT OF 20 FEET; AND b. WILL RESULT IN A CORNER SIDE YARD SETBACK BEING LESS THAN THE MINIMUM EXISTING SETBACK; AND c. WILL EXTEND THE FOOTPRINT OF THE HOUSE; AND d. WILL NOT MEET THE BULK REGULATION FOR LOT COVERAGE WITH A LOT COVERAGE RATIO OF 24.11% INCLUDING THE PROPOSED ADDITION. 2. SECTION 10-8-6(B) TO ALLOW A CLASS II ALTERATION TO A SINGLE FAMILY DWELLING THAT IS NON-CONFORMING DUE TO ZONING BULK CONTROL REGULATIONS. 3. SECTION 10-4-8(E)1 TO ALLOW THE CONSTRUCTION OF A TWO-STORY ADDITION ON A SINGLE-FAMILY HOME WITH A LOT COVERAGE OF 24.11% IN LIEU OF THE MAXIMUM LOT COVERAGE PERMITTED OF 20% FOR STRUCTURES GREATER THAN ONE-STORY. 4. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVIEWED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Matt and Sarah Stark, owners)

Staff Presentation

Village of Glen Ellyn Associate Planner Kelly Purvis stated that the petitioners are Matt and Sarah Stark, owners of the property at 951 Roslyn Road, who were present with their architect, Thomas Knapp. She stated that the property owners are requesting approval of variations from the Glen Ellyn Zoning Code as follows: Section 10-4-1(N) to allow the construction of a two-story vertical addition on a non-conforming structure which will have a corner side yard setback of 18.5 feet in lieu of the minimum requirement of 20 feet and will result in a corner side yard setback being less than the minimum existing setback and will extend the footprint of the

house and will not meet the bulk regulation for the lot coverage with a coverage of 24.11% including the proposed addition; from Section 10-8-6(B) to allow a Class II Alteration to a single-family dwelling that is non-conforming due to zoning bulk control regulations; from Section 10-4-8(E)1 to allow the construction of a two-story addition on a single-family home with a lot coverage of 24.11% in lieu of the maximum lot coverage permitted of 20% for structures greater than one story; and any other zoning relief that might be required to allow the construction of the proposed addition on the plans presented or advised at the public hearing or at the public meeting of the Village Board. Ms. Purvis stated that the subject property is located in the R2 zoning district on the southwest corner of Woodstock Avenue and Roslyn Road and added that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential. She also stated that notice of the public hearing was published in the September 8, 2017 edition of the Daily Herald and re-published in the September 28, 2017 edition of the Daily Herald due to an error in the public notice mailing. She added that notice was mailed to owners within 250 feet of the subject property and a placard was also placed on the property. Ms. Purvis stated that Village records indicate that no prior variations were granted for this property and that building permits were issued for this property that included the initial construction in 1952, a service revision in 1957, electrical service in 2000 and a water meter replacement in 2009.

Ms. Purvis stated that Matt and Sarah Stark would like to modify their home by constructing a second floor addition over the existing first floor on their non-conforming residence. She stated that the one-story home, including the attached garage, is currently 2,780 square feet. She also stated that they are proposing to demolish the small kitchen addition which is approximately 42 square feet in the rear of the home and construct a second floor addition of 1,421 square feet with 312 square feet of unfinished attic area. Ms. Purvis stated that the home was constructed in 1952 using the 1923 zoning code and met that zoning code at that time. Ms. Purvis stated that the home is nonconforming to the front yard setback at 40.29 feet from the front lot line. She added that the house meets the requirement of 30 feet, however, because of the structure that is closest to this house at 40.45 feet, that figure becomes the requirement. She added that the existing structure is also nonconforming to the rear yard setback and corner side yard setback and the lot width. She added that the front and rear yard setbacks are small differences in terms of their nonconformity which is less than a foot for each. Ms. Purvis stated that Section 10-4-1(N) provides that a vertical addition may be added to a nonconforming structure under certain circumstances. She added that the subject home meets all of the criteria that will allow a vertical addition to be constructed on a nonconforming structure, however, it states that an addition to a nonconforming structure will be allowed provided such setbacks do not result in a front, side, corner side or rear yard setback being less than the minimum existing. She added that they will be changing the corner side yard setback by a small amount to allow for a covered stoop as well as a small overhang from the second story. Ms. Purvis stated that the addition does not extend the footprint of the house and that the footprint of the house will be extended approximately 18 inches. She added that all other applicable bulk regulations are met. She added that it will not meet the lot coverage ratio as a

