

ZONING BOARD OF APPEALS
MINUTES
NOVEMBER 14, 2017

The meeting was called to order by Chairperson Rick Garrity at 7:00 p.m. ZBA Members Greg Constantino, Matthew Jones, John Micheli, Adam Miller, Chip Miller, Reed Panther, Tom Whalls and Student Commissioner Maddie Greenleaf were present. Also present were Trustee Liaison Mark Senak, Associate Planner Kelly Purvis and Recording Secretary Debbie Solomon.

Chairperson Garrity explained the procedures of the Zoning Board of Appeals (ZBA). Chairperson Garrity welcomed Student Commissioner Maddie Greenleaf to the ZBA.

On the agenda was a continued public hearing regarding the property at 951 Roslyn Road. A motion was made by ZBA Member Micheli and seconded by ZBA Member Miller to reopen a continued public hearing at 7:01 p.m. on the property located at 951 Roslyn Road. Motion carried unanimously by a voice vote.

A motion was made by ZBA Member Panther and seconded by ZBA Member Miller to approve the Draft Minutes from the October 24, 2017 ZBA Meeting. Motion carried unanimously by a voice vote.

Chairperson Garrity stated all members of the Zoning Board of Appeals have visited the property and are aware of the proposed plans. Chairperson Garrity stated all parties are still sworn in at this time.

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 19.17 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 BY 10 INCHES; AND (d) WILL NOT MEET THE BULK REGULATION FOR LOT COVERAGE WITH A LOT COVERAGE RATIO OF 22.1% INCLUDING THE PROPOSED ADDITION. (2) SECTION 10-8-6(B) TO ALLOW A CALSS II ALTERATION TO A SINGLE FAMILY DWELLING THAT IN 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 22.1% 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)

Staff Presentation

Associate Planner Kelly Purvis was present to speak regarding the proposed variation request. Associate Planner Purvis stated that the petitioners have modified their initial request and are proposing 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 two-story vertical addition on a non-conforming structure which:
 - a. Will have a corner side yard setback of ~~18.5 feet~~ **19.17 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 **by 10 inches**; and
 - d. Will not meet the bulk regulation for lot coverage with a lot coverage ratio of ~~24.11%~~ **22.1%** 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%~~ **22.1%** 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.

Associate Planner Purvis stated that the subject property is an interior lot in the R2 Zoning District on the southwest corner of Woodstock Avenue and Roslyn Road. Associate Planner Purvis stated that the zoning and land use immediately surrounding the subject property is R2 Single Family Residential. Associate Planner Purvis stated that the public hearing notice was published in the September 28, 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. Associate Planner Purvis stated that there are no records found relating to the issuance of any permits for the subject property. Associate Planner Purvis stated displayed and described existing photos of the exterior and interior of the subject

property. Associate Planner Purvis stated the petitioners have made a few changes since the last public hearing and reviewed these changes.

Associate Planner Purvis stated home owners 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. Associate Planner Purvis stated the one-story home including the attached garage is 2,784 square feet currently, and the petitioners are proposing to demolish the small kitchen addition (44 square feet) in the rear of the home and the rear garage addition (415 square feet). Associate Planner Purvis stated the petitioners will be constructing a second floor addition over the existing structure, and where the rear garage currently exists, they will be constructing a roofed-over patio (231 square feet) connected to a pergola (145 square feet).

Associate Planner Purvis stated the proposed addition requires alteration of 71% (Class II) of the exterior wall and roof area of the existing home, and the Zoning Code does not allow alteration to existing non-conforming structures to exceed 50% (Class I). Associate Planner Purvis stated while the addition will create more altered surface than is permitted on a non-conforming structure, the addition itself is considered a Class I addition which is permitted. Associate Planner Purvis stated to construct the second floor addition on the existing home, the Starks will also require relief from the lot coverage ratio (LCR) requirement. Associate Planner Purvis stated the existing home has an LCR of 22.9% which meets the code requirement of less than 35% for a one story home; however, when the second story is added to the home, the LCR will be 22.1% due to the proposed covered stoop and the overhang (an additional 10 inches in front of the structure and 24 inches in the rear of the structure) of the second story. Associate Planner Purvis stated the LCR requirement for a two-story structure is limited to 20% by the Zoning Code.

Questions from the Zoning Board of Appeals

ZBA Member Micheli stated the proposed plan that was distributed for the October 24th meeting (and later withdrawn) showed a proposed LCR of 20.3% and asked what the difference is with the current plan as the proposed LCR is 22.1%. Associate Planner Purvis stated the change is the addition of the roofed-over area in the back patio area.

Petitioners' Presentation

Sarah Stark, owner of the property at 951 Roslyn Road, thanked the ZBA for letting them make revisions. Ms. Stark stated the lot size is irregular and non-conforming. Ms. Stark stated they were going to take the proposed back patio area off the plans, but she and her husband really like this idea as the area will be private and shaded. Ms. Stark stated there are many trees that are on their property line that do not belong to the Starks, and these trees are not maintained. Ms. Stark stated they are concerned about these non-maintained trees falling into their yard or

onto one of their children. Ms. Stark stated they did decrease the front overhang and the front stoop area to help reduce the LCR, as the Zoning Board asked at the October 17, 2017 meeting.

Tom Knapp, architect with T. K. Knapp Architects in Lombard, Illinois, stated they were originally asking for a 24.11% LCR and have reduced this as much as possible as the ZBA seemed more comfortable in the previous meetings with a lesser LCR. Mr. Knapp stated they made an effort to reduce the overhang which in turn reduced the corner side yard setback. Mr. Knapp stated if one builds an arbor structure, this structure does not count toward the LCR which is why they are proposing the pergola. Mr. Knapp stated he did try to eliminate the roofed-over area in the back, but the petitioners really wanted this piece. Mr. Knapp stated the new proposal shows a reduced size of the back covered roof area which also helped to address the concerns of the neighbor to the south. Mr. Knapp stated he replaced part of the covered patio with a pergola which is a good middle-of-the-road choice.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked if the front overhang is extending into habitable space. Associate Planner Purvis stated because this is a roofed-over part of the structure and because it does come out over the first floor, this does count toward LCR. Associate Planner Purvis stated the eaves do not count toward LCR.

ZBA Member Micheli asked where the measurements start and stop for the pergola and how much of this area goes toward LCR. Associate Planner Purvis showed an overview of the proposed back patio area and stated only the roofed-over part counts toward the LCR. ZBA Member Micheli stated they have used up the LCR for the interior space and is curious where the hardship comes into play as he does not see a hardship in the roofed-over part of the back patio.

Mr. Knapp stated most of the area that is facing Roslyn Road is mostly eave and soffit space, and it is a little confusing as to how all this counts toward LCR. Mr. Knapp stated this home is considered small by today's standards, but does sit on a large property.

ZBA Member Micheli stated he is fine with the corner side yard setback and footprint, but he is not good with the proposed LCR due to the exterior covered roof section in back. Ms. Stark stated their neighbors have trees that overhang onto the Starks property, and the Starks are concerned these trees are a hazard. Mr. Knapp stated the roofed area does help with protection in the back.

ZBA Member Micheli stated he is not sure if a variance is the answer to address the possible temporary issue of the trees and asked if the petitioners had contacted the Village about these trees. Mr. Knapp stated the petitioners have not contacted the Village as they do not live in the subject property as of yet.

ZBA Member Jones asked about the square footage of the front overhang to which Associate Planner Purvis stated it is proposed to be 48 square feet. ZBA Member Jones asked if there are any bonuses being applied for the proposed porch. Associate Planner Purvis stated there could only be a bonus applied if there were no habitable area above the front porch.

ZBA Member Miller stated he does not quite see the safety factor with the trees and that the children may not stay under the roofed area if they were playing outside. ZBA Member Miller stated he does not feel you can use this for a hardship, and he does not see a hardship for the LCR either. Mr. Knapp stated the hardship for the additional LCR happens as soon as any part of the second floor is added to this home.

ZBA Member Miller stated they did a great job with everything else, but he feels they are not making a full effort to reduce in the back portion. ZBA Member Miller stated to have the LCR exceed the maximum for protection of the sun is not a good enough hardship.

Persons in Favor of or in Opposition to the Variation Requests

Tim Loftus, who resides at 296 Woodstock Avenue, stated he is glad to see they have reduced the back garage area, and he defers to the ZBA on the variation to see if the back roof needs to come off anymore.

ZBA Member Jones asked if the home should go up as proposed, or if the current home is a better fit for the neighborhood. Mr. Loftus stated the old home needs to be taken care of, and the second floor addition is fine with him. Mr. Loftus stated this proposal will be an improvement to what is currently there, and he does defer to what the ZBA's deliberation is on the open area and covered roof.

Findings of Fact

ZBA Member Constantino presented that this public hearing started originally on October 17, 2017 was then continued to October 24, 2017 and further continued to November 14, 2017.

Petitioners Matt and Sarah Stark, owners of the property at 951 Roslyn Road, are proposing 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 two-story vertical addition on a non-conforming structure which:
 - a. Will have a corner side yard setback of ~~18.5 feet~~ **19.17 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 **by 10 inches**; and
 - d. Will not meet the bulk regulation for lot coverage with a lot coverage ratio of ~~24.11%~~ **22.1%** 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%~~ **22.1%** 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.

ZBA Member Constantino stated there have been reductions in the amount of variances requested, including from 18 inches to 10 inches for the corner side yard variance and going from 24.11% requested LCR to a current requested LCR variance of 22.1%. ZBA Constantino stated there will be a slight increase in the alteration requested from 68% to 71% for the Class II Alteration piece.

ZBA Member Constantino stated they have heard from one of the petitioners Sarah Stark about the hardship with circumstances involving this lot due to lot size and the location of the home upon this lot, creating a non-conforming issue. ZBA Member Constantino stated the petitioners plan to remove the rear portion of the garage and to construct a combination of a covered patio on approximately half of the space and a pergola that would not have a roof over it on the other half of the space.

ZBA Member Constantino stated they heard from architect Tom Knapp who said the originally proposed LCR of 24.11% seemed to be an issue as the maximum LCR should only be 20%. ZBA Member Constantino stated Mr. Knapp said the goal was to bring the LCR variance request to a more acceptable amount so they reduced the proposed LCR to 22.1%. ZBA Member Constantino stated they also reduced the overhang which reduces the requested corner side yard setback as well as the covered size of the covered roof area in back patio by substituting the pergola section.

ZBA Member Constantino stated there was a question and discussion as to what the particular hardship was as relating to the covered patio and a question regarding LCR as it related to the overhang in front and the fact there is living space on the second floor over the front porch. ZBA Member Constantino stated the issues focused on the hardship, the justified LCR variance to accommodate the back patio and the covered front porch. ZBA Member Constantino stated Ms. Stark had indicated the covered roof portion of the patio would allow for some protection

from the present condition of the trees along the property line which do not belong to the Starks and are not currently maintained so as to create a safety hazard.

ZBA Member Constantino stated neighbor Tim Loftus said that the existing house without any change would need some attention, and he was concerned over the rear garage addition that was created by the prior home owner. ZBA Member Constantino stated Mr. Loftus does not want a covered roof that would be too close to the property line, but said the plan presented tonight was much better.

Motion

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

The motion carried unanimously with a voice vote.

Additional Comments from the Zoning Board of Appeals

ZBA Member Whalls stated he has no problem with the requested variances and was happy to see the requested reductions in the new proposal.

