

MINUTES
ZONING BOARD OF APPEALS
MINUTES
MARCH 5, 2019

The meeting was called to order by ZBA Chairperson Greg Constantino at 7:00 p.m. ZBA Members Matt Jones, John Micheli, Chip Miller, Reed Panther and Tom Whalls were present. ZBA Members Steve Lucchesi and ZBA Student Intern Maddie Greenleaf were excused. Also present were Village Planner Kelly Purvis, Planning Intern Evan Clements, Trustee Liaison Mark Senak and Recording Secretary Debbie Solomon.

ZBA Chairperson Constantino explained the procedures of the Zoning Board of Appeals (ZBA).

MINUTES

ZBA Member Micheli moved, seconded by ZBA Member Whalls, to approve the minutes of the January 22, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 231 N. Park Boulevard.

ZBA Chairperson Constantino stated all members of the Zoning Board of Appeals have visited the property and are aware of the proposed plans.

A motion was made by ZBA Member Micheli and seconded by ZBA Member Miller to open the public hearing for 231 N. Park Boulevard at 7:02 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 231 N. Park Boulevard

PETITIONER YELLOW DOG HOMES, LLC ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW TO ALLOW A DRIVEWAY WITH A WIDTH OF LESS THAN 9 FEET AND AN IMPERVIOUS SURFACE SETBACK OF LESS THAN 1 FOOT TO PROVIDE ACCESS TO A NEW DETACHED GARAGE ON THE PROPERTY LOCATED AT 231 N. PARK BOULEVARD: 1. SECTION 10-5-11(F)2 - TO ALLOW A DRIVEWAY WITH A WIDTH OF 8.5 FEET IN LIEU OF THE REQUIRED 9 FOOT WIDTH. 2. SECTION 10-5-5(C) - TO ALLOW AN IMPERVIOUS SURFACE SETBACK OF 0.2 FEET IN LIEU OF THE REQUIRED 1 FOOT SETBACK.

(Yellow Dog Homes, LLC owner of the property at 231 N. Park Boulevard)

Staff Presentation

Village Planner Kelly Purvis and Planning Intern Evan Clements were present to speak regarding the proposed variation request and were sworn in.

Planning Intern Clements stated petitioner Yellow Dog Homes, LLC is the owner of the property at 231 N. Boulevard. Planning Intern Clements stated notice of the public hearing was published in the February 15, 2019, edition of the Daily Herald, mailed to property owners within 250 feet of the subject property, and a placard was placed on the property.

Planning Intern Clements stated the petitioners are requesting zoning variations to allow a driveway with a width of less than 9 feet and an impervious surface setback of less than 1 foot to provide access to a new detached garage on the property.

1. Section 10-5-11(F)2 - to allow a driveway with a width of 8.5 feet in lieu of the required 9 foot width.
2. Section 10-5-5(C) - to allow an impervious surface setback of 0.2 feet in lieu of the required 1 foot setback.

Planning Intern Clements stated Village records indicate that there were no prior variations granted for this property. Planning Intern Clements stated Village records indicate that the following permits have been issued for this property:

<u>Date</u>	<u>Permit No.</u>	<u>Type</u>
1927	B814	Two-story New Construction
1961	B8024	Electrical
1963	B9313	Addition
1971	B2046	Fire Loss Repair
1989	B10965	Fence
2013	20131479	Fence

Planning Intern Clements stated the property is an interior lot, located in the R2 zoning district on the east side of N. Park Boulevard with the intersection of N. Park Boulevard and Wingate Road to the north and the intersection of N. Park Boulevard and High Road to the west. Planning Intern Clements stated the land use immediately surrounding the subject property is R2 single-family residential.

