

MINUTES
ZONING BOARD OF APPEALS
March 9, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:02 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller, Reed Panther and Tom Whalls were present. 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 statute that was published in the Daily Herald on February 19, 2021, for the properties located at 301 Abbotsford Court and 168 Crest Road and on February 22, 2021 for the property located at 695 Oak Street

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 Crudele, to allow remote participation in the meeting by the ZBA members. 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.

MINUTES

ZBA Member Crudele moved, seconded by ZBA Member Whalls, to approve the minutes of the February 23, 2021 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.

On the agenda were public hearings regarding the properties located at 695 Oak Street, 301 Abbotsford Court and 168 Crest Road.

ZBA Chairperson Constantino stated all members of the Zoning Board of Appeals have visited the properties 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 695 Oak Street at 7:10 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.

PUBLIC HEARING – 695 OAK STREET

PETITIONER DANIEL J. SIMONEIT, ON BEHALF OF PHIL AND KRIS FONTANAROSA, IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(E) TO PERMIT A LOT COVERAGE RATIO OF 24.8 PERCENT WHERE A LOT COVERAGE NO MORE THAN 20 PERCENT IS PERMITTED ON A LOT WITH A PRINCIPAL STRUCTURE GREATER THAN ONE STORY; 2. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Daniel J. Simoneit petitioner on behalf of Phil and Kris Fontanarosa, owners of the property located at 695 Oak Street).

Staff Presentation

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

Planner Ashbaugh stated the petitioner is Daniel J. Simoneit, on behalf of Phil and Kris Fontanarosa, owners of the property located on 695 Oak Street. She described the location of the subject property and said it and all surrounding properties are zoned R2 – Single Family Residential District and improved with single-family homes.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval of a variation from Section 10-4-8(E) to permit a lot coverage ratio of 24.8 percent where a lot coverage no more than 20 percent is permitted on a lot with a principal structure greater than one story.

Planner Ashbaugh said the Village has not granted any past variations to this property and briefly described the past building permits issued to the subject property.

Planner Ashbaugh said the lot coverage of the existing home is approximately 22 percent, or 1,928 square feet. She said the home was constructed in 1998, when the maximum permitted lot coverage was 25 percent for homes greater than one-story in the R2 district. She said the Village Board did not adopt Ordinance 5035-Z to change the maximum permitted lot coverage from 25 to 20 percent for homes greater than one-story in the R2 district until January 2002, making the property legal nonconforming.

Planner Ashbaugh said the petitioner is proposing to construct a one-story, 240 square-foot addition to the rear of the existing two-story single-family home for a proposed lot coverage of 24.8 percent, where 20 percent is permitted for homes greater than one-story.

Planner Ashbaugh stated the existing 24.5 square-foot front porch does count toward the lot coverage ratio, as it does not meet the minimum depth requirement of 6 feet to be eligible for the front porch bonus. She said the home has an attached two-car garage and does not benefit from the detached garage lot coverage bonus of 500 square feet.

Planner Ashbaugh stated the property owners have submitted a petition of support for the request variation, which has been signed by 12 neighboring property owners.

Questions from the Zoning Board of Appeals

ZBA Member Crudele asked if the property had a detached garage if it would qualify the property for a bonus and no longer need a variation. Planner Ashbaugh stated the petitioner could potentially build a detached garage up to 500 foot bonus and not need a variation from the lot coverage ratio. Planner Ashbaugh noted other variations may be needed.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Phil Fontanarosa, owner of the property located at 695 Oak Street; Kris Fontanarosa, owner of the property located at 695 Oak Street; Daniel J. Simoniet, petitioner for the property owners.

Mr. Phil Fontanarosa stated his property located at 695 Oak Street has practical difficulties regarding space. Mr. Fontanarosa stated there are unique aspects of the property, including a unique garage placement on a very narrow lot. Mr. Fontanarosa noted the garage placement has created a problem with the first floor living area in creating a very narrow living space. Mr. Fontanarosa stated the previous plan was to build a sun room, which is when they learned about the lot coverage ratio. Mr. Fontanarosa stated they did not know about the lot coverage ratio when the home was purchased in October 2019. Mr. Fontanarosa stated this project will keep the character of the home and neighborhood. Mr. Fontanarosa stated this project would help solve the living space issue as well as help keep the character of the home and neighborhood. Mr. Fontanarosa stated the proposed project was prepared with specific minimizations and consideration of the ZBA and their requirements. Mr.

