

MINUTES
ZONING BOARD OF APPEALS
March 23, 2021

The meeting was called to order by ZBA Chairperson Gregory Constantino at 7:04 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Matt Jones, Chip Miller and Tom Whalls were present. ZBA Member Reed Panther was excused. Also present were Planner Katie Ashbaugh, Planning Intern Adrian Diaz, Senior Civil Engineer Amy McKenna, 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 March 8, 2021.

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 Crudele moved, seconded by ZBA Member Miller, to allow remote participation in the meeting by the ZBA members. 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 Whalls.

MINUTES

ZBA Member Jones moved, seconded by ZBA Member Whalls, to approve the minutes of the March 9, 2021 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 Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

On the agenda were public hearings regarding the properties located at 200 N. Montclair Avenue, 715 Pleasant Avenue and 639 Newton Avenue.

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 Jones to open the public hearing for 200 N. Montclair Avenue at 7:11p.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 Whalls.

PUBLIC HEARING – 200 N. MONTCLAIR AVENUE

PETITIONER BLAKE STALLINGS IS REQUESTING A RECOMMENDATION OF APPROVAL FOR THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-5-5(B)(4) #33.A TO ALLOW AN EXISTING RESIDENTIAL SPORT COURT TO BE LOCATED APPROXIMATELY 1 FOOT 5 INCHES FROM THE NORTH INTERIOR SIDE LOT LINE WHERE A SETBACK OF 7 FEET 6 INCHES (10 PERCENT OF THE LOT WIDTH) IS REQUIRED; 2. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR A PUBLIC MEETING OF THE VILLAGE BOARD.

(Blake Stallings, owner of the property located at 200 N. Montclair Avenue).

Staff Presentation

Planner Ashbaugh and Senior Civil Engineer McKenna were present to speak regarding the proposed variation request and sworn in.

Planner Ashbaugh stated the petitioner is Blake Stallings, owner of the property located at 200 N. Montclair Avenue. She described the approximate location of the subject property and stated it was zoned R2 - Single Family Residential District. She said all surrounding properties were also all zoned R2 and improved with single family homes.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval for the following variation from Section 10-5-5(B)(4) #33.a of the Glen Ellyn Zoning Code to allow an existing residential sport court to be located approximately 1 foot 5 inches from the north interior side lot line where a setback of 7 feet 6 inches (10 percent of the lot width) is required.

Planner Ashbaugh stated on May 14, 2012, the Village Board approved Ordinance 6032 to grant a constructed necessitated zoning variation for the reconstruction of an existing screened porch to be located in the required side yard of the subject property, where principal structures are not permitted to encroach. She said the original screened porch was within the required interior side yard, but the foundation did not meet building code requirements. She said it was not eligible for the “straight up” code provision that allows legal nonconforming principal structures as close as 4 feet 6 inches from interior side lot lines to be rebuilt upon an original foundation. She said that the degree of the variation granted is not stated in the ordinance or exhibits, but that the plat of survey provided with this request measures an existing setback of approximately 5 feet.

Planner Ashbaugh stated the Village has granted the following permits for this property: deck and sliding door, 1983; addition, 1987; basement finishing, 1993; roof, 2010; interior remodel, 2012; remodel/alteration, 2012; sanitary sewer replacement, 2013; patio/seat wall/fire pit, 2013; garage siding, 2014; storm sewer connection, 2014; fence gate, 2014; sewer repair, 2018; and a front porch, 2020. She said the front porch permit was still active.

Planner Ashbaugh stated on August 26, 2020, the petitioner filed a building permit application to construct a front porch on their existing two-story single-family home. She continued that on September 10, 2020, the petitioner was sent an initial review letter, which noted the installation of a residential sport court between 2016 and 2019 per GIS aerial imagery. She said that the petitioner was also informed that a permit had not been filed or issued to allow the installation of the sport court. She said the petitioner was thus advised to bring the sport court into compliance with the required setback of 7 feet 6 inches or request a construction necessitated zoning variation to allow it to remain.

Planner Ashbaugh stated on December 16, 2020, the petitioner formally submitted an application for the request to allow the sport court to remain in its present location. She clarified that the front porch permit review continued separately from this request and was issued on September 26, 2020.

Planner Ashbaugh stated the existing residential sport court is proposed to remain approximately 1 foot 5 inches from the north interior side lot line where a setback of 7 feet 6 inches is required. She said that this is an 81 percent reduction in the required setback. She said the sport court requiring the variation is approximately 24 feet 6 inches wide by 25 feet 6 inches long for a total area of approximately 625 square feet and that it does not encroach into the required rear yard.

