

MINUTES
ZONING BOARD OF APPEALS
MAY 14, 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 and Reed Panther were present. ZBA Members Steve Lucchesi and Tom Whalls and ZBA Student Intern Maddie Greenleaf were excused. Also present were Village Planner Kelly Purvis, Village Planner Katie Ashbaugh, Trustee Liaison Kelli Christiansen and Recording Secretary Debbie Solomon.

Chairperson Constantino explained the procedures of the Zoning Board of Appeals (ZBA) and stated tonight's meeting is called pursuant to notice by statute that was published in the Daily Herald on April 26, 2019, and all property owners affected by the variation being requested were notified by mail.

Chairperson Constantino welcomed new Village Board Member and ZBA Trustee Liaison Kelli Christiansen.

MINUTES

ZBA Member Micheli moved, seconded by ZBA Member Panther, to approve the minutes of the March 5, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 464 Cottage Avenue.

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 Jones to open the public hearing for 464 Cottage Avenue at 7:03 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 464 COTTAGE AVENUE

PETITIONERS CHRISTIAN AND LORRAINE AMBLER ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW TO ALLOW A LEGALLY NON-CONFORMING DETACHED GARAGE TO BE RECONSTRUCTED IN ITS EXISTING LOCATION ON THE PROPERTY LOCATED AT 464 COTTAGE AVENUE: 1. SECTION 10-5-5(B)4 #14 TO ALLOW A LEGALLY NON-CONFORMING DETACHED GARAGE TO BE RECONSTRUCTED IN ITS EXISTING LOCATION 20 FEET FROM THE CORNER SIDE LOT LINE, IN LIEU OF THE 30 FEET REQUIRED ON A REVERSED CORNER LOT. 2. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS

DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR A PUBLIC MEETING OF THE VILLAGE BOARD.

(Christian and Lorraine Ambler, owners of the property at 464 Cottage Avenue)

Staff Presentation

Village Planners Kelly Purvis and Katie Ashbaugh were present to speak regarding the proposed variation request and were sworn in.

Village Planner Ashbaugh stated petitioners Christian and Lorraine Ambler, owners of the property at 464 Cottage Avenue, are requesting a variation from the Glen Ellyn Zoning Code to demolish an existing garage on their property and replace this garage in approximately the same location. Village Planner Ashbaugh showed an overview picture of the area at Cottage Avenue and Pleasant Avenue and stated the property is a reverse corner lot, located at the southwest corner of Pleasant Avenue and Cottage Avenue. Village Planner Ashbaugh stated the subject property and surrounding properties are zoned R2 – Residential. Village Planner Ashbaugh stated the Village has no record of any prior variations being granted for the subject property. Village Planner Ashbaugh showed an overview picture of the property and the existing site plan and stated the property is considered a reverse corner lot, meaning that the rear (north) lot line of the subject property abuts the interior side lot line of the adjacent property to the north.

Village Planner Ashbaugh stated in January of 2018, the Plan Commission first considered a set of such amendments to the Zoning Code, which included changes to Chapter 5, Supplementary Regulations. Village Planner Ashbaugh stated this Chapter includes regulations for accessory uses and structures, including detached garages. Village Planner Ashbaugh stated the specific amendment from which the petitioner is now seeking a variation is to Section 10-5-5(B)4 #14. Village Planner Ashbaugh stated the amendment clarified that accessory structures on reverse corner lots, which this subject property is, must comply with the same required corner side yard setback as the principal structure. Village Planner Ashbaugh stated this is intended to maintain a consistent and open streetscape where accessory structures, such as detached garages, adjacent to a principal structure (a house) on a neighboring lot maintain the same distance from the right-of-way as said house. Village Planner Ashbaugh stated this prevents a detached garage from being closer to the street than the house next to it on the neighboring lot.

