

MINUTES
ZONING BOARD OF APPEALS
NOVEMBER 19, 2019

The meeting was called to order by ZBA Chairperson Greg Constantino at 7:03 p.m. ZBA Members Michelle Covington, Matt Jones, Chip Miller, Reed Panther and Tom Whalls were present. ZBA Student Intern Maddie Greenleaf 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 October 30, 2019, and all property owners within 250 feet of the subject property to which the variation request applied were notified by mail.

MINUTES

ZBA Member Jones moved, seconded by ZBA Member Whalls, to approve the minutes of the September 10, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 200 Hill 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.

ZBA Member Jones made a motion and ZBA Member Miller seconded to open the public hearing for 200 Hill Avenue at 7:07 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 200 HILL AVENUE

PETITIONERS DAN INCZE AND EMESE CSOMAI ARE REQUESTING APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE TO ALLOW THE CONSTRUCTION OF A SECOND-STORY ADDITION TO AN EXISTING SINGLE FAMILY HOME TO MAINTAIN THE NONCONFORMING INTERIOR SIDE YARD SETBACK OF 2 FEET ALONG THE WEST INTERIOR SIDE LOT LINE, IN LIEU OF THE REQUIRED 6 FEET 6 INCHES IN THE R2-RESIDENTIAL DISTRICT AND 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.

(Dan Incze and Emese Csomai, owners of the property at 200 Hill 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 Dan Incze and Emese Csomai, owners of the property at 200 Hill Avenue, are requesting a variation from the Glen Ellyn Zoning Code to allow a second-story addition to an existing single-family home to maintain the nonconforming interior side yard setback. Village Planner Ashbaugh showed an overview of the property and an aerial view of the property and stated the subject property and the properties to the east, west and south are all zoned R2 – Residential, and the properties to the north are incorporated City of Wheaton and are also single-family homes. Village Planner Ashbaugh stated the subject property is an interior lot located on the north side of Hill Avenue, just east of the Traver Avenue intersection.

Village Planner Ashbaugh stated notice of the public hearing was published in the October 30, 2019 edition of the Daily Herald and mailed to property owners within in 250 feet of the subject property and a placard was placed on the property. Village Planner Ashbaugh stated it seems it is unclear if the placard was placed on the property or not as ZBA Member Miller stated he did not see this; however, Village Planner Ashbaugh stated she received a phone call from a property owner within 250 feet of the property asking about this potential variation. Village Planner Ashbaugh confirmed that per Section 10-10-11(C) of the Glen Ellyn Zoning Code that should a placard not be placed on the subject property in advance of a public hearing, that the Zoning Board of Appeals may still proceed with the hearing.

Village Planner Ashbaugh continued to describe the request and stated that the required side yard setback for the property is 6 feet 6 inches, but the existing home is only 2 feet from the west interior lot line. Village Planner Ashbaugh stated the lot width is 50 feet instead of the minimum requirement for the interior lots in the R2 district. Village Planner Ashbaugh stated she placed a 2-foot Contour 100 Year Floodplain map on the dais for the ZBA Members to review for this variation.

Village Planner Ashbaugh showed the existing site plan and the proposed site plan and stated the proposed addition will be built directly in line with the first story toward the rear of the existing home. Village Planner Ashbaugh stated the proposed addition would not encroach any further into the required interior side yard back than the existing walls of the first floor, and that the eave height, the ridge height, and the alteration class are also all within the Code so the only variation needed is for the side yard setback.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the petitioners are proposing anything closer to the lot line. Village Planner Ashbaugh stated the addition itself is actually 3 feet from the west interior side lot line but that the front of the home is as close as 2 feet so the request is to allow the structure to be up to 2 feet from the lot line.

ZBA Member Jones asked about the distance from the home to the east lot line. This was discussed, and ZBA Member Jones stated he found this information in the packet.

Chairperson Constantino asked if the addition would require new load-bearing walls if it was built with the required 6 foot 6 inch setback. Village Planner Ashbaugh confirmed that it was written as such in the petitioners' application and that was her understanding of the construction required to comply. Village Planner Ashbaugh stated that the architect was present with the petitioner and he may be able to explain it in greater detail. Chairperson Constantino asked if the staff received any comments on this proposed addition. Village Planner Ashbaugh stated she did not receive any comments for or against, only an inquiry into the nature of the variation, and that gentleman was not in opposition.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Dan Incze, co-owner of the property at 200 Hill Avenue and David Schaefer, architect and owner of David Schaefer Architects.