Planning Intern Clements showed an overview picture of the property and stated Yellow Dog Homes, LLC, owner of the property at 231 N. Park Boulevard, would like to extend the existing driveway along the north side of the property to allow for the construction of a detached

garage in the rear of the home. Planning Intern Clements stated a concrete slab currently exists in the backyard of the property (which may have been a garage foundation at some point) that will be removed to make way for the detached garage. Planning Intern Clements stated an addition was added to the house in 1963, cutting off vehicular access to the backyard and leaving only 6.05 feet between the northeast corner of the home and the north property line. Planning Intern Clements stated the owner is proposing to remove a small triangular piece of the same corner of the building addition to provide room for the driveway to wrap around the edge of the home to provide access to the backyard. Planning Intern Clements stated after the removal of the corner piece of the addition, the building will be approximately 9 feet from the north property line; however, at the narrowest point, the driveway will be 8.5 feet wide with an impervious surface setback of only 0.2 feet. Planning Intern Clements stated the part of the home adjacent to the narrowest part of the driveway would be much more difficult to alter, as it is part of the original brick construction. Planning Intern Clements stated the proposal also includes a new, 22 foot x 22 foot garage and a new 20 foot wide concrete access drive. Planning Intern Clements stated in order for the garage to be constructed as proposed the petitioners will need to be granted a variation to allow the driveway to be 6 inches narrower and the impervious surface 9.6 inches less than the Code requires.

Questions from the Zoning Board of Appeals

ZBA Member Panther asked if there is any proposed modifications to the stairwell in the rear of the home. Planning Intern Clements stated in regards to what was given to the Planning Department, there are no proposed modifications to the stairwell.

ZBA Member Whalls asked about the distance from the west elevation of the garage to the east elevation of the home. Mr. Teipel stated it is 25 feet.

ZBA Member Micheli asked to hear a summary of the applicant's basis for a hardship. Planning Intern Clements stated this hardship is due to the ability to resell the home as almost all the homes in the neighborhood either have attached or detached garages. Planning Intern Clements stated without a garage on the property, it would be hard to resell the home.

ZBA Member Miller asked to see the picture of the property again. ZBA Member Miller asked about the fence follows the property line as it is notched out by the home to which Planning Intern Clements stated it is.

Village Planner Purvis stated she received a minimum of 4 phone calls regarding this property from prospective buyers, asking about how they could provide a garage on this property. Village Planner Purvis stated the property has been vacant for a long time, and this is the first set of plans that she has seen that have actually tried to make the driveway wider to meet the requirements of the Code. Village Planner Purvis stated there is no way to provide a garage on this lot without requesting some sort of variation. ZBA Member Micheli asked if the variation is

needed only as the building is constructed now to which Village Planner Purvis stated it is. Village Planner Purvis stated if you were to tear down the building and start from scratch, you could probably get a Code-compliant driveway.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Alex Teipel, architect at 427 W. State Street in Geneva, Illinois, Brian Weppner, co-partner of Yellow Dog Homes, LLC at 1617 Eaglebrook Drive in Geneva, Illinois, and David Cilio, co-partner in Yellow Dog Homes, LLC at 1617 Eaglebrook Drive in Geneva, Illinois.

Mr. Teipel stated it is critical in this day and age to have a garage, and if you cannot get past the corner of this home, you cannot have a garage. Mr. Teipel stated they are proposing to cut the corner of the home as this is the only option, and if they cut back more to the west, they would be cutting into the original home which is a solid brick structure. Mr. Teipel stated this is functional and why they chose this point. Mr. Teipel stated the buyers did not create the hardship, but this hardship was created when the home was built.

Additional Questions from the Zoning Board of Appeals

Chairperson Constantino asked if they are only removing this portion of the home without affecting the structural integrity of the home. Mr. Teipel stated the rear stairway is also a mitigating factor as they did not want to move this. Mr. Teipel stated they will be removing the first floor, but keeping the second floor above.

ZBA Member Jones asked if they had looked at moving the driveway from the north side of the property to the south side of the property. Mr. Teipel stated it is the same issue on either side of the home, and they would need a variation.

ZBA Member Micheli stated they knew about the problem when they purchased the home, and per Code, the ZBA cannot recommend approval for a hardship of a financial incentive so ZBA Member Micheli feels this is a non-starter. Mr. Teipel stated this hardship was created by the existing condition of the property and also created by the market today. Mr. Teipel stated they are trying to make the home in fitting with the neighborhood as there is a necessity to have a garage and not just create value. ZBA Member Micheli stated the ZBA heard a similar case to this a few blocks from this property.