Village Planner Ashbaugh stated the petitioner proposes to demolish the existing detached garage and replace it in approximately the same location. Village Planner Ashbaugh stated per Section 10-5-5(B)4 #14, detached garages on reverse corner lots are not a permitted encroachment and are required to comply with the corner side yard setback of the applicable zoning district of the property so the requested location of the proposed detached garage requires a reduced corner side yard of 20 feet, as opposed to the required 30 feet. Village Planner Ashbaugh stated the proposed detached garage includes an additional room to the

east of it, with an area of approximately 154.5 square feet, and this room is not directly connected to the garage by an interior door and can only be accessed from the outside. Village Planner Ashbaugh stated the proposed garage will not occupy any of the rear yard at this point. Village Planner Ashbaugh stated they would be allowed to occupy up to 1,000 square feet in the rear yard, but they are not encroaching into the required rear yard. Village Planner Ashbaugh stated only 160 square feet of the garage will count toward the Lot Coverage Ratio (LCR), but with the proposed garage, the LCR would still be under the permitted maximum for a residential property in Glen Ellyn. Planner Ashbaugh stated that the existing garage extends about 10 feet into the line of sight north from the existing house on the property, whereas the proposed garage will extend over 20 feet into that line of sight, obstructing the view of the back yard from house. Planner Ashbaugh concluded her presentation and asked if any of the ZBA members has questions about the request.

Questions from the Zoning Board of Appeals

ZBA Member Panther asked if this proposed garage would have been allowed prior to the Zoning Code text amendment, to which Village Planner Ashbaugh stated it would have been allowed.

Chairperson Constantino asked how many existing homes and/or properties in the Village are faced with the problem of a reverse corner lot and accessory structure not set back 30 feet. Village Planner Purvis stated there were enough properties like this when the Zoning Code text amendment was done. Village Planner Purvis stated this text amendment was done so they could avoid having garages sticking out in front of primary structures, and the Village had enough instances of this situation throughout the Village which is why the text amendment was done. Chairperson Constantino asked if the porch counts as a westerly extension of the principal structure. Village Planner Purvis stated the porch is not considered part of a principal structure. Chairperson Constantino asked if this proposed garage would be fine if it was 10 feet to the east, to which Village Planner Purvis stated it would be.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Christian and Lorraine Ambler, petitioners and owners of the property at 464 Cottage Avenue and Jamie Simoneit, architect with Z+O Architecture at 504 Hillside Avenue.

Mr. Ambler thanked the Zoning Board of Appeals for their time and stated this is their third home in Glen Ellyn which they moved into in August of 2000. Mr. Ambler stated in the past few years, the existing garage has started to fall down, and the back of the garage is in bad shape. Mr. Ambler stated they need to replace the garage, but they do want to keep the garage where it is as they do use their back yard. Mr. Ambler stated there is also a fence line that is in line with front face of the existing garage, and they would need to move the fence if the garage was not reconstructed in the same place.

Ms. Ambler stated that the new garage will be significant improvement compared to the look of the garage so it matches the rest of the house.

Mr. Simoneit stated the petitioners are victims of bad timing and circumstances as the Code changed during this project. Mr. Simoneit stated they are proposing to keep the garage where it is, and if not, there will be additional costs for curb cuts and additional concrete work. Mr. Simoneit stated he was not aware of the Zoning Code text change because as he was researching the project, the wording of the Code on the Village's website was the previous text. Mr. Simoneit stated he did review other options for the garage with the petitioners, and the petitioners decided they wanted to go through the variation process. Mr. Simoneit stated there are neighbors in the audience to speak for this variation as the neighbors who can see this garage are for reconstructing the garage in the same place. Mr. Simoneit stated he understands the intent of the Code, but this kind of project messes with the intent. Mr. Simoneit stated per the Code, the garage could be 5 feet away from the property to the north which the petitioners do not want to do, as this would cut off the views of their yard and open space the neighbors currently have and they would instead be looking at a garage.

Additional Questions from the Zoning Board of Appeals

Chairperson Constantino asked if cars parking in front of the existing garage block the sidewalk, to which Mr. Simoneit stated they do not. Chairperson Constantino asked if the plans were submitted before the Zoning Code text amendment was approved. Mr. Simoneit stated they were not as the application was submitted on October 23, 2018; however, when he was researching the Code back in June 2018, the Zoning Code text amendment was not on the Village's website.

