

MINUTES  
ZONING BOARD OF APPEALS  
February 23, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:03 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller and Reed Panther were present. Zoning Board of Appeals Member Tom Whalls arrived at 7:40 p.m. Also present were Planner Katie Ashbaugh, 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 February 8, 2021 for the property located at 419 Hill Avenue.

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 case 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 variances 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 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 Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Panther.

MINUTES

ZBA Member Covington moved, seconded by ZBA Member Panther, to approve the minutes of the January 12, 2021 meeting. The motion was carried with 6 “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 and ZBA Member Panther.

On the agenda was a public hearing regarding the property located at 419 Hill Avenue.

ZBA Chairperson Constantino stated all members of the Zoning Board of Appeals have visited the property and are familiar with the plans that were submitted.

A motion was made by ZBA Member Crudele and seconded by ZBA Member Miller to open the public hearing for 419 Hill Avenue at 7:11 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 Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Panther.

PUBLIC HEARING – 419 HILL AVENUE

PETITIONER JANE R. HOOTMAN IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-8-6(B)(3) – TO ALLOW A CLASS II ALTERATION OF APPROXIMATELY 70 PERCENT OF THE EXTERIOR SURFACE OF AN EXISTING NONCONFORMING SINGLE-FAMILY HOME WHERE A CLASS I ALTERATION OF NO MORE THAN 50 PERCENT OF THE EXTERIOR SURFACE IS PERMITTED ON LOTS OF AT LEAST 50 FEET IN WIDTH; 2. SECTION 10-4-8(D)(1) – TO ALLOW A FRONT YARD SETBACK FOR THE PROPOSED ADDITION TO THE PRINCIPAL STRUCTURE OF APPROXIMATELY 37 FEET WHERE A SETBACK OF 50 FEET IS REQUIRED; 3. SECTION 10-5-5(B)(4) #24.B – TO ALLOW A FRONT YARD SETBACK FOR THE PROPOSED FRONT PORCH OF APPROXIMATELY 32 FEET 7 INCHES WHERE A SETBACK OF 37 FEET 6 INCHES IS REQUIRED; 4. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLAN PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Jane R. Hootman, owners of the property located at 419 Hill Avenue).

Staff Presentation

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

Planner Ashbaugh stated the petitioner is Jane R. Hootman, owner of the property located at 419 Hill Avenue. She said that The subject property and all surrounding properties are zoned R2 – Single Family Residential District and also improved with single-family homes.

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

1. Section 10-8-6(B)(3) – to allow a Class II alteration of approximately 70 percent of the exterior surface of an existing nonconforming single-family home where a Class I alteration of no more than 50 percent of the exterior surface is permitted on lots of at least 50 feet in width;
2. Section 20-4-8(D)(1) – to allow a front yard setback for the proposed addition to the principal structure of approximately 37 feet where a setback of 50 feet is required;
3. Section 10-5-5(B)(4) #24.b – to allow a front yard setback for the proposed front porch of approximately 32 feet 7 inches where a setback of 37 feet 6 inches is required; and
4. 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

Planner Ashbaugh stated the Village has not granted any past variations to this property and briefly reviewed previous permits issued for improvements to the property.

Planner Ashbaugh stated the petitioner is proposing to construct a second-story addition with a front porch onto their existing nonconforming single-family home, which requires the three variations.

Planner Ashbaugh stated additions to nonconforming principal structures are required to comply with the setbacks of the applicable zoning district. She said that the property located to the west, 413 Hill Avenue, and the property located to the east, 423 Hill Avenue, are both farther than 50 feet from their respective front lot lines along Hill Avenue, which is the farthest distance homes are permitted to be set back from the front lot line. She said that therefore, the subject property must comply with the maximum 50-foot front yard setback requirement. She said that because the existing home is approximately 37 feet from its front lot line, it is nonconforming. She said that the proposed addition would maintain this existing setback at 37 feet.

Planner Ashbaugh stated front porches are permitted to encroach up to 25 percent into the required front yard. Because the required front yard setback for the subject property is 50 feet, a front porch may encroach up to 12 feet 6 inches for a setback of 37 feet 6 inches from the front lot line. She said the proposed front porch would instead encroach approximately 22 feet 4 inches into the required front yard, for a resulting setback of approximately 27 feet 8 inches from the front lot line.

Planner Ashbaugh stated nonconforming structures on lots with a width of at least 50 feet are permitted to have Class I alterations and Class I and II additions made to the existing principal structure. She stated that Class 1 alterations are defined as alterations in which no more than 50 percent of the total exterior surface of the principal structure may be changed, with the exterior surfaces consisting of the roof and exterior walls of the structure. Planner Ashbaugh noted that window and door openings are not included in the surface area calculation. She said that the proposed addition requires approximately 70 percent of the total exterior surface of the existing principal structure to be replaced.

Planner Ashbaugh stated the proposed addition is considered a Class II addition and will increase the floor area of the home by 1,333 square feet or 114%, which is permitted.

Planner Ashbaugh stated no comments were received in opposition to the request. She said that owners of the properties directly adjacent to the subject lot (413 & 423 Hill Avenue) have signed a petition in support of the requests.

