

MINUTES
ZONING BOARD OF APPEALS
JUNE 11, 2019

The meeting was called to order by ZBA Chairperson Greg Constantino at 7:00 p.m. ZBA Members Matt Jones, Steve Lucchesi, Reed Panther and Tom Whalls were present. ZBA Member Chip Miller and ZBA Student Intern Maddie Greenleaf were excused. Also present were Village Planner Kelly Purvis, Village Planner Katie Ashbaugh, Trustee Liaison Mark Senak 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 May 27, 2019, and all property owners affected by the variations being requested were notified by mail.

MINUTES

ZBA Member Panther moved, seconded by ZBA Member Whalls, to approve the minutes of the May 14, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 532 Turner 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 Whalls and seconded by ZBA Member Jones to open the public hearing for 532 Turner Avenue at 7:05 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 532 TURNER AVENUE

PETITIONER KAREN MCLAUGHLIN IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW TO ALLOW A DECK TO BE CONSTRUCTED IN THE INTERIOR SIDE YARD WHERE DECKS ARE NOT A PERMITTED OBSTRUCTION ON THE PROPERTY LOCATED AT 532 TURNER AVENUE: 1. SECTION 10-5-5(B)4 #8 TO ALLOW A DECK TO ENCROACH 2 FEET 4 INCHES INTO THE REQUIRED 7 FOOT INTERIOR SIDE YARD SETBACK WHERE DECKS ARE NOT A PERMITTED OBSTRUCTION, CREATING A SIDE YARD SETBACK OF 4 FEET 8 INCHES FROM THE INTERIOR SIDE (NORTH) PROPERTY LINE. 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.

(Karen McLaughlin, owner of the property at 532 Turner 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 petitioner Karen McLaughlin, owner of the property at 532 Turner Avenue, is requesting a variation from the Glen Ellyn Zoning Code to allow a deck to be constructed in the interior side yard where decks are not a permitted obstruction. Village Planner Ashbaugh stated the property is on the northeast corner of N. Main Street and Turner Avenue, and the subject property and the properties surrounding are zoned R2 – Residential District. Village Planner Ashbaugh showed an aerial view of the property and stated this property is a reverse corner lot, meaning the front lot line is considered the shortest lot line that is adjacent to the public right-of-way. Village Planner Ashbaugh stated based on permits she found, there is a patio as well.

Village Planner Ashbaugh showed street views of the property and stated according to the application, the deck that was taken off was originally installed approximately 18 to 20 years ago. Village Planner Ashbaugh stated there are no permits on record for the constructions of this previous deck or the sliding door that leads to this deck. Village Planner Ashbaugh stated the petitioner has proposed a deck that would encroach 2 feet 4 inches into the required interior side yard of 7 feet, and decks are not a permitted encroachment into the required interior side yard.

Questions from the Zoning Board of Appeals

ZBA Member Panther asked how much the deck would encroach into the side yard if you look at the scale. Village Planner Ashbaugh stated as you move west, it tapers off on the encroachment.

ZBA Member Lucchesi asked if the deck was the only thing in question. Village Planner Ashbaugh stated it is as the existing sliding door that is on the second floor is not a part of the request.

Chairperson Constantino asked if this is the minimum width for the walkway on the northerly side of the home. Village Planner Ashbaugh stated she is not aware of any minimum as this would be a building permit item. Village Planner Purvis stated she is not aware of any very minimum width.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Karen McLaughlin, owner of the home at 532 Turner Avenue.

Ms. McLaughlin stated the previous deck had been on the home since approximately 2001 or 2002, and she thought there had been a permit for this deck. Ms. McLaughlin stated their property is tight on all ends except the west, and the hardship would be what else you would put there if you cannot put a deck there, with the door being there. Ms. McLaughlin stated you would need to put a door then somewhere else as the access point is important.

Additional Questions from the Zoning Board of Appeals

ZBA Member Whalls asked what room is off of this proposed deck. Ms. McLaughlin stated this is where the sun room is off the family room.