Fontanarosa stated his family has no plans to move from this home and noted he does not expect any other variation requests in the future.

Ms. Kris Fontanarosa stated she loves living in Glen Ellyn and noted the majority of her family lives in or close to Glen Ellyn. Ms. Fontanarosa noted the property is on a very narrow lot which created a narrow living space. Ms. Fontanarosa stated she knew the sunroom would help with living space, but did not know of the lot coverage ratio limits.

Mr. Daniel J. Simoniet stated the home in question is very interesting and was poorly planned. Mr. Simoniet stated there are different facades of the home which appears to be modified to fit the narrow space. Mr. Simoniet stated this is the most cost effective solution to the current issue. Mr. Simoniet stated the hardships are clear and they have neighbor support.

Additional Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the current family room opens up, and if the wall shown can be removed. Mr. Fontanarosa stated the wall in question is a weight bearing wall with potential water lines running through it. Mr. Fontanarosa stated the wall may be able to be removed, but it would be difficult.

ZBA Member Miller stated he does not see a hardship outlined. ZBA Member Miller stated this was an existing condition when they purchased the home. ZBA Member Miller stated when the home was bought, they had the intention to add on, and noted the property owners could have done research prior to purchasing the home. Mr. Simoniet stated the narrow size of the lot and the change in Zoning Code created the hardship.

ZBA Chairperson Constantino asked if there are any stormwater issues. Mr. Simoniet stated there is no impact on drainage.

Persons in Favor of or in Opposition to the Variation Requests

Mark and Jennifer Vainisi, 710 Essex Court, submitted a letter of support, which was read into the record. This letter of support is included at the end of these meeting minutes.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the property in question is 695 Oak Street; the petitioner is Daniel J. Simoneit, on behalf of Phil and Kris Fontanarosa, owners of the property located on 695 Oak Street; the petitioner is requesting a variation from Section 10-4-8(E)(1) to permit a lot coverage ratio of 24.8 percent where a lot coverage no more than 20 percent is permitted on a lot with a principal structure greater than one story and any other zoning relief necessary to construct the project as depicted on the plans presented 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 single-

family home; the surrounding properties are all zoned R2 – Single Family Residential District; there were no prior zoning variations issued to this property; the existing lot coverage is 22 percent; the home was constructed in 1998 when a 25 percent lot coverage was approved; the home is a legal nonconforming structure; the proposal is to construct a one-story, 240 square-foot addition to the rear of the existing two-story single-family home; the front porch does not meet bonus requirement and the home is not eligible for a detached garage bonus; the width of the lot is nonconforming at 50 feet.

ZBA Member Panther continued the findings of fact: the ZBA then heard from Daniel J. Simoneit, and Phil and Kris Fontanarosa, owners of the property located on 695 Oak Street; they indicated the practical difficulties is that the configuration of the home is unique; the surrounding lots with similar dimensions have sunrooms to the rear of the properties; the request is a minimal request for what could be requested; they purchased the home in 2019; 12 neighbors have signed a petition of support; the addition is being built on pavers and will not increase the impervious surface and would likely not impact drainage; the property could have an addition 660 square foot area of impervious surface if there was a detached garage.

ZBA Member Panther continued the findings of fact: the property owners of 710 Essex Court submitted an email in support of the proposal.

Motion

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

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she appreciates the difficulties with this home, but that she takes hardships and practical difficulties very seriously. ZBA Member Covington stated she does not see the hardship, and therefore would not be in favor of approving this project.

ZBA Member Crudele stated she is in favor of approving this request.