Planner Ashbaugh stated the Zoning Code requires sport courts and other recreational equipment to be setback a distance of 10 percent of the lot width away from all property lines. She said that this was put in place because these types of accessory uses inherently create activity and noise, and the required setback is meant to mitigate any disruption of adjacent properties.

Planner Ashbaugh stated to comply with Section 10-5-5(B)(4) #33 of the Zoning Code, a 6-foot 1-inch wide strip of pavement the length of the sport court would need to be removed from the residential sport court, or approximately 155 square feet (25 percent) of the existing sport court.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked if the sport court was the correct distance from the lot line, if it would need a variation for anything else, specifically if a variation for impervious surface coverage would be required. Planner Ashbaugh stated a variation for impervious surface would not be required, but the Village would still require a drainage plan.

ZBA Member Miller asked if the sport court came through the permitting process, what would have been required for stormwater management. Senior Civil Engineer McKenna stated a drainage plan would have been required, but there would have not been a requirement for a drywell.

ZBA Chairperson Constantino stated he believes this property is connected to the Village's stormwater system. ZBA Chairperson Constantino asked if all stormwater concerns have been addressed. Senior Civil Engineer McKenna confirmed this variation request is a setback concern.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Blake and Michelle Stallings, owners of the property located at 200 N. Montclair Avenue.

Michelle Stallings stated her family moved into the home in May of 2012. Ms. Stallings stated when they moved into the home, it had the preexisting concrete slab with a basketball hoop. Ms. Stallings stated her family refinished the court and hoop in 2018. Ms. Stallings stated the project included applying sport court material and extending the court. Ms. Stallings noted they have had significant water issues since they moved in. Ms. Stallings noted they have spent a lot of money to fix these water issues and have joined the Village's storm sewer. Ms. Stallings stated they are constantly making sure water is not an issue and assured water is not affecting their neighbors. Ms. Stallings stated they were unaware a permit was needed for the sport court.

Blake Stallings stated they added to the northern end of the existing concrete slab when they refinished the court and hoop in 2018. Mr. Stallings also noted the property has two drywells to help with stormwater issues.

Additional Questions from the Zoning Board of Appeals

ZBA Chairperson Constantino asked if the sport court can be relocated to anywhere else on the property. Ms. Stallings stated she does not believe it can be relocated due to grading and stormwater concerns.

ZBA Member Crudele asked if the grading in the backyard is the hardship on the property. Ms. Stallings confirmed this.

ZBA Member Jones asked how much smaller the previous slab of concrete was. Mr. Stallings stated they added about 3 feet to the west and about 6 feet to the north of the existing slab.

ZBA Member Jones asked if the contractor told them a permit was required. Mr. Stallings stated the contractor did not say a permit was needed.

ZBA Member Miller asked if the previous owner had a construction necessitated zoning variation for the concrete slab. Ms. Stallings stated the slab and zoning was in place when they purchased the house.

ZBA Member Miller stated he understands these type of situations, but is concerned the work was done without a permit.

ZBA Member Whalls asked if the concrete slab was on the property in 2012 prior to the purchase. It was confirmed it was through aerial photography Planner Ashbaugh showed during the Zoom meeting.

ZBA Member Covington asked if a permit was ever obtained for the initial concrete slab. Planner Ashbaugh stated there is no evidence to prove a permit was obtained.

Persons in Favor of or in Opposition to the Variation Requests

Planner Ashbaugh stated 8 properties within 350 feet of the subject property that were mailed notice have signed a petition in support of this project, but that 3 of the 8 also submitted letters of support.

Chase Purdon, 211 N. Montclair Avenue, submitted a letter of support, which was read into the record. This letter of support is included at the end of these meeting minutes.

Matthew Sessa, 208 N. Montclair Avenue, submitted a letter of support, which was read into the record. This letter of support is included at the end of these meeting minutes.

Anne Gelfer, 190 N. Montclair Avenue, 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 Whalls stated the following findings of fact: the property in question is 200 N. Montclair Avenue. 200 N. Montclair Avenue is an interior lot located on the west side of N. Montclair Avenue, mid-block between Wingate Road and Revere Road. The petitioner is Blake Stallings, owner of the property at 200 N. Montclair Avenue. The petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code: 1. Section 10-5-5(B)(4) #33.a to allow an existing residential sport court to be located approximately 1 foot 5 inches from the north interior side lot line where a setback of 7 feet 6 inches (10 percent of the lot width) is required; 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. The subject property and all surrounding properties are zoned R2 – Single Family Residential District and are all improved with single-family homes. Notice of the public hearing was published in the March 8, 2021, edition of the Daily Herald. The Village has granted the following permits to this property: deck and sliding door, 1983; addition, 1987; basement finishing, 1993; roof, 2010; interior remodel, 2012; remodel/alteration, 2012; sanitary

sewer replacement, 2013; patio/seat wall/fire pit, 2013; garage siding, 2014; storm sewer connection, 2014; fence gate, 2014; sewer repair, 2018; front porch, 2020.