ZBA Member Lucchesi asked if the addition was built before the deck. Village Planner Ashbaugh stated according to the records, it looks as if the permit for the addition was done in 1965.

ZBA Member Jones asked what would happen for an exit if there is a fire in the kitchen. Ms. McLaughlin stated there would be a problem getting out of the home if there was a fire in the kitchen and no access point where it is currently.

Chairperson Constantino asked the petitioner to confirm if the proposed 3 feet/36 inch width of the proposed deck by the door is the minimum that they need to make reasonable use of the exit. Ms. McLaughlin stated this is what the contractor said. Chairperson Constantino stated the general location of the proposed improvement is on the northeast corner of the lot as the home is not centered in the lot, and they cannot make adequate use of the exit without this proposed improvement. Chairperson Constantino asked if this proposed deck would make any change to the character of the neighborhood. Ms. McLaughlin stated it would not as there was a deck there previously, and the neighbors have told Ms. McLaughlin they are fine with this. Chairperson Constantino asked if the Village had received any objections from neighbors regarding this proposed deck. Village Planner Ashbaugh stated the staff has not heard any objections from any neighbors.

Village Planner Purvis stated for ADA compliance, a 5-foot width is recommended.

ZBA Member Whalls stated the home faces directly east and west, and the lot is a parallelogram with a 10-degree shift to the west.

Village Planner Ashbaugh stated an outdoor exit from a second story is not required by Code since it is not a multi-family dwelling.

Persons in Favor of or in Opposition to the Variation Requests

Steve Nelson, who resides at 553 Hill Avenue, was sworn in. Mr. Nelson stated they live around the block from the petitioner and have known them for several years. Mr. Nelson stated he always thought the property was odd due to the placement of the home on the property. Mr. Nelson stated he knows the property owners that live directly north of the 532 Turner property, and Mr. Nelson stated these property owners would not object to the deck. Mr. Nelson stated he would be hard-pressed to say this deck would be a problem because it will be hard to see.

Findings of Fact

ZBA Member Panther stated petitioner Karen McLaughlin, owner of the property at 532 Turner Avenue, is asking for a variation from Section 10-5-5(b)4 #8 to allow a deck to encroach 2 feet 4 inches into the required 7 foot interior side yard setback where decks are not a permitted obstruction, creating a side yard setback of 4 feet 8 inches from the interior side (north) property line and for 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. ZBA Member Panther stated decks are not a permitted obstruction in the front or side interior yards. ZBA Member Panther stated this property is located on the northeast corner of Main Street and Turner Avenue.

ZBA Member Panther stated the ZBA heard from Village Planners Katie Ashbaugh and Kelly Purvis. ZBA Member Panther stated the property and surrounding properties are zoned R2 – Residential. ZBA Member Panther stated the property is a reverse corner lot so the front lot line is considered the shortest lot line that is adjacent to the public right-of-way.

ZBA Member Panther stated the petitioner is proposing to replace a non-permitted deck in-kind for the deck that was already removed from the home. ZBA Member Panther stated zoning relief is only needed along the northern property line. ZBA Member Panther stated the proposed 3-foot wide part of the deck by the door is likely the minimum allowed per the builder. ZBA Member Panther stated Village Planner Purvis said that a 5-foot minimum is needed for ADA compliance.

ZBA Member Panther stated the ZBA heard from the petitioner Karen McLaughlin that she thought the builder applied for a permit for the deck and did not discover until after the previous deck was removed that there was no permit done yet. ZBA Member Panther stated the previous deck and sliding door were installed in approximately 2001 or 2002, and access is

needed from that side of the home to evacuate in case of a fire. ZBA Member Panther stated an addition was put on in approximately 1965.

ZBA Member Panther stated Ms. McLaughlin indicated that the 36-inch width would be the minimum that would be required. ZBA Member Panther stated Ms. McLaughlin did note the location of the home on the property does make it difficult to use that portion of the lot. ZBA Member Panther stated Ms. McLaughlin also indicated the angle of the home on the property makes it difficult to make improvements on the site. ZBA Member Panther stated Ms. McLaughlin indicated she had spoken to her neighbors, and the neighbors support this proposed deck.