Mr. Simoneit asked if he should show the alternative site plans for the proposed garage, which he said were in part of their application packet that the ZBA members had in front of them

tonight. Village Planner Ashbaugh clarified for the ZBA members that the alternative site plans were actually not submitted as a part of the application packet so they were not in front of them, but if Mr. Simoneit had some available, he could present them at this time.

ZBA Member Jones asked if repair can be done on a garage like this. Village Planner Purvis stated minor repair or maintenance is fine, but there can be no major repairs or alternation to the structure, or it would need to be brought into compliance.

Mr. Simoneit showed an overview of the current proposed site plan they were reviewing tonight for the subject request, then showed various other possible site plans which he had reviewed with the Amblers before settling on the subject proposed plan which requires the variation. Mr. Simoneit explained each and showed a plan with the detached garage farther north on the subject property, a plan in compliance with the require 30 foot setback, and a plan requiring a new curb cut and driveway onto Pleasant Avenue in replacement of the existing driveway. Mr. Simoneit stated he would like to build the garage on the same spot since the garage has been there since 1977. Mr. Simoneit stated that shifting the garage to the east by 10 feet would cause the garage to take up more of the backyard, and that shifting it to the north would put it closer to the property to the north. Mr. Simoneit concluded that it also would add additional cost for either of those alternatives by requiring additional pavement for lengthening the driveway or completely relocating it.

ZBA Member Micheli asked the hardship was for this variance request. Mr. Simoneit stated the existing garage has been there since 1977, and they are being forced to do a variation request by a repair to the existing structure. Mr. Simoneit stated they need to replace the foundation of the garage. Mr. Simoneit stated he printed a copy of the Zoning Code on June 6, 2018, and the text amendment was not on the Village's website. Village Planner Ashbaugh clarified that the meeting materials for the Village Board meeting at which the subject zoning code amendment was approved would have been on the website in advance of the meeting, therefore the code as it was proposed was actually on the website in May of 2018. ZBA Member Micheli stated he does not see a hardship, but possibly a political issue that needs to go to the Village Board.

Village Planner Purvis stated the Zoning Code Text Amendment was approved by the Village Board in May 2018 and then is sent to the village's codifier, Municode, to have the Village's Code updated online. ZBA Member Micheli asked Planner Purvis if this can be considered a basis to grant a variation. Village Planner Purvis stated it was not.

ZBA Member Jones asked what the petitioners would do if the Zoning Board of Appeals and the Village Board deny this variation request. Mr. Ambler stated it would seem that their option would be to do nothing and just to let the garage fall apart. Mr. Ambler stated the hardship from his perspective has to do with the fence line needing to be modified, they would lose

space in their rear yard, and they would have problems with their neighbors because they don't want it closer to their house if it were moved north on the property.

ZBA Member Panther asked if the home on the property to the north is closer to the street than the 30-foot setback. Village Planner Purvis stated it does look further forward.

Mr. Ambler stated he does not see how the Zoning Board of Appeals cannot see a hardship because there will be additional costs to move the fence line and adding additional concrete. Mr. Ambler stated they have 100% approval of the people in the neighborhood who can see this garage. ZBA Member Micheli stated cost cannot be the sole basis for a hardship, and it is the petitioners' choice on where they are putting the garage so they also choose not to inflict the hardship on themselves by choosing to put the garage where they have. ZBA Member Micheli stated the ZBA's hands are tied. Mr. Simoneit stated the additional cost is not to make more money on the project.

ZBA Member Miller asked if the tree would be coming down, to which Ms. Ambler stated the tree is going to come down regardless of this project as it is a hazard now.

