

ZONING BOARD OF APPEALS  
MINUTES  
OCTOBER 24, 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 Reed Panther were present. ZBA Member Thomas Whalls was excused. Also present were Building and Zoning Official Steve Witt, Planning Associate Kelly Purvis and Recording Secretary Barbara Utterback. Trustee Liaison Mark Senak was excused.

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

ZBA Member Panther moved, seconded by ZBA Member Miller, to approve the minutes of the September 12, 2017 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

On the agenda were public hearings regarding the properties at 951 Roslyn Road (a continuation), 540 Ahlstrand Road and 254 Glenwood Avenue.

CONTINUED PUBLIC HEARING – 951 ROSLYN ROAD

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-1(N) TO ALLOW THE CONSTRUCTION OF A TWO-STORY VERTICAL 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 REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Matt and Sarah Stark, owners)

ZBA Member Micheli moved, seconded by ZBA Member Jones, to continue the public hearing to November 14, 2017. The motion carried unanimously by voice vote.

PUBLIC HEARING – 540 AHLSTRAND ROAD

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-5-5(B)4: TABLE TO ALLOW THE REPLACEMENT OF AN EXISTING

FENCE TO BE BUILT AT A HEIGHT OF 6 FEET IN LIEU OF THE MAXIMUM PERMITTED FENCE HEIGHT OF 4 FEET FOR FENCES CLOSER TO THE STREET THAN THE PRINCIPAL STRUCTURE ON THE LOT. 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.

(Pete Rodriguez, owner)

#### Staff Presentation

Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak regarding the proposed variation request of Pete Rodriguez at 540 Ahlstrand Road. Ms. Purvis stated that Mr. Rodriguez is requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-5-5(B)4: Table, to allow the replacement of an existing fence to be built at a height of 6 feet in lieu of the maximum permitted fence height of 4 feet for fences closer to the street than the principal structure and to allow 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 a corner lot located in the RE Zoning District which is an estate district at the northeast corner of Ahlstrand Road and South Park Boulevard. She stated that the land use immediately surrounding the subject property is Single Family Residential. She also stated that notice of the public hearing was published in the October 5, 2017 edition of the Daily Herald, was mailed to the 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 permits for a demolition and new single-family home and a basement finish were issued in 2007 and a permit for tree removal was issued in 2009.

Ms. Purvis stated that the property at 540 Ahlstrand was annexed to the Village in 2004 along with a number of properties in Arboretum Estates East. She stated that Mr. Rodriguez constructed the house in 2007. She added that the fence was in place prior to the annexation of the property since the Village has no record of it being constructed and prior to Mr. Rodriguez's ownership of the property. She stated that the fence, which is 6 feet in height, is deteriorating and needs to be replaced. She stated that Mr. Rodriguez is requesting to build a 6-foot tall fence in approximately the same location as the existing 6-foot tall fence. She added that since his property is a corner lot on a busy street, he is requesting that he be allowed to replace the fence at the existing height in order to provide privacy and safety for his family. She added that the maximum permitted height for a fence is 6 feet for a fence located no closer to the street than the principal structure on the lot and 4 feet for all other areas of the lot. Ms. Purvis stated that Mr. Rodriguez will need to be granted a variance to construct the fence as proposed at 6 feet. She also stated that the proposed fence will not exceed 3 feet in height in the visibility triangle as required by code.

Questions from the Zoning Board of Appeals

Ms. Purvis responded to ZBA Member Micheli that if a 6-foot fence is granted, it will be allowed to remain at that location forever. ZBA Member Constantino asked if the plan submitted indicates that the fence will be located in the exact location that it is now and Ms. Purvis responded that the fence will be further out but will be 3 feet in that area which meets code. She also agreed with ZBA Member Constantino that the triangle is based on the corner of Park and Ahlstrand.

Petitioner's Presentation

Pete Rodriquez, owner of the property at 540 Ahlstrand Road, stated that the existing fence is deteriorating and falling apart and he feels that the new fence which is similar in height will provide safety and protection for his family as well as shield his garage from view. He added that the new fence will be a vinyl material that will be stronger than the existing fence.

