

MINUTES
ZONING BOARD OF APPEALS
JUNE 25, 2019

The meeting was called to order by ZBA Chairperson Greg Constantino at 7:00 p.m. ZBA Members Chip Miller, Reed Panther, Tom Whalls and ZBA Student Member Greenleaf were present. ZBA Members Matt Jones and Steve Lucchesi 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 June 10, 2019, and all property owners affected by the variations being requested were notified by mail.

MINUTES

ZBA Member Miller moved, seconded by ZBA Member Whalls, to approve the minutes of the June 11, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 431 Carleton 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 Miller to open the public hearing for 431 Carleton Avenue at 7:04 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 532 CARLETON AVENUE

PETITIONERS ROBERT AND RAMONA CLUCAS ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS TO ALLOW A FRONT PORCH TO ENCROACH INTO THE REQUIRED FRONT YARD BY A GREATER AMOUNT THAN WHAT IS REQUESTED FOR THE PROPERTY LOCATED AT 431 CARLETON AVENUE: 1. SECTION 10-5-5(B)4 #24.B TO ALLOW A FRONT PORCH TO ENCROACH BY APPROXIMATELY FIFTY-EIGHT (58) PERCENT OR SEVENTEEN (17) FEET SIX (6) INCHES, OF THE MINIMUM REQUIRED THIRTY (30) FOOT FRONT YARD, IN LIEU OF THE MAXIMUM ENCROACHMENT ALLOWED FOR PORCHES OF TWENTY-FIVE (25) PERCENT OF THE REQUIRED THIRTY (30) FOOT FRONT YARD, OR SEVEN (7) FEET SIX (6) INCHES, IN THE R2 - RESIDENTIAL DISTRICT. 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.

(Robert and Ramona Clucas, owners of the property at 431 Carleton 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 Robert and Ramona Clucas, owners of the property at 431 Carleton Avenue, are requesting a variation from the Glen Ellyn Zoning Code to allow a front porch to encroach into the required front yard by a greater amount than what is permitted. Village Planner Ashbaugh stated the property is located on the east side of Carleton Avenue, just north of Hillside 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 has a lot area of approximately 4,590 square feet, which is just over fifty percent of the required minimum lot size of 8,712 square feet, more precisely, fifty-two percent. She continued that the subject property is approximately 62.75 feet wide, which is less than the minimum lot width requirement of 66 feet for interior lots in the R2 district.

Village Planner Ashbaugh showed street views of the property from the west, northwest, and southwest. She then showed the Plat of Survey, which was submitted in 2007 in relation to a detached garage permit, which shows the existing front porch being in place at that time. Village Planner Ashbaugh stated the petitioners propose to construct a new front porch off of the front elevation of the existing house, which requires an approximately fifty-eight (58) percent or seventeen (17) feet six (6) inch encroachment into the front yard setback. Village Planner Ashbaugh stated per Section 10-5-5(B)4 #24.b, porches may only encroach up to (25) percent of the required front yard. Village Planner Ashbaugh stated in the R2 Residential District, twenty-five (25) percent of the required front yard is seven (7) feet six (6) inches, as the required front yard is thirty (30) feet. Village Planner Ashbaugh stated the proposed front porch would encroach an additional ten (10) feet into the required front yard beyond what is permitted, being approximately twelve (12) feet six (6) inches from the front lot line. Village Planner Ashbaugh stated the proposed front porch is intended to replace the existing non-conforming porch like-for-like, for which a previous variation was not granted.

Chairperson Constantino asked if you can only build on several feet of the property due to the setbacks. Village Planner Ashbaugh stated the lot depth is just over half of what a typical lot depth would need to be to even meet the minimum lot size.

Village Planner Ashbaugh showed elevations of the proposed porch versus the photo of the existing west elevation showing the existing porch, and stated the petitioners are proposing to replace the porch as the existing porch does have structural issues.