second addition is being added to the house. She also stated that the lot coverage is currently being met because 35% is allowed for a one-story structure and when it changes to a 2-story structure, it must meet the 20% lot coverage. Ms. Purvis stated that as part of the proposed addition, the petitioners will add a new covered stoop, a cantilevered second story that will protrude an additional 18 inches into the required corner side yard setback and the corner side yard setback will be less than the minimum existing setback. Ms. Purvis stated that in addition to providing guidelines for what kinds of non-conforming dwellings may be allowed, the Zoning Code also regulates the amount of alterations and additions that can be done to or added to a nonconforming structure. She stated that a Class II Alteration would be allowed, adding that anything between 50% and 75% would be prohibited. She also stated that a Class I Alteration would be allowed and stated that the addition is conforming as a Class I. She added that the amount of wall and roof that is being removed in order to do this addition is more than would be allowed and the reason for that is because as they are proposing to take off the entire roof of the structure and some portion of the wall because they intend to eliminate some windows and make other changes. She added that while the addition will create more altered surfaces permitted on a nonconforming structure, the addition, itself, is considered a Class I Addition because only a certain percentage will be added which is less than 75% new building. Ms. Purvis stated that in order to construct a second floor addition on the existing home, the Starks' will also require relief from the lot coverage requirement. She stated that the existing home has an LCR of 22.9% which meets the code requirement of less than 35% for a one-story structure and when a second story is added to the home, the lot coverage ratio will be 24.11% due to the proposed covered stoop and overhang which is an additional 18 inches in the front of the structure and 24 inches in the rear of the structure. Ms. Purvis added that the lot coverage requirement for a two-story structure is limited to 20% per the zoning code.

Responses to Questions from the Zoning Board of Appeals

Ms. Purvis explained for ZBA Member Micheli that an alteration is any change to the wall or roof of a structure. She added that the addition will be the additional floor area that is being added onto the structure and the altered surface is the roof or wall of a structure that is being modified. ZBA Member Constantino asked if the kitchen addition was not altered, would that have a significant effect upon the percentage of the alteration, and Ms. Purvis responded that it would because the three walls go toward the calculation which is quite a lot. ZBA Member Constantino added that it seems as though they are looking at a variance of an alteration that is actually removing something rather than substituting something in its place. Ms. Purvis responded that square footage is not being substituted in terms of the kitchen area and that the front is being bumped out to a small amount for the covered stoop area so they are technically not replacing it. Ms. Purvis agreed with ZBA Member Constantino's statement that the alteration variance could be significantly caused by the removal of the kitchen area on the southerly face of the property. ZBA Member Constantino asked if the covered stoop area is included in the lot coverage and Ms. Purvis replied yes. Ms. Purvis responded to ZBA Member

Constantino that if an alteration was made to reduce or remove the eave and remove the covered portion of the stoop, a lot coverage variation would still be necessary.

Petitioners' Presentation

Matt and Sarah Stark, owners of the property at 951 Roslyn Road who currently live at 2304 W. Wolfram St., Chicago, IL and Architect Tom Knapp of 320 N. Main Street, Lombard, IL were present to speak on behalf of the subject variation requests. Mr. Stark stated that he and his wife have a 3-year child with another child on the way and currently live in Chicago. He stated that they purchased the approximately 1,750 to 1,800-square foot home two years ago with the idea of building onto it. He added that that figure does not include the lot coverage of the garage. He also stated that the home has three bedrooms and no basement. He stated that their idea is to build up to accommodate their growing family.

Architect Tom Knapp stated that the existing floor area of the residence—not including the garage and the covered area in the back—is approximately 1,800 square feet which is a fairly small residence in terms of the market for homes. He stated that the subject home has 3 bedrooms and 1-1/2 baths, adding that the bedrooms are not large, there is no master bath and the living space is fairly small. He stated that there is a fairly large living room/dining room space that is a single room and a kitchen area which has a small breakfast area off of it with very few windows going out to the back yard. He stated that with no basement there is no place to add any new living space or add more space for a master bedroom and master bath. He stated that because of the second floor addition, they could try to build a one-story addition as there is a small amount of space to add in lot coverage that would allow them to build a small addition on the south side of the house between the existing house and the neighbor's house that would most likely be a master bedroom/master bath arrangement but would not really give them any more living space. He stated that because the existing house has no basement, there is no room to expand down. He added that the best place to build any kind of addition is to go up and to go up at all requires a variance because of the lot coverage which is 35% for a one-story house and 20% for a two-story house. He stated that because the existing house is currently over the 20% line, any addition that goes up requires a variance for the second floor. Mr. Knapp stated that the overhang is not critical although they do want to have a covered front entry and feel the design is very nice and works well with the house. Mr. Knapp stated he pulled the addition out 18 inches into the corner side yard because architecturally he was trying to get some difference in the look between the first and second floor and because the petitioners wanted to have a covered front entry porch, it made sense for the addition to overhang on the front, adding that a variation was then required. Mr. Knapp stated that they believe the existing setbacks on all front yard, side, rear and corner side yards all exist very close to the existing setback requirements, therefore, if they were to go straight up, they would still be encroaching on all of the yards. He feels that the design as shown architecturally is a good solution.