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones stated that the existing fence has trees and bushes in front and asked if the petitioner plans to provide additional greenery to enhance the view of the fence. Mr. Rodriquez stated that he could consider adding greenery in the future. ZBA Member Micheli asked if the proposed fence posts will occupy the same position as far as the location of the existing fence posts. Mr. Rodriquez responded that the proposed fence posts will be approximately one to two feet closer to the property line than the existing fence posts so that the new fence will be installed as the existing fence will be removed. Mr. Rodriquez responded to ZBA Member Micheli that he has not considered a 5-foot fence as 6-foot fences are a standard height which would be more cost efficient. Mr. Rodriquez responded to ZBA Member Micheli that he plans to drop down the corner of the proposed fence to 3 feet because of the visibility triangle. Mr. Rodriquez also responded to ZBA Member Micheli that the new fence will be board on board. Mr. Rodriquez responded to ZBA Member Miller that most of his neighbors have fences that are 6 feet in height, and ZBA Member Miller added that most of these homes were in DuPage County at one time. Mr. Rodriquez responded to ZBA Member Miller that if he was required to build a 3-foot fence instead of a 6-foot fence, he would no longer have the protection and safety he is looking for. Mr. Rodriquez responded to ZBA Member Miller that a 6-foot fence is the norm to reduce noise issues from the road. Mr. Rodriquez responded to ZBA Member Constantino that he has not experienced any trespassing, vandalism or theft at his location along Park Boulevard.

Persons in Favor of or in Opposition to the Variation Request

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

Findings of Fact

ZBA Member Constantino stated that Planning Associate Kelly Purvis said that Pete Rodriguez, the owner of the subject property at 540 Ahlstrand is requesting approval of a variation to allow the replacement of an existing fence to be built at a height of 6 feet in lieu of the maximum permitted fence height of 4 feet for fences closer to the street than the principal structure and any other zoning relief necessary to construct the project. ZBA Member Constantino stated that the subject property is a corner lot located in the northeast corner of Ahlstrand Road and South Park Boulevard in the RE Zoning District. He added that the surrounding land uses and surrounding area uses are single-family residential. He stated that prior permits issued for the property include a demolition and new home in 2007 and a tree removal in 2009, however, none of these permits affect the requested variation.

ZBA Member Constantino stated that the plans show that the height of the fence will not exceed 3 feet in the visibility triangle as required by code to allow for sight lines at the stop sign at Ahlstrand and Park. He stated that the owners indicated a desire for 6 feet to increase the privacy and safety for their property. ZBA Member Constantino stated that, if granted, the variation will run with the land permanently.

ZBA Member Constantino stated that Pete Rodriguez, owner of the property, stated that the existing fence is deteriorating and requires replacement and he desires a 6-foot variation to provide additional safety and protection for his family. He added that the fence would shield the garage from Park Boulevard traffic and will consist of stronger material than the existing fence. He also stated that the petitioner may consider landscaping in the future. ZBA Member Constantino stated that the proposed fence would be approximately the same length as the existing fence, however, will be closer to the property line than the existing fence. He added that a 6-foot fence is a standard size per the fence company. He also stated that the petitioner will comply with the visibility triangle required per code and added that most of his immediate neighbors have 6-foot fences. He also stated that the petitioner would like to avoid littering on his property that would occur without the fence. ZBA Member Constantino stated that the petitioner believes that his hardship is that a 4-foot fence will not provide the safety and protection for his family that he desires as he is on Park Boulevard.

