

MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 10, 2019

The meeting was called to order by ZBA Chairperson Greg Constantino at 7:00 p.m. ZBA Members Michelle Covington, Matt Jones, Reed Panther and Tom Whalls and ZBA Student Intern Maddie Greenleaf were present. ZBA Member Chip Miller was 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 August 23, 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 July 9, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 444 Lowell Avenue.

ZBA Chairperson Constantino stated all members of the Zoning Board of Appeals have visited the property and are familiar with the plans that were submitted.

A motion was made by ZBA Member Jones and seconded by ZBA Member Panther to open the public hearing for 444 Lowell Avenue at 7:09 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 444 LOWELL AVENUE

PETITIONERS GREG AND PAULA BACHMAN ARE REQUESTING A RECOMMENDATION OF APPROVAL OF TWO VARIATIONS FROM THE GLEN ELLYN ZONING CODE FOR THEIR PROPERTY LOCATED AT 444 LOWELL AVENUE IN THE R2 – RESIDENTIAL DISTRICT:

- SECTION 10-8-6(B)(3): TO ALLOW THE CONSTRUCTION OF AN ADDITION TO AN EXISTING NONCONFORMING SINGLE FAMILY HOME THAT REQUIRES A CLASS II ALTERATION OF APPROXIMATELY 63 PERCENT WHERE ONLY CLASS I ALTERATIONS OF UP TO 50 PERCENT ARE PERMITTED
- SECTION 10-4-8(F)(1): TO ALLOW TWO EAVES ON SAID PROPOSED ADDITION TO EXCEED THE MAXIMUM PERMITTED EAVE HEIGHT OF 25 FEET BY THREE FEET, FOR A TOTAL EAVE HEIGHT OF 28 FEET

- 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.

(Greg and Paula Bachman, owners of the property at 444 Lowell 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 Greg and Paula Bachman, owners of the property at 444 Lowell Avenue, are requesting two variations from the Zoning Code related to a proposed addition to their existing nonconforming single family home: to allow a Class II alteration and to allow an eave height higher than allowed by Code. Village Planner Ashbaugh stated the home is an interior lot in the R2 – Residential District, and the properties around the home are zoned R2 as well. Village Planner Ashbaugh showed a Plat from 1983 and relayed the history of the home, which was built in 1908 as a two-story single-family home with a footprint of approximately 750 square feet. Village Planner Ashbaugh stated Village records indicate that minor repair work to this home was completed in the 1960s and 1980s, and in 1985, an approximately 664 square-foot detached garage was constructed to the north of the 1908 home. Village Planner Ashbaugh stated in 1988, an approximately 657 square-foot one-story addition was constructed to the west of the 1908 home, connecting it to the detached Garage; however, staff notes that on the plat of survey included with a later building permit, an addition for which the Village does not have records is shown to the rear of the original structure, with an area of approximately 325 square-feet. Village Planner Ashbaugh stated these two additions to the 1908 home, once connected to the detached garage, combine to create the current footprint on the property shown in the plat of survey dated February 24, 2010.

Village Planner Ashbaugh stated the petitioners propose to construct a 2,817 square-foot, two-story addition onto the rear (west) and part of the side (north) elevations of the existing nonconforming single family home. Village Planner Ashbaugh stated the existing home is two stories and has approximately 3,291 square-feet of livable floor area, and to construct the proposed addition, the petitioners plan to demolish approximately 1,803 square-feet of the existing home. Village Planner Ashbaugh stated this results in a net gain of livable, enclosed square footage of approximately 1,014 square-feet and an addition of less than 75 percent of the existing square footage, a Class I addition. Village Planner Ashbaugh stated Class I additions to existing nonconforming structures are permitted on lots of at least 6,534 square feet in area and 50 feet or more in width (buildable lots). Village Planner Ashbaugh stated in accordance with Section 10-2-2, Definitions, of the Zoning Code, “altered surfaces” are defined as all of the exterior surfaces of a building which will be relocated, or removed and filled in with exterior wall material. Village Planner Ashbaugh stated all parts of the roof and all walls, excluding the

area of any windows or door openings, are included when accounting for the total existing surface area and the total altered surface area of the existing home.

