

MINUTES
ZONING BOARD OF APPEALS
JANUARY 12, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:04 p.m. Zoning Board of Appeals Members Michelle Covington, Matt Jones, Chip Miller, Reed Panther and Tom Whalls were present. ZBA Member Katie Crudele was excused. Also present were Planner Katie Ashbaugh, Associate Planner Cole Jackson, Trustee Liaison Kelli Christiansen 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 21, 2020, which was continued from December 8, 2020 for the property located at 73 Newton Avenue; a notice was also published on December 24, 2020 in the Daily Herald for the properties located at 231 and 233 N. Park Boulevard.

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.

MOTION TO ALLOW REMOTE PARTICIPATION

ZBA Member Jones moved, seconded by ZBA Member Panther, to allow remote participation in the meeting by the ZBA members. The motion was 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.

MINUTES

ZBA Member Covington moved, seconded by ZBA Member Whalls, to approve the minutes of the December 8, 2020 meeting. The motion was 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.

On the agenda was a public hearing regarding the property located at 73 Newton Avenue continued from December 8, 2020 and a public hearing regarding the properties located at 231 and 233 N. Park Boulevard.

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.

The public hearing for 73 Newton Avenue was continued at 7:12 p.m.

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 25.8 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 Schaeffty, owners of the property located at 73 Newton Avenue)

Staff Presentation

Associate Planner Jackson stated the petitioners are Scott and Noreen Schaeffty, 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 continued that 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 that the property to the east is zoned CR – Conservation Recreation District and is developed as Glen Ellyn Manor Park.

Associate Planner Jackson stated the petitioners are requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code. Associate Planner Jackson noted the requests are updated from the December 8, 2020 meeting:

1. A variation from Section 10-4-8 (E)(1) of the Zoning Code to allow a lot coverage ratio of 25.8 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 at the December 8, 2020 meeting of the Zoning Board of Appeals, the Board opened a public hearing for consideration of a zoning variation for the subject property. He said the applicant originally requested a variation for a lot coverage ratio of 27.7 percent. He continued that after hearing the deliberations of the ZBA, the applicant requested that the public hearing be continued to the January 12, 2021 meeting so they could revise the plans in response to the ZBA's comments. He said the applicant reduced the size of the proposed roofed structure from 334 ft² to 186 ft², or from a 27.7 percent lot coverage ratio to a 25.8 percent lot coverage ratio where a lot coverage ratio of 20 percent is permitted by Code.

Associate Planner Jackson stated the petitioners are proposing to roof over a 186 ft² portion of their 641 ft² 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 up to 20 percent. He said it is currently legal non-conforming with a lot coverage of 23.3 percent. He said that by adding the 186 ft² area of roofed accessory structure to the property, the applicants would be increasing the lot coverage ratio to 25.8 percent.

Associate Planner Jackson stated staff notes 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 Covington asked why the current lot coverage is over the lot coverage ratio that is allowed. Associate Planner Jackson stated the home was built before the current Village Code and met the requirements of the previous Village Code.

ZBA Member Jones asked if the proposed structure was on the front of the house, would it be considered a front porch. Associate Planner Jackson stated if it was covered it would be considered a front porch.

ZBA Member Whalls asked why the updated proposal is for 25.8 percent lot coverage ratio when the ZBA requested a 25 percent lot coverage ratio at the previous ZBA meeting. Associate Planner Jackson stated the petitioner's architect stated the current proposal is the smallest the structure can be while still addressing the hardship.

Petitioners' Presentation

Mr. Scott Schaetty stated the proposed plan is to build a small structure in the backyard over an existing impervious structure to help with the hardship of having no trees in the backyard. Mr. Schaetty noted the lack of trees causes a high increase in their ComEd bill over the summer months. Mr. Schaetty stated his architect noted the current proposal is the smallest it could be while still being functional. Mr. Schaetty noted there are no stormwater concerns and there are no plans to enclose the structure in the future.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked Mr. Schaetty to confirm he is comfortable with the condition the structure will not be enclosed in the future. Mr. Schaetty confirmed this.

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 Panther stated the following findings of fact: the property in question is 73 Newton Avenue; the owners and petitioners are Scott and Noreen Schaetty; the petitioners are requesting variations from Section 10-4-8 (E)(1) of the Zoning Code to allow a lot coverage ratio of 25.8 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.

ZBA Member Panther continued the findings of fact: the prior proposal was for a 334 ft² roofed over structure, which would be a lot coverage ratio of 27.7 percent; the petitioners have submitted a revised proposal for a 186 ft² roofed over structure, which would be a lot coverage ratio of 25.8 percent; staff indicated a front porch bonus in the R2 district would allow for a 240 ft² roofed over structure.

ZBA Member Panther continued the findings of fact: the ZBA heard from petitioner Mr. Schaetty who stated he would be supportive of a condition that would prohibit future enclosure of the porch.

Motion

ZBA Member Jones moved, seconded by ZBA Member Covington that the Zoning Board of Appeals recommend to approve of the amended Findings of Fact. The motion was 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.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she had concerns regarding the water runoff, but it does not appear to be an issue. ZBA Member Covington noted she appreciates the homeowner going back and revising the plans to reduce to size of the roofed structure. ZBA Member Covington stated the condition stating the structure will be not enclosed in the future must be included for her to approve the request.

ZBA Member Jones stated he is having difficulty finding the hardship. ZBA Member Jones stated if trees were planted then a hardship would not exist. ZBA Member Jones stated he would like to see the lot coverage ratio reduced to 25 percent.

ZBA Member Miller stated he appreciates the petitioner has reduced the size of the roofed structure, but will not vote to approve a lot coverage ratio over 25 percent.

ZBA Member Panther stated he appreciates the petitioner reducing the footprint, but was having a difficult time finding a hardship. ZBA Member Panther stated he is overall in support of the variation request. ZBA Member Panther stated he would like the Village Board and staff to review roofed structure and screened-in porch requirements/regulations in the Village Code.

ZBA Member Whalls stated he cannot approve a request with a lot coverage ratio of over 25 percent. ZBA Member Whalls stated the petitioner could plant trees in the backyard.

ZBA Chairperson Constantino stated he would also prefer a lot coverage ratio of 25 percent. ZBA Chairperson Constantino stated he would vote for recommendation of approval of the variations with a condition stating the structure will be not enclosed in the future.

Mr. Schaetty stated he looked at every option to resolve this issue, including planting trees. Mr. Schaetty noted trees would take too long to grow and the proposed roofed structure best meets the characters of the home and neighborhood.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to close the public hearing for 73 Newton Avenue at 7:37 p.m. The motion was 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.

A motion was made by ZBA Chairperson Constantino and seconded by ZBA Member Panther as follows:

Having considered the application of Scott and Noreen Schaetty, owners of the property at 73 Newton Avenue, Glen Ellyn, for zoning variation from Section 10-4-8(E)(1) of the Zoning Code to allow a lot

coverage ratio of 25.8 percent where a lot coverage ratio of 20 percent is permitted at 73 Newton Avenue, 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 recommends APPROVAL of the requested zoning variation from Section 10-4-8(E)(1) of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The subject property has a lack of sufficient trees and landscape screening to create a shaded area for the property.
2. The lack of sufficient trees and landscape screening also results in higher utility bills in the summer months due to increased air conditioner use.

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 January 12, 2021 public hearing of the Zoning Board of Appeals.
2. The Ordinance will include a condition that the lot area affected by the variation will cannot be enclosed in the future.

The motion failed by roll call vote with 3 “yes” votes and 3 “no” vote due to a lack of simple majority of 4 “yes” votes. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington and ZBA Member Panther. The ‘no” votes are as follow: ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

ZBA Chairperson Constantino stated this request will be brought to the Village Board and will likely be placed on the non-consent agenda for Village Board consideration.

PUBLIC HEARING – 231 AND 233 N. PARK BOULEVARD

PETITIONER CRISTIN FOSTER ENGLISH IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. A VARIATION FROM SECTION 10-5-5(C)(1) OF THE ZONING CODE TO REDUCE THE PERMITTED IMPERVIOUS SETBACK FROM THE NORTH INTERIOR SIDE LOT LINE OF 0.2 FEET, AS GRANTED BY ORDINANCE NO. 6691, TO ZERO (0) FEET ALONG MORE THAN THREE-QUARTERS OF THE EXISTING DRIVEWAY ON THE PROPERTY LOCATED AT 231 N. PARK BOULEVARD. 2. A VARIATION FROM SECTION 10-5-5(C) (1) OF THE ZONING CODE TO REDUCE THE REQUIRED IMPERVIOUS SETBACK FROM APPROXIMATELY 1.35 FEET TO ZERO (0) FEET ALONG PORTION OF THE SAME DRIVEWAY WHICH ENCROACHES ONTO THE PROPERTY LOCATED AT 233 N. PARK BOULEVARD. 3. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Cristin Foster English, trustee of the Cristin Foster English Trust, owner of the property located at 231 N. Park Boulevard and on behalf of Geno and Katie Mattoida, owners of the property located at 233 N. Park Boulevard).

A motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to open the public hearing for 231 and 233 N. Park Boulevard at 7:45 p.m. The motion was 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.

Staff Presentation

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

Associate Planner Jackson stated the petitioner is Cristin Foster English, trustee of the Cristin Foster English Trust, owner of the property located at 231 N. Park Boulevard. Associate Planner Jackson said that Ms. English is requesting a public hearing for a construction necessitated zoning variation for the property located at 231 N. Park Boulevard. He said that Ms. English is also requesting a public hearing for a construction necessitated zoning variation for the property located at 233 N. Park Boulevard, of behalf of Geno and Katie Mattoida, owners of the property located at 233 N. Park Boulevard.

Associate Planner Jackson stated 231 N. Park Boulevard in an interior lot on the east side of N. Park Boulevard and is located between Wingate Road and High Road. 233 N. Park Boulevard is directly north of 231 N. Park Boulevard and is located on the corner of N. Park Boulevard and Wingate Road. He said that the subject properties and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes.

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 10-5-5 (C)(1) of the Zoning Code to reduce the permitted impervious setback from the north interior side lot line of 0.2 feet, as granted by Ordinance No. 6691, to zero (0) feet along more than three-quarters of the existing driveway on the property located at 231 N. Park Boulevard;
2. A variation from Section 10-5-5 (C)(1) of the Zoning Code to reduce the required impervious setback from approximately 1.35 feet to 0 feet along portions of the same driveway which encroaches onto the property located at 233 N. Park Boulevard;
3. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing of at the public meeting of the Village Board.

Associate Planner Jackson stated in 2019, the Village approved Ordinance No. 6691 granting a variation to the property located at 231 N. Park Boulevard from Section 10-5-11 (F) 2 and Section

10-5-5 (C) to allow for the extension of a driveway with a width of 8.5 feet and impervious surface setback of 0.2 feet to provide access to a detached garage located in the rear yard. He said no previous variations have been granted to the property located at 233 N. Park Boulevard.

Associate Planner Jackson provided the following permit history: 1927 – two-story new construction; 1961 – electrical; 1963 – addition; 1971 – fire loss repair; 1989 – fence; 2013 – fence; 2018 – residential interior remodel; 2018 – detached garage; 2019 – residential alteration; 2020 – driveway demo/add turnaround; 2020 – fence.

Associate Planner Jackson stated in 2019, the previous owners of the property at 231 N. Park Boulevard extended the existing driveway along the north side of the property to allow access to a detached garage behind the home. He said that because of the narrow distance between the north property line and the house, the owners removed a small triangular piece of the home on the northeast corner to provide room for the driveway to wrap around the edge of the home and to provide access to a detached garage. He said that to accommodate this project, in 2019 the Village Board adopted Ordinance No. 6691 granting variations permitting a driveway width of 8.5 feet where 9 feet is required and an impervious surface setback of 0.2 feet where 1 foot is required. He continued that after the work was completed, the property was sold to the new and current owners, the Cristin Foster English Trust in February 2020, and a new construction company was utilized for continued work on the site.

Associate Planner Jackson stated the property owners of 231 N. Park Boulevard indicated that that 8.5 feet wide driveway was inadequate and resulted in them driving on part of the side yard on the property directly to the north, 233 N. Park Boulevard, creating muddy conditions and damaging the yard. He said that the applicant then sought to remedy this situation by placing brick pavers on both sides of the driveway including portions of the sidewalk at 233 N. Park Boulevard. He described that along the length of the driveway, portions of the pavers are located on both 231 N. Park Boulevard and 233 N. Park Boulevard. He concluded that the addition of the brick pavers along the driveway reduced the impervious surface side yard setback to 0 feet for both properties.

Associate Planner Jackson stated Village staff recognized that the brick pavers had been added in May of 2020. He stated that in July of 2020, staff told the construction company that the Village needed a final grading survey to document the impervious surface additions. He continued that the Village then received a final grading survey documenting the impervious surfaces in August of 2020 and began working with the property owner and construction company on meeting zoning variation requirements.

Associate Planner Jackson stated the applicant is proposing to maintain the brick pavers in their existing location. He said that if the request is denied, the applicant as provided a cost estimate of \$1,200 to remove the non-conforming brick pavers and an additional \$1,700 to restore the area with topsoil and sod.

Associate Planner Jackson stated per Section 10-10-12 of the Glen Ellyn Zoning Code, the petitioner is requesting approval of construction necessitated zoning variations from the Zoning

Code to allow for the maintenance of an existing driveway with no impervious surface setback on the property located at 231 N. Park Boulevard which also encroaches onto the adjacent property located at 233 N. Park Boulevard in order for the brick pavers to remain.

Questions from the Zoning Board of Appeals

ZBA Member Miller asked how this would be enforced and if the Village has previously interfered with a maintenance easement agreement in the past. Associate Planner Jackson stated the Village would leave it up to the property owners to follow the maintenance easement agreement.

ZBA Member Miller stated in this case, the Village does not have authority to enforce the maintenance easement agreement. Associate Planner Jackson confirmed this.

ZBA Chairperson Constantino stated the maintenance easement agreement would be a private manner between the two property owners.

ZBA Member Miller stated his concern is that the maintenance easement agreement would be for the lifetime of the house and it would be up the current and future property owners to maintain and follow the agreement.

ZBA Member Panther and ZBA Member Whalls stated they have the same concerns as ZBA Member Miller.

ZBA Member Covington asked if the easement would impact future fencing of the property. Associate Planner Jackson stated it would as it would not allow for anything to block the use of the easement.

ZBA Chairperson Constantino asked if there have been any drainage issues raised. Associate Planner Jackson confirmed there have not been any drainage issues raised.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Mike and Cristin English, trustees of the Cristin Foster English Trust, owners of the property located at 231 N. Park Boulevard and petitioners on behalf of Geno and Katie Mattoida, owners of the property located at 233 N. Park Boulevard; Jon Green, of Engineer Resource Associates; Tracy Kasson, of Rathje and Woodward.

Mr. Tracy Kasson stated 231 N. Park Boulevard was built in 1927 and an addition was added in 1963 which removed the garage. Mr. Kasson stated the English family did not complete the renovations that occurred in 2018. Mr. Kasson stated the English Trust was granted variations in 2019 for a garage addition. Mr. Kasson stated at that time, the variations were granted due a hardship caused by lot size and configuration. Mr. Kasson stated the English family is currently unable to drive on their own driveway to get to their garage. Mr. Kasson stated the English family wants to be good neighbors and avoid any damage to the property at 233 N. Park Boulevard. Mr.

Kasson noted a maintenance easement agreement is not common and there are a number of maintenance easement agreements throughout Glen Ellyn that do not have issues.

Ms. Cristin English stated they had trouble navigating the driveway and there were very deep tire marks left on the property located at 233 N. Park Boulevard. Ms. English stated he spoke with the property owners of 233 N. Park Boulevard who noted the previous contractor left the tire marks in their yard. Ms. English stated she wants to be a good neighbor and help with improving the safety of using the driveway.

Mr. Mike English stated the driveway width of 8.5 feet combined with the irregular shape of the lot leads to safety concerns and potential damages to both properties.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked if the maintenance easement agreement would be recorded and if there are any concerns regarding the maintenance easement agreement from the English family. Mr. Kasson stated the easement can be recorded and there are no concerns with the maintenance easement agreement as it is already in place.

ZBA Member Jones asked if the petitioners would be comfortable with drawing up an easement agreement stating if the property located at 231 N. Park Boulevard was torn down, the easement would be rescinded. ZBA Member Jones stated he would like to see the house built correctly in the future, if it is torn down. Mr. English stated if that was a requirement, they would add it to the easement agreement.

ZBA Member Panther asked if the easement would be recorded at 1-foot width. Mr. English stated this is correct.

ZBA Chairperson Constantino asked if the easement agreement would be non-exclusive and would allow for the property owners at 233 N. Park Boulevard to drive on the pavers as well. Mr. Kasson stated it would be a non-exclusive easement agreement, but the property owners at 233 N. Park Boulevard do not use that part of the driveway.

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 Panther stated the following findings of fact: the properties in questions are 231 N. Park Boulevard and 233 N. Park Boulevard; the petitioner is Cristin Foster English, trustee of the Cristin Foster English Trust, owner of the property located at 231 N. Park Boulevard and on behalf of Geno and Katie Mattoida, owners of the property located at 233 N. Park Boulevard; the

petitioner is requesting a variation from Section 10-5-5 (C)(1) of the Zoning Code to reduce the permitted impervious setback from the north interior side lot line of 0.2 feet, as granted by Ordinance No. 6691, to zero (0) feet along more than three-quarters of the existing driveway on the property located at 231 N. Park Boulevard, a variation from Section 10-5-5 (C)(1) of the Zoning Code to reduce the required impervious setback from approximately 1.35 feet to 0 feet along portions of the same driveway which encroaches onto the property located at 233 N. Park Boulevard and any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing of at the public meeting of the Village Board.

ZBA Member Panther continued the findings of fact: the ZBA heard from Associate Planner Jackson who indicated the owners of 231 N. Park Boulevard would be obtaining an easement agreement with the owners of 233 N. Park Boulevard for approximately 1 foot along the property line; in 2019 the Village Board adopted Ordinance No. 6691 granting variations permitting a driveway width of 8.5 feet where 9 feet is required and an impervious surface setback of 0.2 feet where 1 foot is required for the property located at 231 N. Park Boulevard.

ZBA Member Panther continued the findings of fact: the ZBA heard from Mike and Cristin English, the owners of the property located at 231 N. Park Boulevard, who indicated when they purchased the property they noticed the contractors and rutted some of the property along the property line of both 231 N. Park Boulevard and 233 N. Park Boulevard; Mike and Cristin English approved the owners at 233 N. Park Boulevard on how to remedy the situation and came to the conclusion the brick pavers would be sufficient; the ZBA heard from Mr. Tracy Kasson, who presented additional detail on the case.

Motion

ZBA Member Whalls 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 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.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated the hardship has been proven but there is a challenge that the variation approval may create potential hardships/issues for any future owner of the property located at 233 N. Park Boulevard. ZBA Member Covington stated this is difficult as the variations include an additional property.

ZBA Member Jones stated he is comfortable with the variations as the easement will be included. ZBA Member Jones also noted staff will ensure the easement is included. ZBA Member Jones stated he is interested in added a condition to the easement that any new house built on the property must comply with the Zoning Code.

ZBA Member Miller stated he can find the hardship in the request and is in favor of the variations. ZBA Member Miller stated he does not have any issue with the easement and it will be recorded and any potential future homeowner would see the easement on file with the County. ZBA Member Miller stated he is disappointed with the previous contractor. ZBA Member Miller stated he is not in favor of ZBA Member Jones addition to the easement agreement as he does not see value.

ZBA Member Jones stated he is still comfortable with approving the variations/easement without the addition.

ZBA Member Panther stated he is in support of the variations as it is to make an attempt the make the driveway usable, which it currently is not.

ZBA Member Whalls stated he is fully in support of the variation requests.