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

Comments from the Zoning Board of Appeals

ZBA Member Panther stated he was supportive of the subject proposal as it is a replacement of the existing 6-foot fence. He also stated that it seems as though a 6-foot fence is consistent with the aesthetics of the neighborhood when driving through that area. He added that the

topography of the subject lot shows that the lot is low on Park Boulevard, therefore, a 4-foot fence does not provide adequate protection for the subject property. ZBA Member Jones was in favor of the subject request but would like to see plantings in front of the fence. ZBA Member Micheli was opposed to granting the subject variation request by grandfathering in County rules. He stated he would be supportive of a 6-foot fence in the rear yard almost up to the driveway which he felt would afford more than enough privacy for the petitioner and 4 feet from the gate forward per the code with 3 feet at the visibility triangle. ZBA Member Miller stated he has driven by the petitioner's house and has not noticed the height of this fence. He stated he understands that the petitioner would like to keep a 6-foot tall fence as his property is on the edge of town where the road is wider and busier. He felt that he understood the petitioner's request not to have his children playing outdoors without a fence and not having his garage available for people to look into. He stated he is supportive of the petitioner's request. ZBA Member Constantino agreed with ZBA Member Miller's comments and sympathized with the petitioner's request due to the large amount of traffic in the neighborhood. He stated he would prefer that the fence be tapered at the driveway, however, was supportive of the variation request as proposed. Chairperson Garrity stated he agreed with the majority of the ZBA members but did not know how he felt about the fence going from 6 feet to 4 feet in that area. He added that the same fence is being replaced so he had no problem with the petitioner's request.

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

#### Motion

ZBA Member Miller moved, seconded by ZBA Member Jones, that the Zoning Board of Appeals recommend approval of the variation as requested by Pete Rodriguez, the petitioner and owner of the property at 540 Ahlstrand Road, due to the fact that the proposed fence is replacing an existing 6-foot fence and fits in with the other existing fences in the other Glen Ellyn and DuPage County homes in the neighborhood and will continue to help reduce noise and provide privacy for the petitioner on a very busy street.

The motion carried with five (5) yes and one (1) no vote as follows: ZBA Members Miller, Jones, Constantino, Panther and Chairperson Garrity voted yes; ZBA Member Micheli voted no.

#### PUBLIC HEARING – 254 GLENWOD AVENUE

A REQUEST FOR APPROVAL OF VARIATIONS FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. SECTION 10-4-8(D)8(a) TO ALLOW THE NEW CONSTRUCTION OF A TWO-STORY SINGLE-FAMILY HOME ON A LOT WITH A WIDTH OF APPROXIMATELY 48.45 FEET IN LIEU OF THE REQUIRED 66-FOOT LOT WIDTH. 2. SECTION 10-5-4(2)(a) TO ALLOW THE CONSTRUCTION OF A GARAGE THAT WOULD COVER APPROXIMATELY 38% OF THE REQUIRED REAR YARD IN LIEU OF THE MAXIMUM PERMITTED COVERAGE OF 30% OF THE REQUIRED REAR YARD. 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.

(Rishi and Amy Gauri, owners)

#### Staff Presentation

Building and Zoning Official Steve Witt and Associate Planner Kelly Purvis were present to speak regarding the proposed variation requests. Ms. Purvis stated that Rishi and Amy Gauri, owners of the property at 254 Glenwood Avenue, are requesting variations from the Glen Ellyn Zoning Code as follows: 1. Section 10-4-8(D)8(a) to allow the new construction of a two-story single-family home on a lot with a width of approximately 48.45 feet in lieu of the required 66-foot lot width (50 feet technically would be buildable). 2. Section 10-5-4(2)(a) to allow the construction of a garage that would cover approximately 38% of the required rear yard in lieu of the maximum permitted coverage of 30% of the required rear yard. 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.

Ms. Purvis stated that the subject property is an interior lot located in the R2 Zoning District on the west side of Glenwood Avenue between Turner Avenue and Arlington Avenue. She also stated that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential. She added that notice of the public hearing was published in the October 5, 2017 edition of the 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 the Village granted a lot width variation by Ordinance 5513 to allow the construction of a single-family residence on this lot in 2006 and extensions for the variation were granted by the Village Board in 2008, 2009, 2011 and 2012. She stated that the last extension granted by Ordinance 6070 states that there will be no further extensions granted for this property. She added that the petitioners need to seek a recommendation from the Zoning Board of Appeals before this matter can be heard before the Village Board again.

