

MINUTES  
ZONING BOARD OF APPEALS  
DECEMBER 10, 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 November 22, 2019, and all property owners affected by the variations being requested were notified by mail.

MINUTES

ZBA Member Covington moved, seconded by ZBA Member Whalls, to approve the minutes of the November 19, 2019 meeting. The motion carried unanimously with a voice vote.

On the agenda was a public hearing regarding the property at 494 Carleton 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 Miller and seconded by ZBA Member Jones to open the public hearing for 494 Carleton Avenue at 7:05 p.m. The motion carried unanimously with a voice vote.

PUBLIC HEARING – 494 CARLETON AVENUE

PETITIONER JAMES CAMPBELL IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE ONE FOOT FROM THE INTERIOR SIDE LOT LINE IN LIEU OF THE MINIMUM DISTANCE REQUIRED OF THREE FEET FOR ACCESSORY STRUCTURES GREATER THAN TEN FEET FROM THE PRINCIPAL STRUCTURE IN THE R2-RESIDENTIAL DISTRICT. 2. TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE ONE FOOT FROM THE INTERIOR SIDE LOT LINE IN LIEU OF THE MINIMUM DISTANCE REQUIRED OF THREE FEET FOR ROOFED OVER STRUCTURES IN THE R2 – RESIDENTIAL DISTRICT. 3. 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.

(James Campbell, owner of the property at 494 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 petitioner James Campbell, owner of the property at 494 Carleton Avenue, is requesting two variations from the Glen Ellyn Zoning Code to construct a 560 square-foot two-car, detached garage to the rear of his existing home. Village Planner Ashbaugh showed an aerial view of the property and stated the subject property and the surrounding properties are all zoned R2 – Residential. Village Planner Ashbaugh stated the subject property is an interior lot located on the west side of Carleton Avenue, just north of the Duane Street and Carleton Avenue intersection.

Village Planner Ashbaugh stated notice of the public hearing was published in the November 22, 2019 edition of the Daily Herald, mailed to property owners within in 250 feet of the subject property and a placard was placed on the property. Village Planner Ashbaugh stated the subject property is 7,500 square feet in area and has a lot width of 50 feet, so the lot is a legal nonconforming lot.

Village Planner Ashbaugh showed the 2019 Plat of Survey for this property and stated the petitioner is proposing a new 14 foot by 40 foot two-car garage toward the rear of the property to replace the existing garage. Village Planner Ashbaugh stated accessory structures with roofs and those farther than ten feet from the principal structure, are required to be at least three feet from the interior side and rear lot lines. Village Planner Ashbaugh stated the petitioner proposes to construct the new garage in approximately the same location as the existing garage with a larger footprint to park two vehicles in tandem (parallel), with a one-foot setback from the north interior side lot line. Village Planner Ashbaugh stated with the proposed garage, the maximum eave and ridge height will be compliant and will not need variations. Village Planner Ashbaugh showed pictures of the existing property and renderings of the proposed new garage.

Village Planner Ashbaugh showed a 2-foot contour map to show the depression area to the west side of the property and stated she and Development Civil Engineer Amy McKenna did visit this site and noted the depressional areas.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked if where the measurement for the setback was taken from. Village Planner Purvis stated when surveys are done for detached garages, they go to the foundation for the setback measurement.

ZBA Member Miller asked if the proposed garage gutter will then overhang the property line. Village Planner Ashbaugh stated this does appear to be the case, the ZBA might have to approve two additional variations on top of the two listed. Village Planner Ashbaugh said this was allowed, as the public hearing notice includes the phrase, "Any other zoning relief necessary," as a catch-all for cases such as these. Village Planner Ashbaugh stated that it does appear based on this observation that two additional variations from Sections 10-5-5 (B)(4) #9 & Section 10-5-5 (B)(4) #17 would be required.

#### Petitioners' Presentation

Sworn in for the Petitioner's Presentation was James Campbell, owner of the property at 494 Carleton Avenue.

Mr. Campbell stated they have lived in the home since 1992, and the home is approximately 90 years old. Mr. Campbell stated he thinks the garage is almost as old as the home. Mr. Campbell stated the existing garage is not in good shape, and they would like to replace the existing one-car garage with a two-car garage. Mr. Campbell stated the yard is tight and narrow, and in the past 10 years, construction on neighboring properties has created water flow into his yard. Mr. Campbell stated if they built a garage that was compliant to the code, this would put the garage right in this flow of water.