Persons in Favor of or in Opposition to the Variation Requests

Mary Allsopp, who resides at 575 Pleasant Avenue, stated she lives in the property just to the north of 464 Cottage Avenue. Ms. Allsopp stated the neighbors have a strong voice, as the proposal is what they like and support. Ms. Allsopp showed a picture of what she sees out her kitchen window currently as she looks south at 464 Cottage Avenue. Ms. Allsopp stated she does not want to look out the window and see a garage. Ms. Allsopp stated there is mature landscaping by the fence, and it would be a shame to disturb this landscaping. Ms. Allsopp stated the garage is in a state where it needs repair, and she supports this project.

Beth Coronelli, who resides at 457 Cottage Avenue, stated if the garage is set back, it will completely block the back view for 575 Pleasant Avenue which puts the hardship on Ms. Allsopp. Ms. Coronelli stated if the garage falls down, it will look terrible in the neighborhood. Ms. Coronelli stated this proposed project will make the garage beautiful.

Kelly Cornell, who resides at 570 Pleasant Avenue, stated she lives directly across the street from the existing garage, and the Amblers keep their yard nice. Ms. Cornell stated she has no problem with this project.

Tom Coronelli, who resides at 475 Cottage Avenue, stated the structure as it sits does not look good, and the new structure will beautify the neighborhood.

Findings of Fact

ZBA Member Panther stated petitioners Christian and Lorraine Ambler, owners of the property at 464 Cottage Avenue, are requesting a variation from the Glen Ellyn Zoning Code Section 10-5-5(B)4 #14 to allow a legally non-conforming detached garage to be reconstructed in its existing location 20 feet from the corner side lot line, in lieu of the 30 feet required on a reversed corner lot. ZBA Member Panther stated the property is located in the R2 Zoning District, and the land use immediately surrounding the property is R2 Residential as well. ZBA Member Panther stated there are no records of any prior variations being granted for the subject property. ZBA Member Panther stated the ZBA heard from Village Planners Katie Ashbaugh and Kelly Purvis about the previous setback being 18 feet, which was changed by a Zoning Code text amendment in May 2018. ZBA Member Panther stated the variance would not be needed if the garage was moved 10 feet to the east.

ZBA Member Panther stated the ZBA heard from architect Jamie Simoneit and petitioners Christian and Lorraine Ambler. ZBA Member Panther stated the Amblers have lived in the home since 2000, and the garage is in disrepair and needs to be replaced. ZBA Member Panther stated if they have to move the garage, the Amblers would need to move the fence line, add additional concrete and lose space in their back yard. ZBA Member Panther stated Mr. Simoneit has said that the Zoning Code was changed in the middle of this project. ZBA Member Panther stated Mr. Ambler stated the hardship for the variation is that the Amblers will lose yard space, and they would need additional driveway space.

ZBA Member Panther stated the ZBA heard from Ms. Allsopp who lives in the property north of 464 Cottage Avenue, and Ms. Allsopp is supportive of the garage being reconstructed in the existing location. Ms. Allsopp stated cars by the garage at 464 Cottage are not blocking the sidewalk now.

ZBA Member Panther stated the ZBA heard from Beth Coronelli, who resides at 457 Cottage Avenue, who is supportive of this project. ZBA Member Panther stated the ZBA heard from Kelly Cornell who lives directly across the street and has no objections to the project. ZBA Member Panther stated the ZBA heard from Tom Coronelli, who resides at 457 Cottage Avenue, who is supportive of the project as well.

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 Jones stated he feels this was bad timing for the petitioners more than anything, and he could go either way on this. ZBA Member Jones stated he is leaning toward leaving the garage in its existing location.

ZBA Member Miller stated he will vote no as he has an issue with overriding a Zoning Text amendment the first time an issue comes up. ZBA Member Miller stated he has no problem with the Village Board overriding this. ZBA Member Miller stated they do take the neighbors' comments into account. ZBA Member Miller stated he understands there are extenuating circumstances, but he does not see a hardship. ZBA Member Miller stated he feels this needs to go to the Village Board, and the Village Board may need to tighten up the Code a bit.

ZBA Member Panther stated he is torn on this as he sees a unique circumstance due to the long corner lot.