Ms. Purvis stated that Village records indicate that several permits were issued for the subject property including an expired permit issued in 2013 for a new home.

Ms. Purvis stated that the petitioners purchased the vacant lot at 254 Glenwood Avenue in July of this year from Ray Whalen Builders and were unaware at the time of purchase that the lot does not meet the minimum buildable lot width requirements of the zoning code. She added that a variation was granted to a previous owner of the property to allow the construction of a new single-family home on this lot in 2006. She added that several extensions were granted to a previous owner by the Village Board with the final extension being granted in 2012. She also stated that the Village Board will not extend the granted variation again so a recommendation

from the Zoning Board of Appeals is again needed to take this request before the Village Board for approval.

Ms. Purvis stated that the Gauri's are proposing to construct a new two-story single-family home on the lot with a detached garage. She added that the home will meet all requirements of the zoning code and the garage as proposed will cover approximately 38% of the required rear yard which exceeds the 30% limitation set by code. Ms. Purvis stated that a standard size lot would be 2,640 square feet in the rear yard which would allow up to 792 square feet of accessory structures within that required rear yard. She added that the Gauri's property tapers approximately 10 feet from the front of the lot to the back of the lot resulting in a required rear yard of approximately 1,654 square feet; therefore, the total maximum accessory structure square footage, including the garage and any other structure in the yard, would be 496.2 square feet. (She added that these numbers are slightly different from those in the ZBA packet because the numbers have been updated). Ms. Purvis stated that the petitioners are proposing to put a 630-square foot garage on their property which is slightly larger than the standard size 2-car garage. Ms. Purvis stated that the maximum permitted size for a garage per the zoning code is 660 square feet which the Gauri's could build if their lot was a standard lot in the R2 district. She stated that although the lot is substandard in width, it is much longer than the code requires it to be at 193 feet. Ms. Purvis stated that in order for the petitioners to construct the new single-family residence and the garage as proposed, they will need to be granted a variation from the lot width requirement and the accessory structure coverage limitation of the zoning code.

#### Questions from the Zoning Board of Appeals

ZBA Member Micheli asked what the size of a standard 2-car garage is and if it would meet the 30% requirement. Ms. Purvis responded that a comfortable standard 2-car garage would be 22 feet x 22 feet which would be 484 square feet and would be code compliant and a standard garage would be 24 feet x 24 feet which would be 576 square feet and would cover 34.8% of the lot. Ms. Purvis responded to ZBA Member Micheli that the property had been purchased by the Gauri's in June or July of this year. Ms. Purvis responded to ZBA Member Miller that the original plans that were approved to go along with the lot width variation in 2006 had a co-compliant garage.

#### Petitioners' Presentation

Rishi and Amy Gauri, the petitioners, live at 325 Hillside Avenue in Glen Ellyn, IL. Mr. Gauri stated that one of their hardships is that they own a piece of property in Glen Ellyn at 254 Glenwood which they did not realize when they purchased it, did not meet the lot width requirement. He added that they would like to build a home on that property. Mr. Gauri stated that their second hardship is regarding the shape of the lot at 254 Glenwood, the property tapers inwards almost 10 feet which shrinks the area in the required rear yard

by quite a bit and, because of that, the proposed garage would have to be smaller than most garages in the surrounding area. He added that although the maximum allowed garage is 660 square feet, they are asking for 630 square feet. Ms. Gauri stated that they would also like to store toys, sports equipment and yard supplies for easy access in the extra space in the garage. Mr. Gauri stated that they prefer to add onto the garage rather than adding a separate detached shed on the property as a larger garage would be more advantageous to everyone.

