

MINUTES
ZONING BOARD OF APPEALS
May 11, 2021

The meeting was called to order by Zoning Board of Appeals Chairperson Gregory Constantino at 7:05 p.m. Zoning Board of Appeals Members Michelle Covington, Katie Crudele, Reed Panther and Tom Whalls were present. Zoning Board of Appeals Member Matt Jones and Chip Miller were excused. Also present were Planning Manager Purvis, 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 April 24, 2021 for the property located at 614 Roger Road.

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.

EMERGENCY RULES OF PROCEDURE

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

MINUTES

ZBA Member Whalls moved, seconded by ZBA Member Crudele, to approve the minutes of the March 23, 2021 meeting. The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Panther and ZBA Member Whalls.

On the agenda was a public hearing regarding the property located at 614 Roger Road.

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

A motion was made by ZBA Member Covington and seconded by ZBA Member Crudele to open the public hearing for 614 Roger Road at 7:11 p.m. The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Panther and ZBA Member Whalls.

PUBLIC HEARING – 614 ROGER ROAD

PETITIONER DANIEL J. SIMONEIT IS REQUESTING A RECOMMENDATION OF APPROVAL OF THE FOLLOWING VARIATIONS FROM THE GLEN ELLYN ZONING CODE: 1. SECTION 10-4-8(D)(2) TO ALLOW A REAR YARD SETBACK OF 29 FEET THREE (3) INCHES WHERE A REAR YARD SETBACK OF 40 FEET IS REQUIRED FOR THE CONSTRUCTION OF AN ADDITION WITH A ROOF TOP DECK IN THE R2 DISTRICT; AND 2. ANY OTHER ZONING RELIEF NECESSARY TO CONSTRUCT THE PROJECT AS DEPICTED ON THE PLANS PRESENTED OR REVISED AT THE PUBLIC HEARING OR AT A PUBLIC MEETING OF THE VILLAGE BOARD.

(Daniel J. Simoneit, petitioner, on behalf of Joseph and Jessica Charron, owners of the property located at 614 Roger Road.).

Staff Presentation

Planning Manager Purvis was present to speak regarding the proposed variation request and was sworn in.

Planning Manager Purvis stated the petitioner is Daniel J. Simoneit on behalf of Joseph and Jessica Charron, owners of the property located at 614 Roger Road. The subject property is an interior lot located on the west side of Roger Road, mid-block between the intersections of Clifton Avenue and Ellynwood Drive, with Roger Road. The subject property and all surrounding properties are zoned R2 – Residential District and are all improved with single family homes.

Planning Manager Purvis stated the petitioner is requesting a recommendation of approval from the following variations from the Glen Ellyn Zoning Code:

1. Section 10-4-8(D)(2) to allow a rear yard setback of 29 feet three (3) inches where a rear yard setback of 40 feet is required from the construction of an addition with a roof top deck in the R2 district; and
2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board.

Planning Manager Purvis stated in August of 2020, a variation was granted to allow a proposed addition to encroach 10 feet 9 inches into the required rear yard. Planning Manager Purvis stated the Village has granted the following permits to this property: new construction of a single-family home, 1956; screen porch, 1964; sewer repair, 2003.

Planning Manager Purvis stated the petitioner previously received approval of a variation to construct the 370 square foot addition to the rear of the home, which will encroach 10 feet nine inches into the required 40 foot rear yard. At its nearest point, the proposed addition will be 29 feet three inches from the rear property line. Approximately 113 square feet of the addition will be within the required rear yard. Since approval of the variation, the petitioners had updated the plans to include a rooftop deck. The degree of the variation will remain the same, but staff felt that the ZBA and Village Board should have the opportunity to review the updated proposal. The variation approval was conditioned upon the construction of the project being in substantial conformance with the plans presented at the July 28, 2020 ZBA and August 24, 2020 Village Board meetings, which have been significantly altered to accommodate a roof top deck over the addition.

Questions from the Zoning Board of Appeals

ZBA Chairperson Covington asked if there are any Zoning Code regulations pertaining to roof top decks. Planning Manager Purvis stated the Zoning Code does not have regulations for roof top decks, but does have regulations for decks. Planning Manager Purvis stated there will be additional requirements for the roof top deck through the building code during the permit review process.

Petitioners' Presentation

Sworn in for the Petitioner's Presentation were Daniel J. Simoneit, petitioner, and Joseph Charron, owner of the property located at 614 Roger Road.

Mr. Simoneit stated a guard rail will be installed around the roof top deck and will be 36 inches, per Village Code. Mr. Simoneit stated the height of the deck will be the same height of the ridgeline of the house. Mr. Simoneit stated the deck will not be seen from the street and the neighbors to the north, south and west will not be impacted by the deck.

Mr. Simoneit stated the roof top deck was proposed by Mr. Charron's landscaper as the cost of the hardscape and landscape originally approved greatly increased. Mr. Simoneit stated the landscaper

suggested the roof top deck as it will create a flat surface (which otherwise does not exist due to the topography) and will bring in natural sunlight.

Mr. Simoneit noted the top of the neighbor's fence will remain higher than any point on the proposed roof top deck.

Mr. Charron stated the cost of the landscaping was too high and this plan was suggested by his landscaper. Mr. Charron stated this is a good and interesting idea for his backyard.

Additional Questions from the Zoning Board of Appeals

None.

Persons in Favor of or in Opposition to the Variation Requests

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

Findings of Fact

ZBA Member Whalls stated the following findings of fact: the property in question is 614 Roger Road; the petitioner is Daniel J. Simoneit on behalf of Joseph and Jessica Charron, owners of the property located at 614 Roger Road; 614 Roger Road is an interior lot located on the west side of Roger Road, mid-block between the intersections of Clifton Avenue and Ellynwood Drive with Roger Road; the subject property and all surrounding properties are zoned R2 – Residential District and are all improved with single-family homes;; the petitioner is requesting approval of the following variations from the Glen Ellyn Zoning Code: 1. Section 10-4-8(D)(2) to allow a rear yard setback of 29 feet three (3) inches where a rear yard setback of 40 feet is required for the construction of an addition with a roof top deck in the R2 District; 2. Any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board; notice of the public hearing was published in the April 24, 2021 edition of the Daily Herald.

ZBA Member Whalls continued the following findings of fact: the subject property has a lot area of 14,713 ft²; lot width of 90 feet; front yard of approximately 40 feet 6 inches; interior side yard of approximately 8 feet 1.5 inches from north interior lot line; interior side yard of approximately 5 feet 10.5 inches from south interior side lot line; rear yard of approximately 44 feet 2 inches.

ZBA Member Whalls continued the following findings of fact: in August of 2020, a variation was granted to allow a proposed addition to encroach 10 feet 9 inches into the required rear yard; the Village has granted the following permits to this property: new construction of a single-family home, 1956; screen porch, 1964; sewer repair, 2003.

ZBA Member Whalls continued the following findings of fact: the petitioner previously received approval of a variation to construct the 370 square foot addition to the rear of the home, which will encroach 10 feet nine inches into the required 40 foot rear yard. At its nearest point, the proposed addition will be 29 feet three inches from the rear property line. Approximately 113 square feet of the addition will be within the required rear yard. Since approval of the variation, the petitioners had updated the plans to include a rooftop deck. The degree of the variation will remain the same, but staff felt that the ZBA and Village Board should have the opportunity to review the updated proposal. The variation approval was conditioned upon the construction of the project being in substantial conformance with the plans presented at the July 28, 2020 ZBA and August 24, 2020 Village Board meetings, which have been significantly altered to accommodate a roof top deck over the addition.

Motion

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

Additional Comments from the Zoning Board of Appeals

ZBA Member Covington stated she is in support of the request and thinks the roof top deck will work well for this property. ZBA Member Covington stated she wanted to be clear that roof top decks are not the solution for all properties, but with the grading and topography, it makes sense for this property.

ZBA Member Crudele stated she agrees with ZBA Member Covington. ZBA Member Crudele stated this a unique property with unique elevations. ZBA Member Crudele stated it is a cool concept, and it will almost serve as a deck. ZBA Member Crudele also noted it was noted at the previous public hearing that the subject property’s house sits at an add angle on the lot with an 11 foot elevation change from back to front and that the lot line is concave with the center line pushing into the property six (6) feet six (6 inches).

ZBA Member Panther stated he is in favor of the request. ZBA Member Panther stated a roof top deck is not the answer for all homes, but it works very well on this property. ZBA Member Panther also noted this design minimizes impervious surface on the property.

ZBA Member Whalls stated he is in favor of the request. ZBA Member Whalls stated this is a good concept. ZBA Member Whalls noted the unusual topography on the property and also noted there are no stormwater concerns.

ZBA Chairperson Constantino stated he is in favor of the request. ZBA Chairperson Constantino stated there is an 11 foot elevation change from back to front and that the lot line is concave with

the center line pushing into the property six (6) feet six (6 inches). ZBA Chairperson Constantino noted the requested addition of the roof top deck is not visible from the street.

Motion

A motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to close the public hearing for 614 Roger Road at 7:40 p.m. The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Panther and ZBA Member Whalls.

A motion was made by ZBA Member Crudele and seconded by ZBA Member Covington as follows:

Having considered the application of Daniel J Simoneit, petitioner on behalf of Joseph and Jessica Charron, owners of the property located at 614 Roger Road, Glen Ellyn, for a zoning variation to allow a rear yard setback of 29 feet three (3) inches where a rear yard setback of 40 feet is required for the construction of an addition with a rooftop deck on the subject property, as depicted on the plans presented or revised at the public hearing, 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 public hearing conducted on May 11, 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)(2), of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. The house sits at an odd angle on the lot with an 11 foot elevation change back to front.
2. The lot line is concave with the center line pushing into the property six (6) feet six (6) inches.

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 May 11, 2021 public hearing of the Zoning Board of Appeals.

The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Panther and ZBA Member Whalls.

Staff Report

Planning Manager Purvis stated there are a number of variations in queue including several construction necessitated zoning variation requests. Planning Manager Purvis stated there may not be a variation request for the next scheduled ZBA meeting.

Trustee Liaison Report

Trustee Christiansen stated the new Village Board was sworn in at the May 10, 2021 Village Board meeting and welcomed President Senak, Trustee Gould, Trustee Kalinich and Clerk Cosby to the Board.

Trustee Christiansen stated the Village Board approved a Special Use Permit for a co-working space on Main Street called Brick and Mortar.

Trustee Christiansen stated the Village Board continues their review of the draft Comprehensive Plan and encouraged everyone to review the Plan and provide feedback.

ZBA Member Whalls asked if there are any multi-family developments in progress. Planning Manager Purvis provided information regarding the proposed multi-family developments.

Adjournment

At 7:59 p.m. a motion was made by ZBA Member Whalls and seconded by ZBA Member Panther to adjourn the meeting. The motion was carried with 5 “yes” votes and 0 “no” vote. The “yes” votes are as follow: ZBA Chairperson Constantino, ZBA Member Covington, ZBA Member Crudele, ZBA Member Panther and ZBA Member Whalls.

Lindsey Kaminsky
Recording Secretary