ZBA Member Whalls continued the findings of fact: on May 14, 2012, the Village Board approved Ordinance 6032 to grant a constructed necessitated zoning variation for the reconstruction of an existing screened porch to be located in the required side yard of the subject property, where principal structures are not permitted to encroach. The original screened porch was located within the required interior side yard, but the foundation did not meet building code requirements. Because the foundation needed to be completely removed and rebuilt for the reconstruction, the replacement of the screened porch in-kind was not eligible for the “straight up” code provision that allows legal nonconforming principal structures as close as 4 feet 6 inches from interior side lot lines to be rebuilt upon an original foundation. Therefore, the Zoning Board of Appeals found that because the foundation was required to be rebuilt due to building code requirements, rendering the screened porch ineligible for the “straight up” provision, the request was reasonable and voted to recommend approval unanimously. The Village Board concurred with a unanimous vote as well. The degree of the variation granted is not stated in the ordinance of exhibits. However, the plat of survey provided with this request measure an existing setback of 5 feet.

ZBA Member Whalls continued the findings of fact: on August 26, 2020, the petitioner filed a building permit application to construct a front porch on their existing two-story single-family home. On September 10, 2020, the petitioner was sent an initial review letter, which noted the installation of a residential sport court between 2016 and 2019 per GIS aerial imagery. The petitioner was also informed that a permit had not been filed or issued to allow the installation of the sport court. The petitioner was thus advised to bring the sport court into compliance with the required setback of 7 feet 6 inches or request a construction necessitated zoning variation to allow it to remain. On December 16, 2020, the petitioner formally submitted an application for the request to allow the sport court to remain in its present location. Note, the front porch permit review continued separately from this request and was issued on September 26, 2020.

ZBA Member Whalls continued the findings of fact: an existing residential sport court is proposed to remain approximately 1 foot 5 inches from the north interior side lot line where a setback of 7 feet 6 inches is required. This is an 81 percent reduction in the required setback. The sport court requiring the variation is approximately 24 feet 6 inches wide by 25 feet 6 inches long for a total area of approximately 625 square feet. The sport court does not encroach into the required rear yard. The Village Code requires sport courts and other recreational equipment to be 10 percent of the lot width away from all property lines. These uses inherently create activity and noise, and the required setback is meant to mitigate any disruption of adjacent properties. To comply with Section 10-5-5(B)(4) #33 of the Zoning Code, a 6-foot 1-inch wide strip of pavement the length of the sport court would need to be removed from the residential sport court. This results in a removal of approximately 155 square feet or about 25 percent of the existing sport court. As part of the application for a construction necessitated variation, the petitioner is required to submit an estimate for a code compliant alternative. One quote from Ligman Construction Group, LLC was provided, According to the quote, to removed and relocate the sport court, it would cost \$12,800.00.

ZBA Member Whalls continued the findings of fact: no comments were received in opposition of the request and the owners of 8 properties which signed a petitioner in support of the request.

Motion

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

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated if this variation request would have been brought to the ZBA prior to it being built, she would have not approved the request. ZBA Member Covington stated the hardship is difficult and noted a drainage plan is required. ZBA Member Covington stated she is not sure if the court can be moved without causing additional stormwater concerns.

ZBA Member Crudele stated she is concerned on how close the court is to the property line. ZBA Member Crudele stated there are serious water issues and the petitioners have done a lot to address those concerns. ZBA Member Crudele stated there is a lot of support from the neighbors and moving to court could cause additional stormwater concerns. ZBA Member Crudele stated she is overall in favor of the request.

ZBA Member Jones stated the ZBA has approved other structures (garages) to be 1 foot from the property line. ZBA Member Jones also noted there is a lot of neighbor support for this project.

ZBA Member Miller stated he is not in favor of this project. ZBA Member Miller stated he would approve the project if it was in line with the existing garage. ZBA Member Miller stated he would have not approved the request in 2012. ZBA Member Miller noted he is also concerned a permit was not pulled for this project.

ZBA Member Whalls stated he agrees with ZBA Member Miller.

ZBA Chairperson Constantino stated he is leaning towards approving the request due to the stormwater concerns. ZBA Chairperson Constantino also noted there is support of the neighbors to the north of the property. ZBA Chairperson Constantino stated the cost to fix the court is high, and it may cause more stormwater issues in the end.

ZBA Member Covington asked if approved, would a condition for stormwater review be required. Senior Civil Engineer stated she is comfortable with the stormwater/drainage with the plans in place.