ZBA Member Panther stated the lot is 75 feet wide, and a normal lot is 80 feet wide. ZBA Member Panther stated the lot is limiting; however, he is struggling a bit with the covered area of the back patio. ZBA Member Panther stated he is generally in favor of this proposal.

Student ZBA Member Greenleaf stated she has no concerns.

ZBA Member Jones stated he is in favor of the variances as the garage and kitchen addition will be removed from the home. ZBA Member Jones stated they would have to take part of the original structure down in order to get the LCR down. ZBA Member Jones stated the petitioners have done a lot to get the LCR down to where it is more workable. ZBA Member Jones stated without the covered roof added, there would still need a variance for the LCR so this proposal is a good compromise.

ZBA Member Micheli stated ZBA Member Jones makes a good point about taking off the original structure, but he does not see an argument for keeping the covered roof for the patio in the proposal. ZBA Member Micheli stated he would like to propose extending part of the wall back to give a small covered area and still have the open wood pergola. ZBA Member Micheli stated if not, he would go with the plan with no covered roof that was presented at the October 24, 2017 public hearing.

ZBA Member Constantino stated the architect took everyone's opinions and came up with a good plan.

Chairperson Garrity stated the ZBA has granted variances for less and feels the house is positioned in a poor way.

ZBA Member Jones stated the house itself is almost a hardship due to you cannot add a second floor without tearing off part of the original house.

ZBA Member Whalls stated no matter what you do, the LCR would still be over 20%.

ZBA Member Miller stated the petitioners did a great job with the setbacks and that the architect did a good job on the proposal. ZBA Member Miller stated he is struggling with the variance with the covered back because it is an architectural feature, and he cannot find a way to approve the variances.

ZBA Member Constantino stated he would vote for the proposed plan before the ZBA with the variances. ZBA Member Constantino stated this is a good effort by the petitioners and the architect to develop a compromise to address everyone's concerns. ZBA Member Constantino stated the 22.1% LCR is better than the originally requested 24.11% LCR, and there is less bulk on the side yard affecting the neighbor to the south. ZBA Member Constantino stated the petitioners will be removing the garage and kitchen addition and doing something more aesthetically pleasing than what is currently there.

Chairperson Garrity agreed with ZBA Member Constantino.

Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Constantino to close the public hearing for 951 Roslyn Road at 8:01 p.m.

The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Jones and seconded by ZBA Member Constantino that the Zoning Board of Appeals recommend approval of the variances as requested by Matt and Sarah Stark, petitioners and owners of 951 Roslyn Road Avenue, as requested to allow the construction of a second floor addition over their existing non-conforming 1-story home due to the hardships of the lot's dimensions, the existing location of the home and the inability to add a second story without removing parts of the original structure. The recommended variances are 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 19.17 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 by 10 inches; and
 - d. Will not meet the bulk regulation for lot coverage with a lot coverage ratio of 22.1% 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 22.1% 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.

The motion carried with five (5) yes votes and two (2) no votes as follows: ZBA Members Constantino, Jones, Panther, Whalls and Chairperson Garrity voted yes. ZBA Members Micheli and Miller voted no.

Trustee Report

Trustee Senak explained to the students in the audience that the ZBA is an example of good government and thanked the ZBA Members for their services. One of the students asked how many variances are granted a year to which Chairperson Garrity stated about 75% of the requests are recommended.

Trustee Senak stated Andy's Frozen Custard has been approved for a new location on Roosevelt Road. Trustee Senak stated the COD incubator project called Innovation DuPage will be housed in the Civic Center. Trustee Senak stated a 48-unit complex that would be across from the library has been presented to the Plan Commission.

Trustee Senak stated the FY2018 budget was approved as well as the Property Tax Levy and Glen Ellyn Public Library Levy.

Chairperson Report

No Chairperson Report was given.

Staff Report

No Staff Report was given.

At 8:18 p.m., a motion was made by ZBA Member Miller and seconded by ZBA Member Panther to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary

Reviewed by:
Kelly Purvis
Associate Planner