#### Questions from the Zoning Board of Appeals

ZBA Member Miller asked if this addition makes the porch the “proudest” house on the street. Planner Ashbaugh stated there are a few homes that technically are closer to their front lot lines than the proposed front porch is, so this home will not be the “proudest”.

ZBA Member Panther asked what the current and proposed setback is. Planner Ashbaugh stated the current is 37 feet and the proposed is about 37 feet.

ZBA Member Panther asked if the addition involved enclosing the existing front porch or if the existing porch is part of the principal structure. Planner Ashbaugh stated that the existing front porch is enclosed entirely and considered part of the existing principal structure, not an accessory structure.

ZBA Chairperson Constantino asked if the proposed addition’s bulk (front yard) setback is measured from the existing enclosed porch area. Planner Ashbaugh confirmed this.

#### Petitioners’ Presentation

Sworn in for the Petitioner’s Presentation was Jane Hootman, petitioner and owner of the property located at 419 Hill Avenue; John Hootman, owner of the property located at 419 Hill Avenue; Julia Smith, petitioner’s architect; Matt Rooney, petitioner’s contractor.

Ms. Jane Hootman stated her family purchased the property in October 2020. Ms. Hootman stated her family has two children and is expecting their third. Ms. Hootman stated it was her intention to purchase a home in Glen Ellyn that was affordable and charming. Ms. Hootman stated the home was purchased with the intention of adding an addition. Ms. Hootman stated she grew up in Glen Ellyn on Hill Avenue. Ms. Hootman stated she wants to maintain the character and charm of the Village of Glen Ellyn.

John Hootman stated the proposed addition is not too large, and thinks the project will fit in the neighborhood.

Matt Rooney stated the hardships and unique circumstances come from the fact the house predates a lot of the current Zoning Code. Mr. Rooney also noted other homes on Hill Avenue have further setbacks, which makes the property at 419 Hill Avenue nonconforming. Mr. Rooney stated Hill Avenue runs on an angle which also creates inconsistencies. Mr. Rooney noted the setback of the home is remaining the same.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked how many bedrooms are in the home and how many are being proposed. Ms. Hootman stated there are currently two bedrooms and with the proposed addition there will be four.

ZBA Chairperson Constantino asked if it was possible to have the addition located the south of the home. Ms. Hootman stated this was not possible due to where the garage is located. Ms. Hootman stated it was reduce the size of the backyard and would create issues navigating the driveway.

ZBA Chairperson Constantino asked if the driveway is shared. Ms. Hootman confirmed it is not.

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 419 Hill Avenue; the petitioner is Jane Hootman, owner of the property at 419 Hill Avenue; the petitioner is requesting a variation from Section 10-8-6(B)(3) – to allow a Class II alteration of approximately 70 percent of the exterior surface of an existing nonconforming single-family home where a Class I alteration of no more than 50 percent of the exterior surface is permitted on lots of at least 50 feet in width, Section 20-4-8(D)(1) – to allow a front yard setback for the proposed addition to the principal structure of approximately 37 feet where a setback of 50 feet is required, Section 10-5-5(B)(4) #24.b – to allow a front yard setback for the proposed front porch of approximately 32 feet 7 inches where a setback of 37 feet 6 inches is required and 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.

ZBA Member Panther continued the findings of fact: the ZBA heard from Planner Ashbaugh who indicated the property is zoned R2 – Single Family Residential District and is improved with a one-story single-family home; all surrounds properties are also zoned R2 – Single Family Residential District and also improved with single-family homes; the petitioner's home is nonconforming; the properties located to the west and east are both farther than 50 feet from their respective front lot lines which is why the subject property must comply with the 50-foot front yard setback; the petitioner is proposing to construct a second-story addition essentially going up over the existing enclosed front porch as well as the rear of the home.

ZBA Member Panther continued the findings of fact: the ZBA heard from Jane and John Hootman, owners of the subject property, who indicated the property was purchased in October 2020; they wanted to maintain the character of the home as well as wanting to place a modest size home on the lot; there are currently two bedrooms in the home and they are proposing four bedrooms; it is not possible to have the addition towards the back of the lot because it would cause issues accessing the garage. The ZBA heard from Matt Rooney, the petitioner's contractor, who indicated the potential hardships for the property are that existing home predates the existing Zoning Code, the location of

the adjacent properties made this home nonconforming and the homes are not constructed parallel to the street as Hill Avenue runs on an angle.

ZBA Member Panther continued the findings of fact: there were no objections received by the Village relating the proposed project.

#### Motion

ZBA Member Jones moved, seconded by ZBA Member Covington 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 Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Panther.

#### Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated that she is not in favor of approving this project. ZBA Member Covington stated she does not see a hardship. ZBA Member Covington also stated the petitioners knew this home was not large enough for their needs when they purchased it in October 2020.

ZBA Member Crudele stated she understands both sides. ZBA Member Crudele stated she can see how the outdated code can create a hardship. ZBA Member Crudele stated she is in favor of the project as the petitioners are trying to meet the characteristics of Glen Ellyn.