Variation #1

Village Planner Ashbaugh stated due to the demolition of greater than half of the existing home, a total of approximately 3,814 square feet in surface area is proposed to be altered. Village Planner Ashbaugh stated the surface area (including walls and roofed over surfaces) of the existing home in total is approximately 6,331 square feet. Village Planner Ashbaugh showed exhibits to illustrate the existing square footage of the roof and each elevation and the proposed existing surface area to be altered.

Village Planner Ashbaugh explained the following: of the 2,398 square feet of roof, 1,466 square feet would be altered through demolition; of 946 square feet of wall surface area of the east (front) elevation, 283 square feet would be altered through demolition; of 1,088 square feet of wall surface area of the north (side) elevation, 773 square feet would be altered through demolition; of 920 square feet of wall surface area of the west (rear) elevation, 920 square feet would be altered through demolition; and of 978 square feet of wall surface area of the south (side) elevation, 372 square feet would be altered through demolition. Village Planner Ashbaugh stated that all together, the proposed addition requires approximately 60 percent of the existing home's surface area to be altered since greater than half of the home will be demolished, and therefore is defined as a Class II alteration.

Village Planner Ashbaugh stated on buildable lots, up to 50 percent of the surface areas of a non-conforming structure are permitted to be altered as a Class I alteration so the variation is to exceed the permitted Class I alteration by 10 percent for existing nonconforming structures. Village Planner Ashbaugh stated upon receiving exhibits indicating the precise dimensions and areas of each existing elevation, staff determined that the percentage of the existing home to be altered is 60 percent, rather than 63 percent, as it was noticed.

Variation #2

Village Planner Ashbaugh stated on the proposed front (east) elevation, the height of the tallest eave is 28 feet from the average existing grade. Village Planner Ashbaugh stated in accordance with Section 10-2-2, Definitions, of the Zoning Code, an "eave" is the lower edge of a sloping roof surface or the top edge of a parapet or the top of a flat roof. Village Planner Ashbaugh stated on lots in the R2 district which are equal to or greater than 66 feet and less than or equal to 90 feet in width, the maximum permitted eave height is 25 feet. Village Planner Ashbaugh stated the petitioners request a variation for two eaves each with a height of 28 feet which exceeds the maximum permitted eave height of 25 feet.

Chairperson Constantino asked what the nonconforming nature of the existing structure is. Village Planner Ashbaugh stated the nonconforming nature is due to the front yard and side yard setbacks. Village Planner Ashbaugh stated the north side yard setback will be corrected with this proposal, but the front yard setback will remain nonconforming. Chairperson Constantino asked if the petitioners would need a variation if the front yard setback was

conforming. Village Planner Purvis stated they would not. Chairperson Constantino asked if there would be a Lot Coverage Ratio issue with this variation to which Village Planner Ashbaugh stated there would not.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked about the width of the addition. Village Planner Ashbaugh stated she did not have those dimensions with her. Architect Jamie Simoneit stated it is 9 feet, 6 inches.

Chairperson Constantino asked if the height of the roof of the proposed addition would be lower than the current existing roof. Village Planner Ashbaugh stated the addition would be shorter than the current roof ridge and would not exceed the height of the existing roof.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Greg and Paula Bachman, owners of the property at 444 Lowell Avenue and Jamie Simoneit, architect and owner of z+o architecture and interiors.

Ms. Bachman stated they have lived in the home for the past 10 years and like being in an older home that has the farmhouse style. Ms. Bachman stated the home was constructed in 1908 so they cannot control the setbacks that were done then.

Mr. Bachman stated they were drawn to the home because of the character and age of the home. Mr. Bachman stated they are having issues modernizing the home now due to the three previous additions that were not designed to support a second floor. Mr. Bachman stated the attached garage span is making it difficult to add a second floor. Mr. Bachman stated it does not make sense to keep certain portions of the home so they are proposing to remove the additions, but keeping the original 1908 home due to its character.