Mr. Weppner thanked the ZBA for coming out on a different night as the petitioners want to start this project as soon as they can. Mr. Weppner stated they are seeking less than a 6-inch variance for a home that has been vacant for two and a half years already. Mr. Weppner stated

they will be putting the garage where the current concrete pad is. Mr. Weppner stated the lot is on a bias so the lot is a different angle than the home. Mr. Weppner stated they do have a letter of support from the neighbor at 225 N. Park Boulevard. Mr. Weppner stated they feel this is a fair request to ask for a variance to put a 2-car garage in.

Chairperson Constantino asked if they would need a variation period if they build a 1-car garage or 3-car garage to which Mr. Weppner stated they would. Mr. Weppner stated this addition built on the home eliminated the access to the back of the property. Mr. Weppner stated they did drop off letters with other neighbors, but did not hear back from any of them.

ZBA Member Miller stated Village Planner Purvis has been receiving calls on this property and asked why the petitioners are coming now if they have been working on this for a while. Mr. Weppner stated they thought the 8.5 feet was enough. Mr. Cilio stated they bought the property in August 2018 and have been going through the permitting process and are now coming to the variance process. Mr. Cilio stated they have not started any construction, but have only done some demolition. Mr. Cilio stated they have not received any building permits until this variance request goes through the ZBA and Village Board. ZBA Member Miller asked if there are any other hardships to which Mr. Weppner stated none other than not having a garage.

Mr. Teipel stated they have no other option as they cannot put the garage on the south side of the property. Mr. Cilio stated if this variation is not approved, they would have to sell this property at a lower price point because there would be no garage. Mr. Cilio stated he is the day-to-day operator of Nobel House.

ZBA Member Jones stated the orientation of the lot as it is not east-west or north-south and is on a diagonal. ZBA Member Jones stated if you build the home with the orientation of the lot, you would have a cockeyed home. ZBA Member Jones stated he sees the hardship that if you build any home on this lot, there is going to be an orientation problem.

ZBA Member Micheli stated as a point of order, 233 N. Park Boulevard does not appear on the list of notified neighbors. Village Planner Purvis stated the homeowner does know about this as she came into the Planning Office and talked to Village Planner Purvis about this variation request. Village Planner Purvis stated the homeowner seemed to have concerns, but Village Planner Purvis does not see her at this meeting. Village Planner Purvis stated the homeowner seemed concerned about the garage, but this is not an issue for discussion with the variation. Village Planner Purvis stated the homeowner also seemed concerned about the added triangle of impervious surface.

Planning Intern Clements stated the notices would have gone to the homeowner's current address. Village Planner Purvis stated the notice goes to the address on the property tax bill.

ZBA Member Miller asked about the width of the cut-in. Chairperson Constantino stated it states this is 2 feet in the legal description of the survey.

Persons in Favor of or in Opposition to the Variation Requests

No one spoke in favor or in opposition to this request.

Findings of Fact

Chairperson Constantino stated petitioner Yellow Dog Homes, LLC, owner of the property at 231 N. Park Boulevard, is requesting a variance to allow a driveway with a width of 8.5 feet in lieu of the required 9 foot width and an impervious surface setback of 0.2 feet in lieu of the required 1 foot setback. Chairperson Constantino stated the property is located in the R2 Zoning District, and the land use immediately surrounding the property is R2 Residential as well. Chairperson Constantino stated the ZBA heard from Planning Intern Clements about the condition of the property, the request made for the variance and the proposed extension of the existing driveway to the rear of the property. Chairperson Constantino stated the petitioners are also seeking to remove a portion of the existing building on the property to allow the extension of the driveway to the rear of the home. Chairperson Constantino stated the petitioner also seeks to add a concrete apron which will affect the impervious surface setback of the property, and this will require a variation of 0.2 feet to the setback.

Chairperson Constantino stated there are no other proposed additions to the property, and the discussion for the need of a garage for sale purposes. Chairperson Constantino stated the ZBA heard from architect Alex Teipel, and Mr. Teipel reviewed the proposed alteration to the existing building and the request for the variations. Chairperson Constantino stated Mr. Teipel says there is no way to provide for a garage or new driveway on the property without the variation. Chairperson Constantino stated the existing market conditions require that a home have some form of garage on the property to make it saleable.