Mr. Simoneit stated they used to have to take an average of the front yard setbacks of all the homes around which the Village has gone away from. Mr. Simoneit stated this is something that should be "grandfathered" in as they are seeking a variance for something that makes common sense. Mr. Simoneit stated he feels precedent already exists, and this is currently existing non-conforming. ZBA Member Jones stated this was existing conforming until the Zoning Code text amendment.

Chairperson Constantino stated he is in favor of recommending the variance as there are unique circumstances with the timing and when the Code text amendment was published, and it does not fit perfectly into any slot. Chairperson Constantino stated the petitioners are not seeking encroachment further into the setback. Chairperson Constantino stated usually when the ZBA considers a project, there can be neighbors opposing this, but in this case, the surrounding neighbors are for the variance. Chairperson Constantino stated the unique circumstances are that the neighbors want the variance, the sight lines would change, the fence would need to be moved and landscaping would need to come down as well. Chairperson Constantino stated he feels the hardship is a safety issue with the garage and the tree that could fall down. Chairperson Constantino stated the garage cannot be repaired without relocating it. Chairperson Constantino stated this is not a picture-book example for a variance, but it is sufficient enough for him to recommend.

ZBA Member Miller stated the unique circumstance could be the neighbors being opposed to the garage being moved. Chairperson Constantino stated if the ZBA fails to recommend approval, this could potentially adversely affect the use and enjoyment of the neighboring properties. Chairperson Constantino stated it is unique that all the neighbors are in favor of granting the variance.

ZBA Member Micheli stated the ordinance is specific, and it could not be clearer. ZBA Member Micheli stated this could not be more self-inflicted.

ZBA Member Miller asked Trustee Christiansen if she would address the ZBA's concerns about how this Zoning Code text is written with the Village Board to which Trustee Christiansen stated she would.

Motion

A motion was made by ZBA Member Micheli and seconded by ZBA Member Jones to close the public hearing for 464 Cottage Avenue at 8:32 p.m. The motion carried unanimously with a voice vote.

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

Having considered the application of Christian and Lorraine Ambler, for a zoning variation to allow a legally non-conforming detached garage to be reconstructed in its existing location 20 feet from the corner side lot line, in lieu of the 30 feet required on a reversed corner lot on the property located at 464 Cottage Avenue, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioners at the May 14, 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 10-5-5(B)4 #14 to allow a legally non-conforming detached garage to be reconstructed in its existing location 20 feet from the corner side lot line, in lieu of the 30 feet required on a reverse corner 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.

Due to the following unique circumstances:

1. The neighbors are opposed to the petitioners moving the garage; and
2. Failing to grant the variance will potentially have adverse effects on the enjoyment of the neighbors' properties.

Subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the May 14, 2019 public hearing of the Zoning Board of Appeals.

The motion carried with four (4) “yes” votes and one (1) “no” vote . The “yes” votes are as follows: ZBA Members Jones, Miller, Panther and Chairperson Constantino. The “no” vote is as follows: ZBA Member Micheli.

ZBA Chairperson Constantino stated the ZBA recommended this 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 for this case.

Village Board Trustee Report

Chairperson Constantino welcomed new Village Board Member and ZBA Trustee Liaison Kelli Christiansen.

Trustee Christiansen stated the new Village Board was seated the previous evening. Trustee Christiansen stated an update to the Comprehensive Plan will be discussed at the May 23rd Plan Commission meeting, and the project across from the library will be coming to the Village Board in the next few months. Trustee Christiansen stated the Streetscape Design is in progress as well as the ingress/egress to Baker Hill on Roosevelt Road.

Staff Report

Chairperson Constantino stated this is ZBA Member Micheli’s last meeting, and Chairperson Constantino thanked ZBA Member Micheli’s time and the work he put in.

Chairperson Constantino stated there will be no meeting on May 28, 2019.

Adjournment

At 8:40 p.m., a motion was made by ZBA Member Micheli and seconded by ZBA Member Jones to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary

Reviewed by,
Katie Ashbaugh
Village Planner