Mr. Simoneit showed a 3-dimensional model of the proposed home changes and stated 444 Lowell is the first home that was built on this block. Mr. Simoneit stated the additions that were put on the home are the true problems at the moment, and these additions add up to a lot of square footage to be altered. Mr. Simoneit stated the word "nonconforming" is applied due to the front five feet of the home that is in the front yard setback, and that it being one of the original homes in the area, it is likely it was there before the road was. Mr. Simoneit added that it had previously had a Bryant Avenue address. Mr. Simoneit stated there are approximately 13 homes on the block which have similar front yard setbacks. Mr. Simoneit stated for Variation #2, they are going for a Greek Revival look, and this proposed eave height is an aesthetically better solution than the other option which would be compliant. Mr. Simoneit stated it should be considered an architectural feature. Mr. Simoneit stated this extended eave height will allow snow and ice drainage around it and adding a window for more natural light. Mr. Simoneit stated the extended eave height does also proportionally fit in scale and preserves the roofline of the original home.

Additional Questions from the Zoning Board of Appeals

Chairperson Constantino asked what the foundation of the existing additions are made of. Mr. Simoneit stated it looks like birch tree stumps served as the foundation on the first addition, and they will be addressing a potentially unsafe situation which they currently have in the existing additions.

ZBA Member Panther asked if there is a third floor. Mr. Simoneit stated there is not, but the stairwell will go to the bedrooms.

ZBA Member Jones asked if they are keeping the 1908 home and what the foundation is of the original home. Mr. Simoneit stated they are keeping the original 1908 home, and the original home's foundation is stone and is structurally sound. Mr. Simoneit stated they will do some backside underpinning as well.

ZBA Member Whalls asked about a time for completion. Mr. Bachman stated it should be 6 to 8 months.

Village Planner Ashbaugh stated on the demolition plans, a portion of the north wall will be coming down as they are proposing to add on to the north wall. Mr. Simoneit stated they are proposing to alter the existing framing and open the former back door for a room entry.

Persons in Favor of or in Opposition to the Variation Requests

James Dorger, who resides at 436 Lowell Avenue, stated they are the next-door neighbors to 444 Lowell. Mr. Dorger stated he and the other neighbors are strongly in favor of this as the Bachmans will be keeping the original farmhouse. Mr. Dorger stated they have been in their home since 1989.

No one spoke against these variation requests.

Findings of Fact

ZBA Member Whalls stated petitioners Greg and Paula Bachman own the property at 444 Lowell Avenue, which is an interior lot located on the west side of Lowell Avenue, north of Hillside Avenue. ZBA Member Whalls stated the petitioners are requesting two variations – one is a Class II alteration to alter approximately 60 percent of the existing home, and the other variation is due to an extended three feet of eave height. ZBA Member Whalls stated notice of the public hearing was published in the August 23, 2019 edition of the Daily Herald. ZBA Member Whalls stated there are no Village records of prior variations. ZBA Member Whalls stated architect Jamie Simoneit said he found a record showing the home was built in 1906, and not 1908. ZBA Member Whalls stated there was minor repair work done in the 1960s and 1980s as well as a detached garage constructed in 1985. ZBA Member Whalls stated in 1988, a

one-story addition was constructed to the west of the original home, connecting it to the detached garage.

ZBA Member Whalls stated the petitioners propose to construct a 2,817 square-foot, two-story addition onto the rear (west) and part of the side (north) elevations of the existing nonconforming single family home. ZBA Member Whalls stated the existing home is two stories and has approximately 3,291 square-feet of livable floor area. ZBA Member Whalls stated to construct the proposed addition, the petitioners plan to demolish approximately 1,803 square-feet of the existing home which results in a net gain of livable, enclosed square footage of approximately 1,014 square-feet and an addition of less than 75 percent of the existing square footage, a Class I addition. ZBA Member Whalls stated Class I additions to existing nonconforming structures are permitted on lots of at least 6,534 square feet in area and 50 feet or more in width. ZBA Member Whalls stated in accordance with Section 10-2-2, Definitions, of the Zoning Code, "altered surfaces" are defined as all of the exterior surfaces of a building which will be relocated, or removed and filled in with exterior wall material. ZBA Member Whalls stated all parts of the roof and all walls, excluding the area of any windows or door openings, are included when accounting for the total existing surface area and the total altered surface area of the existing home.