#### Additional Questions from the Zoning Board of Appeals

Ms. Purvis explained for Chairperson Garrity that there is a part of the code that allows a 100-square foot accessory structure to be added in this zoning district as long as it is under 25% lot coverage. Mr. Gauri responded to ZBA Member Mr. Jones that he purchased the lot from Ray Whalen Builders who will build their new home. Mr. Gauri also responded that Mr. Whalen did not tell them that a variance would be needed to build on the subject property. Mr. Gauri responded to ZBA Member Jones that they intend to have a cement surface for the driveway. ZBA Member Jones asked if the petitioner would be open to a brick paver driveway in order to have the garage built where it is at, and Mr. Gauri responded that they would be open to a brick paver driveway but felt that it would be too expensive. ZBA Member Micheli asked where the unique circumstance or hardship is as the petitioners purchased a small lot. Mr. Gauri stated that having a garage that is slightly larger serves the same purpose as having a garage and a shed, however, is better for the neighbors' view. He added that they want green space in their yard as Ms. Gauri has a green thumb. Mr. Gauri responded to ZBA Member Jones that they did not know they had purchased a non-buildable lot and that he believes the seller did not know the variation had expired at that time. Ms. Gauri asked if a non-buildable lot must remain as a vacant lot and ZBA Member Micheli replied there are a number of non-buildable lots in town. ZBA Member Miller stated he was struggling with making a motion. He stated he disagreed with the aesthetics of a two-car garage, adding that there are many one-car garages in the petitioners' neighborhood. He stated he needed to know why the petitioners need more space in their garage than other families in the neighborhood. Mr. Gauri responded to ZBA Member Miller that his hardship is that the lot is very narrow and tapers in the rear. Mr. Gauri responded to ZBA Member Jones that they are unable to add height for storage to the proposed garage. He also responded to ZBA Member Jones that they would have difficulty removing items from a higher level. Mr. Gauri added that not having another structure on his lot would help to maintain the charm of the Village.

Ray Whalen, 177 Sunset Avenue, Glen Ellyn, Illinois stated that in response to a question asked by one of the ZBA Members regarding locating the garage further to the rear and granting a lot more additional driveway and surface, one is kind of creating more green space and adding much more impervious surface which also may cause a problem in the future with water runoff. Mr. Whalen added he believes there has been a direction to make the drives as small as possible. Mr. Whalen responded to ZBA Member Micheli that the cost difference between a

standard concrete driveway and an impervious surface is approximately 4 to 5 times the cost. Chairperson Garrity asked if there are water issues on the subject lot, and Mr. Whalen replied no, adding that the lot has been engineered and they will meet all of the requirements of the DuPage County Stormwater Ordinance. ZBA Member Miller asked Mr. Whalen how the transaction occurred that they received a variation in 2006 with five extensions and asked if he then forgot about it and sold it, adding that did not make sense. Mr. Whalen responded that he was the contract purchaser when he first acquired the property and kept it during the economic downturn. He also stated that he sold the property at one time but bought it back from that purchaser. He stated he is not aware of a permit being issued for the property in 2006. He stated that when a zoning review was done with the Gauri's in July, was when he was notified that the permit had expired.

Mr. Whalen stated that he agreed with the staff's interpretation of the code in terms of how the garage is being regulated, however, previously when a building exceeded the requirement of 30% of the required rear yard the building officials had allowed a garage to be pulled forward of the building line and that part which was not within the required rear yard would not be counted toward the 30% coverage limitation, on 50-foot lots. He stated, this is why the original plans for construction on the lot, from 2006, show a compliant garage.

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

Elizabeth Stout, 258 Glenwood Avenue, Glen Ellyn, IL stated she is adjacent to the north of the subject property and is in favor of both variations being requested by the petitioners. She stated her only concern is with the driveway which will be going along with the concrete nature of the driveway that is proposed along the south side of her property because she has had issues and has done various things over the years to comply with the water issues which basically was standing water on the sidewalk area between their two lots. She stated they never did a survey to figure out if the water was from their sump pump or the grading of the vacant lot. She stated that they tapped into the prior spring construction of the stormwater system on Glenwood and are clear to go. She added that she has no concerns with the variation requests. ZBA Member Micheli stated that it looks like stormwater will drain to the north and asked what the stormwater review will require as far as will the petitioners want nothing from the new property to push water onto the north or downhill. Ms. Purvis responded that the Village's Stormwater Engineer would be doing a review on the project, because more than 300 square feet of land is being disturbed. The project will have to meet the requirements of the DuPage County Stormwater Ordinance. ZBA Member Micheli then asked if Ms. Stout would get some runoff if the driveway drains directly onto the north, and Ms. Purvis responded that she could not speak to that with certainty, but that she knows that the Village's Stormwater Engineer will review the plans in detail to ensure that there is adequate drainage on the site, prior to issuance of a building permit.

Findings of Fact

ZBA Member Constantino stated that Rishi and Amy Gauri, the petitioners and owners of the vacant lot at 254 Glenwood Avenue, are requesting approval of variations from the Glen Ellyn Zoning Code to allow the new construction of a two-story single family home on a lot with a width of approximately 48.45 feet in lieu of the 66-foot lot width requirement and a variation to allow the construction of a new garage that would exceed approximately 38% of coverage of the required rear yard in lieu of the maximum permitted coverage of 30% of the required rear yard. He added that the subject property is an interior lot located in the R2 zoning district on the west side of Glenwood Avenue between Arlington Avenue and Turner Avenue. He added that the zoning and land use of the subject property and surrounding properties is R2 Single Family Residential. ZBA Member Constantino stated that the Village had granted a lot width variation in 2006 which was extended through 2012, however, that was the final extension to be granted.

ZBA Member Constantino stated that the Gauri's are the current purchasers of the subject property and are required to have a new application for a variance to allow for construction on this property and coverage in the rear yard by 38% as proposed for their garage. ZBA Member Constantino stated that the garage as proposed will cover approximately 38% of the required rear yard which exceeds the 30% limitation by code. He added that a standard required rear yard if the property had a 66-foot wide by 40-foot required setback would allow 792 square feet of accessory structures, however, because the property tapers approximately 10 feet from the front of the lot to the back of the lot the required rear yard is approximately 1,640 square feet and the maximum accessory structure that would be permissible would be 492 square feet. He added that the Gauri's are proposing a 630-square foot garage which is slightly larger than the standard size, however, the maximum permitted size for a garage is 660 square feet so it is smaller than the standard permitted garage. ZBA Member Constantino added that if the lot did not taper 10 feet from the front to the rear and remained at 48-1/2 feet width throughout, the required rear yard would be 1,940 feet allowing construction of a 582-square foot garage in the required rear yard without exceeding the 30% coverage limitation. ZBA Member Constantino stated that based upon the current code, the Gauri's could build a 496-square foot garage and remove the proposed storage area in the garage and then would be allowed to construct a second accessory shed structure of 100 square feet.

ZBA Member Constantino stated that Rishi and Amy Gauri, the owners of the lot, stated that their hardships and practical difficulties are that they were unaware that the lot did not meet the minimum size requirements when they purchased the property, the garage is slightly larger than standard and they are burdened by the tapering of the lot 10 feet from front to back. ZBA Member Constantino also stated that they are requesting a garage that is smaller than the standard maximum size of 660 square feet, however, it is bigger than the minimum 2 car garage, as they are requesting additional storage capacity. He added that if the garage size complied with the lot width variance, the petitioners could place a 496-square foot garage and

an additional 100-square foot accessory shed on the property so they desire to add that square footage to the garage as requested and which would be more for aesthetics to avoid a second structure on the subject property. ZBA Member Constantino stated that the driveway will be concrete and there was a question of permeability of the surface. He stated that the petitioners would be amenable to changing the composition of the driveway if the costs are in line with the project. ZBA Member Constantino stated that the petitioners do not plan to have storage above the garage because of the height limitations and it would defeat the purpose of having ease of storage and accessibility to the storage area in the garage.

ZBA Member Constantino stated that Ray Whalen, the former owner and proposed builder of the petitioners' new house, said that more green space would be desirable, however, more impervious area to the lot would be added in the form of a concrete driveway. He added that any attempt to address the impervious nature of the concrete would create a tremendous increase in the cost of the concrete driveway.