ZBA Member Jones stated he is in favor of approving this request. ZBA Member Jones stated the house would not be build today with the current Village Zoning Code. ZBA Member Jones stated the house was built when it met the code and then it became nonconforming. ZBA Member Jones stated the house is slowly becoming a teardown due to the current code. ZBA Member Jones stated he suspects the house was built with the intention to extend, if needed.

ZBA Member Miller stated he is not in favor of approval as he does not see a hardship. ZBA Member Miller stated the owners purchased the house with the existing conditions. ZBA Member Miller did note the house has a strange and narrow layout, but that does not create a hardship.

ZBA Member Panther noted the Zoning Code was changed for all R2 homes and is not in favor of approval as he does not see a hardship.

ZBA Member Whalls stated he is in favor of the request. ZBA Member Whalls stated this request is one of the reasons the Village has to overhaul the guidelines. ZBA Member Whalls stated he is surprised the home was allowed to be built as it is. ZBA Member Whalls stated there are no stormwater issues and no neighbor concerns.

ZBA Chairperson Constantino stated he is in favor of the project. ZBA Chairperson Constantino noted the narrow lot and strange, unique and poor design of the home creates a hardship. ZBA Chairperson Constantino noted the existing garage intrudes on the living space and stated it is not easy to enter/exit from the garage. ZBA Chairperson Constantino stated there are no drainage issues and there is neighbor support.

ZBA Member Miller stated he would like to add the condition of approval to have a full drainage survey done to ensure everything is fine because the area is known for having drainage issues.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Covington to close the public hearing for 695 Oak Street at 8:08 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 Jones and seconded by ZBA Member Crudele as follows:

Having considered the application of Daniel J. Simoneit, petitioner on behalf of Phil and Kris Fontanarosa, owners of the property located at 695 Oak Street, Glen Ellyn for a zoning variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio of 24.8 percent where a lot coverage ratio of no more than 20 percent is permitted for the construction of an addition onto the existing nonconforming principal structure greater than one story located at 695 Oak Street, on 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 Sections 10-4-8(E)(1) of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The Zoning Code changed two years after the home was built.
2. The lot became nonconforming when the width went to 66 feet in Glen Ellyn and when the Lot Coverage Ratio went from 25 percent to 20 percent.

The motion was carried by roll call vote with 4 “yes” votes and 3 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Crudele, ZBA Member Jones and ZBA Member Whalls. The “no” votes are as follow: ZBA Member Covington, ZBA Member Miller and ZBA Member Panther.

A motion was made by ZBA Member Miller and seconded by ZBA Member Covington to add the following condition to the approval:

1. The property should be subject to a full stormwater review by the Village Stormwater Engineer.

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 to open the public hearing for 301 Abbotsford Court at 8:22 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.

PUBLIC HEARING – 301 ABBOTSFORD COURT

PETITIONER WILLIAM H. SESSIONS IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)(3) TO ALLOW A SECOND-STORY ADDITION TO BE NO CLOSER THAN 5 FEET 11 INCHES FROM THE SOUTH INTERIOR SIDE LOT LINE WHERE THE REQUIRED INTERIOR SIDE YARD SETBACK IS 10 FEET 11 INCHES; 2. SECTION 10-4-8(D)(4) TO ALLOW A SECOND-STORY ADDITION TO BE NO CLOSER THAN 8 FEET 1 INCH FROM THE CORNER SIDE LOT LINE WHERE THE REQUIRED CORNER SIDE YARD SETBACK IS 30 FEET; 3. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(William H. Sessions, owner of the property located at 301 Abbotsford Court).

Staff Presentation

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

Planner Ashbaugh stated the petitioner is William H. Sessions, owner of the property located at 301 Abbotsford Court. She described the location of the property and stated it is zoned R2 Residential District. She said the surrounding properties are also zoned R2 – Single Family Residential District and the properties to the south, east and west are improved with single-family homes. She said the property to the north is considered public right-of-way, thus making 301 Abbotsford Court a corner lot.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval of a variation from Section 10-4-8(D)(3) of the Zoning Code to allow a second-story addition to be no closer than 5 feet 11 inches from the south interior side lot line where the required interior side yard setback is 10

feet 11 inches and from Section 10-4-8(D)(4) to allow a second-story addition to be no closer than 8 feet 1 inch from the corner side lot line where the required corner side yard setback is 30 feet.