Mr. Incze stated he and his wife bought the home to bring their family to Glen Ellyn where it is a good community with good schools. Mr. Incze stated it is their intention to build the addition so they can add bedrooms upstairs. Mr. Schaefer stated there is the issue of the partial flood plain on the property, and he thinks this partial floodplain is why the home was built so close to the west property line. Mr. Schaefer stated this is a 100-year old home, and they see this as a reasonable request.

Additional Questions from the Zoning Board of Appeals

Chairperson Constantino asked if the petitioner has contacted the neighbor to the west. Mr. Incze stated he sees him whenever he is at the property, and this neighbor does not seem to have any issue with the proposed addition.

Chairperson Constantino asked about possible re-engineering of the load-bearing walls if the setback was at 6 feet 6 inches. Mr. Schaefer stated they are proposing to keep the outside line of the west and east walls which are the existing load-bearing walls. Mr. Schaefer stated if they had to push in the walls 3 feet, they would need to install beams that carry down to the basement and foundation to carry the load of the home.

Chairperson Constantino asked if any other variances are being requested. Mr. Schaefer stated they have not proceeded with permit drawings yet until they know about this variance.

Chairperson Constantino asked if they had done research on the floodplain. Mr. Incze stated he did research and did come across a letter that says the home is officially off the flood plain, and he can produce this letter if need be.

ZBA Member Panther asked if there is a hardship with the property only being 50 feet wide. Mr. Schaefer stated he thinks if the lot width was the required 66 feet, they would not need this variance.

ZBA Member Covington asked at what point the property owners became aware that a proposed addition would need a variance. Mr. Incze stated he found this out after contacting Mr. Schaefer as Mr. Schaefer did look into this. Mr. Incze stated they purchased the property and then contacted Mr. Schaefer.

ZBA Member Miller asked if the house would look off-kilter if they had to move the second floor over 3 feet. Mr. Schaefer stated the home would not be well-balanced as the house does have symmetry now. ZBA Member Miller stated most homes in this neighborhood are older, and an unbalanced home would not fit into the neighborhood. Mr. Schaefer agreed with this.

Persons in Favor of or in Opposition to the Variation Requests

No one spoke for or against these variation requests.

Findings of Fact

ZBA Member Panther stated the property in question is 200 Hill Avenue, and petitioners Dan Incze and Emese Csomai are seeking a variance from Section 10-4-8(D)(3) to allow the construction of a second-story addition to an existing single family home to maintain the nonconforming interior side yard setback of 2 feet along the west lot line, in lieu of the required 6 feet 6 inches and any other zoning relief necessary to construct the project as depicted on the plans presented. ZBA Member Panther stated the subject property and the properties to the east, west and south are zoned R-2 Residential, and the properties to the north are incorporated City of Wheaton and are single-family homes as well.

ZBA Member Panther stated they heard from Village Planner Ashbaugh and Village Planner Purvis. ZBA Member Panther stated no prior variations have been issued for this property. ZBA Member Panther stated the subject property is 50 feet in width in lieu of the required 66 feet in width requirement in the R2 Zoning District, and the property is 16,155 square feet in size. ZBA Member Panther stated the 100-Year Floodplain does encroach on the east side of the property line. ZBA Member Panther stated the new addition as proposed would follow along the existing building line along the west side of the property, and the addition is technically 3 feet set back from the property line to the west, but the existing structure is actually 2 feet from the closest point. ZBA Member Panther stated there are no comments received in support or against this variation request.

ZBA Member Panther stated they heard from property owner Dan Incze and architect David Schaefer. ZBA Member Panther stated Mr. Incze indicated they are moving to the area because of the schools and for his family, and they need additional space with this property. ZBA Member Panther stated Mr. Schaefer indicated he felt that the floodplain along the property line created a hardship that shifted the home as far to the west of the property as possible. ZBA Member Panther stated the petitioner has indicated there are no issues with this proposed addition from the property owner to the west. ZBA Member Panther stated Mr. Schaefer indicated that keeping the addition along with the existing structural walls minimized the need

for additional support to the additional loads. ZBA Member Panther stated the petitioner has indicated he believes the home is at least 100 years old.

Motion

ZBA Member Covington moved, seconded by ZBA Member Whalls, 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 is in support of this as the property is narrower than the required minimum property width.