ZBA Chairperson Constantino stated he is in favor of the variation requests. ZBA Chairperson Constantino stated the shape of the lot/driveway and orientation of the house creates a hardship. ZBA Chairperson Constantino stated the trespass to the neighbor's lawn will cause damage, and the variations will help solve these problems. ZBA Chairperson Constantino stated there are no drainage issues and the project will maintain the characteristics of the homes and neighborhood.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 231 and 233 N. Park Boulevard at 8:33 p.m. The motion was 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.

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

Having considered the application of Cristin Foster English, Trustee of Cristin Foster English Trust which owns the property at 231 N Park Blvd, Glen Ellyn and behalf of Geno and Katie Mattioda, owners of the property at 233 N Park Blvd, Glen Ellyn, for the following construction necessitated zoning variations: from Section 10-5-5(C)(1) of the Zoning Code to reduce the permitted impervious setback from the north interior side lot line of 0.2 feet, as granted by Ordinance No. 6691, to zero (0) feet along more than three-quarters of the existing driveway on the property located at 231 N. Park Boulevard where a setback of no less than two-percent of lot width is required on an interior lot, and from Section 10-5-5(C)(1) of the Zoning Code to reduce the required impervious setback from approximately 1.35 feet to 0 feet along portions of the same driveway which encroaches onto the property located at 233 N. Park Boulevard where a setback of no less than two-percent of lot width is required on a corner lot, both 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 from the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The odd size and shape of the lot.
2. The unusual lot line between the properties located at 231 N. Park Boulevard and 233 N. Park Boulevard cause a narrow point in the driveway at the northeast corner of the home at 231 N. Park Boulevard that causes vehicles to drive on the property located at 233 N. Park Boulevard

Subject to the following conditions:

1. The area is maintained in the same located noted on the plans and survey submitted for the 1/12/2021 Zoning Board of Appeals Meeting
2. The owners of the properties at 231 N. Park Boulevard and 233 N. Park Boulevard enter into the easement agreement submitted with the 1/12/201 Zoning Board of Appeals Meeting and the easement agreement is recorded at the same time as any Ordinance to approve the variations requested.

The motion was passed 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 Chairperson Constantino stated this request will be brought to the Village Board and will likely be placed on the consent agenda for Village Board consideration.

Staff Report

Planner Ashbaugh stated both cases discussed tonight will be brought to the February 8, 2021 Village Board Meeting.

Planner Ashbaugh noted the Village Board approved the variation request for 554 N. Park Boulevard at the January 11, 2021 Village Board meeting, and also requested staff to prepare an ordinance approving the construction necessitated variations for 410 Spring Avenue for their consideration at the January 25, 2021 Village Board meeting.

Planner Ashbaugh stated the Village Board has asked staff to look into how to address construction necessitated variations moving forward.

Planner Ashbaugh stated there are several variation requests pending, but will not be ready for the January 26, 2021 meeting.

Trustee Liaison Report

Trustee Christiansen stated the Village Board overturned the Zoning Board of Appeals recommendation for 410 Spring Avenue and the Village Board asked staff to look into construction

necessitated variations moving forward to allow the Village Board to be more consistent in their approval/denials.

Trustee Christiansen stated the Plan Commission reviewed the Comprehensive Plan and encouraged feedback of the proposed plan.

Trustee Christiansen stated the public voting on the proposed Streetscape material ends tonight.

Trustee Christiansen stated the Capital Improvements Commission is meeting tonight to discuss Streetscape materials.

Trustee Christiansen stated President McGinley resigned due to moving out of state of 2020, and the Village Board has 60 days to appoint an Acting Village President.

ZBA Member Jones requested staff also review the Zoning Code to clean up any loose ends. Trustee Christiansen stated she will bring this idea to staff and the Village Board and encouraged the Zoning Board of Appeals to bring forward any recommendations/changes to Planner Ashbaugh and herself.

ZBA Member Whalls suggested the Village Board and staff have a round table discussion with the top contractors and select residents to fully review and discuss the Zoning Code and Village Code. Trustee Christiansen stated she will float that idea with the Village Board and Village Manager.

Adjournment

At 8:55 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 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.

Respectfully submitted,

Lindsey Kaminsky
Recording Secretary

Review by,
Katie Ashbaugh, AICP
Planner