Planner Ashbaugh stated the Village has not granted any past variations to this property and described the permit history for the property.

Planner Ashbaugh stated the subject property was platted in 1924 as Lot 39 of Arthur T. McIntosh and Company's Glen Ellyn Golf Club Addition. She said that the right-of-way of Roslyn Road, which runs east-west along the north lot line of the subject property, is 140.8 feet in width in contrast with the typical right-of-way width of 66 feet. She said this results in the subject property being defined as a corner lot in accordance with Section 10-2-2 of the Zoning Code.

Planner Ashbaugh stated the area on the south side of Roslyn Road, east of Scott all the way to the river was the site of the original Village wastewater treatment facilities. She said that this is a possible reason why the right-of-way dedicated was unusually large at the time of the subdivision.

Planner Ashbaugh stated the petitioner is proposing to construct a second-story addition onto their existing nonconforming single-family home.

Planner Ashbaugh stated additions to nonconforming principal structures are required to comply with the setbacks of the applicable zoning district. She described the existing conditions of the property and said that the front and rear yard setbacks are conforming. She said the existing corner side yard of 8 feet 1 inch is not compliant with the required corner side yard setback of 30 feet and that the existing interior side yard of 5 feet 11 inches is not compliant with the required side yard setback of 10 feet 11 inches. She also noted the odd shape of the lot, which is wider in the front creates a larger side yard setback requirement (since the side yard setback is 10% of the width). She said that by proposing to construct a second-story addition directly above the home is its nonconforming location, the nonconforming condition is increased.

Planner Ashbaugh stated the proposed addition is considered a permitted Class 1 addition and the Class 1 alteration is also permitted.

Planner Ashbaugh stated no comments were received in opposition to the request. She said owners of the property directly adjacent to the subject property (295 Abbotsford Court) have signed a letter of support of the requests and that 15 other property owners signed a petition of support.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if the property to the north is considered a right-of-way. Planner Ashbaugh stated it is a public right-of-way.

ZBA Member Jones asked if the public right-of-way is village property. Planner Ashbaugh confirmed this.

ZBA Member Miller asked if the public parkway is wider directly in front of the property than it is to the south of the property and if there is a loss of lot size due to the right-of-way. Planner Ashbaugh stated the public parkway directly in front of the home is wider.

ZBA Member Miller asked if this property were considered an interior lot, would variations still be required. Planner Ashbaugh stated both variations would still be required, but they would be for a lesser degree.

ZBA Member Panther asked why the first-floor addition does not need to comply with the Zoning Code. Planner Ashbaugh stated the proposed addition is maintaining the existing setback and the entire principal structure would be considered legal nonconforming, so the Village would not require the home to be corrected as part of the project. She said if a first floor addition were proposed, it would be required to comply or request another variation.

ZBA Chairperson Constantino noted this right-of-way is a very odd shape and unique, resulting in a unique lot shape. ZBA Chairperson Constantino asked if Planner Ashbaugh is aware of any other similar right-of-way in the Village. Planner Ashbaugh stated she is not.

ZBA Member Covington asked if the owners of 295 Abbotsford Court have submitted a letter of support. ZBA Member Covington stated she is concerned about the loss of light to that address. ZBA Chairperson Constantino stated a letter of support was submitted from the property owners at 295 Abbotsford Court. ZBA Chairperson Constantino also stated the corner lot restricts the location where a structure can be placed.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were William H. Sessions, owner of the property located at 301 Abbotsford Court; Rick Rearick, petitioner's architect.

Mr. William H. Sessions stated he moved into the subject property in 2016. Mr. Sessions stated the house was built in the 1950s and was renovated prior to the purchase of the home. Mr. Sessions stated his family has outgrown the house and they need more room. Mr. Sessions stated his family wants to stay in Glen Ellyn. Mr. Sessions stated the work being completed on the north end of the property is to adjust the roof line to match the rest of the property. Mr. Sessions stated the addition to back will maintain the current setback. Mr. Sessions stated he has a signed petition with neighbor support. Mr. Sessions stated the Village maintains the right-of-way property to the north of his property, and his neighbors and he shovel the sidewalk during winter months. Mr. Sessions stated the right-of-way creates an unusual circumstance and created an awkward placement of the house on the lot. Mr. Sessions stated without a variation, no improvements could be made on the home.