ZBA Member Whalls stated due to the demolition of greater than half of the existing home, a total of approximately 3,814 square feet in surface area is proposed to be altered. ZBA Member Whalls stated the surface area (including walls and roofed over surfaces) of the existing home in total is approximately 6,331 square feet. ZBA Member Whalls stated the proposed addition requires approximately 60 percent of the existing home's surface area to be altered, which is defined as a Class II alteration. ZBA Member Whalls stated on buildable lots, up to 50 percent of the surface areas of a non-conforming structure are permitted to be altered as a Class I alteration. ZBA Member Whalls stated the variation is to exceed the permitted Class I alteration by 10 percent for existing nonconforming structures.

ZBA Member Whalls stated on the proposed front (east) elevation, the height of the tallest eave is 28 feet from the average existing grade. ZBA Member Whalls stated in accordance with Section 10-2-2, Definitions, of the Zoning Code, an "eave" is the lower edge of a sloping roof surface or the top edge of a parapet or the top of a flat roof. ZBA Member Whalls stated on lots in the R2 district which are equal to or greater than 66 feet and less than or equal to 90 feet in width, the maximum permitted eave height is 25 feet. ZBA Member Whalls stated the petitioners request a variation for two eaves each with a height of 28 feet which exceeds the maximum permitted eave height of 25 feet.

ZBA Member Whalls stated the front yard setback is approximately 24 feet, 6 inches which is nonconforming, but the porch was built with the original home in 1908. ZBA Member Whalls stated there are no drainage issues at this time. ZBA Member Whalls stated the ZBA heard from petitioners Greg and Paula Bachman that they have lived in the home for 10 years and hope for this work to be completed in 6 to 8 months. ZBA Member Whalls stated the ZBA heard from architect Jamie Simoneit that there are foundation issues on the existing additions. ZBA

Member Whalls stated Mr. Simoneit indicated there are many homes on the block that have nonconforming porches in the front yard setback as well. ZBA Member Whalls stated the original request stated there would be a 63 percent alteration to the home, but after staff reviewed more accurately dimensioned plans, it was determined that 60 percent of the existing home is being altered rather than 63 percent.

Motion

ZBA Member Panther moved, seconded by ZBA Member Covington, that the Zoning Board of Appeals recommend approval of the Findings of Fact.

Additional Comments from the Zoning Board of Appeals

ZBA Member Panther stated he likes what they are proposing as they are saving the original home. ZBA Member Panther stated this home was built in 1908 and was the first home on the block. ZBA Member Panther stated he is supportive of Variation #1, but he is struggling with Variation #2 as this is more of an architectural element to the home which could be adjusted to be compliant. ZBA Member Panther stated he likes that they are correcting the existing encroachment into the north side yard to be compliant.

Student ZBA Member Greenleaf stated she likes what they are doing as they are preserving the history of the home so she is supportive of Variation #1. Student ZBA Member Greenleaf stated she agrees with ZBA Member Panther about Variation #2 as this is more of an architectural element.

ZBA Member Jones stated that he is in favor of both variations, and he likes that they are keeping the original home and foundation. ZBA Member Jones stated he understands the extra eave height is 3 feet, but this is under the existing ridge height.

ZBA Member Whalls stated he is in favor of both variations. ZBA Member Whalls stated they eave does look better architecturally with what they are proposing. ZBA Member Whalls stated no one is opposing this request. ZBA Member Whalls stated most of the original home will remain, and the front yard setback violations are prevalent on this block.

ZBA Member Covington stated she sees the clear-cut reasoning for Variation #1, and she appreciates that the petitioners are trying to maintain the integrity of the original home. ZBA Member Covington stated she agrees with ZBA Member Panther as she is struggling to see a hardship for eave height variation.

Chairperson Constantino stated he is in favor of granting both variations. Chairperson Constantino stated there is a unique circumstance as the petitioners are trying to retain the original farmhouse. Chairperson Constantino stated there is a poor, deteriorating foundation under the existing additions which has created a safety issue so this should be demolished. Chairperson Constantino stated he likes that they are keeping the character of the farmhouse.

Chairperson Constantino stated a number of neighbors signed a petition that they are in favor of these variations. Chairperson Constantino stated for Variation #2, the ridge of the new structure will not exceed the ridge of the existing structure, and this extra eave height makes sense for snow and ice run-off.