Questions from the Zoning Board of Appeals

ZBA Member Miller stated it seems 437 Carleton and 434 Carleton, which are just north of the subject property, have similar situations with setbacks. Village Planner Ashbaugh stated that those adjacent and near adjacent properties did have similar existing conditions in regards to their setbacks, as that of 431 Carleton. ZBA Member Miller stated it seems 447 Carleton and 445 Carleton sit even closer to their property lines than 431 Carleton. Village Planner Ashbaugh stated based on the image presented tonight, she would agree with this.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Robert and Ramona Clucas, owners of the property at 431 Carleton Avenue.

Ms. Clucas stated their home is 99 years old this year, and they bought the home in 1991. Ms. Clucas stated they think the porch was built in the 1950's or 1960's, and the porch needs to be replaced as it is only held up with cinder blocks. Ms. Clucas stated they need to make a safer porch as each step is a different height too. Ms. Clucas stated they do not want to do anything else than to make the porch safer and better, and they will be keeping the same footprint as the existing porch. Ms. Clucas stated they will need to make the railings higher for the required Code.

Mr. Clucas stated the bottom had stacked 2 by 4's which have rotted away.

Additional Questions from the Zoning Board of Appeals

ZBA Member Panther asked if it would be difficult to egress from the front of the home without this porch. Ms. Clucas stated they would not be able to egress without the porch.

ZBA Member Whalls asked what materials they are proposing to use. Ms. Clucas stated they are going to research this, but are thinking of using both wood and composite.

ZBA Member Miller asked if the petitioners would have to rip the existing porch off at the house if the ZBA denied this request and to put in a single stair would require a variation. Village Planner Purvis stated stairs do not count toward an encroachment.

Chairperson Constantino asked if the porch overhang (roof) will stay. Ms. Clucas stated the overhang (roof) is in good shape and will remain as they will probably just re-roof it. Chairperson Constantino asked if the petitioners would extend the porch any more to the west than it already is, to which Ms. Clucas stated they would not. Chairperson Constantino asked if the petitioners' intent is to blend the new construction with the existing construction. Mr. Clucas stated they intend to keep the same colors as much as possible. Chairperson Constantino asked if this variation was discussed with the petitioners' neighbors. Ms. Clucas

stated when the sign went up on their property, the neighbors asked what they were proposing to do. Ms. Clucas stated they told the neighbors they were just replacing the porch, and the neighbors were fine with this.

Persons in Favor of or in Opposition to the Variation Requests

None

Findings of Fact

ZBA Member Panther stated petitioners Robert and Ramona Clucas, owners of the property at 431 Carleton Avenue, are requesting a variation from Section 10-5-5(B)4 #24.b to allow a front porch to encroach approximately fifty-eight (58) percent or seventeen (17) feet six (6) inches of the minimum required thirty (30) foot front yard in lieu of the maximum allowable encroachment twenty-five (25) percent or seven (7) feet six (6) inches in the R2 Zoning District.

ZBA Member Panther stated the ZBA heard from Village Planners Katie Ashbaugh and Kelly Purvis. ZBA Member Panther stated the property is located on the east side of Carleton Avenue, just north of Hillside Avenue, and the subject property and the properties surrounding are zoned R2 – Residential District. ZBA Member Panther stated the property is just over fifty (50) percent of the minimum required lot size in the R2 Zoning District. ZBA Member Panther stated the property is non-conforming in the front and rear yard setbacks in its present condition.

ZBA Member Panther stated the existing front porch is approximately seven (7) feet in depth creating a front yard setback of 12 feet 6 inches for the main structure of the property. ZBA Member Panther stated the home could only occupy between two (2) and four (4) feet of the property due to current setbacks, and the property is a non-buildable lot. ZBA Member Panther stated the existing condition of the adjacent properties also have the same encroachment into the front yard setbacks. ZBA Member Panther stated it was indicated that this proposal would only replace in-kind an existing porch.

ZBA Member Panther stated the ZBA heard from the property owners Robert and Ramona Clucas that the home is 99 years old and has always been non-conforming. ZBA Member Panther stated the Clucas are only asking to replace a deteriorating porch as they feel is unsafe with different stair heights and need to replace the footings. ZBA Member Panther stated it would be difficult to egress the home without this type of variance. ZBA Member Panther stated the Clucas indicated they are proposing to use wood and composite materials for the porch. ZBA Member Panther stated the Clucas indicated the roof will remain on the structure, and they will use the same color scheme of the existing home.

Motion

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

The motion carried unanimously with a voice vote.

Village Planner Ashbaugh stated she would like to propose an amendment to the Findings of Fact pertaining to the lot being substandard from a provision in the Non-Conformity Section 10-8-6 (E) that states, "If the home were damaged, then the home could be repaired in the existing footprint like-for-like, if the conditions remain the same when it is fixed."

Additional Comments from the Zoning Board of Appeals

ZBA Student Intern Greenleaf stated she has no problem with this as they are basically keeping the same thing that is there. ZBA Student Intern Greenleaf stated they would not be changing anything in the community or the neighborhood.

ZBA Member Panther stated he supports this variation, and he likes they are keeping the existing roof structure.

ZBA Member Whalls stated is he fine with this as the same dimensions are being replicated, and there are no stormwater issues. ZBA Member Whalls stated the safety and egress issues will be remediated with this.

ZBA Member Miller stated this is a strange lot on a block of strange lots, and this is a poster house for what a variance is for. ZBA Member Miller stated he supports this.

Chairperson Constantino stated he is in favor of recommending the variation as it addresses a safety issue with the existing porch, and they will be building in the same location. Chairperson Constantino stated this is an extremely shallow lot which is almost non-buildable. Chairperson Constantino stated the condition was not caused by the home owners. Chairperson Constantino stated the proposed porch will not extend any further to the west, and this will not change the character of the neighborhood.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 431 Carleton Avenue at 7:27 p.m. The motion carried unanimously with a voice vote.

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

Having considered the application of Robert and Ramona Clucas, for a zoning variation to allow a front porch to encroach by approximately fifty-eight (58) percent or seventeen (17) feet six (6) inches, of the minimum required thirty (30) foot front yard, in lieu of the maximum encroachment allowed for porches of twenty-five (25) percent of the required thirty (30) foot front yard, or seven (7) feet six (6) inches on an interior lot of the property located at 431 Carleton 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 25, 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 requested zoning variation from 10-5-5(B)4 #24.b due to the following hardships and unique circumstances:

1. The current stairs are uneven and rotting, causing a safety issue; and
2. Two homes to the north have the same porch; and
3. If they just rebuilt the stairs, it would be out of character with the neighborhood; and
4. The homes at 447 Carleton and 445 Carleton are prouder than 431 Carleton's porch; and
5. The lot is considered non-buildable; and
6. Section 10-8-6 (E) of the Code says if the home were damaged, the Code would allow it to be built on the same footprint.

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 25, 2019 public hearing of the Zoning Board of Appeals.

The motion carried with four (4) "yes" votes .The "yes" votes are as follows: ZBA Members Miller, 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 Christiansen stated the Village Board approved the Baker Hill access improvements, and the work should start in mid to late July and be completed at the end of August. Trustee

Christiansen stated at the Village Board Workshop last week, the Village Board heard information on the downtown Sub Areas for the updates to the Comprehensive Plan. Trustee Christiansen stated the Village Board is thinking about what the vision for the downtown should be. Trustee Christiansen stated there will be an open house tomorrow (June 26, 2019) from 4:00 p.m. to 7:00 p.m. for feedback on this.

ZBA Member Whalls asked about the possible subdivision by the Ice Center. Village Planner Purvis stated these might be single-family homes, but there has been no formal proposal yet. ZBA Member Whalls asked about the village-owned Five Corners site. Village Planner Purvis stated there is nothing on this right now.

Staff Report

Village Planner Ashbaugh stated there will be a meeting on July 9, 2019 for the property at 503 Carleton Avenue.

Adjournment

At 7:40 p.m., a motion was made by ZBA Member Whalls 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,

Katie Ashbaugh
Village Planner