Mr. Rick Rearick stated this lot is very unique and noted he has never seen a lot like this. Mr. Rearick stated having a lot with a right-of-way like this goes against planning.

Additional Questions from the Zoning Board of Appeals

ZBA Member Miller asked if the neighborhood is changing to have more two-story houses. Mr. Sessions stated this was correct.

ZBA Member Miller asked for confirmation that there is no change to the footprint of the house. Mr. Sessions confirmed this.

ZBA Member Miller asked if this property is considered a corner lot even though it is not exactly a corner lot. Mr. Sessions confirmed this.

ZBA Member Panther asked if the north side variation is due to the roof line. Planner Ashbaugh confirmed this.

ZBA Member Panther asked if the petitioner explored sidestepping to make the property complaint. Mr. Sessions stated this was looked at, but noted there is an 8 to 9 foot drop in grade, which causes a challenge for a buildout.

Persons in Favor of or in Opposition to the Variation Requests

Nick and Jennifer Tewell, 295 Abbotsford Court, submitted a letter of support, which was read into the record. This letter of support is included at the end of these meeting minutes.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the property is questions is 301 Abbotsford Court; the petitioner is William H. Sessions, owner of the property located at 301 Abbotsford Court; the petitioner is requesting a variation from Section 10-4-8(D)(3) to allow a second-story addition to be no closer than 5 feet 11 inches from the south interior side lot line where the required interior side yard setback is 10 feet 11 inches, Section 10-4-8(D)(4) to allow a second-story addition to be no closer than 8 feet 1 inch from the corner side lot line where the required corner side yard setback is 30 feet; 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 ZBA heard from Planner Ashbaugh who indicated the property is zoned R2 – Single Family Residential District and is improved with a single-family home; the properties to the south, east and west are zoned R2 – Single Family Residential District; the property to the north is considered a public right-of-way which makes 301 Abbotsford a corner lot; the property is also considered a reverse corner lot; the petitioner is proposing to construct a second-story addition onto their existing nonconforming single-family home.

ZBA Member Panther continued the findings of fact: William H. Sessions owner of the property located at 301 Abbotsford Court and Rick Rearick, the petitioner's architect were present; the home was purchased in 2016 and his family has outgrown the own; the petitioner's family would like the stay in Glen Ellyn; the north side of the property will have an adjusted roofline and will not change the location of the property; the Village maintains the landscaping on the right-of-way but the

homeowners maintain the sidewalks; the lot size and shape creates a hardship; the right-of-way to the north creates a hardship; this is an extremely unique lot and the right-of-way is also unique; there were 15 signatures of support for the project.

ZBA Member Panther continued the findings of fact: the property owners of 295 Abbotsford Court submitted an email in support of the proposal.

Motion

ZBA Member Crudele moved, seconded by ZBA Member Covington that the Zoning Board of Appeals recommend to approve the Findings of Fact. 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.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is in favor of this request. ZBA Member Covington stated this is a unique lot and the footprint is not changing. ZBA Member Covington stated her only concern was regarding neighbor lighting, which was addressed by the neighbor’s letter (295 Abbotsford Court).

ZBA Member Crudele stated the land provides a clear hardship and she is in favor of the request.

ZBA Member Jones stated the lot is unique and he is in favor of the request.

ZBA Member Miller stated he is in favor of the request.

ZBA Member Panther stated he is in favor of the request and was glad to learn the history of the property. ZBA Member Panther stated this is a unique circumstance.

ZBA Member Whalls stated he is in favor of the request. ZBA Member Whalls noted there is not lot coverage ratio issue and no setback changes.

ZBA Chairperson Constantino stated he is in favor of the request as this is a unique circumstances.

Motion

A motion was made by ZBA Member Crudele and seconded by ZBA Member Jones to close the public hearing for 301 Abbotsford Court at 9:10 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 William H. Sessions, petitioner and owner of the property located at 301 Abbotsford Court, Glen Ellyn, for two zoning variations from the Glen Ellyn Zoning Code to allow a second-story addition to be no closer than 5 feet 11 inches from the south interior side lot line where the required interior side yard setback is 10 feet 11 inches and no closer than 8 feet 1 inch from the corner side lot line where the required corner side yard setback is 30 feet on the property located at 301 Abbotsford Court, a corner 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 March 9, 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 10-4-8(D)(3) and 10-4-8(D)(4) of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The house is considered a corner lot even though it is not on a corner lot due to being adjacent to a public right-of-way.
2. If the lot was considered an interior lot, it would still need variations, but they would be substantially less than the required variations now.
3. There is no change to the footprint of the existing footprint and existing set-backs on the house.
4. A story-story house will fit with the character of the neighborhood.

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 March 9, 2021 remote public hearing of the Zoning Board of Appeals.

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 Jones and seconded by ZBA Member Covington to open the public hearing for 168 Crest Road at 9:14 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.

PUBLIC HEARING – 168 CREST ROAD

PETITIONERS MICHAEL SALENTINE AND BETHANY HENRICHS ARE REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)(3) TO ALLOW A TWO STORY ADDITION AT-GRADE TO BE NO CLOSER THAN 4 FEET 6 INCHES FROM THE NORTH INTERIOR SIDE LOT LINE WHERE THE REQUIRED INTERIOR SIDE YARD SETBACK IS 6 FEET 6 INCHES; 2. SECTION 10-4-8(D)(3) TO ALLOW A SECOND-STORY ADDITION

TO BE NO CLOSER THAN 4 FEET 6 INCHES FROM THE NORTH INTERIOR SIDE LOT LINE WHERE THE REQUIRED INTERIOR SIDE YARD SETBACK IS 6 FEET 6 INCHES;
3. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Michael Salentine and Bethany Henrichs, owners of the property located at 168 Crest Road).

Staff Presentation

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

Planner Ashbaugh stated the petitioners are Michael Salentine and Bethany Henrichs, owners of the property at 168 Crest Road. 168 Crest Road is an interior lot located on the west side of Crest Road, just south of the intersection of Crest and Revere Roads. The subject property is zoned R2 – Single Family Residential District and is improved with a single-family home. All surrounding properties are also zoned R2 – Single Family Residential District and are improved with single-family homes.

Planner Ashbaugh stated the petitioners are requesting a recommendation of approval of a variation from Section 10-4-8(D)(3) to allow a two-story addition at-grade to be no closer than 4 feet 6 inches from the north interior side lot line where the required interior side yard setback is 6 feet 6 inches and a variation from Section 10-4-8(D)(3) to allow a second-story addition to be no closer than 4 feet 6 inches from the north interior side lot line where the required interior side yard setback is 6 feet 5 inches.

Planner Ashbaugh stated the Village has not granted any past variations to this property and she described the permit history for the property.

Planner Ashbaugh stated the petitioners are proposing to construct an addition onto their existing nonconforming single-family home. She said the rear portion of the addition is a two-story addition, and consists of an approximately 255 square-foot footprint. She said the front portion of the addition is a second-story addition only, over the existing attached garage. She said the addition over the existing garage is approximately 245 square feet in area.

Planner Ashbaugh stated the two variations requested both relate to the interior side yard setback along the north lot line. She said the first variation is to allow the new foundation of the two-story addition to be no closer than 4 feet 6 inches from the north interior side lot line where a setback of 6 feet 5 inches is required, and this part of the addition will extend approximately 19 feet 5 inches to the west behind the existing garage. She said the second variation is to allow the second-story addition over the existing garage to also be no closer than 4 feet 6 inches from the north interior side lot line where a setback of 6 feet 6 inches is required. She said the existing attached garage is approximately 4 feet 6 inches from the north interior side lot line. She said the petitioner is requesting that the addition in its entirety maintain the setback of the existing home. She concluded that due to a slight skew of the lot line, the new additions will be an inch or two closer to the lot line than the existing garage.

Planner Ashbaugh stated the proposed addition is compliant with the maximum permitted lot coverage of 20 percent, with a lot coverage of 19.75 percent proposed. She said the proposed addition also falls under a Class 1 addition and Class 1 alteration, which are permitted on non-conforming structures.

Planner Ashbaugh stated the petitioners provided signatures of support for their application from 9 adjacent property owners. No comments in opposition to the request were submitted via email or the Village's online public comment form.

Questions from the Zoning Board of Appeals

ZBA Member Covington asked if the addition will double the length alongside their neighbors. Planner Ashbaugh confirmed this.

ZBA Member Miller asked if the petitioner is maintain the same distance from the house to the north. ZBA Member Miller also asked if going west, if this addition will match the house to either side of the property. Planner Ashbaugh confirmed this.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Michael Salentine, owner of the property located at 168 Crest Road; Rick Rearick, petitioner's architect.

Mr. Michael Salentine stated he is a Glenbard West alum and grew up in Glen Ellyn. Mr. Salentine stated his family purchased this home four years ago. Mr. Salentine stated his family loves the house and knew they would want to add an addition to the home. Mr. Salentine stated the tandem car garage is a great idea and the proposed addition provides them everything they want in a home. Mr. Salentine stated the addition is being built on existing pavers. Mr. Salentine stated his family has a great relationship with their neighbors and have been meeting with neighbors to describe in detail the project. Mr. Salentine stated his neighbors have been in support of the project.

Mr. Rick Rearick stated the house is on a 50 foot lot, which complicates a lot of things. Mr. Rearick stated the petitioners wanted a two car garage and a mudroom. Mr. Rearick stated they looked into different approaches to the garage, and settled on a plan that did not cover anymore impervious surface.

Additional Questions from the Zoning Board of Appeals

ZBA Miller asked what the unique circumstances or practical difficulties are. Mr. Salentine stated the 50 foot lot creates a hardship. Mr. Salentine also noted the house is built off center by two feet and that it encroaches into the setback. Mr. Salentine stated if the house was centered on the lot, they would not need the variation. Mr. Rearick stated the hardship is created by a narrow lot, a narrow rear yard and existing stormwater issues.

Persons in Favor of or in Opposition to the Variation Requests

None.

Findings of Fact

ZBA Member Panther stated the following findings of fact: the property in question is 168 Crest Road; the petitioner is Michael Salentine and Bethany Henrichs, owners of the property located at 168 Crest Road; the subject property is zoned R2 – Single Family Residential District and is improved with a single-family home; all surrounding properties are also zoned R2 – Single Family Residential District and are improved with single-family homes; the petitioners are requesting a recommendation of approval of the following variation from Section 10-4-8(D)(3) to allow a two-story addition at-grade to be no closer than 4 feet 6 inches from the north interior side lot line where the required interior side yard setback is 6 feet 6 inches, Section 10-4-8(D)(3) to allow a second-story addition to be no closer than 4 feet 6 inches from the north interior side lot line where the required interior side yard setback is 6 feet 5 inches, and any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing of 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 single-family home; the surrounding properties are zoned as R2 – Single Family Residential District; there are no accessory structures on the property; the lot is nonconforming for both lot area and lot width; setback to the south is conforming but the setback to the north is nonconforming; the first variation being requested is for the rear addition and the second variation is being requested for the addition over the garage.

ZBA Member Panther continued the findings of fact: the ZBA heard from Michael Salentine, owner of the property located at 168 Crest Road and Rick Rearick, the petitioner's architect; they indicated they purchased the home in 2016 and have been looking at plans to add an addition and they like the idea of the tandem garage which gave them the option for having a two car garage while minimizing the footprint on of the home and minimizing imperious area; the owners to the north are supportive of the proposal; with the addition they wanted to stick with the character of the neighborhood; the hardships are caused by the placement of the home on the lot as the placement is not centered and the narrow 50 foot lot; there are water issues to the rear of the house and a garage would create more challenges for the petitioners;

Motion

ZBA Member Crudele moved, seconded by ZBA Member Whalls that the Zoning Board of Appeals recommend to approve the Findings of Fact. 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.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is unsure about where she stands with this request. ZBA Member Covington stated she sees how the lot size could create a hardship but also noted the one car garage was in place when the petitioner's purchased the home.

ZBA Member Crudele stated she is in favor of the request. ZBA Member Crudele stated the lot size, narrow lot and house being off centered creates a hardship. ZBA Member Crudele also noted there would be potential stormwater issues with a different project proposal.

ZBA Member Jones stated he is in favor of this request. ZBA Member Jones noted this project resolves a lot of issues for the petitioner and stated he would be in favor of the project if he was the petitioner's neighbor. ZBA Member Jones also stated this request fit what was approved previously by the Zoning Board of Appeals.

ZBA Member Miller stated he is not necessarily a fan of the setback, but the setback will make the house look better. ZBA Member Miller stated the stormwater issues concern him, and that he would also add a condition regarding a stormwater study being completed by Village staff.

ZBA Member Panther noted this is a tricky request. ZBA Member Panther stated he does not love the front setback. ZBA Member Panther did not a two-car garage is a very common standard, and may not have been when this house was built. ZBA Member Jones stated he is in favor of the project and thanked the petitioner for minimizing the impact of the request.

ZBA Member Whalls stated he is in favor of this request. ZBA Member Whalls noted there are no new stormwater issues and no neighbor concerns. ZBA Member Whalls noted a two-car garage is the new normal.

ZBA Chairperson Constantino stated he is in favor of this request. ZBA Chairperson Constantino noted the house is not centered on the lot, which creates a hardship. ZBA Chairperson Constantino stated he would also like to see a condition relating to a stormwater review.

Motion

A motion was made by ZBA Member Jones and seconded by ZBA Member Panther to close the public hearing for 168 Crest Road at 9:48 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 Crudele as follows:

Having considered the application of Michael Salentine and Bethany Hendrichs, petitioners and owners of the property located at 168 Crest Road, Glen Ellyn, for two zoning variations to allow a two-story and second story addition to be no closer than 4 feet 6 inches from the north interior side lot line where the required interior side yard setback is 6 feet 6 inches on the property located at 168

Crest Road, 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 petitioners' application packet and presented by the petitioners at the Zoning Board of Appeals remote public hearing conducted on March 9, 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 Section 10-4-8(D)(3), of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The location of the house is not centered on a 50 foot non-conforming lot causes the side yard setback issues.
2. The existing location and current water issues in the backyard will not allow the owners to move the garage to the back of the house and add an addition off the back of the house.
3. The addition will closer match the footprint of the houses to the north and south.

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 March 9, 2021 remote public hearing of the Zoning Board of Appeals.
2. The property should be subject to a full stormwater review by the Village Stormwater Engineer.

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.

Staff Report

Planner Ashbaugh stated there are three confirmed cases for the ZBA meeting scheduled for March, 23, 2021. Planner Ashbaugh stated there are several active cases that are not quite ready to be presented by the ZBA, but staff continues to work with the petitioners.

Trustee Liaison Report

Trustee Christiansen stated the easements for the Civic Center parking garage pedway have been squared away and they are expecting a May 2021 completion date.

Trustee Christiansen stated an application for a restaurant on the first floor of the Apex development is being reviewed.

Trustee Christiansen stated the draft Comprehensive Plan is being reviewed at the Plan Commission meeting on Thursday, March 11.

ZBA Member Whalls asked if there was any update on the Apex development. Trustee Christiansen provided an update on the Apex project and timing.

Trustee Covington asked if the tent on Main Street will return for outdoor dining again this year. Trustee Christiansen stated a final decision has not been made, but does not think it would be possible to have the tent with the upcoming Frida event and the Apex construction. Trustee Christiansen stated they are looking for other locations.

Trustee Christiansen, Planner Ashbaugh and the ZBA discussed potential updates to the Zoning Code.

Adjournment

At 10:18 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