ZBA Member Jones stated that he is in support of this. ZBA Member Jones stated his brother lives on Elm, and his brother added an addition that was compliant to the Zoning Code, and it looks bad as it is not symmetrical. ZBA Member Jones stated he likes what they are doing.

ZBA Member Whalls stated he is in support of this as there were no comments against this. ZBA Member Whalls stated there is the pre-existing condition of where the home was placed on the property. ZBA Member Whalls stated he did research, and the home is 102 years old. ZBA Member Whalls stated this proposed addition will fit the character of the neighborhood. ZBA Member Whalls stated there will be no sunlight impediment with this proposed addition, and there will not be any safety issues either.

ZBA Member Covington stated she is in support of this as this proposed addition will not be encroaching any further into the setback, and the sight lines will be fine. ZBA Member Covington stated there is a hardship that would be incurred if they had to do the 6 feet 6 inch setback.

ZBA Member Miller stated he is in support of this as saving a 102-year old home is always good. ZBA Member Miller stated there is no one has complained about this proposed addition, and the proposed addition will not go outside of the current home footprint.

Chairperson Constantino stated due to the 50-foot lot width and the location of the floodplain on the property, this pushes any improvements further to the west. Chairperson Constantino stated this hardship was not caused by the petitioner, and a compliant addition would add additional support and load-bearing walls to the foundation. Chairperson Constantino stated a compliant addition would not have a balanced aesthetic view, but this proposed addition would allow for character retention in the neighborhood. Chairperson Constantino stated he is in support of this.

Motion

A motion was made by ZBA Member Jones and seconded by ZBA Member Panther to close the public hearing for 200 Hill Avenue at 7:35 p.m. The motion carried unanimously with a voice vote.

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

Having considered the application of Dan Incze and Emese Csomai for a zoning variation to allow the construction of a second-story addition to an existing single family home to maintain the nonconforming interior side yard setback of 2 feet along the west lot line, in lieu of the required 6 foot 6 inches in the R2 – Residential District, on an interior lot on the property located at 200 Hill Avenue, the Zoning Board of Appeals hereby adopts the Findings of Fact in the petitioners' application packet and presented by the petitioners at the November 19, 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(D)(3) of the Glen Ellyn Zoning Code due to the following unique circumstances:

1. The 102-year old home was built on a narrow lot with the home sitting on the far west side to avoid the floodplain; and
2. Moving the second floor 3 feet to the east would cause significant structural alterations and make the home look off-balance and out of character for the neighborhood.

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 November 19, 2019 public hearing of the Zoning Board of Appeals.

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

Chairperson Constantino stated the petitioners received a unanimous approval from the Zoning Board of Appeals, and this will go to the Village Board for a vote. Chairperson Constantino stated the petitioners should work with Village Planner Ashbaugh and Village Planner Purvis to see when this will be on the Village Board agenda.

Village Board Trustee Report

Trustee Christiansen stated the Village Board approved a moratorium on the issue of recreational cannabis so this will be discussed again in a year. Trustee Christiansen stated the Village Board passed the Second Reading of the 2020 Budget. Trustee Christiansen stated Bucky's and the Avere project are in process, and the Apex project is still in litigation. Trustee

Christiansen stated there has been no real progress on the McChesney site. Trustee Christiansen stated the Christmas Walk will be Friday, November 29th.

ZBA Member Panther asked about the train station/underpass project. Trustee Christiansen stated there will be a celebration on November 25th in appreciation of the grant the Village has received for this, but this project is still several years off.

ZBA Member Whalls asked about the Civic Center Parking Garage. Trustee Christiansen stated the Village is in talks about setbacks with some of the property owners on Hillside Avenue as well as a property owner on Main Street.

Staff Report

Village Planner Ashbaugh stated there will be a meeting on December 10, 2019 and possibly a meeting in January 2020. Village Planner Ashbaugh stated the Civic Center Parking Garage will come before the Plan Commission at the December 12, 2019 meeting.

ZBA Member Whalls asked about the number of permits this year compared to last year. Village Planner Purvis stated they do not have the exact numbers with them at this time, but will provide this information at the December 10, 2019 meeting. Village Planner Purvis stated that the number was significantly higher than last year.

Adjournment

At 7:47 p.m., a motion was made by ZBA Member Covington and seconded by ZBA Member Jones to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Debbie Solomon
Recording Secretary

Review by,

Katie Ashbaugh
Village Planner