Motion

A motion was made by ZBA Member Miller and seconded by ZBA Member Jones to close the public hearing for 200 N. Montclair Avenue at 8:10 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 Whalls.

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

Having considered the application of Blake Stallings, petitioner and owner of the property located at 200 N. Montclair Avenue, Glen Ellyn, for a construction necessitated zoning variation to allow an existing residential sport court to remain approximately 1 foot 5 inches from the north interior side lot line where a setback of 7 feet 6 inches is required on the property located at 200 N. Montclair 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 March 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 Section 10-5-5(B)(4) #33.a of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The cost to relocate the sport court.
2. The potential of creating additional stormwater concerns for the neighbor if the sport court is moved.
3. There is support for many neighbors including the neighbor from the property to the north.

The motion was carried by roll call vote with 4 “yes” votes and 2 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele and ZBA Member Jones. The “no” votes are as follow: ZBA Member Miller and ZBA Member Whalls.

A motion was made by ZBA Member Crudele and seconded by ZBA Member Covington to open the public hearing for 715 Pleasant Avenue at 8:25 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 Whalls.

PUBLIC HEARING – 715 PLEASANT AVENUE

PETITIONER RAY WHALEN IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(E)(1) TO ALLOW A LOT COVERAGE RATIO OF 22.8 PERCENT WHERE A LOT COVERAGE RATIO OF NO MORE THAN 20 PERCENT IS PERMITTED ON A LOT WITH A PRINCIPAL STRUCTURE OF GREATER THAN ONE STORY; 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.

(Ray Whalen or Ray Whalen Builders Inc., owner of the property located at 715 Pleasant Avenue).

Staff Presentation

Planner Ashbaugh, Planning Intern Diaz and Senior Civil Engineer McKenna were present to speak regarding the proposed variation request and was sworn in.

Planning Intern Diaz stated the petitioner is Ray Whalen of Ray Whalen Builders Inc., owners of the property located at 715 Pleasant Avenue. Planning Intern Diaz stated 715 Pleasant Avenue is an interior lot located on the east side of Pleasant Avenue, just north of the intersection of Maple Street and Pleasant Avenue. Planning Intern Diaz stated the subject property and all surrounding properties are zoned R2 – Residential District and are all improved with single-family homes.

Planning Intern Diaz stated the petitioner is requesting a recommendation of approval of a zoning variation from Section 10-4-8(E)(1) to allow a lot coverage ratio of 22.8 percent where a lot coverage ratio of no more than 20 percent is permitted on a lot with a principal structure of greater than one story.

Planning Intern Diaz stated the Village has not granted any past variations to this property and the following permits have been issued: plumbing, 1971; electrical service, 1977; deck, 1986; sanitary sewer repair, 2005; sanitary sewer repair, 2006; sanitary sewer repair, 2006; hot water heater, 2008; plumbing, 2009; clearwater connection, 2011; roof, 2013; clearwater connection, 2020; demolition, 2020; new single-family home construction, 2020.

Planning Intern Diaz stated as listed in the building permit history, a demolition permit and a related new construction permit were issued in 2020 to construct a new two-story single-family home on the subject property. The lot coverage ratio approved for the home currently under construction was approximately 1,600 square feet, or 20 percent, which was approved by permit Note, the actual square footage prior to applying the front porch bonus was 1,737 square feet.

Planning Intern Diaz stated because the home is currently under construction, the petitioner completed a spot survey of the now installed foundation as required to confirm setbacks are met. The overall square footage of the home is approximately 1,732 square feet, or 5 square feet less than approved lot coverage.

Planning Intern Diaz stated the lot coverage of the former one-story home was approximately 20.3 percent, or 1,626 square feet, which was compliant with the maximum permitted lot coverage for properties with one-story principal structures in the R2 zoning district, 35 percent.

Planning Intern Diaz stated the petitioner is now proposing to amend the active building permit to construct a two-story, single-family home with an attached two-car garage and an approximately 229 square foot sunroom. He said that the lot coverage of the proposed home would be approximately 1,824 square feet or 22.8 percent, excluding the 137 square-foot front porch which qualifies for the bonus. He said that with the front porch, the actual total lot coverage of the proposed home is approximately 1,960 square feet, and no accessory structures are proposed.

Planning Intern Diaz stated prior to filing a building permit for the home currently under construction, the petitioner discussed the feasibility on constructing a detached garage to the rear of the property with Village staff. Staff advised the petitioner that the rear yard is part of a low-lying area that extends through the block.

Questions from the Zoning Board of Appeals

Chairperson Constantino asked if the petitioner sought to have the detached garage, but it was not included in the plans due to drainage issues. Planning Intern Diaz confirmed this.