ZBA Member Panther stated the ZBA heard from Steve Nelson, who resides at 553 Hill Avenue. Mr. Nelson stated the property is an odd-shaped lot, and this proposed deck would not be visible from the street.

Motion

ZBA Member Jones moved, seconded by ZBA Member Lucchesi, 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 Lucchesi stated he does not see any issue with the aesthetics of the proposed deck and its conformity to the neighborhood. ZBA Member Lucchesi stated the petitioner is not making any major changes and only a small run would be infringing. ZBA Member Lucchesi stated he does support the variance. ZBA Member Lucchesi stated he does recommend having an engineer figure out the load capacity for the railings.

ZBA Member Panther stated the home is parallel to the lot line, and the askew placement of the property and the home are creating the hardship. ZBA Member Panther stated he has no objections with this.

ZBA Member Jones stated he is fine with this variation request.

ZBA Member Whalls stated he has no problems with this variation request. ZBA Member Whalls stated they have heard no objections about the proposed deck. ZBA Member Whalls stated he feels the 3-foot width may be a bit tight, but he is fine with this.

Chairperson Constantino stated he is in favor of recommending the variation as it addresses potential safety issues with an exit on the west side of the property. Chairperson Constantino stated the home is not centered on the lot, and there are small setbacks on 3 sides of the home. Chairperson Constantino stated this proposed deck will not change the character of the neighborhood, is not based on financial motivation and does not pose a public safety or health issue.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 532 Turner Avenue at 7:35 p.m. The motion carried unanimously with a voice vote.

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

Having considered the application of Karen McLaughlin, for a zoning variation to allow a deck to encroach 2 feet 4 inches into the required 7 foot interior side yard setback where decks are not a permitted obstruction, creating a side yard setback of 4 feet 8 inches from the interior side (north) property line on a reverse corner lot on the property located at 532 Turner Avenue, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioners at the June 11, 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 #8 to allow a deck to encroach 2 feet 4 inches into the required 7 foot interior side yard setback where decks are no a permitted obstruction, creating a side yard setback of 4 feet 8 inches from the interior side (north) property line.
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 home does not sit parallel to the lot line in the rear yard; and
2. This provides an emergency exit of the home due to the safety of the deck.

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 June 11, 2019 public hearing of the Zoning Board of Appeals.

The motion carried with five (5) “yes” votes .The “yes” votes are as follows: ZBA Members Jones, Lucchesi, Panther, Whalls and Chairperson Constantino.

ZBA Chairperson Constantino stated the ZBA recommended this and will now go to the Village Board for approval, and Village Planners Ashbaugh and Purvis can tell you when this will be. ZBA Chairperson Constantino stated he advises the petitioners to come to the Village Board meeting just in case there are questions.

Village Board Trustee Report

Trustee Senak stated the Village Board is working on the Downtown Streetscape Plan, the Comprehensive Plan and the McChesney development. Trustee Senak encouraged everyone to come to the meetings regarding the Comprehensive Plan to let the Village Board know what they would like to see. Trustee Senak stated there are 2 proposals for the McChesney site.

There was discussion regarding the possible train station, the Giesche building, the proposed parking garage, the Avere development across from the library and Innovation DuPage.

Staff Report

Village Planner Ashbaugh stated there will be a meeting on June 25, 2019 for the property at 431 Carleton Avenue.

Village Planner Ashbaugh stated in reference to the pieces referenced by Trustee Senak, there is a Village Board Workshop on the Downtown Sub-Area Plan of the Comprehensive Plan on Monday, June 17th. Village Planner Ashbaugh stated there will be an Open House for feedback on the update to the Comprehensive Plan on Wednesday, June 26th from 4:00 p.m. to 7:00 p.m., and the Avere development will go before the Plan Commission on Thursday, June 20th.

Adjournment

At 7:50 p.m., a motion was made by ZBA Member Panther and seconded by ZBA Member Lucchesi to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary