

MINUTES
ZONING BOARD OF APPEALS
DECEMBER 8, 2020

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:04 p.m. Zoning Board of Appeals Members Katie Crudele, Matt Jones, Chip Miller and Tom Whalls were present. ZBA Members Michelle Covington and Reed Panther were excused. Also present were Planner Katie Ashbaugh, Associate Planner Cole Jackson and Recording Secretary Lindsey Kaminsky.

Chairperson Constantino stated tonight's meeting is called pursuant to notice by statue that was published in the Daily Herald on November 21st and 23rd, 2020 for the properties located at 73 Newton Avenue and 554 N. Park Boulevard, respectively, and all property owners affected by the requests made for each property were notified by mail.

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. The Chairperson of the Zoning Board of Appeals 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.

EMERGENCY RULES OF PROCEDURE

ZBA Member Miller moved, seconded by ZBA Member Whalls, to approve the emergency rules of procedure. The motion was carried by roll call vote with 5 "yes" votes and 0 "no" vote. The "yes" votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

MINUTES

ZBA Member Whalls moved, seconded by ZBA Member Crudele, to approve the minutes of the November 10, 2020 meeting. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

On the agenda was a public hearing regarding the property located at 554 N. Park Boulevard and a public hearing regarding the property located at 73 Newton Avenue.

ZBA Chairperson Constantino stated all members of the Zoning Board of Appeals have visited both properties 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 554 N. Park Boulevard at 7:13 p.m. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

PUBLIC HEARING – 554 N. PARK BOULEVARD

PETITIONERS JULIE AND DAVID EVANS ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. A VARIATION FROM SECTION 10-4-8(D)(1) TO PERMIT A FRONT YARD SETBACK OF 23 FEET 6 INCHES WHERE 30 FEET IS REQUIRED; 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.

(Julie and David Evans, owners of the property located at 554 N. Park Boulevard).

Staff Presentation

Planner Katie Ashbaugh was present to speak regarding the proposed variation request and was sworn in.

Planner Ashbaugh stated the petitioners are Julie and David Evans, owners of the property at 554 N. Park Boulevard. She said the subject property and the properties to the north, east and west are all zoned R2 – Residential District and are all improved with single family homes. She said the property to the south is a parking lot for a church.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code:

1. Section 10-4-8 (D)(1) to permit a front yard setback of 23 feet 6 inches where 30 feet is required;
2. Any other zoning relief necessary to construct the property as depicted on the plans presented or revised at the public hearing or a public meeting of the Village Board.

Planner Ashbaugh stated the Village has not granted any past variations to this property. Planner Ashbaugh stated the Village has granted three permits to this property including a detached garage and driveway (2014), driveway approach (1998) and rear deck (1998).

Planner Ashbaugh stated the petitioners are proposing to modernize their existing nonconforming enclosed front porch. She said the existing and proposed porches are both 26 feet 3 inches wide by 8 feet 6 inches in depth. She continued that existing porch has stairs that lead to the porch from the north with an exposed door to the interior of the home. She said the proposed porch completely encloses the porch area, center the door and repositions the stairs to the front of the home.

Planner Ashbaugh stated this request requires a variation because this work is proposed to occur within the required front yard setback. She said if the front porch were open sided, it would be permitted to encroach into the front yard setback an additional 7 feet 6 inches and would not require the requested variation.

Planner Ashbaugh stated at owners of 6 nearby properties also signed a petition of support for the request, which was included in the meeting materials.

Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked if the variation is only for the porch structure, as the stairs are measured separately. Planner Ashbaugh stated stairs are permitted in a front yard if they are under 40 inches, which has been confirmed for this proposed improvement.

ZBA Chairperson Constantino asked if the variation will allow for the porch to be kept in the same location as it has been for years. Planner Ashbaugh confirmed this.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Julie Evans, owner of the property located at 554 N. Park Boulevard.

Ms. Evans stated her family has lived in the home located at 554 N. Park Boulevard since 1994 and noted the home was built in 1913. Ms. Evans stated she is very pleased with the relocation of the two car garage on her property from the north side of the lot to the south side of the lot, and noted the relocation necessitated the change of the porch. Ms. Evans stated the proposed changes will allow for easier access to her home and cause less confusion. Ms. Evans stated the proposed changes will not diminish the look of her home and noted several other homes in her neighborhood

have similar porches and cited the properties located at 562 N. Park, 567 Forest, and 539 Hawthorne.

Additional Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the change in location of the stairs will cause less confusion for emergency personnel by making it more prominent and noticeable on the front of the home. Ms. Evans confirmed this.

ZBA Chairperson Constantino asked if the current setback of the porch will remain the same. Ms. Evans confirmed this.

ZBA Chairperson Constantino asked if other homes in the neighborhood have similar porches and setbacks. Ms. Evans confirmed this.

Persons in Favor of or in Opposition to the Variation Requests

Jim Eaton, who resides at 555 N. Park Boulevard, was sworn in. Mr. Eaton stated he lives directly across the street from the Evans. Mr. Eaton stated he is in favor of the project as the porch is staying the same and there are similar porches in the neighborhood.

Elicia Viola, who resides at 646 Forest Avenue, submitted a written public comment. Ms. Viola wrote, "This will be a nice improvement and will blend in seamlessly with the historic homes around them".

Sheri Reditsch, who resides at 585 Hawthorne Boulevard, submitted a written public comment. Ms. Reditsch wrote, "Project compliments their house and the neighborhood. I vote yes".

Terri Maltby, who resides at 586 Glen Ellyn Place, submitted a written public comment. Ms. Maltby wrote, "As a resident of Glen Ellyn for 30 years and neighbor, I would propose approval for the Evan's porch project. The proposed plans of a front entry to the porch would not only enhance the street of Park Boulevard but also the historical look of Glen Ellyn. My vote is to approve this needed project".

Findings of Fact

ZBA Member Whalls stated the following findings of fact: the property in question is 554 N. Park Boulevard; the subject property is located on an interior lot located on the west side of N. Park Boulevard between Anthony Street and Glen Ellyn Place; the subject property was built in 1913; the petitioners are Julie and David Evans, the owners of the subject property; the petitioners are requesting a variation from Section 10-4-8 (D)(1) to permit a front yard setback of 23 feet 6 inches where 30 feet is required and any other zoning relief necessary to construct the property as depicted on the plans presented or revised at the public hearing or a public meeting of the Village Board; the

subject property is zoned as R2 – Residential District and is improved with a single family home; the surrounding properties are also zoned as R2- Residential District; the properties on the north, east and west are improved with single family homes and the property to the south is improved with a parking lot for the church; there were no prior variations requests for the subject property prior to tonight; there have been three permits pulled for the subject project; there is a long list of additional names of those who are in favor of the petition, three emails from neighbors who are in favor of the petition and one who spoke in favor of the petition; the front yard setback required 30 feet and the proposed set back is 23 feet 6 inches; the petitioners are proposing to modernize the existing non-conforming enclosed front porch; the existing porch and proposed porch are 26 feet three inches wide by eight feet six inches in depth; the existing stairs lead to the porch from the north with an exposed door to the interior of the home and the proposed porch completely encloses the porch area, centers the door and repositions the stairs to the front of the home; this request requires a variation to the proposed work occurring in the front yard setback and if the front porch were open sided, it would be permitted to encroach into the front yard setback an additional 7 feet 6 inches and would not require the requested variation; the petitioners provided photos of the existing conditions and photos of similar homes in the neighborhood.

Motion

ZBA Member Crudele moved, seconded by ZBA Member Jones that the Zoning Board of Appeals recommend to approve of the Findings of Fact. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

Additional Comments from the Zoning Board of Appeals

ZBA Member Crudele stated she understands the home is an older home and that it does not make sense to keep the stairs where they currently are. ZBA Member Crudele stated the project will make it is safer for the home owners and easier for emergency vehicles to find the home. ZBA Member Crudele stated she is in favor of the variation.

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

ZBA Miller stated this is an improvement to an existing condition, the project fits the character of the home and will make it safer to enter and exit the home. ZBA Member Miller stated he is in favor of the variation.

ZBA Member Whalls stated the project will maintain the character of the home and that he is in favor of the variation.

ZBA Chairperson Constantino stated he is in favor of the variation. ZBA Chairperson Constantino stated this is an existing non-conforming building and that it will maintain the characteristics of the home. ZBA Chairperson Constantino stated the house is not centered on the lot, which makes it

difficult for changes to be made to the home. ZBA Chairperson Constantino also noted the Zoning Board of Appeals heard from neighbors who are also in favor of the variation.

Motion

A motion was made by ZBA Member Jones and seconded by ZBA Member Whalls to close the public hearing for 554 N. Park Boulevard at 7:43 p.m. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

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

Having considered the application of Julie and David Evans, petitioners and owners of the property located at 554 N. Park Boulevard, Glen Ellyn, for a zoning variation to allow a front yard setback of 23 feet 6 inches where 30 feet is required for the replacement of an existing nonconforming, enclosed front porch on the property located at 554 N. Park Boulevard, an interior 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 adopts the findings of fact in the petitioner’s application packet and presented by the petitioner at the Zoning Board of Appeals remote public hearing conducted on December 8, 2020, 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)(1), of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The porch is an existing condition;
2. The only change is the location of the stairs, making the front entrance easier to see and use as well as making it safer;
3. It fits with the character of the neighborhood

The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

A motion was made by ZBA Member Miller and seconded by ZBA Member Crudele to open the public hearing for 73 Newton Avenue at 7:53 p.m. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

PUBLIC HEARING – 73 NEWTON AVENUE

PETITIONERS SCOTT AND NOREEN SCHAEFFY ARE REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. A VARIATION FROM SECTION 10-4-8(E)(1) TO ALLOW A LOT COVERAGE RATION OF 27.7 PERCENT WHERE A LOT COVERAGE RATION OF 20 PERCENT IS PERMITTED; 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.

(Scott and Noreen Schaetty, owners of the property located at 73 Newton Avenue)

Staff Presentation

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

Associate Planner Jackson stated the petitioners are Scott and Noreen Schaetty, owners of the property at 73 Newton Avenue. He said the subject property is zoned R2- Single Family Residential District and is improved with a single family home. He said the property to the north, south and west are all zoned R2- Single Family Residential District and are improved with single family homes. He said the property to the east is zoned CR – Conservation Recreation District and is developed as Glen Ellyn Manor Park.

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

1. A variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 27.7 percent where a lot coverage ratio of 20 percent is permitted; and
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.

Associate Planner Jackson stated the Village has not granted any past variations to this property. Associate Planner Jackson stated the Village has issued three permits for the property including a rear fence (2016), deck (1996) and single family home (1995).

Associate Planner Jackson stated the petitioners are proposing to roof over a 334 square foot portion of their 641 square foot existing patio at the rear of the home. He said the property is improved with a two-story single family home and is permitted a lot coverage ratio of up to 20 percent. He said the property is currently legal non-conforming with a lot coverage ratio of 23.3 percent. He continued that by adding the 334 square foot area of roofed accessory structure to the property, the petitioners would be increasing the lot coverage to 27.7 percent. He said that to make this property improvement, a lot coverage ratio variation is needed. He concluded that the subject property is smaller than a standard R2 district lot (by approximately 1,200 square feet) and the home does not have a front porch or detached garage and therefore does not benefit from the lot coverage ratio bonuses the Village allows.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the lot size of the subject property is similar to those in Glen Ellyn Manor Park. Associate Planner Jackson confirmed it is.

ZBA Chairperson Constantino asked if there were any concerns with stormwater drainage. Associate Planner Jackson stated there is not as this will not change the impervious surface on the subject property.

ZBA Chairperson Constantino asked if the patio would be able to be enclosed in the future and if any additional variations would be needed for that. Associate Planner Jackson stated no additional variations would be needed in relation to the lot coverage ratio.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Scott Schaetty, owner of the property located at 73 Newton Avenue and Phillip Piscopo, attorney for the property owner.

Mr. Schaetty stated his property is uncharacteristic to the rest of Glen Ellyn and Glen Ellyn Manor Park as there are no trees in the properties backyard. Mr. Schaetty stated his family is not able to use the backyard in the summer due the heat and lack of trees. Mr. Schaetty also stated he experiences higher ComEd bills in the summer due to the lack of trees to assist in cooling the home.

Mr. Schaetty stated the proposed work meets the characteristics of the neighborhood and is in line with the setback of the neighbors to the south of the property.

Mr. Schaetty stated the front of the house/drive way slopes into Newton Avenue and Lambert Road, which causes safety issues, which is why he would like to be able to use the backyard.

Mr. Schaetty stated there are no plans to enclose the area, just to add the roof above the existing porch.

Mr. Piscopo stated the proposed work would only require a Class I addition. Mr. Piscopo stated the property to the south has an addition that extends further than where the proposed roof does. Mr. Piscopo stated the proposed work fits with the characteristics of the neighborhood. Mr. Piscopo also noted the lack of trees in the backyard proposes a hardship.

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked if the water tower can be seen from the backyard. Mr. Schaetty confirmed it can be seen from the backyard.

ZBA Member Jones asked if the roof would help reduce the view of the water tower. Mr. Schaetty stated he would reduce some of the view.

ZBA Member Miller asked if any other option, rather than the proposed roof, has been looked at. Mr. Schaetty stated he has looked at other options including an awning and adding trees. Mr. Schaetty stated the awning would change the characteristic of their home and trees will take years to grow.

ZBA Member Miller asked if the permit in 1996 was for a deck or the patio. Mr. Schaetty stated he purchased the home in 2016 with the patio. Mr. Schaetty stated it has had a patio since at least 2013.

ZBA Chairperson Constantino asked if Mr. Schaetty would be comfortable adding a condition to state the structure will not be enclosed. Mr. Schaetty stated this is fine as there are no plans to enclose the structure in the future.

ZBA Chairperson Constantino noted a lot coverage ratio to 27.7 is a large increase. Mr. Piscopo stated while the lot coverage ration increases, the impervious surface ration remains the same.

Persons in Favor of or in Opposition to the Variation Requests

No one spoke in favor or in opposition of the variation requests.

Findings of Fact

ZBA Member Whalls stated the following findings of fact: the property in question is 73 Newton Avenue; the subject property is located on an interior lot located on the east side of Newton Avenue between Roosevelt Road and Illinois Street; the subject property was permitted to be built in 1995 and was completed in 1996; the petitioners are Scott and Noreen Schaetty, the owners of the subject property; the petitioners are requesting a variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 27.7 percent where a lot coverage ratio of 20 percent is permitted; 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; the subject property is zoned R2- Single Family Residential District and is improved with a single family home; the properties to the north, south and west are all zoned R2- Single Family Residential District and are improved with single family homes and the property to the east is zoned CR – Conservation Recreation District and is developed as Glen Ellyn Manor Park; there are no prior variation requests for the subject property; the Village has issued three permits for the property including a rear fence (2016), deck (1996) and single family home (1995); the petitioners are proposing to roof over a 334 square foot portion of their 641 square foot existing patio at the rear of the home; the property is improved with a two-story single family home and is permitted a lot coverage ratio of up to 20 percent; the property is currently legal non-conforming with a lot coverage ratio of 23.3 percent; by adding the 334 square foot area of roofed accessory structure to the property, the petitioners would be increasing the lot coverage to 27.7 percent; in order to make this property improvement, a lot coverage ration variation is needed; staff noted the subject property is smaller than a standard R2 district lot (by approximately 1,200

square feet) and the home does not have a front porch or detached garage and therefore does not benefit from the lot coverage ratio bonuses the Village allows.

Motion

ZBA Member Jones moved, seconded by ZBA Member Crudele that the Zoning Board of Appeals recommend to approve of the Findings of Fact. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

Additional Comments from the Zoning Board of Appeals

ZBA Member Crudele stated she is in favor of the variation. ZBA Member Crudele stated the petitioner is attempting to keep the integrity of the characteristics of the neighborhood with the proposed work. ZBA Member Crudele stated the project does not affect stormwater management and there is no additional impervious surface added. ZBA Member Crudele stated she sees the lack of trees as the hardship.

ZBA Member Jones stated he is in favor of the variation. ZBA Member Jones stated the house the south of the subject property as an addition. ZBA Member Jones he sees the water tower as a unique circumstance. ZBA Member Jones stated he understands the need of shade wanted by the petitioner. ZBA Member Jones stated the lot coverage ratio is high, but he is comfortable with that as the structure is not enclosed.

ZBA Member Miller stated the home owner did a good job with the presentation, and appreciates the homeowner’s plight. ZBA Member Miller stated he cannot get over the lot coverage ratio. ZBA Member Miller stated he understands the need for change, but he can’t vote yes for a 27.7 percent lot coverage ratio.

ZBA Member Whalls stated he understands and respects the request; however, he can’t support this project due to the large lot coverage ratio.

ZBA Chairperson Constantino stated he is having an issue getting past the large increase in lot coverage ratio. ZBA Chairperson Constantino stated there may be a temporary structure that would provide coverage from the sun. ZBA Chairperson Constantino stated he does not see the hardship and that for him to vote yes for a 27.7 lot coverage ratio the hardship has to be very clear.

ZBA Chairperson Constantino stated currently 5 of the 7 ZBA Members are at the meeting. ZBA Chairperson Constantino stated if the vote were to take place right now, the ZBA would recommend denial of the variation to the Village Board. ZBA Chairperson Constantino asked the petitioner if he would like to take a vote at this meeting, or continue to public hearing to the next scheduled ZBA meeting. ZBA Chairperson Constantino stated if the public hearing is continued, it would allow the petitioners time to review and potentially make changes to the proposed plans.

ZBA Member Miller stated he would be comfortable approving a lot coverage ratio under 25 percent.

Mr. Schaetty asked how many variations have been granted with a lot coverage ratio over 25 percent in the Village over the past several years. Planner Ashbaugh stated he can obtain that information for him.

Mr. Schaetty stated he would like to continue to the public hearing to a future ZBA meeting.

Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Whalls to continue the public hearing to the January 12, 2021 Zoning Board of Appeals meeting. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

Staff Report

Planner Ashbaugh stated that staff has received a few new applications for the Zoning Board of Appeals. Planner Ashbaugh stated she hopes to bring a few variation requests to the Zoning Board in January 2021.

Adjournment

At 8:57 p.m. a motion was made by ZBA Member Whalls and seconded by ZBA Member Jones to adjourn the meeting. The motion was carried by roll call vote with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

Respectfully submitted,

Lindsey Kaminsky
Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP
Planner