ZBA Member Constantino stated that the petitioners first learned that the size of the proposed garage would not be permissible when they applied for the current permit for this project. He stated a discussion was held regarding if the garage was built closer to the front to the property line and straddling the rear yard setback line, it might not need a variance, however, there is concern that this strategy might not be acceptable by today's interpretation of the code.

ZBA Member Constantino stated that Elizabeth Stout, owner of the property to the north at 258 Glenwood that adjoins the subject property, is in favor of recommending both variations. She stated that her concern, however, is that the Village be mindful of the drainage issues that could cause water issues on her property and have an adverse effect on her plantings.

ZBA Member Constantino stated that if granted the requested variance, there would be a restriction against a shed on the subject property.

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

#### Comments from the Zoning Board of Appeals

ZBA Member Panther was in favor of the variation request for lot width, however, was undecided regarding hardships for the garage issue. ZBA Member Jones appreciated that the proposed house meets all requirements on this nonconforming lot. He also stated he was supportive of the garage if no shed was added in the yard. Chairperson Garrity suggested approving the maximum garage at 492 square feet and adding 100 square feet which would be the size of a shed that would total 592 square feet versus the 630 square feet that the petitioner is requesting which is a difference of 38 square feet. ZBA Member Jones stated he could support that request but added that modifications that are closer to the code is a better

idea. ZBA Member Micheli did not understand why the petitioners need a garage larger than a two-car garage that would be permitted, especially in a neighborhood with many one-car garages. Although ZBA Member Micheli was not totally opposed to the petitioners' request, he felt that if the petitioners built a larger garage, they could in the future add a shed without the Village being aware of that shed. ZBA Member Miller had no problem with the house being built on this lot, however, was not supportive of the garage. He stated his issue is that an exception would be made for a non-buildable lot with this issue. He added that he felt everything should be done to make structures fit on non-buildable lots. Ms. Purvis stated that sheds must be 5 feet from the garage and 3 feet from the property lines. ZBA Member Constantino stated that because of the configuration of the lot and the tapering, he had no problem granting the variation for the construction of the subject home. He also stated that due to the tapering of the lot, if the bump-out was reduced for the proposed garage, the garage would then become an average size garage. He also stated that he did not like removing the 100 feet and then having a shed on the property. He stated that he would like to see the bump-out reduced in size and added to the garage as a 10-foot by 13-foot storage area is too large.

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

### Motions

1. ZBA Member Miller moved, seconded by ZBA Member Micheli, that the Zoning Board of Appeals recommends that the Village Board approve the variation to Section 10-4-8(D)8(a) of the Zoning Code for the property at 254 Glenwood Avenue to allow the new construction of a two-story single-family home on a lot with a width of approximately 48.45 feet in lieu of the required 66-foot wide width based on the hardship that the lot is oddly-shaped and non-buildable.

The motion carried unanimously with six (6) yes votes and zero (0) no votes as follows: ZBA Members Miller, Micheli, Constantino, Jones, Panther and Chairperson Garrity voted yes.

2. ZBA Member Miller moved, seconded by ZBA Member Jones, that the Zoning Board of Appeals recommends that the Village Board approve the variation to Section 10-5-4(2)(a) of the Zoning Code for the property at 254 Glenwood Avenue to allow the construction of a garage that would exceed approximately 36% of the required rear yard in lieu of the maximum permitted coverage of 30% of the required rear yard based on the hardship that the lot is oddly-shaped and non-buildable based on the condition that the garage will be no more than 596.2 square feet and no additional accessory structures will be permitted within the required rear yard.

The motion carried with five (5) yes votes and one (1) no vote as follows: ZBA Members Miller, Jones, Constantino, Panther and Chairperson Garrity voted yes; ZBA Member Micheli voted no.

Trustee Report

No Trustee was present.

Chairperson Report

No Chairperson Report was given.

Staff Report

Ms. Purvis stated that 951 Rosyln Road will be on the next agenda.

ZBA Member Jones moved, seconded by ZBA Member Micheli, to adjourn the meeting at 9:10 p.m. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback  
Recording Secretary

Kelly Purvis  
Associate Village Planner