Mr. Campbell stated the construction on the neighboring properties changed the direction of the water flow into his yard. Mr. Campbell stated there is a catch basin on the southwest corner of the lot which was put in approximately 6 years ago. Mr. Campbell stated they are proposing a tandem garage so the garage would not be sitting in water. Mr. Campbell stated he will be working with the builder to create a drainage system for all the water on the property to flow into as they build this proposed garage. Mr. Campbell stated their hardship is that any draining water flows through and then stands in their back yard, and if they moved the garage over, the garage would then run into their deck, and they could not access their back yard.

Mr. Campbell showed pictures of their property and things added in the neighboring yards to show why the water is flowing to their yard. Mr. Campbell stated a koi pond and deck were installed in the property to the north and a sport court and deck were installed in the property to the south. Mr. Campbell said at the time the sport court was installed, that he had called the Village about it and was told that a permit was not required for it. Mr. Campbell continued to describe the conditions of the surrounding properties and stated that in the mid-2010s, he and his wife rented the property for a few years and lived out of state and thus were not around during any building activities of their neighbors. Mr. Campbell stated that during this time, the owners of the property to the west installed new landscaping which included several very large boulders. Mr. Campbell showed photos of them and continued that he would have certainly notified the Village of this if he had been living on the property at the time.

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked what the Development Civil Engineer said about the water. Mr. Campbell stated the Development Civil Engineer McKenna said that she understood what they were dealing with and what they are trying to do with this proposed garage. Village Planner Ashbaugh read from an email written by Development Civil Engineer McKenna which stated, "Adjacent neighbors have filled their back yards with landscaping improvements and have essentially filled in some of the areas that would store water during a larger event, forcing more of the water toward Mr. Campbell's property. There is a storm sewer in the area that drains the depression so it is not completely undrained, but I would expect water would pond in the yard during a large storm event. Mr. Campbell has learned to manage this, and his home seems to be protected from flooding. It is my opinion that he is locating his garage expansion thoughtfully to allow the water to continue to pond in his rear yard where it currently does, and he is planning to extend some additional sewer to improve drainage of the area, north of his existing/proposed garage." Village Planner Ashbaugh stated Development Civil Engineer McKenna did not provide any direct suggestions, other than the improvements the petitioner is planning in terms of additional storm sewer and placement make sense to her, pending permit plan review.

ZBA Member Jones asked if the Development Civil Engineer say the garage could not be built to code. Village Planner Ashbaugh stated according to the email from Civil Engineer McKenna, she seems to be in agreement with where the garage is proposed. ZBA Member Jones asked if the garage could be elevated. Mr. Campbell stated the garage is already up a bit, but he would not want to go any higher, and he does not want water around it.

Mr. Campbell stated he has signatures from the immediately surrounding neighbors, all agreeing to the construction of this proposed garage.

ZBA Member Whalls asked if there were always permits needed for sport courts. Village Planner Purvis stated she cannot speak to this. Mr. Campbell stated he called the Village when the neighbor was building the sport court, and the Village at that time said that sport courts were not in the Village's code.

ZBA Member Miller asked if the existing garage is dangerous if left as is. Mr. Campbell stated it is. ZBA Member Miller asked if the petitioner would have a problem if a requirement was added for the new garage gutter to drain to the west of the garage. Mr. Campbell stated he did not have an issue with this.

ZBA Member Covington asked if the gutter will be going over the property line. An unidentified speaker stated that it was going over the property line. Chairperson Constantino asked if the proposed garage could be reduced to 13 feet wide so the gutter would not hang over. Mr. Campbell stated he could do this, but he does not want to as a 13-foot wide garage would not work for them.

ZBA Member Whalls stated this can be taken care of easily, and the Village should get involved regarding the water drainage. Village Planner Ashbaugh stated Civil Engineer McKenna will do a review of the proposed drainage system and added that this review would be required whether or not the variations were necessary to build the garage.

#### 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 494 Carleton, and petitioner James Campbell is seeking a variation from Section 10-5-4(A)(4)(c) to allow the construction of a detached garage one foot from the interior side lot line in lieu of the minimum distance required of three feet for accessory structures greater than ten feet from the principal structure in the R2 - Residential District, from Section 10-5-5(B)(4) to allow the construction of a detached garage one foot from the interior side lot line in lieu of the minimum distance required of three feet for roofed over structures in the R2 - Residential District 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 surrounding properties are zoned R-2 Residential. ZBA Member Panther stated the subject property is an interior lot, located on the west side of Carleton Avenue, just north of the Duane Street and Carleton Avenue intersection. ZBA Member Panther stated there is no record of prior variations being granted for this property.

ZBA Member Panther stated they heard from Village Planner Ashbaugh and Village Planner Purvis. ZBA Member Panther stated the existing garage is approximately ten feet seven inches wide by 22 feet six inches. ZBA Member Panther stated the petitioner is proposing a new two-car garage of 14 feet by 40 feet, continuing along the existing one foot setback. ZBA Member Panther stated the petitioner indicated the existing garage is in a state of disrepair. ZBA Member Panther stated it was noted that the proposed eave will overhang 12 inches from the foundation line, and the proposed gutter will overhang the north interior side property line.

ZBA Member Panther stated they heard from petitioner James Campbell who said they have lived on the property since 1992, and that the existing garage is in disrepair. ZBA Member Panther stated it was noted there is a tree line along the rear of the property which the petitioner is trying to maintain. ZBA Member Panther stated there is a depressional area along the property to the west, and the topographical maps which were in the ZBA Members' packets are not necessarily consistent with field conditions. ZBA Member Panther stated there is a catch basin located on the southwest portion of the property that catches most of the water flow from the surrounding area.

ZBA Member Panther stated staff read an email from Development Civil Engineer Amy McKenna who indicated that the adjacent properties have done landscaping improvements

which has essentially filled in some of the areas that would store water during a larger event. ZBA Member Panther stated it has been indicated the existing garage as it stands now could be dangerous, and any drainage of the downspouts will drain to the west.

### Motion

ZBA Member Whalls 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 Miller stated he cannot recommend this currently with the issue of the gutter overhanging onto the neighboring property. ZBA Member Miller stated he suggests they table this to the next meeting so the Campbells can meet with their builder and figure out how to make the gutter not overhang onto the neighboring property.

Mr. Campbell asked if there is a requirement to have a gutter on a garage. Village Planner Purvis stated she is not sure on this and would confirm with other appropriate Community Development Department staff. Mr. Campbell stated they are fine without a gutter on the north side of the garage. There was discussion regarding what they could do with this.

ZBA Member Miller stated if they can resolve the gutter issue, he would be in support of this.

ZBA Member Covington stated she understands the hardship and feels the petitioner has been thoughtful about the property. ZBA Member Covington stated the only issue she has is with the proposed gutter, but she would support this if the gutter issue is resolved.

ZBA Member Whalls stated he is in support of this.

ZBA Member Jones stated he understands the hardship of the water, but he feels this can be resolved and is not supportive of this. ZBA Member Jones stated the garage will be 40 feet long and one foot off the lot line. ZBA Member Jones stated where the water goes is a separate issue, and he would move the garage toward the back.

ZBA Member Panther stated he is supportive of this as well. ZBA Member Panther stated the Development Civil Engineer says the proposed garage will add the minimum amount of impervious area to the property.

Chairperson Constantino stated he is in favor of this due to the existing garage being dangerous and a new garage would sit in an area that floods. Chairperson Constantino stated they would need to remove mature trees if they built a code-compliant garage. Chairperson Constantino stated the Lot Coverage Ratio would be approximately 18%, and this proposal will not affect the character of the neighborhood. Chairperson Constantino stated the drainage issues will be

improved and paid for by the Campbells. Chairperson Constantino stated there would be a problem in drafting a motion that goes to the Village Board with the proposed gutter. Chairperson Constantino stated the Campbells and their builder need to draft a plan that meets their needs and does not affect the neighbors.

ZBA Member Whalls asked if a French drain could be put in the one-foot setback. Village Planner Purvis stated they will take this question to the Development Civil Engineer.

#### Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Panther to continue the public hearing for 494 Carleton Avenue to the next regularly scheduled Zoning Board of Appeals meeting on January 14, 2020. The motion carried unanimously with a voice vote.

#### Village Board Trustee Report

Trustee Christiansen stated there will be a discussion regarding the proposed Parking Garage at the Plan Commission meeting the following Thursday, December 12, 2019. Trustee Christiansen stated the Avere project and Bucky's project are moving along. Trustee Christiansen stated the Village Board approved a real estate broker to market the property at 825 N. Main Street.

#### Staff Report

Village Planner Purvis stated there will be a few items discussed at Thursday's Plan Commission meeting, including the parking garage, a zoning amendment for the Prairie Path and a pre-application meeting for the Glen Ellyn Food Pantry. Village Planner Purvis stated there has been some interest in the McChesney site. Village Planner Purvis there will be an open house shortly for the public to see information and give more input on the Village's proposed update to the Comprehensive Plan.

#### Adjournment

At 8:43 p.m., a motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,  
Debbie Solomon  
Recording Secretary

Reviewed by,  
Katie Ashbaugh, AICP  
Village Planner