Chairperson Constantino stated they are looking to obtain the minimal space for the driveway to access the proposed detached garage. Chairperson Constantino stated the petitioners believe this is a functional option without affecting the structural integrity of the building by removing a portion of the northeast corner of the building. Chairperson Constantino stated neither the north side nor the south side of the home would be able to accommodate a driveway, and the north side where the driveway is proposed is the best option.

Chairperson Constantino stated the condition of the building itself was not created by the petitioner, but was purchased as is. Chairperson Constantino stated the home has been vacant for over two years. Chairperson Constantino stated the ZBA heard from the homeowners, Brian Weppner and David Cilio, who will remove a portion of the existing addition to widen the driveway.

Chairperson Constantino stated the lot size and the configuration of the lot is unusual, and with these circumstances, the home is aligned north-side to match the alignment of the surrounding properties. Chairperson Constantino stated the lot itself is diagonal, and it would be impossible to have the home lined up north-south and still have a geometrically-aligned building with the lot. Chairperson Constantino stated there is also a financial issue involved and also a hardship concern relating to the lot size, the building configuration, the location of the home on the lot and their inability to put a garage on this lot. Chairperson Constantino stated there was no audience participation.

Mr. Teipel stated they are asking for the minimum to make this.

Motion

ZBA Member Micheli 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 Panther stated he is struggling with this variation request as it seems they are trying to maximize the profitability of the home. ZBA Member Panther stated there is an issue that the property currently has no garage and not way to put a garage in. ZBA Member Panther stated the home has a lot of character and unique qualities so he would like to see the home stay instead of the other option of tearing the home down. ZBA Member Panther stated he can see both side of this, but he is leaning toward granting the variance even though he does have some concerns. ZBA Member Panther stated he is struggling to see the hardship, but does appreciate the unique circumstances.

ZBA Member Whalls stated the other hardship is why you would not want to keep another historic home. ZBA Member Whalls stated the orientation of the lot versus the home will always be an issue. ZBA Member Whalls stated the home was built in 1927 when no one cared about garages at that point. ZBA Member Whalls stated this is a new paradigm. ZBA Member Whalls stated no one spoke against this variation. ZBA Member Whalls stated he likes the

ingenuity used for how they are going to make this happen. ZBA Member Whalls stated the impervious surface piece is still less than 50%, and he supports this variation request.

ZBA Member Jones stated he likes keeping the older home as it diversifies the architecture in the Village. ZBA Member Jones stated there are unique circumstances with the orientation of the lot, and even new construction would be an issue. ZBA Member Jones stated the Village gave variances to the Apex development to make the parking stalls smaller in width. ZBA Member Jones stated the driveway should be wider, but this is not possible unless they tear down more of the home. ZBA Member Jones stated he is in favor of this variance.

ZBA Member Micheli stated they do need to color in the lines, and in the Village Code, the ZBA is prohibited to grant a variance based on financial profitability. ZBA Member Micheli stated they do need to look at each project individually in its own realm. ZBA Member Micheli stated the home exists as is, and this was a self-inflicted hardship that the petitioners knew when they purchased the home. ZBA Member Micheli stated there is a point for the unusual lot and the configuration, but he does not see the hardship yet.

ZBA Member Miller stated he likes the engineering on this, and he does understand the unique circumstance. ZBA Member Miller stated the ZBA cannot grant a hardship for a financial reason. ZBA Member Miller stated this is an odd lot size, the location of the home is odd on the lot, a narrow odd-shaped lot, and there is an area cutting in at 2 feet. ZBA Member Miller stated there is a hardship for the Village as this home has been vacant for over 2 years, and the home could be headed toward a tear down.

ZBA Member Miller stated he is struggling with this for a different reason because he feels this request is coming to the ZBA after the fact as many other people have done this year as well. ZBA Member Miller stated he has an issue with people not going before the ZBA before they purchase and buy on contingency instead to see if this variation was possible. ZBA Member Miller stated if a petitioner then found they could not get the ZBA to agree on the variation, then a petitioner could lose the home and walk away from the home. ZBA Member Miller stated he has a real problem as that the ZBA as a group are setting a precedent here as this is the third time in the last six to eight months the ZBE has had to review something previously done. ZBA Member Miller stated he does not have a problem approving the driveway as it will be much better for the neighbors to the north to have a garage on this property. ZBA Member Miller stated the ZBA keeps having this type of issue as people should have come forth right away and not wait until several months in. ZBA Member Jones stated the petitioners did not come in after the fact as this has not been done yet.