Responses to Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked if the overhang was more architectural than square footage and Mr. Knapp responded yes, adding that they wanted a covered entry and a shadow line across the front is a good solution. ZBA Member Miller asked what the hardship or unique circumstance is regarding their request. Mr. Knapp responded that the primary hardship regarding the subject property is that the existing one-story ranch residence has a garage and a back covered area which is currently just a large, deep, almost 4-car garage that takes up a significant portion of the lot coverage and because of the size of the existing residence and the way that the residence works, it is a very small residence on the property. He added that if the petitioners were to tear down the house and build a new structure, it would have the same lot coverage requirements but they would be able to build a two-story house which would work much more efficiently and which would fit within the 20% lot coverage ratio. He stated that the hardship is primarily that the one-story ranch is significantly over that lot coverage. He added that the way the zoning ordinance is written where 35% lot coverage ratio is allowed for a one-story house and 20% lot coverage ratio is allowed for a two-story house makes it difficult for existing homes to make that work.

Mr. Knapp stated that in terms of hardship for the corner side yard, it was his understanding that they could have a covered front entry porch in that corner side yard and reduce it as long as it was open on three sides. He stated that when they were designing the house they were taking into account the dimension of 18 inches which they were not required to have the variance for that 18 inches when it was a one-story covered entry porch area. He added as soon as the second floor space was added above that, it became a problem. Mr. Knapp stated he does not see anything that is a direct hardship regarding the side yard, however, in trying to get the covered porch to work on this residence, he feels it is a good solution. Ms. Purvis stated that Mr. Knapp was explaining about the bonus the Village gives for covered front porches which, if open on three sides, would be 240 square feet. She added when livable space is put above a porch, it no longer meets that requirement so that bonus is no longer offered. She stated the Village also allows a front porch to encroach 25% into the front yard and added that corner side is the same as front. Ms. Purvis stated that the petitioner's original intent was that the porch would be covered, however, when living space is placed above it, the regulations change. Ms. Purvis responded to ZBA Member Micheli that if the overhang and covered stoop are removed, there would only be a lot coverage issue. She added that the lot coverage would be significantly less if the overhang and covered stoop were removed because they both contribute to lot coverage, however, the lot coverage would be over 20%.

Ms. Purvis stated that the subject house was originally constructed in 1952 and met all the requirements at that time. She added that they would have been able to add a second story onto their house because prior to 2003, two-story structures were allowed to be 25% of the lot coverage ratio. ZBA Member Constantino asked Mr. Knapp if they could consider removing the eave and re-designing the covered stoop to remove the living space over it or pull it back to

reduce the change in the footprint and perhaps reduce the lot coverage issue. Mr. Knapp stated he had considered eliminating the 18-inch overhang which would take out a majority of the encroachment on the corner side yard, however, if he was to pull the entire single floor back 18 inches, it would not encroach closer than the primary wall of the house. He added they are still hoping they can have the space over the front porch. He also stated they probably could if they had to eliminate 18 inches but that would still have overhang over the front porch. Mr. Knapp responded to ZBA Member Jones that there is currently no covered entry. Mr. Knapp also responded to ZBA Member Jones that the front entry door is rarely used because it is overgrown with greenery and there is a safety issue because the stoop is exposed and the concrete steps are in poor condition. Mr. Knapp responded to ZBA Member Micheli that raising the structure was not an option as it would be too expensive.

Persons in Favor of or in Opposition to the Proposed Request

Carlos Moran, 300 Woodstock Avenue, Glen Ellyn, IL stated he lives behind the petitioners' house. He stated the petitioners' house has the setbacks for a ranch style home and they are trying to have a 2-story home on that property. Mr. Moran felt that four variations are too much and he is totally against these requests. Ms. Purvis responded to ZBA Member Micheli that the petitioners could demolish their home and re-build a 2-story home on the lot. She added that the existing one-story home was built to the 1952 code. She also responded to ZBA Member Micheli that the setbacks issues would be the same for a new home. Mr. Moran responded to ZBA Member Constantino that his concern regarding the subject home is that it will be a 2-story home and the petitioners will not be meeting some setbacks. He also stated that the subject neighborhood homes are one-story homes. Mr. Moran added that he recently built an addition on his home and met the required setbacks for that addition by jogging a portion of his home. Mr. Moran also stated that he has not heard a good hardship for the variation requests.

Tim Loftus, 296 Woodstock, Glen Ellyn, IL asked Ms. Purvis to read the list of permits for the subject property and she did. Mr. Loftus asked if the variations would still be required if the two additions on the home did not exist. Ms. Purvis responded that a variation would still be required if they received a 500-square foot bonus for the garage because the lot coverage ratio would be 20.15%. Although he appreciated work being done on the home, Mr. Loftus felt that the requested lot coverage ratio is excessive. ZBA Member Jones stated that more land could be disturbed with a new house built on the property. Ms. Purvis responded to ZBA Member Whalls that the maximum lot coverage ratio is 35% for a single-story structure and the existing lot coverage ratio is 22%. She also stated that the maximum lot coverage ratio for a 2-story home is 20% and that the allowed square footage is 2,525. She added that 3,045 square feet is being proposed, however, 3,265 square feet would be allowed due to a 500-square foot bonus for a garage and 240 square feet for a front porch.

Findings of Fact

ZBA Member Constantino stated that Matt and Sarah Stark, owners of the property at 951 Roslyn Road, are requesting approval of variations to allow construction of a two-story vertical addition related to existing corner side and rear yard setbacks, a front setback less than a minimum existing setback, an extension of the footprint of the house and a lot coverage ratio of 24.11% in lieu of the maximum allowed 20%. He stated the petitioners are also seeking a variation for a Class II alteration to a nonconforming use and other relief as necessary. ZBA Member Constantino stated that the subject property is located in the R2 Zoning District at the southwest corner of Woodstock Avenue and Roslyn and the zoning and land use surrounding is R2 Single Family Residential.

ZBA Member Constantino stated that Kelly Purvis, Associate Planner for the Village, said there were several prior permit requests but no prior variation requests for the subject property. ZBA Member Constantino stated that the owners propose to construct a second floor addition over a one-story residence and demolish a small kitchen addition that currently exists on the south side of the property. He stated that Ms. Purvis explained that the front yard setback variance requested is nonconforming at 40.29 feet which meets the 30-foot setback requirement but is not as much as the neighbor to the south whose setback is 40.54 feet and, therefore, is not in conformance. ZBA Member Constantino stated that the footprint extension is created by the request for an 18-inch extension of a proposed eave on the north side of the property. He stated that Ms. Purvis then explained what amounts to an alteration, the fact that walls and roofs are affected, demolished or remodeled and add those to the calculation of the alteration whereas an addition is new square footage that is placed upon the property. He added that the alteration issue relates to the removal of the kitchen addition, the addition of the new covered stoop in the front and the addition of the remodeling of the walls.

ZBA Member Constantino stated that one of the owners, Matt Stark, stated that after they purchased the property two years ago, they decided to add an addition onto the property. He said that the petitioners wanted to build up to a second floor as opposed to expanding the first floor, adding that the current size of the home is inadequate for a growing family. ZBA Member Constantino stated that Architect Tom Knapp said that the existing square footage of the home is small by today's standards, adding that typical standards of a home today would include four bedrooms, two-three baths and a two-three car garage and the existing home has three bedrooms, 1-1/2 baths and a 2 car garage. ZBA Member Constantino stated there is no adequate space to add a large addition onto the first floor of the subject home, therefore, the petitioners need to build up to the second level. He added there is no basement. ZBA Member Constantino stated that because there will be a second-floor addition, the lot coverage will be decreased from 35% to 20%. He stated that Mr. Knapp believes that the covered porch and the 18-inch eave extension is more compatible from a design standpoint, adding that the 18-inch

eave is not necessary for actual use or habitation. ZBA Member Constantino added that all of the setback issues are encroaching by a very minimal amount.

ZBA Member Constantino stated that the hardship, unique circumstances and practical difficulties are that the size of the garage and footprint limit the expansion of the home on a one-story level. He stated it was discussed that if there was no overhang or covered stoop, the lot coverage ratio would be reduced in addition to the removal of the kitchen addition although it would still be in excess of the 20% maximum. He added this is legally nonconforming as it was built originally pursuant to code.

ZBA Member Constantino stated that Carlos Moran who lives immediately to the south of the petitioner at 300 Woodstock Avenue, Glen Ellyn, Illinois believes that the setbacks that currently exist are for a one-story ranch home and are not appropriate for a two-story addition. Mr. Moran believes that four variation requests are too many for this project and does not believe there are hardships or unique circumstances to justify this variation request.

ZBA Member Constantino stated that Tim Loftus has lived two doors to the south of the subject property at 296 Woodstock Avenue, Glen Ellyn, Illinois for 30 years. Mr. Loftus asked for a review of the prior permits for the subject property and stated that the previous owner had not maintained the property. ZBA Member Constantino stated it was discussed whether or not the removal of the garage and kitchen additions would require variances and they believe there would still be a lot coverage variation request required slightly in excess of the 20% maximum. ZBA Member Constantino stated that if the variation as requested is granted, the 24% lot coverage ratio will be in excess of 20% of what is permitted per code.

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

Comments from the Zoning Board of Appeals

ZBA Member Whalls stated that the requested setbacks are so minimal that he would not deny the requests. He stated he also looked at the elevation on the north side which is the largest portion of the LCR infringement and did not have a problem with that elevation. He stated he was in favor of the proposed requests.

ZBA Member Jones stated that he is also in favor of the requested variations for the same reasons as ZBA Member Whalls. He stated that he was supportive of moving the one-story shed in the back. He stated that removing the existing kitchen will provide more space for a neighbor and although the overhang is on the north side, it will not encroach on anyone and will provide a safety aspect for people getting in and out. He did not feel that the petitioners could architecturally get away with putting in a covered porch without an overhang as an overhang will soften the area. ZBA Member Jones appreciated that the garage will be open on

three sides and stated he does not count that area as space. He added that if the house was a ranch, the petitioners would be allowed a 35% lot coverage ratio. He stated that he sees the requests as being rather minimal. ZBA Jones asked Ms. Purvis what the lot coverage ratio would be if the back of the garage and the roof was removed and she replied 21%. She added that it would not count as lot coverage if it was not roofed over.

ZBA Member Micheli stated he was very uncomfortable with the proposed requests as he did not see any solid reason for hardships or unusual circumstances. He stated he felt there was misdirection given and that they have given themselves a significant addition to the master bathroom. He also stated he is never comfortable with granting a 500-square foot bonus for an attached garage. He stated that he is opposed to the requested variations.

ZBA Member Miller stated that many small things added up and he is not in favor of the lot coverage ratio. He stated that he cannot find a practical difficulty for this property. He also stated that petitioners would like giant houses on smaller lots which is something that the Village has tried to get away from. He felt that the subject house looks fantastic, however, is too large for the subject lot.

ZBA Member Constantino stated he wholeheartedly agrees with ZBA Member Miller. He stated he believes that the side yard setback issues are very minimal and he did not have a problem with those issues. He stated he is concerned that if the variances as requested are granted, the lot coverage would be in excess of 24% which, per Mr. Loftus, could be an increase of 20% over what would be permitted for a two-story residence. ZBA Member Constantino stated he would be more comfortable with the removal of the 18-inch eave and a redesign of the covered front porch or removal of living space over it to bring it more in conformity and couple it with the demolition of the kitchen addition so that it might be less than the existing 22.9% lot coverage ratio. He stated he would be in favor of the variation requests except for those conditions.

Chairperson Garrity stated that as the variation requests would not pass as is, the petitioners could consider other options and return to the ZBA in the future.

Motion

ZBA Member Micheli moved, seconded by ZBA Member Jones, to continue this public hearing to the next ZBA meeting. The motion carried unanimously by voice vote.

Trustee Report

Trustee Liaison Senak reported on the Village budget which is not balanced and has a \$400,000 deficit.

Chairperson Report

No Chairperson Report was given.

Staff Report

Associate Planner Kelly Purvis stated that two items for Park and Ahlstrand and 254 Glenwood Avenue will be on the ZBA agenda next week on October 24, 2017. Ms. Purvis also stated that, when required, stormwater reviews will be charged to petitioners at a cost of \$75 per hour.

The meeting was adjourned at 8:43 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Kelly Purvis
Associate Planner