

MINUTES
ZONING BOARD OF APPEALS
JANUARY 14, 2020

The meeting was called to order by ZBA Chairperson Greg Constantino at 7:04 p.m. ZBA Members Michelle Covington, Matt Jones, Chip Miller, Reed Panther and Student Member Maddie Greenleaf were present. ZBA Member Thomas Whalls was excused. Also present were Village Planner Kelly Purvis, Village Planner Katie Ashbaugh, Development Civil Engineer Amy McKenna and Executive Assistant Lindsey Kaminsky.

On the agenda was a public hearing regarding the property at 494 Carleton Avenue continued from December 10, 2019.

Chairperson Constantino explained this is a continuation of the Zoning Board of Appeals meeting held on December 10, 2019.

PUBLIC HEARING – 494 CARLETON AVENUE

PETITIONER JAMES CAMPBELL IS REQUESTING APPROVAL FROM THE GLEN ELLYN ZONING CODE AS FOLLOWS: 1. TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE ONE FOOT FROM THE INTERIOR SIDE LOT LINE IN LIEU OF THE MINIMUM DISTANCE REQUIRED OF THREE FEET FOR ACCESSORY STRUCTURES GREATER THAN TEN FEET FROM THE PRINCIPAL STRUCTURE IN THE R2-RESIDENTIAL DISTRICT. 2. TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE ONE FOOT FROM THE INTERIOR SIDE LOT LINE IN LIEU OF THE MINIMUM DISTANCE REQUIRED OF THREE FEET FOR ROOFED OVER STRUCTURES IN THE R2 – RESIDENTIAL DISTRICT. 3. 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. 4. TO ALLOW THE EAVE OF A NEW DETACHED GARAGE TO BE NO LESS THAN EIGHT INCHES FROM THE INTERIOR SIDE LOT LINE IN LIEU OF THE MINIMUM DISTANCE REQUIRED OF ONE FOOT SIX INCHES FOR GUTTERS AND DOWNSPOUTS IN THE R2 – RESIDENTIAL DISTRICT. 5. TO ALLOW THE GUTTER AND DOWNSPOUTS OF A NEW DETACHED GARAGE TO BE NO LESS THAN FOUR INCHES FROM THE INTERIOR SIDE LOT LINE IN LIEU OF THE MINIMUM DISTANCE REQUIRED OF ONE FOOT SIX INCHES FOR GUTTER AND DOWNSPOUTS IN THE R2 – RESIDENTIAL DISTRICT.

(James Campbell, owner of the property at 494 Carleton Avenue)

Staff Presentation

This Public Hearing is continued from December 10, 2019 regarding 494 Carleton Avenue.

Village Planner Ashbaugh stated petitioner James Campbell, owner of the property at 494 Carleton Avenue, is requesting four variations from the Glen Ellyn Zoning Code to construct a 560 square-foot detached garage to the rear of his existing home. Village Planner Ashbaugh

showed an aerial view of the property and stated the subject property and the surrounding properties are all zoned R2 – Residential. Village Planner Ashbaugh stated the subject property is an interior lot located on the west side of Carleton Avenue, just north of the Duane Street and Carleton Avenue intersection.

Village Planner Ashbaugh showed the 2019 Plat of Survey for this property and stated the petitioner is proposing a new 14 foot by 40 foot garage toward the rear of the property to replace the existing garage. The footprint of the proposed garage is remaining the same as previously provided on December 10, 2019.

Village Planner Ashbaugh stated accessory structures with roofs and those farther than ten feet from the principal structure, are required to be at least three feet from the interior side and rear lot lines. Village Planner Ashbaugh stated the petitioner proposes to construct the new garage in approximately the same location as the existing garage with a larger footprint to park two vehicles in tandem (parallel), with a one-foot setback from the north interior side lot line.

Village Planner Ashbaugh stated the petitioner is now proposing that the north eave on the detached garage be no closer than eight inches to the north interior side lot line, in lieu of the required distance of one foot six inches. In addition, the petitioner is also now proposing that the north gutter and downspout on the detached garage be no closer than three inches from the north interior side lot line, in lieu of the required distance of one foot six inches. The gutter and downspout are now entirely on the subject property and do not encroach onto the adjacent property to the north, 498 Carleton Avenue. Village Planner Ashbaugh stated the petitioner has also added two windows on the north elevation to address comments made on the December 10, 2019 meeting.

Village Planner Ashbaugh stated the ZBA may choose to make a recommendation to the Village Board for the approval, approval with conditions, or denial of the request.

Questions from the Zoning Board of Appeals

ZBA Member Jones asked how close the neighbor's fence to the lot line is. Village Planner Ashbaugh stated the neighbor's fence is 8/10 of a foot, or nine and ½ or ten inches, from the north interior side lot line (south lot line for the property located at 498 Carleton Avenue).

ZBA Member Jones asked if the neighbors can move their fence to the south so that it is right on the lot line in the future. Village Planner Ashbaugh stated the answer is yes.

ZBA Member Jones asked if in the future can they (the petitioner) completely resurface the driveway and leave it on the lot line. Village Planner Ashbaugh stated they can maintain the current placement, but cannot move over the lot line.

ZBA Member Miller asked if it is common in the general neighborhood to have garages and driveways on the lot line. Village Planner Ashbaugh confirmed it is not uncommon in this particular neighborhood.

Petitioners' Presentation

Mr. James Campbell stated he has three additions from his previous presentation on December 10, 2019. Mr. Campbell stated the below points:

1. The gutter is now inside border of his property, 494 Carleton Avenue
2. That he took into consideration regarding the 40 foot flat surface facing the neighbors to the north, so they added the windows
3. That he requested Development Civil Engineer McKenna to be at the meeting in case there were any questions to why they are keeping the garage where they are in regard to stormwater

Additional Questions from the Zoning Board of Appeals

ZBA Member Jones asked assuming that the neighbor's fence stays in its current location, but also considering the fence can be moved as close to one foot to the garage, does Mr. Campbell have any concerns on maintaining the area next to the garage. Mr. Campbell stated he needs clarification on the code regarding the location of a fence to a lot line. Mr. Campbell stated he does not have any concerns on maintaining the area next to the garage.

Development Civil Engineer Amy McKenna was sworn in.

Development Civil Engineer McKenna stated fences can be installed on the property line. However, it is rare that someone would install a fence right on the property line. Development Civil Engineer McKenna stated that allowing to install a fence on the property line is not new to the Village Code; however, it is common practice to not install to the property line.

ZBA Member Jones asked the petitioner the need for a 14 foot wide garage compared to a 10 or 12 foot garage, which is common for a one car garage. Mr. Campbell stated it is for ease of maneuverability and space that is required.

ZBA Member Jones asked what would happen if the ZBA only approved a 12 foot garage. Mr. Campbell stated he would have to reconsider the project.

ZBA Member Miller asked if 498 Carleton Avenue has the same situation with their garage being on the property line. Mr. Campbell stated it is built on their property line.

ZBA Student Member Greenleaf asked if they are lifting the garage up so it doesn't flood. Mr. Campbell stated the most of the garage and foundation will be above grade. Mr. Campbell also stated they decided to move the eave in so they could have gutters that are not required on a

garage. Additionally, Mr. Campbell stated they will have an elaborate drain system to remove additional water along the property line.

Persons in Favor of or in Opposition to the Variation Requests

No one spoke for or against these variation requests.

Findings of Fact

ZBA Member Panther stated the majority of the findings of fact will remain the same.

ZBA Member Panther stated the footprint of the proposed garage remains the same.

ZBA Member Panther stated the modification of the proposal will require two additional variations, first, to allow the eave of the proposed detached garage to be no less than eight inches from the interior side lot line in lieu of the minimum distance of one foot six inches required for eaves in the R2 – Residential District

ZBA Member Panther stated the second additional variation is to allow the gutter and downspouts of the proposed detached garage to be no less than three inches from the interior side lot line in lieu of the minimum distance required of one foot six inches for gutters and downspouts in the R2 – Residential District.

ZBA Member Panther stated they heard from Development Civil Engineer McKenna indicating that Village Code allows fences to be installed up to the lot line, but common practice is the install fences six inches from the lot line.

Motion

ZBA Member Miller moved, seconded by ZBA Member Covington, that the Zoning Board of Appeals recommended approval of the Findings of Fact.

Additional Comments from the Zoning Board of Appeals

ZBA Student Member Greenleaf stated she just wants to make sure the space between the garage and neighbors fence be as clean as possible.

ZBA Member Jones stated he sees the hardship in regards to the stormwater backyard, but does not see the hardship in regard to how wide they are proposing the garage to be. ZBA Member Jones he talked to builders who stated they only need 10 to 12 feet of width, not 14 feet. ZBA Member Jones stated he does not see the hardship to that wide of a garage.

ZBA Member Panther stated he is in favor of the proposal. ZBA Member Panther stated the existing garage is located one foot from the property line now, so that is not being changed. ZBA Member Panther stated the issues regarding the gutter have been resolved.

ZBA Member Covington stated it was referenced in the 12/10/2019 meeting minutes that it was discussed the possibility of the garage being reduced to 13 feet so the gutter did not hang over. It was stated that Mr. Campbell did not want to reduce the size of the garage for the reasons he reiterated at this meeting. ZBA Member Covington stated her biggest concern was the gutters hanging over the lot line which has now been resolved. ZBA Member Covington stated she appreciates the windows being added.

ZBA Member Miller stated he appreciates that Mr. Campbell made the recommended changes from the previous meeting. ZBA Member Miller also stated that garage cannot be moved elsewhere due to flooding. ZBA Member Miller stated when you look at the neighborhood there are houses and garages that are on the property line and this is the character of the neighborhood. ZBA Member Miller also stated there are no complaints from the neighbors, including the neighbors that are most affected, being those of 498 Carleton Avenue.

Chairperson Constantino stated he agrees with all the provisions and statements made. Chairperson Constantino stated the existing garage is unsafe and there is a hardship to repair the garage, which is not practical so rebuilding is the option. Chairperson Constantino stated that Mr. Campbell could not construct a side-by-side detached garage as it would move the garage to a flood area and may require a tree removal. Chairperson Constantino the proposal has been reviewed and approved by all neighbors directly adjacent neighbors. Chairperson Constantino requests that the motion states construction will be build according to the plans as submitted.

Motion

A motion was made by ZBA Member Covington and seconded by ZBA Member Jones to close the public hearing for 494 Carleton Avenue at 7:39 p.m. The motion carried unanimously with a voice vote.

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

Having considered the application of James Campbell, petitioner and owner of the property located at 494 Carleton Avenue, for four zoning variations, which are as follows: to allow a setback of one foot from the interior side lot line in lieu of the minimum required setback of three feet for both accessory structures greater than 10 feet from the principal structure and for roofed over structures; to allow an eave to be no less than eight inches from the interior side lot line in lieu of the minimum distance required of one foot six inches for eaves; to allow a gutter and downspouts to be no less than three inches from the interior side lot line in lieu of the minimum distance required of one foot six inches for gutters and downspouts, and any other zoning relief necessary to construct the project as depicted on the plans presented or revised at the public hearing or at a public meeting of the Village Board, all for the construction

of a new detached garage in the R2 – Residential District on an interior lot located at 494 Carleton Avenue, 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 December 10, 2019 and January 14, 2020, 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 10-5-4(A)(4)(c); 10-5-5(B)(4); 10-5-5(B)(4) #9; and 10-5-5(B)(4) #17 of the Glen Ellyn Zoning Code due to the following hardship(s) or unique circumstance(s):

1. There is no other location except the existing location that will work.
2. The lot is non-conforming with mature trees and has a large area that regularly floods in the rear yard, resulting in the proposed location of the garage.
3. Development Civil Engineer McKenna’s report confirmed this is the best location.
4. This is a common issue with the narrow lots in this neighborhood.
5. The current garage is unsafe.

Subject to the following conditions:

1. Construction will be built according to the plans as submitted today.

The motion was carried with four (4) “yes” votes and one (1) “no” vote. The “yes” votes are as follow: ZBA Members Covington, Miller, Panther and Chairperson Constantino. The “no” vote is as follows: ZBA Member Jones.

ZBA Chairperson Constantino stated the ZBA has now recommended approval this application and will now go to the Village Board for approval, and Village Planner Ashbaugh can tell you when this will be.

MINUTES

ZBA Member Miller moved, seconded by ZBA Member Covington, to approve the minutes of the December 10, 2019 meeting. The motion carried unanimously with a voice vote.

Village Board Trustee Report

None

Staff Report

Village Planner Ashbaugh stated there are no current zoning variation applications on file. There may be a construction necessitated variation coming up next month.

Village Planner Ashbaugh stated the Village Board appointed Katie Crudele, the new ZBA Member. Village Planner Ashbaugh will be completing orientation with her this week, and ZBA Member Crudele will be at the next meeting.

Village Planner Ashbaugh stated to expect the January 28, 2020 meeting to be cancelled.

Adjournment

At 7:48p.m., a motion was made by ZBA Member Jones and seconded by ZBA Member Covington adjourn the meeting. The motion carried unanimously by a voice vote.

Respectfully submitted,

Lindsey Kaminsky
Executive Assistant

Reviewed by,
Katie Ashbaugh, AICP
Village Planner