

MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 22, 2020

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:08 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller, Reed Panther and Thomas Whalls were present. Also present were Planner Katie Ashbaugh, Associate Planner Jackson and Recording Secretary Lindsey Kaminsky.

Chairperson Constantino stated tonight's meeting is called pursuant to notice required by state statute that was published in the Daily Herald on September 4, 2020, and all property owners affected by the variations being requested were notified by mail. A placard was also placed on the property.

Chairperson Constantino stated this meeting will be conducted by audio or video conference without a physically present quorum of the Glen Ellyn Zoning Board of Appeals (ZBA) because of a disaster declaration related to COVID-19 and public health concerns affecting the Village of Glen Ellyn. Chairperson Constantino has determined that an in-person meeting at the Civic Center is not practical or prudent because of the disaster. The Chairperson, members of the Zoning Board of Appeals, Village Manager, and Village Attorney will not be physically present at the Civic Center because their attendance is unfeasible due to the disaster. Physical attendance at the Civic Center by the public is also not feasible because of the disaster.

Chairperson Constantino stated it is important that the cases scheduled tonight be heard to continue critical Village business which will enable ongoing construction, development, protection of property values, and the promotion of the Village's economic vitality.

Chairperson Constantino stated the Glen Ellyn Zoning Board of Appeals is advisory in nature and the actual variations that are being requested can only be granted by the Village of Glen Ellyn Board of Trustees. The ZBA's function is to listen to whatever testimony is offered by the petitioner and others. We take significant evidence, agree on the facts which we have found from the evidence, consider and deliberate among ourselves and then we make a recommendation to the Village Board.

Chairperson Constantino stated if the ZBA makes a recommendation favorable to the granting of the variation(s) requested, then the Village Board requires a majority vote for the final approval of the ordinance to grant the variation(s). If the ZBA makes a recommendation to deny the requested variation(s), it would then require a two-thirds vote of the Trustees of the Glen Ellyn Village Board to pass an ordinance approving the variation(s) requested.

MOTION TO ALLOW REMOTE PARTICIPATION

ZBA Member Miller moved, seconded by ZBA Member Jones to allow the members of the ZBA to participate remotely. The motion carried by roll call vote with 7 "yes" votes and 0 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls.

MINUTES

ZBA Member Crudele moved, seconded by ZBA Member Covington, to approve the minutes of the July 28, 2020 meeting. The motion was carried with 7 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls.

On the agenda was a public hearing regarding the property located at 170 Macintosh Court.

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 Whalls and seconded by ZBA Member Covington to open the public hearing for 170 Macintosh Court at 7:15 p.m. The motion carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls.

PUBLIC HEARING – 170 MACINTOSH COURT

PETITIONERS TONY AND KATIE CRUDELE ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. VARIATION FROM SECTION 10-5-4(A)(4)(a) TO ALLOW TWO ACCESSORY STRUCTURES CLOSER TO THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE ON THE LOT. 2. VARIATION FROM SECTION 10-5-5(B)(4) #15 TO ALLOW A GAZEBO IN THE FRONT YARD. 3. VARIATION FROM SECTION 10-5-5(B)(4) #29 TO ALLOW A SHED IN THE FRONT YARD. 4. ANY OTHER ZONING RELIEF NECESSARY TO ALLOW THE SHED AND GAZEBO, AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Tony and Katie Crudele, owners of the property located at 170 Macintosh Court.)

Staff Presentation

Associate Planner Cole Jackson was present to speak regarding the proposed variation request and was sworn in.

Associate Planner Jackson stated 170 Macintosh Court is a corner lot with frontage on three streets including IL-53, Sheehan Avenue, and Macintosh Court. He stated that it is defined as a through lot in the Zoning Code, and therefore has two front yards and no rear yard. He continued that the property is located east of IL-53, south of Sheehan Avenue, and west of Macintosh Court.

Associate Planner Jackson stated the petitioners are requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Variation from Section 10-5-4(A)4(a) to allow two accessory structures closer to the front property line than the principal structure on the lot.
2. Variation from Section 10-5-5(B)4-15 to allow a gazebo in the front yard.
3. Variation from Section 10-5-5(B)4-29 to allow a shed in the front yard.
4. Any other zoning relief necessary to allow the shed and gazebo, as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

Associate Planner Jackson stated the subject property and the properties to the north, south, and east are all zoned R2 – Residential District and are all improved with single family homes. He stated that the property to the west across IL-53 is zoned R2 - Residential District but is developed as Glen Crest Junior High School.

Associate Planner Jackson stated in 1992, the Village granted a variation through Ordinance 3968 to permit a 6-foot fence in the front and corner side yard of the property.

Associate Planner Jackson stated the following permits were issued for the subject property:

1. 1991 – New construction of a single-family home
2. 1992 – Fence
3. 1992 – Deck
4. 2003 – Fence
5. 2003 – Gazebo

Associate Planner Jackson stated the petitioners propose to construct a 240 foot (13ft high) gazebo and 80 square foot (8.2ft high) resin storage shed in the front yard of the property (between the principal structure and IL-53). He said that the gazebo and shed would be constructed in otherwise Code compliant locations, and at appropriate distances from the lot lines. He continued that the front yard along IL-53 is surrounded by a fence on three sides and for all intents and purposes is used like a rear yard. He said that the principal structure is orientated so that the primary door to the home is on Macintosh Court and functionally the “rear” door faces IL-53. He also said that because the Zoning Code defines the front yard on corner lots as “the shortest dimension of the lot adjacent to the street” and the property line along IL-53 is the shortest, the yard abutting IL-53 is considered the front yard despite functionally acting as a back yard. Finally, he concluded that the R2 District Regulations require through lots to provide a front yard on both streets. He stated in this case a front yard would be required on both the Macintosh Court and IL-53 sides of the property.

Associate Planner Jackson stated a previous variation was granted to allow a 6 foot fence on what would function as the rear yard for this property. Associate Planner Jackson stated the four homes to the south of the subject property are similarly situated and functionally use the yard along IL-53 as their rear yard as well. For the petitioners to move forward with the construction of the accessory structures, variations must be granted.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked if a variation would be needed if a home was located behind the subject property. Associate Planner Jackson stated if a home was located behind the subject property instead of IL-53, a variation would not be needed.

ZBA Chairperson Constantino asked if a variation was required when the gazebo was built in 2003. Associate Planner Jackson stated staff is unsure if a variation was required at that time and noted there have been code changes since then.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Tony Crudele and Katie Crudele, owners of the property located at 170 Macintosh Court.

Ms. Crudele stated they have lived in their home since 2018 and have all intentions to make it their forever home. Ms. Crudele stated the previous gazebo was destroyed in a storm. Ms. Crudele stated the unique located of the house lacks privacy and the gazebo would help with that. Ms. Crudele also noted the water/lagoon near their home brings mosquitoes, which the structure would help reduce. Mr. Crudele stated a shed on the property would allow for additional storage space and would clear up space in the garage to be used to park their cars.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked for confirmation that adjoining neighbors have used their rear yards for similar types of structures, and asked if there will be any change to the neighborhood. Ms. Crudele stated this is correct.

Persons in Favor of or in Opposition to the Variation Requests

Davinder Chhabra, property owner at 176 Macintosh Court, stated she has no objection to the variations requested. Ms. Chhabra inquired about potential variations for her home. ZBA Chairperson Constantino recommended that the Ms. Chhabra contact the Community Development Department directly to discuss and start the permit/variation process.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the property in question is 170 Macintosh Court; the owners are Tony and Katie Crudele; the petitioners are requesting a variation from Section 10-5-4(A)(4)(a) to allow two accessory structures closer to the front property line than the principal structure on the lot, a variation from Section 10-5-5-(B)(4) #15 to allow a gazebo in the front yard, a variation from Section 10-5-5(B)(4) #29 to allow a shed in the front yard and any other zoning relief necessary to allow the shed and gazebo, as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

ZBA Member Panther stated the findings of fact: the ZBA heard from Village Associate Planner Jackson, who indicated the property is located at the corner of Sheehan and Macintosh Court with IL-53 running along the west side of the property; the property is located on a through lot and a corner lot and the property does have two front yards; the property is located in an R2 Zoning District; the Village granted a variation in 1992 to construct a 6 foot fence in the front and corner side yard of the property; the property is well under the 25 percent lot coverage ratio; the proposal would have a 240 square foot gazebo and a 80 square foot shed along the IL-53 side of the property; if this was a through lot there would be no variation required for the petitioners; the original gazebo was not issued a variation at the time of construction likely due to the interpretation of the Zoning Code at that time.

ZBA Member Panther continued the findings of fact: the ZBA heard from petitioners Tony and Katie Crudele, who indicated the original gazebo collapsed in January 2019 due to heavy weight of snow fall; the neighbors use the frontage along IL-53 in a similar fashion as a functional rear yard.

ZBA Member Panther continued the findings of fact: the ZBA heard from Ms. Davinder Chhabra, property owner of 176 Macintosh Court, who indicated she had no objections to the Crudele's proposal.

Motion

ZBA Member Covington moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to amend and approve of the Findings of Fact. The motion carried by roll call vote with 6 "yes" votes and 0 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls. ZBA Member Crudele was excused from this vote as the petitioner of the property subject to the hearing.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated this request is straight forward. ZBA Member Covington the property is unique and other residents would not have to go through the variation process.

ZBA Member Jones stated he is in favor of the variations.

ZBA Member Miller stated he is in favor of the variations. ZBA Member Miller stated he would like to see the Village remove Zoning Code regulations for through lots.

ZBA Member Panther stated he is in favor of the variations and agrees with ZBA Member Miller regarding the Zoning Code regulations for through lots.

ZBA Member Whalls stated he is in favor of the variations.

ZBA Chairperson Constantino stated he is favor of the variations due to the unique circumstances outlined in the presentations.

Motion

A motion was made by ZBA Member Panther and seconded by ZBA Member Whalls to close the public hearing for 170 Macintosh Court at 7:44 p.m. The motion carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls. ZBA Member Crudele was excused from this vote as the petitioner of the property subject to the hearing.

A motion was made by ZBA Member Miller and seconded by ZBA Member Panther, as follows:

Having considered the application of Tony and Katie Crudele, owners of the property at 170 Macintosh Court, Glen Ellyn, for zoning variations to allow accessory structures closer to the front property line than the principal structure on the lot where none are permitted and to permit a shed and gazebo in the front yard at 170 Macintosh Court, a corner through lot in the R2 – Residential District, as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board, the Zoning Board of Appeals hereby recommends APPROVAL of the requested zoning variations of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. If this lot had a house behind it instead of IL-53, a variation would not be required.
2. This Zoning Code requirement should be removed for through lots as these variations are expensive to both the Village and petitioners.

The motion carried by roll call vote with 6 “yes” votes and 0 “no” vote. The “yes” votes are as follows: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls. ZBA Member Crudele was excused from this vote as the petitioner of the property subject to the hearing.

ZBA Chairperson Constantino stated the ZBA has now recommended approval and this application will go to the Village Board for Approval.

Village Board Trustee Report

Trustee Christiansen stated the Village Board had Workshop meeting on Monday, September 21. The Board received a mid-year financial update and there is approximately an \$800,000 deficit in the budget due to COVID-19. Trustee Christiansen stated the budget process for 2021 is to start soon. Trustee Christiansen stated the Village Board and staff are having discussions regarding business assistance for all Glen Ellyn businesses to assist with the COVID-19 pandemic. Trustee Christiansen stated the tent on Main Street is expected to be in use until November 2, weather permitting. Trustee Christiansen stated the Main Street parking lot is closed due to the Apex construction and encouraged residents and visitors to find other parking around the Village and to park by the path.

Trustee Christiansen stated the Village Board will be having preliminary meetings with the developers for the McChesney & Miller site.

ZBA Member Miller asked why the Village Board would be willing to put money into the McKee House when we have a budget deficit due to COVID-19. Trustee Christiansen stated the Village Board as an interest in saving the McKee House and are discussion options. ZBA Member Miller expressed his opposition of putting any Village money into this project.

ZBA Member Jones asked how much money the Village has spent on the parking garage. Trustee Christiansen stated she is unsure of the exact cost, but believes it is running slightly over budget.

ZBA Member Whalls asked how many parking stalls the parking garage will have. Planner Ashbaugh stated there will be 212 net new stalls, with 277 inside the garage and 10 surface stalls. She said the parking lot on the property previously had 75 stalls.

ZBA Member Whalls asked if construction has started for the Apex project. Trustee Christiansen stated demolition on the main street parking lot has begun with construction moving forward.

ZBA Member Whalls asked if there are any updates regarding the 5G group. Trustee Christiansen stated several Trustees have met with the group for educational conversations.

Staff Report

Planner Ashbaugh stated there are a few active applications but nothing slated for the next ZBA meeting.

Adjournment

At 8:03 p.m., a motion was made by ZBA Member Jones and seconded by ZBA Member Covington to adjourn the meeting. The motion carried by roll call vote of with 7 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls.

Respectfully submitted,

Lindsey Kaminsky
Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP
Planner