Chairperson Constantino stated all ZBA Members are in favor of Variation #1, but not Variation #2. ZBA Member Panther stated the extra eave height makes sense, but he cannot see a hardship for this. ZBA Member Panther stated he understands there could be a unique circumstance with the petitioners potentially addressing the safety issues with multiple stairwells. ZBA Member Jones stated addressing the stairway helps to address future uses of the stairway. Mr. Simoneit showed a rendering of what the compliant eave option would be and stated this creates a “ski slope” of sorts on the roof. Mr. Simoneit stated the eave variation would help keep the character and charm of the farmhouse with an aesthetic value. ZBA Member Covington stated she cannot see a hardship in this.

Chairperson Constantino stated they would need 4 “yes” votes to have approval on this, but it appears it would only get 3 “yes” votes and asked how the petitioners would like to proceed. There was a discussion regarding how the petitioners would like to proceed, and the petitioners asked the ZBA to vote on both variations now so this can go to the Village Board for their vote.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 444 Lowell Avenue at 8:24 p.m. The motion carried unanimously with a voice vote.

Variation #1

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

Having considered the application of Greg and Paula Bachman, for a zoning variation to allow a Class II alteration to an existing nonconforming single family home of approximately 60 percent where only Class I alterations are permitted in the R2 – Residential District, on an interior lot on the property located at 444 Lowell Avenue, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners’ application packet and presented by the petitioners at the September 10, 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 Section 10-8-6(B)(3) of the Glen Ellyn Zoning Code due to the following hardships and unique circumstances:

1. The existing 3 additions which were poorly constructed and pose a potential safety hazard;
2. Questionable building standards with tree stumps used for a foundation.

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 September 10, 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 Covington, Jones, Panther, Whalls and Chairperson Constantino.

Variation #2

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

Having considered the application of Greg and Paula Bachman, for a zoning variation to allow two eaves on a proposed addition to the existing single family home to exceed the maximum permitted eave height of 25 feet by three feet, for a total eave height of 28 feet in the R2 – Residential District, on an interior lot on the property located at 444 Lowell Avenue, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners’ application packet and presented by the petitioners at the September 10, 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 Section 10-4-8(F)(1) of the Glen Ellyn Zoning Code due to the following hardships and unique circumstances:

1. The requested eave height is a unique circumstance for dealing with ice and water issues; and
2. This would allow stairs to address function to the second floor of the home.

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 September 10, 2019 public hearing of the Zoning Board of Appeals.

The motion failed to carry. The “yes” votes are as follows: ZBA Members Jones, Whalls and Chairperson Constantino. The “no” votes are as follows: ZBA Members Covington and Panther.

Village Planner Ashbaugh stated this will be on the October 14, 2019 Village Board Meeting agenda.

Village Board Trustee Report

Trustee Christiansen stated there are many projects in motion, including Pete's Market potentially opening on September 26th, the Avere project is moving along with demolition and Bucky's is moving along. Trustee Christiansen stated Apex 400 will be filling the current hole for now, and the litigation about this project is still ongoing.

Trustee Christiansen stated the Village Board approved a resolution to direct the staff to do research on recreational cannabis regulations. ZBA Member Whalls asked recreational cannabis regulations can go on a referendum. Trustee Christiansen stated this has been brought up, but the state is doing licenses on certain dates which could then get missed. Trustee Christiansen stated there is nothing definite as everything is still being discussed. Village Planner Purvis stated there is a page on the Village's website about recreational cannabis regulations, and residents are encouraged to leave feedback on this. Village Planner Purvis stated the Plan Commission would hold a public hearing on October 10, 2019, regarding possible zoning recommendations for recreational cannabis dispensaries and if recreational cannabis dispensaries should be a Special Use, and the public is welcome to this hearing.

Staff Report

Village Planner Ashbaugh stated there will not be a meeting on September 23, 2019.

Adjournment

At 8:48 p.m., a motion was made by ZBA Member Panther and seconded by ZBA Member Whalls to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary

Reviewed by,
Katie Ashbaugh
Village Planner