Chairperson Constantino asked if the screened in porch was asked for at the same time as the attached garage. Planning Intern Diaz stated the screened in porch was requested as part of this variation after the original permit was approved.

Senior Civil Engineer McKenna stated there were a lot of pre-review meetings with the contractor prior to submitting the plans.

Chairperson Constantino asked if the screen in porch did not have a roof, if a variation would still be needed. Planner Ashbaugh stated if there was no roof, a variation would not be needed.

Chairperson Constantino asked if there are any drainage issues regarding the screened in porch. Senior Civil Engineer McKenna stated there are not.

ZBA Member Jones asked if the property could be tied into the Village's storm sewer. Senior Civil Engineer stated they could not directly tie into the storm sewer due to the location. Senior Civil Engineer McKenna noted the property will have downspouts and a sump pump. Senior Civil Engineer McKenna stated the builder is deciding exactly where to put the sump pump.

ZBA Member Jones asked if a detached garage was possible with a drainage plan. Senior Civil Engineer McKenna confirmed this would be very difficult and likely not possible.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation was Ray Whalen, owner of the property located at 715 Pleasant Avenue. Mr. Whalen stated he purchased the property in December of 2020. Mr. Whalen stated the property was purchased with the intention to build a home similar to what he was previously built on the same size lot. Mr. Whalen stated the depressional storage and stormwater issues were brought to his attention by a consultant. Mr. Whalen stated he has spent a lot of time with staff discussing this project and options. Mr. Whalen stated he prefers to build a detached garage, as it would make him eligible for the garage bonus. Mr. Whalen stated the hardships are created by the topography and stormwater concerns. Mr. Whalen stated he is looking to construct a new home that is enriching to the neighborhood, and does not want to cause any other potential stormwater issues. Mr. Whalen noted the topography in the property limits what can be built on this lot. Mr. Whalen stated his request is a minimized request.

Additional Questions from the Zoning Board of Appeals

ZBA Member Covington asked why they went for a roofed in patio instead of building out the living space. Mr. Whalen stated the screen porch was always intended for this project.

ZBA Member Jones asked if the existing foundation serving as an uncovered patio currently would support a second story. Mr. Whalen confirmed this.

ZBA Member Miller asked if Mr. Whalen would have an issue with the ZBA limiting a future build out of the screen porch. Mr. Whalen stated he is comfortable with that, and would recommend it. Mr. Whalen stated this part of the house was never intended to have a second floor.

ZBA Chairperson Constantino asked what the hardship is. Mr. Whalen stated the hardship is created from the topography.

ZBA Chairperson Constantino asked if the porch could be designed any smaller. Mr. Whalen stated it could but, but he prefers it to be built as the size proposed.

Persons in Favor of or in Opposition to the Variation Requests

Planner Ashbaugh stated 36 individuals from 22 properties have signed a petition in support of this project.

Chris Fanella, 179 Brandon Avenue, 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 Whalls stated the following findings of fact: the property in questions is 715 Pleasant Avenue. 715 Pleasant Avenue is an interior lot located on the east side of Pleasant Avenue, just north of the intersection of Maple Street and Pleasant Avenue. The petitioner is Ray Whalen of Ray Whalen Builders Inc., owner of the property located at 715 Pleasant Avenue. The petitioner is requesting a recommendation of approval of the following variation from the Glen Ellyn Zoning Code: 1. Section 10-4-8(E)(1) to allow a lot coverage ratio of 22.8 percent where a lot coverage ratio of no more than 20 percent is permitted on a lot with a principal structure of greater than one story; 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. The subject property and all surrounding subject properties are zoned R2 Residential District and are all improved with single family homes. Notice of the public hearing was published in the March 8, 2021, edition of the Daily Herald. The Village has not granted any past variations to the property and the following permits have been issued: plumbing, 1971; electrical service, 1977; deck, 1986; sanitary sewer repair, 2005; sanitary sewer repair, 2006; sanitary sewer repair, 2006; hot water heater, 2008; plumbing, 2009; clearwater connection, 2011; roof, 2013; clearwater connection, 2020; demolition, 2020; new single-family home construction, 2020. The lot area is 8,000 square feet, the lot width is 50 square; the front yard 32 feet 8 inches, the north side yard is 7 feet 2 inches, the south side yard is 6 feet 7.5 inches and the rear yard is 82 inches.

ZBA Member Whalls continued the findings of fact: the petitioner is now proposing to amend the active building permit to construct a two-story, single-family home with an attached two-car garage and an approximately 229 square foot sunroom. The lot coverage of the proposed home would be approximately 1,824 square feet or 22.8 percent, excluding the 137 square-foot front porch with qualifies for the bonus. With the front porch, the actual total lot coverage of the proposed home is approximately 1,960 square feet. No accessory structures are proposed; because the home is currently under construction, the petitioner completed a spot survey of the now installed foundation as required to confirm setbacks are met. The overall square footage of the home is approximately 1,732 square

feet, or 5 square feet less than approved lot coverage; the lot coverage of the former one-story home was approximately 20.3 percent, or 1,626 square feet. The maximum permitted lot coverage for properties with one-story principal structures in the R2 zoning district is 35 percent.

ZBA Member Whalls continued the findings of fact: the petitioner is now proposing to amend the active building permit to construct a two-story, single-family home with an attached two-car garage and an approximately 229 square foot sunroom. The lot coverage of the proposed home would be approximately 1,824 square feet or 22.8 percent, excluding the 137 square-foot front porch with qualifies for the bonus. With the front porch, the actual total lot coverage of the proposed home is approximately 1,960 square feet. No accessory structures are proposed; prior to filing a building permit for the home currently under construction, the petitioner discussed the feasibility on constructing a detached garage to the rear of the property with Village staff. Staff advised the petitioner that the rear yard is part of a low-lying area that extend through the block. The construction of a garage would then require compensatory storage for the lost stormwater storage in the depressional area that would be partially filled in to construct a garage. Staff noted that the size and grading of the lot are such that there was likely not sufficient room to provide a garage, driveway, and the compensatory storage required by their construction in the rear yard. Staff recommended limiting to development to the high western portion of the lot to avoid impacts to the depressional area, and the permit drawing submitted proposed development only on the western half of the lot, above the depressional area; although a detached garage is permitted in the Zoning Code and a bonus of 500 square feet could be granted towards the maximum lot coverage, the petitioner elected to construct a home with an attached garage within the maximum lot coverage ratio requirement of 1,600 square feet and develop the lot in such a way that the stormwater storage in the rear yard depressional area was maintained. The petitioner is now seeking approval of the variation from this requirement to allow for sunroom off of the rear of the home that is less than the size of a typical two-car garage; it should be noted that the proposed development increases the impervious surface on the property by only 229 square feet more than what previously existed, so no stormwater infiltration measures are required by Code. The petitioner included a sump pump discharge connection to the Village storm sewer on the permit to avoid sending additional water to the rear yard depressional area.

Motion

ZBA Member Miller 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 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 Whalls.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is leaning towards voting to approve this project. ZBA Member Covington stated if the request was for a detached garage, she would not be in favor of it. ZBA Member Covington stated she is leaning toward approval due to the fact these plans reduce stormwater issues.

ZBA Member Crudele stated the hardship is caused by a unique lot, and noted the lot does not allow for an attached garage. ZBA Member Crudele stated she is in favor of the request.

ZBA Member Jones stated he is not in favor of the request. ZBA Member Jones stated as a builder, you know what you're buying. ZBA Member Jones stated the builder should have been aware of the unique drainage issues prior to purchasing the lot. ZBA Member Jones stated he is concerned that a second story will eventually get built. ZBA Member Jones also noted the screened in porch is not necessary, but rather is a want.

ZBA Member Miller stated he is in favor of the proposed request due to the unique property. ZBA Member Miller stated the screened in porch will improve water flow. ZBA Member Miller stated he would be in favor of adding a condition that states the porch can't be improved with a second story.

ZBA Member Whalls stated he is having trouble seeing the hardship. ZBA Member Whalls stated in the future he would like the Village Code to have a lot coverage ratio of 25 percent, but noted that is not how the Code is currently written.

ZBA Chairperson Constantino stated at first he was against the request. ZBA Chairperson Constantino stated after hearing the staff and petitioner presentation he is more aware of the topography of the property. ZBA Chairperson Constantino stated he is also in favor of a condition that states the porch can't be improved with a second story. ZBA Chairperson Constantino stated he thinks the ZBA will see similar issues in the future. ZBA Chairperson Constantino stated he is in favor of this request.

ZBA Member Whalls and ZBA Member Jones stated they are in favor of the request with the conditions noted by ZBA Member Miller.

Motion

A motion was made by ZBA Member Jones and seconded by ZBA Member Whalls to close the public hearing for 715 Pleasant Avenue at 9:46 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 Whalls.

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

Having considered the application of Ray Whalen, petitioner on behalf of Ray Whalen Builders Inc., owner of the property located at 715 Pleasant Avenue, Glen Ellyn, for a zoning variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio of 22.8 percent where a lot coverage ratio of no more than 20 percent is permitted for the construction of a two-story principal structure on the property located at 715 Pleasant 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 Sections 10-4-8(E)(1) of the Glen Ellyn Zoning Code due to the following hardship(s) and unique circumstance(s):

1. Due to the drainage issues caused by the unique topography and existing watershed on the lot, the owner cannot put a detached garage to the back and receive the garage bonus. The backyard garage would cause additional water issues for the neighbors. The screened porch will improve water flow over the previously approved raised patio with the downspouts.

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 23, 2021 public hearing of the Zoning Board of Appeals.
2. The screened in porch with vinyl windows may not be improved with windows, a second story, or HVAC.

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 Whalls.

A motion was made by ZBA Member Jones and seconded by ZBA Member Covington to open the public hearing for 639 Newton Avenue at 9:53 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 – 639 NEWTON AVENUE

PETITIONER JOSHUA WESOLOWSKI IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)(4) TO ALLOW A SECOND-STORY ADDITION TO BE NO CLOSER THAN APPROXIMATELY 10 FEET 11 INCHES FROM THE CORNER SIDE LOT LINE WHERE THE REQUIRED CORNER SIDE YARD SETBACK IS 18 FEET; 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.

(Joshua Wesolowski, owners of the property located at 639 Newton Avenue).

Staff Presentation

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

Planner Ashbaugh stated the petitioner is Joshua Wesolowski, owner of the property located at 639 Newton Avenue. She said that 639 Newton Avenue is a corner lot located at the southeast corner of the intersection of Newton Avenue and Linden Street. She said it is zoned R2 Residential District and is improved with a two-story, single-family home and a 383 square foot detached garage. She said all surrounding properties are also zoned R2 Residential District and improved with single-family homes.

Planner Ashbaugh stated the petitioner is requesting a recommendation of approval of a zoning

variation from Section 10-4-8(D)(4) to allow a second-story addition to be no closer than approximately 10 feet 11 inches from the corner side lot line where the required corner side yard setback is 18 feet.

Planner Ashbaugh stated the Village has not granted any past variations to this property and the following permits have been issued: illegible record, 1950; swimming pool, 1959; bath house, 1959; furnace replacement, 1976; deck, 1991; garage, 1995; clearwater connection, 2015; fence, 2015; roof, 2019.

Planner Ashbaugh stated the petitioner is proposing to construct a partial 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 said the front, corner side, and interior side yard setbacks of the existing home are nonconforming. She said that because the corner lot is less than 80 feet in width, the required corner side yard is 30 percent of the lot width, or 18 feet. She said that the existing corner side yard of approximately 10 feet 11 inches is therefore not compliant with the required corner side yard setback.

Planner Ashbaugh stated the proposed 211 square-foot, second-story addition is located over the northernmost, one-story portion of the home that is currently encroaching into the required corner side yard. She said that because the addition is proposed to maintain the existing nonconforming side yard of approximately 10 feet 11 inches, a variation is required.

Planner Ashbaugh stated the proposed addition is considered a Class 1 addition and will increase the floor area of the home by 211 square feet or 10.3 percent, which is permitted for nonconforming structures. She said that the proposed alteration is considered a Class 1 alteration and will change approximately 423 square feet or 27.8 percent, which is also permitted on nonconforming structures.

Planner Ashbaugh showed photos of existing conditions provided by the petitioner. She said that no comments were received in opposition of the request and the owners of 21 properties which were mailed notice of the request signed a petitioner in support of the request.

Questions from the Zoning Board of Appeals

ZBA Member Miller is the house located at 690 Newton Avenue is closer to the street than this request. Planner Ashbaugh stated it appears to be in a similar location.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Josh and Julie Wesolowski, owners of the property located at 639 Newton Avenue.

Mr. Josh Wesolowski stated he is a life-long Glen Ellyn resident and he personally attended Hadley Jr. High and Glenbard West High School. Mr. Wesolowski stated they are looking to grow a family and that they want to stay in Glen Ellyn. Mr. Wesolowski stated in order to stay in Glen Ellyn an

addition to the house is needed. Mr. Wesolowski stated the house was built in 1920 and was bought by his family in 2015. Mr. Wesolowski stated when they saved the home from being a teardown when they purchased it. Mr. Wesolowski stated it was important to honor the character of the home and neighborhood as well as maintaining the historical aspect of the house. Mr. Wesolowski stated the existing sunroom encroaches to the side yard which creates an existing nonconforming house. Mr. Wesolowski stated it is the intention to maintain the current setback.

Mrs. Julie Wesolowski stated their home is on a nonconforming lot, and noted if the house was located on an interior lot, a variation would not be needed. Mrs. Wesolowski stated there is not parkway between the sidewalk and the street. Mrs. Wesolowski stated the side yard is only 60 feet when it should be 80 feet. Mrs. Wesolowski stated the addition will look like it is part of the original home.

Additional Questions from the Zoning Board of Appeals

None.

Persons in Favor of or in Opposition to the Variation Requests

Planner Ashbaugh stated 26 individuals for 19 properties have signed a petition in support of this project.

Cindy and George Truchioli, 364 Linden Street, submitted a letter of support, which was read into the record. This letter of support is included at the end of these meeting minutes.

Kate Marsch, 331 Linden Street, 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 Whalls stated the following findings of fact: the petitioner is Joshua Wesolowski, owner of the property located at 639 Newton Avenue. 639 Newton Avenue is a corner lot located at the southeast corner of the intersection of Newton Avenue and Linden Street. The petitioner is requesting a recommendation of approval of the following variations from the Glen Ellyn Zoning Code: 1. Section 10-4-8(D)(4) to allow a second-story addition to be no closer than approximately 10 feet 11 inches from the corner side lot line where the required corner side yard setback is 18 feet; 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. The subject property is zoned R2 Residential District and is improved with a two-story, single-family home and a 383 square foot detached garage. All surrounding properties are also zoned R2 Residential District and improved with single-family homes. Notice of the public hearing was published in the March 8, 2021, edition of the Daily Herald. The Village has not granted any past variations to this property and the following permits have been issued: illegible record, 1950; swimming pool, 1959; bath house, 1959; furnace replacement, 1976; deck, 1991; garage, 1995; clearwater connection, 2015; fence, 2015; roof, 2019. The lot area is 8,370 square feet, the lot width is 60 feet, the front yard is 39 feet 6 inches, the corner side yard is 10 feet 11 inches, the east side yard is 4 feet 8 inches and the rear yard is 60 feet 3 inches.

ZBA Member Whalls continued the findings of fact: The petitioner is proposing to construct a partial second-story addition onto their existing nonconforming single-family home. The additions to nonconforming principal structures are required to comply with the setbacks of the applicable zoning district. The front, corner side, and interior side yard setbacks of the existing home are nonconforming. Because the corner lot is less than 8- feet in width, the required corner side yard is 30 percent of the lot width, or 18 feet. The existing corner side yard of approximately 10 feet 11 inches is therefore not compliant with the required corner side yard setback. The proposed 211 square-foot, second-story addition is located over the northernmost, one-story portion of the home that is currently encroaching into the required corner side yard. Because the addition is proposed to maintain the existing nonconforming side yard of approximately 10 feet 11 inches, a variation is required. The proposed addition is considered a Class 1 addition and will increase the floor area of the home by 211 square feet or 10.3 percent, which is permitted for nonconforming structures. The proposed alteration is considered a Class 1 alteration and will change approximately 423 square feet or 27.8 percent, which is also permitted on nonconforming structures.

ZBA Member Whalls continued the findings of fact: the petitioner has provided photos of existing conditions. No comments were received in opposition of the request and the owners of 21 properties which were mailed notice of the request by mail signed a petitioner in support of the request.

Motion

ZBA Member Miller 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 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 Whalls.

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is in favor of this request and noted the hardship is the smaller lot size than a typical corner lot.

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

ZBA Member Jones stated he is in favor of this request. ZBA Member Jones noted the sidewalk is closer to the street than normal and there will be zero negative impact from this project.

ZBA Member Miller stated he is in favor of this request as the house sits on a existing nonconforming lot.

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

ZBA Chairperson Constantino stated he is in favor of this request and noted the unique circumstance and large right-of-way.

Motion

A motion was made by ZBA Member Covington and seconded by ZBA Member Crudele to close the public hearing for 639 Newton Avenue at 10:19 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 Whalls.

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

Having considered the application of Joshua Wesolowski, petitioner and owner of the property located at 639 Newton Avenue, Glen Ellyn, for a zoning variation from the Glen Ellyn Zoning Code to allow a second-story addition to be no closer than 10 feet 11 inches from the corner side lot line where the required corner side yard setback is 18 feet on the property located at 639 Newton Avenue, 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 23, 2021, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL of the requested zoning variation from Section 10-4-8(D)(4) of the Glen Ellyn Zoning Code due to the following hardship(s):

1. House sits on an existing non-conforming corner lot causing the inability to add a second story without zoning relief. They are not increasing the footprint of the property.

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 Whalls.

Staff Report

Planner Ashbaugh stated there are no applications slated for the April 13th ZBA meeting.

Trustee Liaison Report

Trustee Christiansen provided an updated on the Comprehensive Plan and Village COVID-19 vaccine clinic.

Adjournment

At 10:33 p.m. a motion was made by ZBA Member Miller and seconded by ZBA Member Whalls 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 Crudele, ZBA Member Jones, ZBA Member Miller and ZBA Member Whalls.

Respectfully submitted,

Lindsey Kaminsky

Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP
Planner