ZBA Member Jones stated he is in favor of approval. ZBA Member Jones stated he sees the hardship. ZBA Member Jones stated if the home was torn down and rebuilt, it would not have much of a backyard and would need a detached garage. ZBA Member Jones noted this project fits the characteristics of Glen Ellyn.

ZBA Member Miller stated he is struggling with this project. ZBA Member Miller stated his biggest concern is the porch as it seems to stick out too far. ZBA Member Miller stated he is not in favor with the current design of the porch.

ZBA Member Panther stated the adjacent homes do create a hardship as they created the nonconformity. ZBA Member Panther stated he is in favor of the project as the petitioners are at a disadvantage to what was approved and built on the surrounding neighbor's homes. ZBA Member Whalls stated he is in favor of this project. ZBA Member Whalls stated the adjacent homes create a hardship and that there is also support from the petitioner's neighbors.

ZBA Chairperson Constantino stated he is struggling with this request. ZBA Chairperson Constantino stated the adjacent neighbor's setbacks do create a hardship for the petitioners. ZBA Chairperson Constantino stated if the entire addition was placed on the south of the house, it would reduce the size of the backyard. ZBA Chairperson Constantino agreed a larger addition would not maintain the characteristic of the neighborhood. ZBA Chairperson Constantino also noted the angle of Hill Avenue. ZBA Chairperson Constantino also noted the neighbors are in favor of the project. ZBA Chairperson Constantino stated due to these reasons, he is in favor of the project.

ZBA Member Miller asked if any other ZBA Member has concerns about the porch sticking out too far. ZBA Chairperson Constantino stated while the porch will sit closer to the street, it is not a unique circumstance on the block. ZBA Member Miller stated he can find a way to support this project.

### Motion

A motion was made by ZBA Member Jones and seconded by ZBA Member Covington to close the public hearing for 419 Hill Avenue at 8:01 p.m. The motion was 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.

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

Having considered the application of Jane R. Hootman, petitioner and owner of the property located at 419 Hill Avenue, Glen Ellyn, for three (3) zoning variations to allow the following: a Class II alteration of approximately 70 percent of the exterior surface of an existing nonconforming single-family home where a Class I alteration of no more than 50 percent of the exterior surface is permitted on lots of at least 50 feet in width, a front yard setback for the proposed addition to the principal structure of approximately 37 feet where a setback of 50 feet is required, and a front yard setback for the proposed front porch of approximately 32 feet 7 inches where a setback of 37 feet 6 inches is required, all to allow for the addition of a second-story and front porch onto the existing nonconforming, single-family home on the property located at 419 Hill 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 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 February 23, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL of the requested zoning variations from Sections 10-8-6(B)(3), 10-4-8(D)(1), and 10-5-5(B)(4) #24.b of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The house predates the current Zoning
2. The garage location includes going further back on the lot
3. The adjacent homes’ locations limits the petitioner’s to a Class II alteration instead of a Class I

The motion was carried by roll call vote with 6 “yes” votes and 1 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones, ZBA Member Miller, ZBA Member Panther and ZBA Member Whalls. The “no” votes are as follow: ZBA Member Covington.

ZBA Chairperson Constantino stated this request will be brought to the Village Board and stated the petitioners should work with Planner Ashbaugh to confirm the Village Board meeting date. Planner Ashbaugh noted this will be on the March 22, 2021 Village Board Meeting agenda.

Staff Report

Planner Ashbaugh stated there are currently three public hearings scheduled for the March 9, 2021 ZBA meeting. Planner Ashbaugh stated there are currently two (with the possibility of a third) public hearings scheduled for the March 23, 2021 ZBA meeting.

Planner Ashbaugh also noted Associate Planner Jackson's last day at the Village was Monday, February 22.

Trustee Liaison Report

Trustee Christiansen stated the Village Board approved the new Glen Ellyn Food Pantry location at the February 22, 2021 Village Board Meeting.

Trustee Christiansen also stated the Village and Glen Ellyn Park District have partnered to create a Pop-Up Winter Plaza, which is located in the Crescent parking lot.

ZBA Member Whalls asked if there has been any progress with creating a group to review the Village Code and Zoning Code including lot coverage ratio requirements. Trustee Christiansen stated she suggested the idea to staff and also noted parts of the Village Code are being reviewed including several Zoning Code text amendments.

ZBA Member Panther asked if the Village was considering some kind of overlay district or other way to address the multiple nonconforming lots in the R2 district. Planner Ashbaugh also stated Community Development staff are currently in the process of doing historical research on variations and that GIS is preparing a map determine which lots in the R2 district have nonconforming lot widths and areas. Planner Ashbaugh stated no code amendments or zoning map changes are being considered at this time as they are still trying to identify the root of the issue in the R2 district.

Adjournment

At 8:22 p.m. a motion was made by ZBA Member Miller and seconded by ZBA Member Jones to adjourn the meeting. The motion was 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.

Respectfully submitted,

Lindsey Kaminsky  
Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP  
Planner