ZBA Member Miller stated he will vote yes for the project as it is better for the neighbors, the neighborhood and the Village to have this done; however, the next time someone comes before the ZBA with a late request after the fact, you cannot this one against him that he voted

yes on this because he feels this is a big problem. ZBA Member Miller stated in this case, it is truly better for the neighborhood and the Village.

ZBA Member Micheli asked if the variation would go away if the notch is blended. Village Planner Purvis stated it could be, but the petitioner is only asking for 6 inches, and they still have to cut a portion of the building.

Chairperson Constantino stated he agrees with all that has been previously said. Chairperson Constantino stated if this request was based solely on a financial circumstance then the ZBA would not recommend this. Chairperson Constantino stated there is a hardship with the lot and the location of the building on the property, and an added garage is the highest and best use of the property in a residential sense. Chairperson Constantino stated there are unique circumstances and a hardship involved with this, and he will recommend the variance.

ZBA Member Miller stated as a point of order, this is not a hardship, but rather a unique circumstance which will be put in the motion.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Jones to close the public hearing for 231 N. Park Boulevard at 8:00 p.m. The motion carried unanimously with a voice vote.

A motion was made by ZBA Member Miller and seconded by ZBA Member Micheli.

Having considered the application of Yellow Dog Homes, LLC, for zoning variations to allow a driveway with a width of less than 9 feet and an impervious surface setback of less than 1 foot to provide access to a new detached garage on the property located at 231 N. Park Boulevard, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioners at the March 5, 2019, Zoning Board of Appeals public hearing as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends approval of the following requested zoning variations:

1. Section 10-5-11(F)2 - to allow a driveway with a width of 8.5 feet in lieu of the required 9 foot width.
2. Section 10-5-5(C) - to allow an impervious surface setback of 0.2 feet in lieu of the required 1 foot setback.

Due to the following unique circumstances:

1. The lot size; and

2. The location of the home on the lot; and
3. The narrow shaped lot; and
4. The two (2) foot notch at the chokepoint.

The motion carried with six (6) “yes” votes. The “yes” votes are as follows: ZBA Members Jones, Micheli, Miller, Panther, Whalls and Chairperson Constantino.

ZBA Chairperson Constantino stated the ZBA recommended this unanimously and will now go to the Village Board for approval, and Village Planner Purvis can tell you when this will be. ZBA Chairperson Constantino stated he advises the petitioners coming to the Village Board meeting just in case this variance request is not on the Consent agenda.

Village Board Trustee Report

Trustee Senak stated the Village Board did approve the preliminary approval phase of the Apex 400 development. Trustee Senak stated the Comprehensive Plan is undergoing revisions, and the staff is working on grants for the potential Trail Station and Underpass project. Trustee Senak stated Raising Cane’s was approved for construction on the old Arby’s site. Trustee Senak stated the Horse Trough has been moved and is on its way to Iowa in order to make a bronze replica of the trough. Trustee Senak stated the bronze replica of the trough will be placed as the Village Board works on the Streetscape Project. Trustee Senak stated if the ZBA members have thoughts on the upcoming Streetscape project, the ZBA members should come to the meetings or email their comments to the staff.

ZBA Member Whalls asked when the Civic Center parking garage would be done. Trustee Senak stated this should be done at the end of summer, but the sequence is up in the air still. Trustee Senak stated they are in talks with the Methodist Church for possible access through the church’s parking lot to the parking garage.

ZBA Member Jones stated he heard the Village is in talks to buy the U.S. Bank building to which Trustee Senak stated he is not sure on this.

ZBA Member Miller stated he supports the Apex project, but does not like the architecture. ZBA Member Miller stated he has an issue with how it will look as it does not fit the character of the downtown. Trustee Senak stated he did not vote to approve this project as he had problems with this piece too. ZBA Member Micheli stated they are going to run into problems with traffic with this development. There was a discussion about parking in the Central Business District.

Staff Report

Village Planner Purvis stated there will be no meeting on March 12, 2019.

Adjournment

At 8:22 p.m., a motion was made by ZBA Member Jones and seconded by ZBA Member Whalls to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary