

MINUTES
ZONING BOARD OF APPEALS MEETING
June 14, 2022

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m., by Chairperson Greg Constantino, who explained the function of the Zoning Board of Appeals (ZBA) and the determination process it undertakes. He reviewed the notice made for the evening's agenda items. Roll was called. Present: Chairperson Constantino and Board Members Matthew Jones, Chip Miller and Thomas Whalls. Absent: Katie Crudele and Reed Panther. The Chairperson described the process for the evening's proceedings, announced that the meeting would be recorded, and introduced Village Planning Intern Patrick Hoffmann, Associate Planner Taylor Gendel, and Recording Secretary Barb Dutton. Planner Atrian Fard was also in attendance.

Approval of Meeting Minutes

Following a motion by Board Member Miller, seconded by Member Whalls, to approve the draft minutes of the May 10, 2022 meeting, the motion passed by voice vote.

Public Hearing for 727 N. Park Boulevard

A motion by Board Member Jones to open the Public Hearing concerning for 727 N. Park, seconded by Member Miller, passed by voice vote.

Staff Presentation

Sworn in, Planning Intern Patrick Hoffmann, 535 Duane, stated that the Petitioner is Jim Wand of JMB Architects, on behalf of Kelley Kalinich, the owner of the property at 727 N. Park Boulevard, who is requesting approval of variations from the Glen Ellyn Zoning Code for the placement of HVAC equipment within the south interior side yard setback of 6.5 feet where HVAC equipment is not permitted obstructions in the required side yards; and to allow the HVAC equipment to encroach 1.5 feet into the side yard setback of 5 feet which is required from all property lines in R2 residential districts. The subject lot is non-conforming, he noted, explaining that the lot is only 51-ft. wide, when 66 ft. is required. The original A/C units, he continued, were supposed to be located on the northern side of the lot (in association with a new addition), however, it did not provide proper air flow, hence increased-sized A/C units were required, which would then encroach into the driveway, which is located on the north side of the property. So, he said, the Petitioner is proposing that the A/C units be positioned on the south side of the property, which then leaves it at 3.6 ft. from the southern property line. This is where the variances come into play, he explained, saying the units are required by ordinance to be 6.5 ft. from the southern property line (or 10 percent, whichever is greater). Also, stated Mr. Hoffmann, HVAC equipment is not allowed on the required side yard, presenting an additional encroachment into the 5-foot minimum setback. He displayed photo imagery showing property elements, including a fence, and reviewed ZBA options for action regarding the case.

Petitioner's Presentation

Sworn in, James Wand, 180 Park Ave., Elmhurst, said there isn't a whole lot to add to what the Planning Intern said, but maintained that the narrow, rather hilly lot presented constraints. He indicated that at the time of the initial variance, he was planning on low-profile units to fit between the house and the

driveway, but discovered that those A/C units would provide for the house, went to a more conventional type that would, however, be sticking into the driveway, so came up with the solution presented. Board Member Miller asked there was reason the units couldn't be located behind the house. Mr. Wands explaining that the garage is there, and that the driveway takes up area, as well.

Casey Curtis, 333 Maple St., Glen Ellyn, was sworn in. He explained that when the HVAC contractor went to zone the house, the efficiencies weren't commensurate with the house size, and that there was no other option than the traditional type of unit selected. Member Jones asked how long the unit is expected to last. Mr. Curtis replied it should last for 20 years. Mr. Jones then asked how noisy these machines were 20 years ago as compared to today. Mr. Curtis indicated that today the level is 47 to 60 decibels, and that 20 years ago were probably in the 60-80 range. Mr. Jones asked if the impact to conversation on the patio would be minimal. Casey said the unit running at low capacity would be less than a normal conversation, and loud conversational level at high fire, but that at 10 feet away the decibel rating drops off. Mr. Jones asked the HVAC contractor if he thought systems will be quieter in the future. Mr. Casey responded affirmatively, saying that as technology develops result in greater efficiencies and quieter levels. Chairperson Constantino asked if it would be a fair statement that if the air-conditioning unit was placed in the original planned location, it would actually be closer to the neighbor to the north than it is for the proposed location to the neighbor to the south. Mr. Curtis said this is correct; the proposed would be closer to the setback but further from the structure.

Public Comment

Planning Intern Hoffmann read into the record the following letter:

Bradley C. Faris, 721 N. Park: *"We understand there is a variance request pending for 727 N. Park with respect to the location of A/C units in the side yard setback on the south side of the property. We have discussed this with Kelley and are supportive of the request. The proposed location aligns with the north side of our property line, adjacent to and set down relative to our driveway retaining wall and backyard fencing. We do not anticipate that this will cause any concern."*

Ray Whalen, 177 Sunset Ave., Glen Ellyn, was sworn in. He stated he's built homes on 50-ft. lots and that A/C placement has been kind of an issue from efficiency and safety standpoints. He suggested that adjustments to the Zoning Code be considered to afford flexible placement, as rear yard locations can present safety risks (e.g., children dropping stones in units) and interfere with use of porches/patios.

Board Member Whalls delivered proposed findings of fact. Board Member Miller made a motion to accept these findings; seconded by Member Jones, the motion passed by voice vote.

Deliberations

Board Member Miller observed that the previous AC unit location on the non-conforming lot doesn't work anymore with the new A/C equipment, so the approach presented seems to be the only option. Since the neighbor most immediately impacted had no issue with the plan, he concluded that he would vote, "Yes" to recommend the variances. Member Jones said he'd vote "Yes" also, as the proposed presents little impact. Mr. Whalls said he has no issues with the request, and Chairperson Constantino expressed that he, too, would be in favor of granting the requested variation, due to equipment size and site constraints.

Member Jones, seconded by Member Miller, moved to close the public hearing; the motion passed by roll call vote.

Board Member Miller moved for the following:

Having considered the application of petitioner Jim Wand of JMB Architects, LTD., on behalf of the owner Kelley Kalinich, of the property located at 727 N. Park Boulevard, Glen Ellyn, for zoning variations from Sections 10-4-8(D)3 and 10-5-5(B)4#19 to allow for the placement of HVAC equipment within the south interior side yard setback of 6.5 feet where HVACs are not permitted obstructions in the required side yards and allow the HVAC equipment to encroach 1.5 feet into the side yard setback of 5 feet which is required from all property lines in the R2 Residential District, 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 public hearing conducted on June 14, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following unique circumstances and hardship:

1. The non-conforming width and previous variation does not allow for air-conditioning units large enough to cool the house;
2. The previously agreed upon location is no longer viable due to the driveway location, and it is impractical to locate the A/C units in the rear of the home.

Seconded by Board Member Whalls, the motion passed unanimously by roll call vote with all Board members present voting YES.

Public Hearing for 244 Cumnor Avenue

A motion by Board Member Miller to open the Public Hearing concerning a construction necessitated zoning variation for 244 Cumnor Avenue, seconded by Member Whalls, passed by voice vote.

Staff Presentation

Sworn in, Associate Planner Taylor Gendel, 535 Duane, stated that the Petitioner is Stephen Flint of Flint Architects, on behalf of the homeowners of the property at 244 Cumnor Avenue, who, to construct an elevated deck, are requesting approval of variations from the Glen Ellyn Zoning Code to allow a lot coverage ratio of 22.5 percent lot coverage ratio (LCR) and a front-yard setback of 36.7 feet. The property, she explained, is an interior lot located in the R2 Residential Zoning District on the west side of Cumnor Avenue between Oxford Road and Roslyn Road. The zoning and land use immediately surrounding the subject property is R2 single-family residential, she added. Due to the slope of the lot, continued Ms. Gendel, the home is functionally one story from the front of the property, but the rear of the property has an existing basement entrance that allows access at ground level. Due to this feature, the home is considered two stories, she explained, and so the maximum allowed LCR is 20 percent for a two-story home (when 35 percent would be allowed for a single-story house). The residents currently have an LCR of approximately 14.88 percent, stated Ms. Gendel, adding that the current home was built in 1954 with an attached garage, and the owners have lived on the property since July 2002. The homeowners would like to add an approximately 497SF garage to the front of the home and convert the existing garage into a kitchen, bedroom and mud/utility room, she related, adding that the Petitioner notes that this is the minimum size necessary to provide a functional two-car garage. The homeowner, added Ms. Gendel, also proposes an approximately 498SF elevated back deck to replace a patio. There is a 73.5SF shed in the rear yard that has not been included in the LCR, noted Ms. Gendel.

The proposed garage would also require a variation for a front yard setback, she said, explaining that Code allows a front yard setback where the proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and the same side of the street. The proposed garage would change the front setback to 36.7 feet, and the home to the north has a front yard setback of 40.2 feet. The existing front yard setback of the home is 39.83 feet. She outlined ZBA action expected, as well as options for action regarding the case.

Board Questions

Board Member Jones asked how far back the neighbor's non-conforming house at 250 Cumnor sits, and if it was further up would the Petitioner's setback be okay. Associate Planner Gendel said it's 40.2 ft., and that if it were 42 ft., that dimension would have to be met. Mr. Jones asked if it were 36.7 ft. then the Petitioner wouldn't need the variance, to which Ms. Gendel replied this is correct. Chairperson Constantino asked for confirmation that the lot coverage variation results from the new garage and the deck has nothing to do with lot coverage. Ms. Gendel replied that the deck is included in lot coverage because it's raised and so the area underneath counts toward the lot coverage. The Chairperson asked how many square feet comprise the 2.5 percent LCR variation. Ms. Gendel said the garage, the deck and the patio areas are adding about 3.75 percent each. The Chairperson asked how much square footage the deck area or the garage would have to be reduced to get closer to 20 percent (or only the deck area if it's determined the garage can't be functionally diminished). Ms. Gendel replied about 64SF. Chairperson Constantino asked, if there was not the slope to the lot rendering the rear a two-story structure, and the deck was placed upon the ground, would any portion of the deck be considered for lot coverage. Ms. Gendel replied, "No; it's because it's covered." Noting that two nearby houses – 340 Cumnor and 286 Scott – are similar to the Petitioners', Board Member Miller said the house style is not unusual in that neighborhood.

Petitioner's Presentation

Stephen Flint, Flint Architects, 314 S. Westmore, Lombard, Ill., was sworn in for the Petitioners, homeowners Virginia and Jim Weiskopf. He contended that the house is really a one-story home, and if viewed as such would meet the coverage requirements. He said the Petitioners need the space to fit a normal two-car garage on the lot, the last big phase of a three-phase renovation project. Noting that the Village calls the house a two-story home, Member Jones asked what Milton Township calls it. Sworn in, Mr. Weiskopf stated that they are taxed on the single floor seen from the street, and that he wasn't aware of the disparity until they "started this process." Sworn in, Mrs. Weiskopf stated that other homes have steps that go down into the basement (while hers is level). Noting that it appears space can't be shaved off the garage, Chairperson Constantino asked if it would be feasible to reduce the deck size by 64 ft. to reduce the LCR. Mrs. Weiskopf said she didn't know. Sworn in, Atrian Fard stated that if the Petitioners removed .5 percent they would be eligible for an administrative zoning variation, as Staff could approve a 22 percent LCR, but only as a standalone request for anything less. The 64SF reflects the 22 percent mark, she said, so to meet Code they'd have to shave at least 319SF (or about 75 percent of the deck) to achieve 20 percent. Member Miller calculated the amount as 28.1 ft. x 17.9 ft. Acknowledging that there are different interpretations, Planner Fard explained that in Glen Ellyn a house is rounded up to two stories if the basement door is above grade, so the subject house is deemed to have two stories in back. She said the Village wishes to stay consistent, and that her own interpretation is that the subject house is two stories because of the complete door above grade. Mrs. Weiskopf surmised that previous owners dug

down to put in the patio and walkway, and that the Petitioner's goal is to make the area flat. Planner Fard said she doesn't know if 9 inches would solve the issue.

Public Comment

Sworn in, Chris Sorce, 260 Cumnor, said he supports both of the variations requested.

Board Member Jones delivered proposed findings of fact. Board Member Whalls made a motion to accept these findings; seconded by Member Miller, the motion passed by voice vote.

Deliberation

Member Miller commended the Petitioners for saving a Mid-Century Ranch, and said he's satisfied that the proposed is the best the Petitioners can do, and that he'd vote "Yes" to recommend the variances. Member Whalls said he's a "solid yes," and is 100 percent in favor of the request. Noting that the homeowners are impacted by the slope of the lot, Member Jones said he is also in favor. Chairperson Constantino expressed that he, too, is in favor of recommending granting the variations, due to hardship and unique circumstances presented, citing the dramatic slope impacts the square footage for use of the garage and deck. He said the deck off the living area creates an LCR issue for the space below the floor of the decks, and that while there is subjectivity of Code interpretation, the amount of space planned for the garage is reasonable, and that he doesn't see the front setback variation as that significant.

Member Jones, seconded by Member Whalls, moved to close the public hearing; the motion passed unanimously by roll call vote.

Board Member Miller moved for the following:

Having considered the application of Stephen Flint of Flint Architects, petitioner on behalf of the owners of the property at 244 Cumnor Avenue, Glen Ellyn, for zoning variations from Section 10-4-8(E)1 to allow a lot coverage ratio of 23.3 percent where a 20 percent maximum lot coverage ratio for two story single-family dwellings is allowed in the R2 Residential District and 10-4-8(D)1 to allow a front yard setback of 36.7 feet where the proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and the same side of the street, 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 public hearing conducted on June 14, 2022, as well as the findings included in the deliberations of the Zoning Board of Appeals and recommends APPROVAL based upon the following hardships and unique circumstances:

1. The sloped lot causes the home to be considered a two-story home vs. a single-story, reducing the lot coverage ratio from 35 to 20 percent;
2. There are two homes in the neighborhood (340 Cumnor and 286 Scott) with similar garages to the subject property;
3. The slope of the lot causes the need for a second-story deck vs. a patio, and a smaller deck would be unusable.

Seconded by Board Member Whalls, the motion passed unanimously by roll call vote with all Board members present voting, "Yes."

Trustee's Report

On behalf of Village Board Trustee Liaison Anne Gould, Planner Fard reported that the Board has held two sessions to review/edit the Draft Comprehensive Plan, and pulled the Fire Station as a catalyst site. It approved a special use permit for a buildout for 526-528 Duane. A fourth hotel listening session was held, with a few developers discussing what could potentially go on the site (including concepts for mixed use, medical offices and self-storage); John Day gave a primer on affordable housing financing. Trustee Gould also provided informational handouts on a solstice event to be held at Churchill Woods.

Staff Report

Planner Fard related that the next ZBA meeting could feature a construction-necessitated zoning variation. She reported that the search to fill the Community Development Director position is underway, and also that the spot has been posted to fill the recently vacated Planning Manager position (though the job description has been changed to a new position called "Senior Planner").

Adjournment

Chairperson Constantino adjourned the meeting at 8:26 p.m., following a voice vote on a motion by Member Miller and seconded by Member Jones.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary